



The Reconstruction of The Livelihood Concept from A *Mubādalāh* Perspective in Lampung Province

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Abstract: The laws and regulations in Indonesia exhibit gender bias, resulting in a rise in divorce cases within the Religious Courts. This can be attributed to the prevailing perception among women that the burden for sustaining livelihoods lies mostly with their husbands. This case pertains to the challenge of formulating legislation that effectively incorporates the notion of livelihood reconstruction while avoiding any gender biases. The objective of this study is to provide a re-evaluation of the notion of livelihood in order to facilitate the development of novel legal products that are more suited to meet contemporary demands. This is qualitative research, wherein data was collected from the Religious Courts in Lampung and subsequently examined through the use of the *mubādalāh* theory. The present study has identified that the prevalence of divorce in Lampung may be attributed to the provisions outlined in Law no. 1 of 1974 and Compilation of Islamic Law (KHI). These legal provisions alone mandate husbands to provide financial support, hence leading to the increased occurrence of divorce. The implementation of these two legislation led to a notable rise of 34.25% in the occurrence of contested divorces within the Province of Lampung. This increase can be attributed to several grounds, including income-related issues accounting for 41.3%, disagreements and domestic violence contributing to 33.3%, and other miscellaneous variables comprising 28% of the overall increase. The promotion of family resilience entails the establishment of a symbiotic partnership between spouses, thereby reinforcing the husband-wife paradigm. This entails the implementation of rights and responsibilities, particularly in relation to income, to foster interdependence and mutual support within the marital union. The novelty of this study is in the ability of the idea of *mubādalāh* to establish a connection between husbands and wives, enabling them to fulfil their respective rights and obligations, particularly in terms of partnership and mutual support within the context of cohabitation.

Keywords: Reconstruction, livelihood, *mubādalāh*, Islamic family law

Abstrak: Peraturan perundang-undangan di Indonesia menunjukkan bias gender, sehingga mengakibatkan meningkatnya kasus perceraian di Pengadilan Agama. Hal ini disebabkan oleh persepsi yang ada di kalangan perempuan bahwa beban untuk mempertahankan penghidupan sebagian besar berada di pundak suami. Kasus ini berkaitan dengan tantangan dalam merumuskan undang-undang yang secara efektif memasukkan gagasan rekonstruksi mata pencaharian sambil menghindari bias gender. Tujuan dari penelitian ini adalah untuk memberikan evaluasi ulang terhadap pengertian penghidupan guna memfasilitasi pengembangan produk hukum baru yang lebih sesuai dengan tuntutan kontemporer. Penelitian ini merupakan penelitian kualitatif, dimana data dikumpulkan dari Pengadilan Agama di Lampung dan selanjutnya diteliti melalui penggunaan teori *mubādalah*. Penelitian ini menemukan bahwa maraknya perceraian di Lampung mungkin disebabkan oleh ketentuan yang tertuang dalam UU No. 1 Tahun 1974 dan Kompilasi Hukum Islam (KHI). Ketentuan hukum ini saja mengamanatkan suami untuk memberikan dukungan finansial, sehingga menyebabkan peningkatan terjadinya perceraian. Penerapan kedua undang-undang ini menyebabkan peningkatan yang signifikan sebesar 34,25% dalam terjadinya perceraian di Provinsi Lampung. Peningkatan ini dapat disebabkan oleh beberapa alasan, termasuk masalah terkait pendapatan sebesar 41,3%, perselisihan dan kekerasan dalam rumah tangga sebesar 33,3%, dan variabel lain-lain yang menyumbang 28% dari keseluruhan peningkatan. Peningkatan ketahanan keluarga berarti terjalinnya kemitraan simbiosis antar pasangan, sehingga memperkuat paradigma suami-istri. Hal ini mencakup penerapan hak dan tanggung jawab, khususnya yang berkaitan dengan pendapatan, untuk menumbuhkan saling ketergantungan dan saling mendukung dalam ikatan perkawinan. Kebaruan penelitian ini terletak pada kemampuan gagasan *mubādalah* dalam menjalin hubungan antara suami dan istri, sehingga mampu memenuhi hak dan kewajibannya masing-masing, khususnya dalam hal kemitraan dan saling mendukung dalam konteks hidup bersama.

Kata Kunci: Rekonstruksi, nafkah, *mubādalah*, hukum keluarga Islam

Introduction

Family law holds a significant role within the Islamic legal framework since it encompasses a comprehensive and intricate set of regulations. These regulations encompass various aspects, including the selection of a spouse, the upbringing of children, the provision of financial support, inheritance rights,¹ and

¹ Moh. Haitami Salim, *Pendidikan Agama Dalam Keluarga: Revitalisasi Peran Keluarga Dalam Membangun Generasi Bangsa Yang Berkarakter* (Jakarta: PT. Buku Pintar Indonesia, 2013). Alftri Alfitri, "Protecting Women from Domestic Violence: Islam, Family Law, and the State in Indonesia," *Studia Islamika* 27, No. 2 (2020). Mursyid Djawas, et. al., "The Construction of Islamic Inheritance Law: A Comparative Study of The Islamic Jurisprudence and The Compilation of Islamic Law," *JURIS: Jurnal Ilmiah Syari'ah* 21, No. 1 (2022).

the principle of equality.² In a marital union, both the husband and wife possess equitable entitlements and responsibilities towards one another, fostering a collaborative bond characterized by partnership and a commitment to upholding ideals of fairness and thoughtful consideration.³ The regulations pertaining to the livelihoods of Muslims in Indonesia are stipulated within the framework of positive law. Specifically, Article 34, Paragraph (1) of Law No. 1 of 1974 elucidates the obligation of husbands to safeguard their wives and fulfil all essential household needs.⁴

The regulations pertaining to family support may be found in Article 80, paragraphs (2) and (4) of the compilation of Islamic law (*Kompilasi Hukum Islam/KHI*). These provisions elucidate the husband's responsibilities to safeguard his wife and fulfil all essential household's needs.⁵ Both the law and the KHI exclusively impose maintenance duties only on the wife. In contrast, the wife is not obligated to provide for the family. Consequently, individuals, particularly women, frequently rely on their husbands to fulfil their economic necessities. In reality, a significant number of married women engage in employment and allocate their earnings towards personal gratification, encompassing the acquisition of consumptive and hedonistic items. This expenditure pattern encompasses the utilization of financial resources provided by their spouses, as well as revenue derived from their own professional endeavors, for online purchases, notwithstanding the non-essential nature of the products.⁶

This perspective arises from the belief that the responsibility for sustaining life rests only on the husband in relation to his wife. The idiom "the husband's finances are the wife's finances, while the wife's finances remain exclusively her own" has been firmly established and profoundly embedded in societal norms throughout history and continues to persist in contemporary times. This comprehension then influences the domestic sphere, as the husband's inability to fulfil the family's requirements sometimes leads to the wife initiating

² Neny Muthi'atul Awwaliyah, "The Gender Equality Argument of Nasaruddin Umar," *Indonesian Journal of Gender, Women, Child, and Social Inclusion's Studies* 3, no. 2 (2020). Fajri M. Kasim, et.al., "The Protection of Women and Children Post-Divorce in Sharia Courts in Aceh: A Sociological Perspective," *Ahkam: Jurnal Ilmu Syariah* 22, No. 2 (2022).

³ Khoiruddin Nasution, *Hukum Perkawinan I: Dilengkapi Perbandingan UU Negara Muslim Kontemporer* (Yogyakarta: ACAdeMIA, 2013).

⁴ A Khumedi Ja'far, et. al., "Reconstruction of Pregnancy Marriage Legality in Indonesia," *International Journal of Criminology and Sociology* 9 (2020).

⁵ A. Khumedi Ja'far and Agus Hermanto, "Reinterpretation of the Rights and Duties of Contemporary Husbands and Wives," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 2 (2021).

⁶ Ega Rengganis and A Abdurrohman, "The Relationship Between Online Buying Behaviour and Hedonistic Lifestyle in Faculty of Psychology Students At Sultan Agung Islamic," *Jurnal Psikologi* 13, no. 1 (2018).

divorce proceedings at the Religious Court (*Pengadilan Agama/PA*),⁷ Due to the perceived failure of the pair to fulfil their respective obligations within the marital relationship, the wife's confidence in her husband has diminished, leading to a prolonged conflict that culminates in her decision to initiate divorce proceedings.⁸ The divorce rate has a consistent upward trend throughout time. There is a growing trend of wives exhibiting greater willingness to initiate divorce proceedings against their husbands,⁹ Indeed, divorce frequently engenders adverse consequences, such as impeding the psychological growth of children as a result of diminished affection from both parents.¹⁰

The prevalence of divorces in Lampung Province is significantly influenced by income-related factors.¹¹ In the Religious Court of Tulang Bawang, there has been a noticeable rise in the divorce rate attributed to income-related issues,¹² Similarly, the aforementioned Religious Court of Tulang Bawang, The Religious Court of Class I A Tanjung Karang, and PA Sukadana in East Lampung exhibit similar characteristics,¹³ In fact, there has been a notable rise in the incidence of divorces resulting from divorce petitions initiated by women. The husband initiated legal proceedings to obtain a divorce due to a reduction in the financial support provided to his wife. While it is commonly observed that some spouses exhibit a reluctance to engage in paid employment or contribute to the financial responsibilities of their families, there exists a subset of wives who possess a penchant for indulging in opulent lifestyles.

Amidst the era of rapid societal advancements, there exists a pressing need for the further development of women's roles. It is imperative to go beyond the traditional expectation of wives solely being responsible for domestic duties and childcare, and instead encourage their active participation in the workforce to contribute towards fulfilling the economic requirements of their families. It is possible to assume the job of a provider in a marital relationship in cases where the husband is unable of meeting his own financial requirements or in the unfortunate event of his demise.¹⁴ It is imperative for both spouses to possess a mutual understanding of reducing each other's burdens, as both individuals are

⁷ Nabila Basalama, "Tidak Dapat Menjalankan Kewajiban Hubungan Intim Suami Istri Menyebabkan Perceraian Menurut Hukum Islam," *Lex et Societatis* 1, no. 1 (2013).

⁸ Abdul Rahman Ghazali, *Fiqh Munakahat* (Jakarta: Kencana, 2008).

⁹ Isnawati Rais, "Tingginya Angka Cerai Gugat (*Khulu'*) Di Indonesia: Analisis Kritis Terhadap Penyebab Dan Alternatif Solusi Mengatasinya," *Al-'Adalah* 12, no. 1 (2014).

¹⁰ Rina Nur Azizah, "Dampak Perceraian Orang Tua Terhadap Perkembanganpsikologis Anak," *Jurnal: Pendidikan Dan Keilmuan Islam* 2, no. 2 (2017).

¹¹ Annual Report of the Religious Court of Tulang Bawang, Lampung, 2020.

¹² Annual Report of the Religious Court of Central Tulang Bawang, Lampung, 2021.

¹³ Annual Report of the Religious Court of Tanjungkarang, Lampung, 2019.

¹⁴ Lukman Budi Santoso, "Eksistensi Peran Perempuan Sebagai Kepala Keluarga (Telaah Terhadap Counter Legal Draf-Kompilasi Hukum Islam Dan Qira'ah Mubādalah)," *Jurnal Perempuan Agama Dan Gender* 18, no. 2 (2019).

deserving of respect and assistance in their shared commitment to one another. Mutuality, also known as *mubādalah*, refers to a fundamental aspect of the husband-wife relationship that necessitates the cultivation of a partnership-oriented character.¹⁵

Contrary to popular belief, Islam law does not impose restrictions on women's employment for the purpose of financially supporting their families. The act of completing the family's livelihood is considered a valuable contribution made by both husbands and wives, deserving of recognition and praise. This statement aligns with the teachings of the Islamic faith, as expressed in the Quranic verse *An-Nahl* [16]: 97. The verse emphasizes that individuals, irrespective of their gender, who engage in virtuous actions will be rewarded with a prosperous existence in both the present life and the afterlife.¹⁶ Furthermore, within this particular verse, there exist numerous other verses that elucidate the analogy of men and women to clothing, emphasizing the importance of mutual protection and concealment of each other's flaws (QS. Al-Baqarah [2]: 187). According to verse 124 of Surah *An-Nisa* in the Qur'an, individuals, regardless of their gender, who possess faith and have successfully performed virtuous actions will be assured entry into paradise. Both men and women are acknowledged and commended for their positive attributes. According to verse 35 of *Surah Al-Ahzab*, individuals were assured by Allah SWT of both forgiveness and a significant recompense.¹⁷ Men and women are seen as equal before Allah.¹⁸

According to *Mubādalah's* understanding, there is no prohibition for women or wives to pursue a professional occupation outside of their domestic sphere. This includes actively contributing to the family's financial resources, even if they assume the primary responsibility of being the main provider for the household. Furthermore, the involvement of women in the public sector workforce is not a recent phenomenon.¹⁹ Consequently, the roles of husband and wife are deemed to be equitable, wherein they can contribute to one another's well-being, collaborate harmoniously, and foster mutual happiness. Under some circumstances, it is possible for a husband and wife to interchange their societal positions. This transaction is not a fault but rather confers advantages to the household. In instances where the wife assumes the role of primary earner within

¹⁵ Faqihuddin Abdul Kodir, *Qira'ah Mubādalah : Tafsir Progresif Untuk Keadilan Gender Dalam Islam* (Yogyakarta: IRCiSoD, 2019).

¹⁶ M. Quraish Shihab, *Tafsir Al-Mishbah: Pesan, Kesan Dan Keserasian Al-Qur'an* (Jakarta: Lentera Hati, 2002).

¹⁷ Abdul Mustaqim, *Paradigma Tafsir Feminis* (Yogyakarta: Logung Pustaka, 2008).

¹⁸ Riffat Hassan and Fatima Mernissi, *Setara Di Hadapan Allah: Relasi Laki-Laki Dan Perempuan Dalam Tradisi Islam Pasca Patriarkhi* (Yogyakarta: Lembaga Studi dan Pengembangan Perempuan dan Anak [LSPPA] Yayasan Prakarsa, 1995).

¹⁹ Leny Nofianti, "Perempuan Di Sektor Publik," *Marwah: Jurnal Perempuan, Agama Dan Jender* 15, no. 1 (2016).

the family unit, the husband typically has the responsibility of overseeing and tending to the domestic requirements of the household. The principle of reciprocity exerts influence on the state of household harmony and prosperity.

Several research studies have been conducted pertaining to the issues being discussed. One of the notable research works is Syamsul Bahri's study titled "The Concept of Livelihood in the Islamic Law."²⁰ This study elucidates the notion that the provision of maintenance by a husband to his wife is a fundamental commitment and responsibility that must not be infringed upon. Moreover, a scholarly work authored by Ahmad Rajafi titled "A Reinterpretation of the Concept of Livelihood within the Context of the Islamic Archipelago". This study examines the notion that income should be understood as an economic agreement reached inside the family unit.²¹

A scholarly publication authored by Atun Wardatun and Abdul Wahid titled "Household Democratization: Transitioning from Subjugation to Leadership Traits" was identified. This article examines the matter of household leadership, emphasizing the necessity to shift the focus towards the "subject" aspect."²² Current research and discussions have predominantly concentrated on the "nature" of leadership. The next essay by Anisah Dwi Lastri P is titled "*Qiraah Mubādalah* and Directions for the Advancement of Gender Equitable Interpretation: Implementing the Principle of Reciprocity to Surah Ali 'Imran: 14". This article examines the classical perspective on the portrayal of women solely as objects.²³

The primary distinction between the present study and the aforementioned research findings is in the utilization of the *mubādalah* concept within the framework of positive law's interpretation of livelihood in the Indonesian context. The notions encompassed within the Act possess ramifications for the proliferation of divorce litigation. The notion of livelihood, as interpreted by *mubādalah*, holds significant relevance in contemporary circumstances and concurrently aids in fostering the resilience of Muslim households while mitigating the occurrence of divorce. This research is enhanced by the inclusion of perspectives from judges and families who use the principles of positive law and the notion of *mubādalah* lifestyle, which adds further depth and interest to the study.

²⁰ Syamsul Bahri, "Konsep Nafkah Dalam Hukum Islam," *Jurnal Ilmu Hukum* 17, no. 2 (2015).

²¹ Ahmad Rajafi, "Reinterpretasi Makna Nafkah Dalam Bingkai Islam Nusantara," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 13, no. 1 (2018).

²² Atun Wardatun and Abdul Wahid, "Demokratisasi Rumah Tangga: Dari Subyek Menuju Sifat Kepemimpinan," *Jurnal Kesetaraan Dan Keadilan Gender* 14, no. 2 (2019).

²³ Anisah Dwi Lestari P, "Qira'ah Mubādalah Dan Arah Kemajuan Tafsir Adil Gender: Aplikasi Prinsip Resiprositas Terhadap Alquran Surahali Imran: 14," *Mua'şarah: Jurnal Kajian Islam Kontemporer* 2, no. 1 (2020).

This is a qualitative field research, wherein field data collected from the Lampung Regional Religious Court and various interview findings are presented. The data reveals an upward trend in divorce rates attributed to wives initiating divorce proceedings against their husbands, thereby leading to an increase in divorces. The notion of livelihood in the household and the legal framework in Indonesia are considered to be mutually exclusive. By applying the *mubādalah* theory, Agaer discovered a cohesive concept of mutualism and collaboration in the establishment of a harmonious household.

The Notion of Livelihood within the Framework of Positive and *Mubādalah* Law

This research encompasses the examination of positive law in Indonesia, specifically focusing on the legal framework established by Law no. 1 of 1974 pertaining to Marriage and the Islamic Law Compilation (KHI). The matter of sustenance is expressly addressed in Article 34, paragraph (1), which stipulates that "The husband is obligated to safeguard his wife and fulfil all the essential needs of the household to the best of his capacity." The regulations outlined in this article elucidate the primary responsibility of the husband in terms of providing and fulfilling the maintenance requirements of the family.²⁴

The article 34 highlights the necessity for husbands to assume the responsibility of safeguarding their wives and fulfilling their essential daily needs, contingent upon the husband's individual capacities. Put simply, the husband has a duty to ensure the provision of essential items such as sustenance, attire, and housing, in addition to other essential needs. In relation to the magnitude of earnings, there are no constraints, save for the husband's capacity being subject to regulation. This implies that if the husband has the capability to offer adequate assistance, it is incumbent upon him to provide an ample amount to his wife.²⁵

The inclusion of provisions in this rule that mandate the husband's responsibility to ensure the safety and meet the financial needs of his wife and household has reinforced his role as the primary authority figure within the family unit.²⁶ This corresponds to the provision outlined in Article 31, specifically paragraph (3). In the context of a household, the role of a wife who assumes the position of a housewife entails the responsibility of coordinating and managing various domestic tasks. The fulfillment of family requirements is likely to be

²⁴ Efrinaldi Efrinaldi et. al., "Pembagian Harta Bersama Istri Turut Mencari Nafkah Perspektif Hukum Islam Dan Hukum Positif di Indonesia," *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law* 2, no. 2 (2021).

²⁵ Muhammad Fuad Mubarak and Agus Hermanto, "Hak Dan Kewajiban Suami Istri Dalam Konsep Kesetaraan Gender Perspektif Maqasid Syariah," *JAKSYA: The Indonesian Journal of Islamic Law and Civil Law* 4, no. 1 (2023).

²⁶ Agus Hermanto, "Rekonstruksi Konsep Hak dan Kewajiban Suami Isteri Dalam Perundang-Undangan Perkawinan Indonesia," *Jurnal Kajian Hukum dan Sosial* 15, no. 1 (2018).

achieved when the husband, assuming the role of household leader, fulfils his responsibilities.²⁷

The narrations regarding the livelihood have lost its significance in light of the prevailing circumstances, thus necessitating a reinterpretation or a revision. The provision of support should not solely rest upon the husband's tasks and responsibilities; rather, it should also be the wife's duty to contribute to the family's sustenance, taking into consideration the nature of her work. In the contemporary society, the employment of a woman as a means to fulfil the financial requirements of a family serves as a viable option, presenting itself as a potential remedy for her husband's economic challenges. The presence of a wife who contributes to the household income is a significant determinant in fostering a harmonious family environment, irrespective of prevailing economic circumstances.²⁸

Conversely, should the wife exhibit a lack of willingness to contribute to the family's financial stability, it may have detrimental effects on the household. Given the aforementioned circumstances, it is strongly advised that the wife actively participate in augmenting the household income as a means of satisfying religious obligations and alleviating the economic challenges encountered by the family. The notion of livelihood in the KHI (the Islamic Law Compilation) is elucidated in article 80, paragraph (2), wherein it stipulates that "The husband bears the responsibility of safeguarding his wife and fulfilling all the essential requirements of domestic life to the best of his capabilities."²⁹ The extent to which KHI regulates the quantum of spousal and child maintenance is not thoroughly examined. The expenses and requirements within a Muslim family household exhibit significant variation, particularly in relation to temporal and spatial factors, as well as the specific provisions made.

The KHI regulations address the prospect or feasibility of segregating the assets of wives who possess income from those of their husbands. In the event of a mutual agreement between spouses, they are granted the freedom to exercise ownership rights over their respective properties. KHI further stipulates restrictions pertaining to the termination of financial support for a wife exhibiting Nusyuz behavior.³⁰

The significance of the livelihood idea in KHI is not deemed to be relevant

²⁷ Sifa Mulya Nurani, "Relasi Hak Dan Kewajiban Suami Istri Dalam Perspektif Hukum Islam (Studi Analitis Relevansi Hak Dan Kewajiban Suami Istri Berdasarkan Tafsir Ahkam Dan Hadits Ahkam)," *Al-Syakhsyyah: Journal of Law & Family Studies* 3, no. 1 (2021).

²⁸ Siti Nurjanah et al., "Al-Mubādalah Fi Mafhumi Fiqhi Al-Mar'ah Al-Mu'ashirah Bi Indunisiya," *al-Ihkam: Jurnal Hukum dan Pranata Sosial* 17, no. 1 (2022).

²⁹ Djaja S. Meliala, *Himpunan Peraturan Perundang-Undangan Tentang Perkawinan* (Bandung: Nuansa Aulia, 2008).

³⁰ Rizqa Febry Ayu and Rizki Pangestu, "Modernitas Nusyuz; Antara Hak Dan Kewajiban," *Yudisia : Jurnal Pemikiran Hukum Dan Hukum Islam* 12, no. 1 (2021).

to the prevailing situations, thus necessitating an update. The incompatibility also resides in the need to furnish maintenance, which may be solely the husband's responsibility, as well as in the conception of maintenance within the realm of marital legislation. The role of the wife in contributing to the family's financial support is not well addressed or discussed. Upon careful observation and analysis, it becomes evident that this assertion does not align with the prevailing circumstances, as it fails to acknowledge the fact that women are commonly employed in the public sector as well. The husband may face challenges in fulfilling his basic needs and securing employment due to specific circumstances and conditions, such as limited job opportunities or an unfavorable economic climate. Hence, there is a pressing need for upgrades. The KHI necessitates minimal revisions, one of which is to maintenance arrangements that should involve the woman in contributing to the household's sustenance, thereby fostering a peaceful and prosperous family environment by ensuring the fulfilment of domestic necessities.

In addition to the favorable legal framework in Indonesia, the notion of livelihood is also present within the realm of *mubādalah* jurisprudence. In the Arabic language, the term "*Mubādalah*" denotes the actions of replacing, altering, and exchanging.³¹ *Mubādalah* refers to a mode of interaction characterized by reciprocal actions between two entities, involving the act of substituting, altering, or interchanging with one another. The term "*Mubādalah*" in the English language refers to the concept of reciprocity or reciprocation.³² Reciprocity, as defined in the dictionary, refers to the act or process of reciprocating.³³ The concept of *Mubādalah* subsequently evolved into a framework that encompasses the dynamics between two entities, characterized by the fundamental principles of collaboration, mutualism, partnership, and reciprocity.³⁴ This study elucidates the concept of *mubādalah*, emphasizing its emphasis on the dynamics of the marital relationship within both public and domestic spheres. The notion and comprehension of *mubādalah* exhibit relevance within the context of household life. The primary significance of the *mubādalah* perspective is in its capacity to elucidate the notion of gender equality, wherein men and women are regarded as equivalent entities.

The concept of *mubādalah* finds its origins in the verses of the Qur'an and the hadith of the Prophet. These sources emphasize the importance of justice, promoting mutual assistance in matters of goodness, and abstaining from evil. Additionally, the hadith of the Prophet highlights the command to love one's

³¹ Mahmud Yunus, *Kamus Arab Indonesia* (Jakarta: PT. Mahmud Yunus Wa Dzurriyyah, 2010).

³² Rohi Baalbaki, *Al-Mawrid : A Modern Arabic-English Dictionary*, 15th ed. (Beirut: Dar El-Ilm Lilmalayin, 2001).

³³ Pusat Bahasa, *Kamus Bahasa Indonesia*. (Jakarta: Pusat Bahasa, 2008).

³⁴ Kodir, *Qira'ah Mubādalah : Tafsir Progresif Untuk Keadilan Gender Dalam Islam*.

brother as one loves oneself. The presence of scriptures and hadith attributed to the Prophet Muhammad serves as evidence for the equitable status of both women and men, encompassing their duties in earning a livelihood. It is apparent that husbands and wives are capable of sharing responsibilities with one another³⁵ The pursuit of employment should be regarded as a viable option that may be selected by mutual agreement between spouses, enabling them to work collaboratively in accordance with the principles of cooperation,³⁶ both in their personal lives and household responsibilities.

The Implications of the Concept of Support within the Framework of the Indonesian Law Pertaining to Divorce

The notion of adhering to positive law within the Indonesian context, along with a predominantly literal interpretation among wives, carries significant ramifications for family resilience in Lampung Province, as well as broader Indonesian societies. Based on the available data, it is evident that a significant number of divorce cases, particularly those involving disputes, continue to be observed under the jurisdiction of Religious Courts. The divorce rate in the Tulang Bawang Religious Court has witnessed a notable surge. In the year 2019, a total of 371 divorce cases were recorded. In the midst of the 2020 pandemic, Tulang Bawang Religious Court experienced a notable surge in divorce cases, specifically witnessing a total of 443 instances of divorce.³⁷

One of the contributing factors to this upward trend can be attributed to the economic implications. A number of household heads experienced a loss of their means of subsistence, leading to their spouses initiating divorce proceedings in a legal setting. The chairman of PA Sukadana expressed his apprehension regarding the aforementioned situation, stating that:

“it is advisable for a wife to exercise caution before resorting to legal action by filing for divorce. There exist alternative approaches to preserving and safeguarding the household, hence mitigating the likelihood of marital dissolution”³⁸

Similar to the case of PA Tulangbawang, in the year 2019, a total of 1,568 cases were recorded wherein wives initiated legal proceedings against their husbands with the intention of obtaining a divorce. In the year 2020, a total of 1,655 divorce cases were recorded.³⁹ The rise in divorce rates can be attributed to a decrease in wives' satisfaction with their husbands' financial earnings.⁴⁰ The

³⁵ Dwi Lestari P, “Qira’ah Mubādalah Dan Arah Kemajuan Tafsir Adil Gender.”

³⁶ Salmah Intan, “Kedudukan Perempuan Dalam Domestik Dan Publik Perspektif Jender (Suatu Analisis Berdasarkan Normatifisme Islam),” *Jurnal Politik Profetik* 2, no. 1 (2014).

³⁷ Annual Report of Religious Court of Tulang Bawang, Lampung, 2021.

³⁸ Interviews with Risman Hasan, Head of Central Tulangbawang, 2021.

³⁹ Annual Report of the Sukadana Religious Court, Lampung, 2021.

⁴⁰ Interviews with Erna Resdya, Head of Sukadana Religious Court, Lampung, 2021.

divorce rate seen at the Central Tulang Bawang Religious Court has exhibited an upward trend. Specifically, in the year 2019, the court recorded a total of 313 contested divorce cases. In the year 2020, there were a total of 359 cases of disputed divorces.⁴¹ In contrast, it is noteworthy to mention that the divorce rate in PA Class I A Tanjung Karang has not exhibited an upward trend. Specifically, in the year 2019, a total of 1,441 divorce cases were reported. In the year 2020, there was a notable decline observed, with the number of instances decreasing to 1,339.⁴² Nevertheless, despite experiencing a decline, the prevalence of contentious divorces attributed to income-related issues continues to be substantial.

Table 1: Divorces in the Province of Lampung

No.	Religious Court	Divorce		Sued Divorce	
		2019	2020	2019	2020
1	Tulangbawang	111	371	128	443
2	Sukadana	463	1.568	448	1.655
3	Tulangbawang Tengah	90	313	123	359
4	Tanjungkarang	452	361	1.441	1.339

The analysis of case data from the four Religious Courts reveals a notable disparity between contentious divorce cases and *talak* divorce cases, with the former being more prevalent. The Tulang Bawang Religious Court considers various elements while assessing the grounds for fighting divorce, including but not limited to economic support, disagreements, domestic violence, and other relevant considerations. These elements encompass the economics or livelihood, accounting for up to 40% of the overall influence, followed by disagreements and marital violence, which contribute up to 30%, and parents and other miscellaneous factors, which also account for up to 30%. The initiation of divorce proceedings at the Central Tulangbawang Religious Court was prompted by three primary considerations. To begin with, it is noteworthy that economic considerations account for 43% of the overall influence, followed by disagreements and domestic violence at 32%, while the remaining 25% is attributed to various other causes

According to Risman Hasan, the Chairman of the Central Tulangbawang Religious Court: “in order to mitigate the prevalence of divorce cases, it is imperative to foster the principles of affection and reciprocity within the realm of domesticity. The role of maintaining a household and providing care is not only assigned to husbands, since it is an obligatory task. However, it is possible to

⁴¹ Annual Report of Central Tulangbawang Religious Court, Lampung, 2021.

⁴² Annual Report of Religios Court of Tanjungkarang, Lampung, 2019.

accomplish this task collectively. In addition to this, it is imperative to enhance and optimize the process of mediation within the Religious Courts.”⁴³

The majority of divorce cases at the Sukadana Religious Court in East Lampung are mostly influenced by economic concerns, accounting for 41% of the cases. Disputes and instances of domestic violence constitute 38% of the cases, while the remaining 29% are attributed to various other circumstances. Erna Resdya, the Chairperson of the Sukadana Religious Court, has stated that: “a significant number of divorce cases in PA Sukadana might be attributed to economic concerns. This phenomenon is closely linked to the absence of collaboration between spouses”.⁴⁴

In contrast, there was no observed rise in the activity in the Tanjungkarang Class I A Religious Court. Nevertheless, income remains a significant determinant of divorce, as other factors are associated with it.

Table 2: Factors Leading to Divorces

No	Religious Court	Livelihood	Dispute & Domestic Violence	Others
1	Tulangbawang	40 %	30%	30%
2	Sukadana	43%	32%	25%
3	Tulangbawang Tengah	41%	38%	29%
4	Tanjungkarang	No Increase	No Increase	No Increase
5	Total	41,3%	33,3%	28%

The analysis of case data sources in the four Religious Courts reveals a significant influence of income considerations on divorce lawsuits. The observed rise in contentious divorces was specifically observed within three religious courts. Subsequently, a series of conflicts and incidents of domestic violence ensued, along with various other contributing variables. Additional elements that contribute to the aforementioned issues are academic dishonesty, excessive gambling, alcohol abuse, and excessive parental involvement in their children's domestic matters.

The aforementioned observation is evident in the legal document titled Central Tulang Bawang PA Decision Number 0426/Pdt.G/2020/PA.Twg. The decision to pursue a divorce was initiated by Su, the wife, who filed a lawsuit against her husband, Pu. Initially, the couple lived harmoniously; nonetheless, discord arose subsequent to a disagreement concerning the husband's inadequate provision of child support. In addition, the decision is referred to as Number

⁴³ Interviews with Risman Hasan, Head of Central Tulang Bawang Religious Court, 2021.

⁴⁴ Interviews with Erna Resdya, Head of Sukadana Religious Court, 2021.

0395/Pdt.G/2020/PA.Twg. Tr, the wife, recalls her spouse, Sutikno. Initially, the marriage exhibited a state of harmony and tranquility. However, in early June 2020, conflicts emerged as a result of the husband's failure to fulfil his financial obligations.

The Chairman of Central Tulang Bawang Religious Court, Risman Hasan, acknowledged that: "Maintenance concerns significantly contribute to divorce proceedings. This phenomenon can be attributed to two primary elements. Firstly, the husband exhibits a lack of motivation or diligence in engaging in productive work. Secondly, the wife demonstrates an excessive level of expectations and demands, without actively contributing towards the fulfillment of home responsibilities in a collaborative manner".⁴⁵

The dissolution of marriage resulting from financial difficulties at the PA Sukadana is documented in Decision Number 1045/Pdt.G/2020/PA.Sdn. Ri, the wife, initiated legal proceedings against her husband, Sa. The divorce was attributed to the individual's inability to fulfil their economic requirements, primarily due to their lack of stable employment. The aforementioned legal case, identified as Decision Number 1950/Pdt.G/2020/PA.Sdn., involves the plaintiff Si, who has filed a lawsuit against her spouse, An. At the outset, the household exhibited a state of harmony and cohesion; however, instances of discord frequently arose within the domestic sphere, primarily attributable to the husband's diminished sense of responsibility in matters pertaining to the family's financial management. Based on the statements made by Erna Resdya, the Chair of Sukadana Religious Court, it is evident that a significant number of divorce cases in Sukadana Religious Court can be attributed to economic concerns. This phenomenon is closely linked to the absence of collaboration between spouses.⁴⁶

The occurrence of divorce in Religious Court class I A Tanjungkarang may be observed in decision Number 1410/Pdt.G/2020/PA.Tnk. Specifically, the ruling pertains to De's legal action against her husband, Ah. The underlying cause can be attributed to the persistent conflicts and disagreements arising from a lack of accountability in delivering both tangible and intangible forms of assistance. Moreover, in the case of decision Number 1702/Pdt.G/2020/PA.Tnk, De filed a lawsuit against her spouse, Sa. The underlying cause is the husband's failure to offer both physical and emotional assistance. According to the findings reported by PA Tanjungkarang Public Relations, it has been shown that economic reasons exert the greatest influence in divorce cases.⁴⁷

In the province of Tulangbawang Religious Court there have been recorded instances of divorce proceedings that involve the issue of alimony. One

⁴⁵ Interviews with Risman Hasan, Head of the Tulang Bawang Tengah Religious Court, 2021.

⁴⁶ Interviews with Erna Resdya, Head of the Sukadana Religious Court, 2021.

⁴⁷ Fathul Muad, "https://www.lampost.co/berita-angka-perceraian-di-bandar-lampung-meningkat.html," n.d.

such case is Decision Number 0496/Pdt.G/2020/PA.Tlb. The issue was brought up by Su in opposition to her spouse, Ed. The primary factor contributing to the occurrence of frequent conflicts within the household is the husband's inadequate salary. Moreover, in the decision identified as Number 0546/Pdt.G/2020/PA.Tlb. The present legal action was initiated by En against her spouse, Dw. The underlying cause stems from the husband's inability to effectively fulfil domestic responsibilities. According to H. Soleh, the Chairman of the Tulangbawang Religious Court: "a significant proportion of divorce cases involve disputes between the parties involved. One factor contributing to divorce is the economic aspect. Certain spouses hold the belief that the financial resources contributed by their husbands are inadequate, as they are unable to fulfil the various financial obligations associated with running a household. Indeed, there are instances where husbands exert much effort, yet their spouses perceive their contributions as insufficient."⁴⁸

Conversely, it is worth noting that there are spouses who display a lack of diligence in their employment endeavors, leading to frustration on the part of their wives, ultimately resulting in legal action being pursued through the Religious Court.

Based on the judge's ruling and perspective expressed, it can be concluded that divorce resulting from wealth disparities is an incontrovertible reality. Allegedly, upon the mutual decision of a man and a woman to enter into matrimony, it is imperative to engage in thorough discussions regarding potential hazards and familial obligations, and subsequently ensure their joint fulfillment. It is vital for husbands to demonstrate diligence in their professional endeavors. Nevertheless, in cases where a husband encounters challenges in his career, the wife may contribute to the household income while remaining mindful of her gender identity. Simultaneously, the husband should display a willingness to collaborate with his spouse in managing domestic responsibilities.

The Significance and Impact of the *Mubādalah* Livelihood Concept on Family Resilience

The relevance of the subsistence idea in the interpretation of *mubādalah* to contemporary circumstances lies in the recognition that family income can be collectively provided, encompassing not only the husband's contribution but also that of the wife. Contrary to popular belief, women possess inherent resilience and strength that align with their nature and identity. In situations where the husband is unable to engage in employment, the wife assumes the responsibility of providing for the home's financial necessities. Meanwhile, the husband may assume other duties in managing domestic issues inside the household. In order to foster positive outcomes, it is imperative for spouses to mutually support and

⁴⁸ Interviews with Soleh, Head of the Tulang Bawang Religious Court, Lampung, 2021.

fortify one another.⁴⁹ The pursuit of a contented and prosperous domestic environment is a widely shared objective. Consequently, it is imperative that the positioning remains consistent, ensuring that the first party is not juxtaposed with the second party.⁵⁰

The analysis of divorce data in the Lampung Religious Court, specifically focusing on the frequency of alimony-related lawsuits filed by wives, evokes a profound sense of sorrow. This data underscores the prevalence of divorce, which can be attributed to an erroneous patriarchal and gender-biased paradigm. Consequently, the well-being of households and the welfare of children are significantly compromised. In the present discourse, the notion of *mubādalah* presents a novel framework, positing that the conventional interpretation and inflexible application of laws and regulations pertaining to sustenance are inherently *mubādalah*. This concept diverges from the principles of justice and equality, asserting instead that the notion of sustenance necessitates a symbiotic and collaborative relationship between individuals, fostering mutual support and partnership. Regarding individuals who possess an abundance of resources, it is incumbent upon them to provide assistance to others who are less fortunate in order to facilitate the fulfillment of their collective societal needs. This principle is elucidated in verse 34 of Surah al-Nisa.

Following the implementation of the *mubādalah* theory, several households in Lampung Province have adopted the mutualism theory (*mubādalah*) as a means to fulfil their livelihood requirements. The families are the Is and Ah families, residing in the Bandar Lampung City region, who adhere to the practice of *mubādalah* inside their domestic sphere. In instances where a husband experiences a decline in his financial circumstances, a wife who recognizes the significance of *mubādalah* may emerge as a potential spouse or assume the responsibility of fulfilling household requirements on behalf of her husband. These income-generating initiatives are conducted based on awareness and *fadh*. However, husbands also exhibit a willingness to adapt their responsibilities in assuming responsibility for domestic tasks within the household, such as laundry, cleaning, childcare, and other household chores.

This perspective aligns with the teachings of the Prophet Muhammad PBUH, who emphasized the need to foster love between spouses. Consequently, divorce is considered a permissible recourse, albeit it is not favored by Allah SWT. Individuals who possess *al-karimah* morals, regardless of their gender, will be equally rewarded by Allah, whether these values are demonstrated by a husband or a wife. Hence, it is imperative for both spouses, irrespective of gender, to consistently adhere to the ideals of democracy (*syura*) within the domestic

⁴⁹ Santoso, "Eksistensi Peran Perempuan Sebagai Kepala Keluarga."

⁵⁰ Awwaliyah, "The Gender Equality Argument of Nasaruddin Umar."

sphere. This entails engaging in open discussions regarding household problems and actively participating in the equitable distribution of responsibilities.

In addition to the democratic principle, Islamic law also espouses the principle of equality (*musawah*), which emphasizes the equal potential of both husbands and wives to engage in worship and righteous actions. This principle facilitates the mutual execution of rights and responsibilities between spouses, particularly in matters pertaining to their livelihoods, through a spirit of mutual support and partnership (*tawazun*). The aim is to foster a harmonious family dynamic.⁵¹ The establishment of a harmonious family unit necessitates the shared responsibility and collaborative efforts of both individuals involved, as they engage in constructive cooperation in all matters of virtue and significance. If the responsibility in question is solely undertaken by a single partner, it is evident that the objectives of marriage, namely *sakinah*, *mawadah*, and *rahmah*, would not be achieved.⁵²

If the principle of *mubādalah* is effectively implemented in the context of establishing a harmonious household, particularly in terms of financial matters, the wife will refrain from seeking assistance from her husband due to his professional setbacks. Nevertheless, the husband persists in his efforts to generate income and contribute to the household's financial obligations, despite the challenging economic circumstances he faces. Conversely, the wife does not impose any specific income expectations on her husband, recognizing the financial hardships he encounters. The woman possesses an understanding of the notion of *mubādalah* within the familial context, wherein, given specific circumstances, both husband and wife are able to assume shared roles, mostly centered around assisting one another in acts of benevolence and devotion.

The Uh family is another example of a home that embraces *mubādalah* ideals. The individual's spouse, who has a leadership position inside a financial establishment located in Tulangbawang, encountered a period of economic decline. The banking sector is among the sectors that have been impacted, leading to a decrease in monthly earnings. However, the wife does not express significant objection towards it. The husband and wife engage in a dialogue to exchange and allocate responsibilities. The wife does not insist on the husband surrendering his entire wage, as would typically occur in normal economic circumstances, but rather the specific amount he currently earns.⁵³

In the meantime, the individual's spouse, who is employed as a government servant educator, utilizes her remuneration to fulfil the familial obligations, which encompasses supplementing their earnings through online sales. In the interim,

⁵¹ Interviews with Is, Public Figure, Bandar Lampung, 2021.

⁵² Mursyid Djawas, et.al., "The Government's Role in Decreasing Divorce Rates in Indonesia: The Case of Aceh and South Sulawesi," *Ahkam: Jurnal Ilmu Syariah* 21, No. 1 (2021).

⁵³ Interviews with Uh, Public Figure, Tulang Bawang, 2021.

the spouse maintains his regular employment while also contributing to domestic responsibilities, including meal preparation, laundry, and the transportation of children to and from school. The aforementioned families serve as illustrations of families that uphold *mubādalāh* values inside their household. Despite the challenging economic conditions, the familial bond between them stays harmonious due to their mutual understanding and ability to share responsibilities. By engaging in role reversal between spouses, the domestic sphere maintains a state of harmony.

The allocation of responsibilities between spouses holds considerable influence on family resilience. Consequently, it is imperative for every Muslim family in Indonesia and other contemporary Muslim societies to cultivate a mutually advantageous relationship that positions the husband and wife as collaborative partners, working together to foster a harmonious and loving family environment, known as *sakinah mawaddah* and *rahmah*. The concept of mercy should not be seen solely as a transactional relationship. An unsuitable cultural norm is one that upholds a patriarchal structure where the responsibility for heaven is only attributed to the husband.

The spouses must relinquish the traditional approach to establishing a domestic arrangement. Mutual interactions are necessitated by alterations in both social and geographical settings. This particular relationship exhibits a sense of mutual exchange and reciprocation. Advocating for equal roles and responsibilities for both spouses inside the household. The establishment of a peaceful and resilient household is contingent upon the absence of dominance or dependence among its members.

The notion of *mubādalāh* livelihood carries significant implications for family resilience and the establishment of a robust family unit under various circumstances, encompassing the provision of familial assistance. In the context of marriage, it is important to note that the relationship does not function as a political contract wherein the husband assumes a position of superiority and the wife is relegated to a subordinate role. The establishment of an egalitarian dynamic between spouses is essential for a successful marriage, as it facilitates collaborative efforts aimed at mutual happiness and fulfillment. In a marital relationship, when spouses exhibit mutual respect and kindness towards one another, they establish a foundation that fosters a sense of security and emotional well-being inside the household.

Collaborative endeavors aimed at assisting one another and engaging in altruistic actions might be initiated to seek out solutions for societal challenges. The activities of women engaged in income-generating work should be endorsed rather than subject to scrutiny. When the wife actively participates in contributing to the financial support of the family, this can be referred to as a collaborative effort in meeting the household's financial requirements. In situations where the wife is engaged in employment to fulfil domestic obligations, it is imperative for

the husband to actively participate in assuming responsibilities related to household management.

In instances where the husband intentionally fails to fulfil the financial requirements of the family, disregards the well-being of his wife and children, exhibits frugality towards their demands despite possessing sufficient financial resources, or purposefully exhibits laziness in his professional endeavors, while his wife diligently engages in labor to generate income. If a husband's behavior is despotic and undermines the aim of marriage, which is to foster mutual collaboration and happiness, it can be argued that it hinders household happiness.

In alternative circumstances, whereby the husband is incapable of fulfilling the protective role through financial means, the wife's contribution in terms of earning a livelihood becomes crucial, necessitating her active engagement as the primary provider. A lady who fulfills her duties in accordance with the teachings of Islam will undoubtedly receive recognition and blessings from Allah SWT, just as a husband endeavors to provide for his family. The act of a wife departing from her residence to engage in gainful employment, with the intention of assisting her husband, can be seen as a manifestation of virtuous conduct and a mode of religious devotion. Each instance of exertion and progress made towards her occupational pursuits will be duly acknowledged as meritorious actions, warranting due recognition and recompense. The commandment of Allah SWT necessitates that every couple collaboratively support one another and jointly contribute towards the establishment of a flourishing family unit.

The need for updating positive law in Indonesia through the utilization of *mubādalah* is evident. *Mubādalah* presents the notion of mitigating instances of domestic violence and reducing the occurrence of divorce.⁵⁴ Outdated articles are deemed unsuitable for the present era and so necessitate revision. The reason for this phenomenon is attributed to the prevailing patriarchal structure within the positive law system in Indonesia. The prevailing patriarchal culture within society perceives wives as being obligated to rely on their husbands for support and sustenance. The significance of revising these two laws and regulations lies in their antiquity and lack of updates. It is worth noting that only a small revision pertaining to the age limit for marriage was conducted in 2019.

In order to promote positive legal reform in Indonesia, it is imperative to undertake the reconstruction of the current legal infrastructure. These legal structures are widely seen as established, sacred, and immutable, hence hindering any potential for change and progress. Furthermore, these rules and regulations have attained a revered status akin to that of a sacred book, serving as the guiding principles for judges in the judicial system. Indeed, it is an undeniable reality that all human creations are inherently susceptible to errors and imperfections. The

⁵⁴ Nurjanah, et al., "Al-Mubādalah Fi Mafhumi Fiqhi Al-Mar'ah Al-Mu'ashirah Bi Indunisiya."

malleability of human-produced entities, subject to potential faults, allows for their modification over time to align with the needs and advancements of civilization within their various historical periods.

The objective of positive legal reform in Indonesia is to establish regulations pertaining to the family law, which can be categorized into three main aspects. Firstly, it aims to enhance the status of women. Secondly, it seeks to achieve legal unification. Lastly, it aims to address the rapid changes and societal needs of the present era.⁵⁵ As a prominent religion in Indonesia, Islam upholds values that do not diminish the role of women or discredit them. However, it is observed that prevailing societal opinions still perpetuate the notion of women being subordinate to men, thereby hindering the possibility of achieving gender equality. Parallelism is a linguistic device that involves the repetition of grammatical structures or patterns in a sentence or a series of sentences. Hence, it is imperative to undertake legislation reforms with the aim of enhancing the societal standing of women.

The second objective is to the unification of the Indonesian populace through the establishment and enforcement of a singular legal framework applicable to all individuals within the nation. If one law has been unified, there is no longer a need for multiple kinds of laws and schools of law, legal uniformity is a very vital element to complete. The third objective of positive law reform in Indonesia, particularly within the realm of family law, is a proactive measure aimed at addressing the swift societal transformations occurring in contemporary times. The interconnection between reform and positive law is of utmost significance, as it enables the State to effectively and efficiently govern its populace, specifically the Muslim community, with the aim of generating advantageous outcomes.

The objective of revising or renewing positive law in Indonesia, particularly in relation to the concept of family support, is to assure the continued acceptance of teachings derived from Allah and the Messenger by contemporary society in the present era. The purpose of renewal is to reinstate the contextual relevance and contemporary applicability of the Islamic law. Additionally, it aims to establish a connection between the theoretical principles outlined in classical jurisprudence texts, which were derived via the process of *ijtihad* by *mujtahids*, and the current needs of society or Muslims in the present age.

The reorganization of livelihood regulations in Indonesia is of paramount importance to address the prevailing gender imbalance. Currently, the task to solely provide for the family rests mostly on husbands, neglecting the potential contribution of wives. Consequently, it is imperative to revise these regulations to ensure that both spouses bear the responsibility of supporting their family. The

⁵⁵ James Norman Dalrymple Anderson, *Islamic Law in the Modern World* (New York: University Press, 1959).

revision or updating of Law no. 1 of 1974 and KHI, which pertain to the regulation of livelihoods, is necessary. The provision stated in Article 34, paragraph (1) emphasizes the obligation of husbands to safeguard their wives and provide them with the necessary provisions for family life, in accordance with their capacities. This obligation extends to both husbands and wives, who are expected to collaborate with each other in meeting the essential requirements of domestic life. Subsequently, the statement "the wife is obligated to effectively manage domestic matters" underwent a modification to "both the husband and wife are obligated to collaboratively manage household affairs." By transitioning to a collective responsibility, it will result in the creation of resilient households that are able to withstand challenging economic circumstances, thereby ensuring their overall quality. Given the mutual understanding between the husband and wife, it is recognized that the attainment of success within the family necessitates joint efforts, rather than relying solely on one individual.

The amendment made to Article 80, paragraph (2) of the KHI entails a modification in the language used to describe the responsibilities of husbands towards their wives. The revised version now states that both husbands and wives have an obligation to safeguard and support one another, while also ensuring the fulfillment of family essentials in accordance with their respective duties. By adopting a mutually agreed upon arrangement, the traditional division of labour within a marriage can be redefined. This entails a shift away from the husband being solely responsible for earning a living, while the wife assumes the primary role of managing household affairs. Instead, both spouses can actively participate in both earning a living and attending to domestic responsibilities. The contemporary reality of wives being able to pursue professional careers and engage in philanthropic endeavors in the public sphere is a well-acknowledged phenomenon. Under some conditions, it may be necessary for the husband to assume responsibility for fulfilling the wife's domestic home affairs.

The proper application of the concept of *mubādalāh* in meeting the legal needs of families, if universally adopted by Muslim families in Indonesia and other modern Muslim societies, has the potential to contribute to the advancement of family law in the Lampung community. This is particularly relevant given the existing laws and regulations, such as Law No. 1 of 1974 and the Islamic Law Compilation (KHI), which still exhibit gender biases. In contemporary society, where it is increasingly common for women to have careers and contribute to household income, the concept of *mubādalāh* can serve as a guiding principle for society at large and families in particular. By fostering mutually beneficial relationships and addressing livelihood needs through a spirit of mutuality and partnership, this concept can help create harmonious and prosperous families.

Conclusion

The legal framework of alimony in Indonesia, as now established, mandates that husbands bear the responsibility of providing financial support to their spouses. This particular interpretation, along with a strict adherence to the literal meaning of the law, has resulted in a notable increase in instances when wives initiate divorce proceedings against their husbands. The incidence of contentious divorce in the four religious courts of Lampung Province had a notable surge of 34.25 percent between the years 2020 and 2022. The primary determinant contributing to contested divorces was found to be related to livelihood, accounting for 41% of cases. Disputes and incidents of domestic violence constituted 33.3% of the contested divorces, while the remaining 28% were attributed to various other variables. The dissolution of a marriage based on wage disparities is incongruent with the principles of *mubādalah*, as it contradicts the notion that spouses should collaborate in order to distribute household responsibilities. In situations where the husband is unable to fulfil his basic need, it becomes necessary for the wife to assume responsibility. Conversely, it is imperative for spouses to demonstrate a willingness to engage in domestic home tasks. The necessity for reforming positive law in Indonesia arises from the imperative to establish a legal framework that mandates the obligation of mutual protection and cooperation between spouses. When a modern Muslim family is transformed to operate in synergy and prioritize mutual support in their pursuit of sustenance, they will establish a robust and prosperous unit that remains resilient in the face of domestic challenges. The novelty of this study is in its exploration of the notion of *mubādalah* as a means to foster the fulfillment of rights and obligations between spouses, particularly in terms of partnership and mutuality within the context of cohabitation.

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