

Social Construction of Gender Equality in the Family of Working Couples in Tanjungbalai Indonesia: An Analysis of Marriage Law and a Compilation of Islamic Law

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Abstract: Gender inequality in working families remains a structural problem in Indonesia. In Tanjungbalai, despite Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (KHI) affirming the equality of husband and wife, patriarchal practices continue to impose multiple domestic responsibilities on women. This study employed a qualitative approach under the paradigm of social definition, using Peter L. Berger's theory of social construction. Data were gathered through semi-structured interviews with three working families in Tanjungbalai, supplemented by legal document analysis. The findings reveal that the social construction of gender roles is shaped through externalization, objectivation, and internalization institutionalized within community norms. Women continue to shoulder domestic work despite contributing to family income. Meanwhile, the articles within the Marriage Law and KHI are often interpreted in patriarchal terms, thereby reinforcing inequality. The study underscores the need for a gender-responsive reinterpretation of family law and the mainstreaming of gender justice values in household practices. The novelty of this research lies in its integration of Berger's social construction theory with the legal analysis of Indonesian marriage and Islamic family law, applied to the

empirical case of Tanjungbalai—an approach rarely explored in previous scholarship.

Keywords: social construction, gender equality, working families, Marriage Law, Compilation of Islamic Law, Tanjungbalai.

Pendahuluan

Changes in Indonesia's modern family structure have been marked by the increasing participation of women in the workforce. This phenomenon has significantly affected the division of domestic and public roles within households. Although gender equality has been widely promoted, empirical realities demonstrate the persistence of patriarchal patterns that position women in subordinate roles. According to the World Economic Forum's *Global Gender Gap Report 2022*, Indonesia continues to face considerable gender disparities, particularly in economic participation and employment opportunities.¹ Such inequalities are not confined to the public sphere but also permeate the private domain of the household. Working women are still widely regarded as bearing primary responsibility for domestic labor, resulting in what is commonly referred to as a *double burden*.

A similar condition is evident in the city of Tanjungbalai, North Sumatra. As a coastal area with a relatively high rate of female labor participation, Tanjungbalai represents a tangible manifestation of the tension between economic demands and entrenched patriarchal culture. Although women actively contribute to household income, domestic labor remains culturally assigned to them.² This situation highlights an imbalance between positive law, Islamic law, and everyday social practices.

Previous studies on gender equality in working families have been conducted at both global and national levels. Internationally, Rinaldo emphasizes that women's flexible work arrangements do not necessarily liberate them from domestic responsibilities and may even reinforce traditional gender roles.³ Kuntari et al. demonstrate that work–family conflict in Indonesia exhibits gendered patterns, with women more likely to occupy a “family-oriented” profile that renders them more vulnerable to double burdens.⁴ At the national level, Purwanto finds that married working women face wage discrimination alongside domestic responsibilities,

¹ World Economic Forum, *Global Gender Gap Report 2022* (Geneva: World Economic Forum, 2022), 45.

² Final Plan of the Tanjungbalai City RPJMD for 2021–2026, II-2.

³ Rachel Rinaldo, “The Gendered Dynamics of Women's Work in Indonesia,” *Global Qualitative Sociology Network*, 2024.

⁴ Indah S. R. Kuntari et al., “Gender, Life Role Importance and Work-Family Conflict in Indonesia: A Non-Western Perspective,” *Behavioural Science Institute, Radboud University*, 2023.

despite their substantial contribution to household economies.⁵ Sulistyowati further reveals that the social construction of family roles among migrant worker families often produces stigma against women, even when they significantly support family income.⁶

Legal scholarship also offers critical insights into gendered role divisions within families. Hamzani et al. examine spousal roles in the KHI and identify the potential for patriarchal bias when its provisions are interpreted non-contextually.⁷ Hutagalung et al. highlight that Indonesian positive marriage law continues to reflect traditional gender divisions, raising concerns about discrimination.⁸ Collectively, these studies suggest that sociological research often focuses on the phenomenon of double burden without integrating legal analysis, while legal studies tend to remain normative and rarely employ sociological theory.

This gap constitutes the primary contribution of the present study. By applying Peter L. Berger's social construction theory, this article analyzes the lived practices of working families in Tanjungbalai and links them to provisions of positive law (Marriage Law) and Islamic law (KHI). In doing so, the study not only describes gender inequality but also critically examines how law and social norms interact in shaping gendered family roles.

The research addresses three central questions: (1) how social construction shapes gender role divisions in working families in Tanjungbalai; (2) how the Marriage Law and the KHI articulate gender equality and how these principles are implemented in practice; and (3) how gender equality can be reconstructed through the integration of social construction theory and Islamic legal interpretation.

Based on these research questions, this study aims to describe the manifestations of gender inequality in the families of working couples in Tanjungbalai, to analyze how Peter L. Berger's social construction theory operates within everyday family practices, and to evaluate the relevance of the Marriage Law and the Compilation of Islamic Law (KHI) in promoting gender equality. In addition, this study offers a theoretical and practical synthesis in the form of a gender-responsive reinterpretation of family law and equitable strategies for the division of domestic labor.

The novelty of this research can be identified from two perspectives. From a theoretical standpoint, this study integrates Peter L. Berger's social construction theory with an analysis of Islamic marriage law in Indonesia—an approach that remains relatively underexplored and thus contributes to the enrichment of the sociology of family law. From a practical perspective, this study proposes a gender-

⁵ Denicy A. Purwanto, *Double Roles of Married Working Women in Indonesia: For Better or For Worse* (Jakarta: ResearchGate, 2022), 12.

⁶ Tutik Sulistyowati et al., "The Social Construction of Family Roles in Migrant Worker Income Management to Build Family Economy," *Jurnal Studi Pemerintahan* 13, no. 3 (November 2022): 334–355.

⁷ Hamzani et al., "Pembagian Peran Suami Istri dalam Keluarga Islam Indonesia (Analisis Gender Terhadap Inpres No. 1 Tahun 1991 Tentang Kompilasi Hukum Islam)," *Jurnal Sosekhum* 6, no. 9 (2010): 17–28.

⁸ Hutagalung et al., "Analisis Kritis Terhadap Pembagian Peran Suami dan Istri dalam Hukum Positif di Indonesia," *Jurnal Al-Nizām* 14, no. 1 (2020): 1–15.

responsive reinterpretation of family law alongside concrete strategies to reduce women's double burden, as evidenced through an empirical case study of working families in Tanjungbalai. Accordingly, this article contributes not only to academic discourse but also to legal and social practice concerning gender equality within the family.

Metode Penelitian

This study employed a qualitative research approach within the social definition paradigm. This approach was selected because it enables an in-depth understanding of the subjective experiences and meanings constructed by working couples regarding gender roles within their families. The social definition paradigm is particularly relevant, as gender relations are not natural or biologically determined phenomena, but rather socially constructed realities shaped through interaction, cultural legitimization, and shared meanings.⁹ Accordingly, Peter L. Berger's social construction theory serves as the primary analytical framework for examining the processes of externalization, objectivation, and internalization in the division of domestic and public roles.

The research subjects consisted of three families of working couples in Tanjungbalai, selected using purposive sampling based on the following criteria: married couples in which both spouses are employed in either the formal or informal sector, have been married for a minimum of five years, and are willing to provide information openly and comprehensively. This sampling strategy was intended to ensure that the selected participants possessed sufficient experience and reflection regarding the dynamics of gender roles in working families.

Primary data were collected through semi-structured interviews, which allowed for flexibility in exploring participants' lived experiences, perceptions of gender-based obligations, patterns of role division, and their views on marriage law and Islamic family law. This interview format enabled the researcher to probe deeply into personal narratives while maintaining consistency across key thematic questions. Secondary data were obtained from legal and policy documents, including Law No. 1 of 1974 on Marriage, the Compilation of Islamic Law (KHI), and relevant regulations related to family development and gender policy. These documents were used to contextualize and strengthen the empirical findings.¹⁰

Data analysis was conducted using thematic analysis. Interview transcripts were systematically examined to identify recurring patterns and key themes, which were subsequently interpreted through the lens of Berger's social construction theory. To enhance the credibility and trustworthiness of the findings, data triangulation was applied by comparing information across different informants,

⁹ Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (New York: Anchor Books, 1966), 72–75.

¹⁰ Republic of Indonesia, *Law No. 1 of 1974 concerning Marriage*, Statute Book of the Republic of Indonesia No. 1 of 1974; Ministry of Religion of the Republic of Indonesia, *Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law* (KHI) (Jakarta: Depag, 1991).

examining the consistency between interview data and legal texts, and engaging in discussions with academic peers to minimize interpretive bias.¹¹ Through this analytical process, the study not only provides an empirical description of gender inequality in working families but also offers a theoretical and practical synthesis concerning the social construction of gender equality.

Theoretical Framework: Social Construction Theory (Peter L. Berger)

Social construction theory, introduced by Peter L. Berger and Thomas Luckmann in their seminal work *The Social Construction of Reality*, posits that social reality is not a given or natural phenomenon but is continuously produced and reproduced through human interaction and institutionalization. Reality emerges from a dynamic dialectical process between individuals and society, in which humans create social structures that, over time, appear objective and exert coercive power over their creators. This dialectic operates through three interrelated moments: externalization, objectivation, and internalization.¹²

Within the context of gender equality in the families of working couples, Berger's theory provides a critical analytical lens for understanding how gender roles are constructed, legitimized, and normalized within everyday family practices. Gendered divisions of labor, authority, and responsibility within the household are not biologically determined, but rather socially produced through repeated interactions that become embedded in cultural norms, legal interpretations, and religious discourses. Consequently, gender inequality persists not merely because of individual attitudes, but because it is sustained by institutionalized social meanings.

Eksternalisasi

Externalization refers to the process through which individuals express themselves in the social world by producing patterns of action, behavior, and institutions. At this stage, human agency plays a central role in shaping social reality.¹³ In the context of working families, externalization is manifested in everyday practices that reproduce gender norms, such as positioning the husband as the primary breadwinner while assigning domestic responsibilities to the wife, even when both spouses are engaged in paid employment. These practices, although seemingly based on personal choice, are in fact shaped by long-standing cultural values and societal expectations.

Through continuous repetition, such actions give rise to habitual patterns of gendered behavior within the family. As a result, unequal divisions of domestic labor are perceived not as socially constructed arrangements, but as natural or morally appropriate roles. Berger's concept of externalization thus helps explain how

¹¹ Virginia Braun and Victoria Clarke, "Using Thematic Analysis in Psychology," *Qualitative Research in Psychology* 3, no. 2 (2006): 77–101.

¹² Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (New York: Anchor Books, 1966), 71–105.

¹³ Bryan S. Turner, *Sociology: The Key Concepts* (London: Routledge, 2006), 42.

patriarchal practices are initially produced through human action before becoming entrenched as social norms.

Objektivasi

Objectivation occurs when patterns of action that have been externalized become institutionalized and acquire an objective character, appearing independent of the individuals who created them. At this stage, social arrangements are experienced as external realities that constrain individual behavior.¹⁴ In working families in Tanjungbalai, objectivation is evident in the widespread belief that domestic work constitutes women's primary obligation, regardless of their participation in paid labor.

This belief is reinforced through social norms, community expectations, and patriarchal interpretations of legal and religious texts, particularly provisions within the Marriage Law and the Compilation of Islamic Law (KHI). Consequently, gendered divisions of labor are legitimized and maintained as taken-for-granted realities. Berger's notion of objectivation clarifies how legal and religious interpretations function as powerful institutional mechanisms that solidify gender inequality within family life.

Internalisasi

Internalization is the stage at which individuals absorb objectified social structures and make them part of their subjective consciousness. At this point, norms and rules that were initially formed through social interaction are experienced as if they were natural truths.¹⁵ In working families, internalization is evident when wives unquestioningly accept the double burden as part of their inherent nature, or when husbands perceive their position as head of the household as legitimizing their non-involvement in domestic affairs. This mindset illustrates how institutionalized social constructions ultimately enter individual consciousness and shape everyday behavior.

Through these three processes, Berger's social construction theory provides a robust framework for analyzing why gender inequality in working families persists despite the existence of legal regulations that affirm the principle of equality. This theory also opens up the possibility of change: if gender inequality is the result of social construction, then it is not final or immutable. Social reality can be reconstructed through changes in social practices, reinterpretation of law, and transformation of individual consciousness. In other words, Berger's theory enables us to understand that gender inequality is not destiny, but rather the outcome of social interaction that can be transformed toward a more just condition.

¹⁴ Margaret S. Archer, *Culture and Agency: The Place of Culture in Social Theory*, rev. ed. (Cambridge: Cambridge University Press, 1996), 104.

¹⁵ *Classical Roots: The Basics*, 5th ed. (New York: McGraw-Hill, 2018), 168–170.

Portrait of Gender Inequality among Working Couples in Tanjungbalai

The socio-economic conditions of the city of Tanjungbalai reflect the complexity of gender-related issues in coastal communities. Female labor force participation in this city is relatively high, both in the informal sector—such as fish trading and traditional markets—and in the formal sector, including civil servants and teachers. Some women also work as migrant workers abroad. Nevertheless, women's presence in the public sphere does not automatically lead to a reduction in domestic responsibilities, which remain culturally attached to them. This reality demonstrates that the social construction of gender roles remains strongly institutionalized, even when women serve as the primary breadwinners in their families.¹⁶

1. Double Burden

The phenomenon of the *double burden* is clearly evident among working-couple families in Tanjungbalai. Interview results with one informant, here referred to as Mrs. An, a migrant worker who previously worked in Malaysia, reveal that although she contributed the largest share of household income when her husband was ill and unemployed, she was still regarded as fully responsible for domestic work. “I was the one working, but I still had to cook, wash clothes, and take care of the children. If I did not, I would be told that I was not a good wife,” she explained.¹⁷ A similar experience was reported by Mrs. Ri, a fish trader at Pasar Kawat, who wakes up at three o'clock every morning to prepare her merchandise and must still ensure that all household chores are completed before leaving for the market.¹⁸

This double burden has serious consequences for women's physical and mental health. Global studies indicate that working women who experience a double burden are more vulnerable to stress, fatigue, and reproductive health problems than men.¹⁹ These findings are reinforced by field data from Tanjungbalai, where many women reported feeling pressured by the need to balance work demands and household responsibilities. Several informants even stated that they rarely have personal time, as all their energy is absorbed by both public and domestic work.

In addition, the double burden phenomenon also affects the quality of family relationships. One informant, Mrs. Lm, a contract teacher, stated that domestic conflicts often arise due to these multiple role demands. She explained: “After coming home from teaching, I still have to do all the housework. Sometimes I am exhausted, but when I complain, my husband says that it is indeed the wife's

¹⁶ Final Plan of the Tanjungbalai City RPJMD for 2021–2026, II-2.

¹⁷ Interview with Mrs. An, migrant worker in Tanjungbalai, November 10, 2023.

¹⁸ Interview with Mrs. Ri, fish trader at Pasar Kawat, November 12, 2023.

¹⁹ Arlie Hochschild and Anne Machung, *The Second Shift: Working Families and the Revolution at Home* (New York: Viking, 1989), 198–200.

duty.”²⁰ This condition illustrates how gender inequality not only affects women but also generates tension within marital relationships as a whole.

From the perspective of Berger’s social construction theory, this double burden is the result of the externalization of patriarchal actions that are continuously practiced, subsequently objectified through social norms, and finally internalized by women as something natural. This social reality is further reinforced by legal and religious legitimacy that is interpreted in patriarchal ways, making the double burden a recurring pattern that is difficult to question. Fakih emphasizes that the double burden is one of the most tangible forms of gender injustice in modern society, as it requires women to perform two roles simultaneously without equal recognition.²¹

2. Subordination of Women

In addition to the double burden, field findings also reveal the persistence of women’s subordination within working families in Tanjungbalai. This subordination is evident in household decision-making processes, where women’s voices are often considered less important than those of men. For example, in an interview with Mrs. An, she explained that although her income was more stable than her husband’s irregular work, decisions regarding children’s education or the purchase of family assets remained in her husband’s hands. “I can only give suggestions, but the final decision is still my husband’s. If I disagree, I will be labeled disobedient,” she stated..²²

Subordination also occurs in the management of household finances. Interviews with Mrs. Ri revealed that although she manages the income from her fish trading activities, her husband retains veto power over how the money is used. This situation indicates that women’s economic authority is not fully recognized, even when they are the primary contributors to household income. This condition mirrors Sulistyowati’s findings, which show that in migrant worker families, women’s contributions are often regarded merely as “helping,” rather than as equal obligations.²³

Women’s subordination is further reinforced by legal interpretations that position men as heads of households and women as housewives. Although the Marriage Law affirms that the rights and obligations of husbands and wives should be balanced, patriarchal interpretations are more commonly applied in practice. As noted by Hamzani, provisions within the Compilation of Islamic Law are often

²⁰ Interview with Mrs. Lm, contract teacher In Tanjungbalai, November 15, 2023.

²¹ Mansour Fakih, *Analisis Gender dan Transformasi Sosial* (Yogyakarta: Pustaka Pelajar, 1999), 13–15.

²² Interview with Mrs. An, a migrant worker from Tanjungbalai, November 10, 2023.

²³ Tutik Sulistyowati et al., “The Social Construction of Family Roles in Migrant Worker Income Management to Build Family Economy,” *Jurnal Studi Pemerintahan* 13, no. 3 (November 2022): 334–355.

interpreted in biased ways that place women in secondary positions.²⁴ In the context of Tanjungbalai, this is reflected in the widespread belief that husbands have the right to determine the direction of family life, while wives are expected to carry out instructions.

Moreover, women's subordination is closely linked to social and cultural factors. In Tanjungbalai society, women who resist subordinate positions are often stigmatized as "wives who oppose their husbands," a label considered incompatible with religious and customary norms. This stigma leads many women to accept their circumstances in order to preserve household harmony, even when they feel disadvantaged. This phenomenon is consistent with Sylvia Walby's analysis, which argues that patriarchy operates not only through economic structures but also through cultural and ideological mechanisms that restrict women's agency.²⁵

Thus, women's subordination in Tanjungbalai constitutes an institutionalized form of gender inequality, sustained through social structures, legal interpretations, and cultural legitimization. This practice demonstrates how the social construction of gender produces profound injustice, even when women play significant roles in the public sphere.

Legal Analysis: The Marriage Law and the Compilation of Islamic Law

The study of gender equality in the families of working couples in Tanjungbalai cannot be separated from legal analysis, particularly Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (Kompilasi Hukum Islam, KHI). These two legal instruments constitute the normative foundation governing spousal relations in Indonesia. However, their implementation and interpretation in practice are often influenced by deeply institutionalized patriarchal social constructions. The following analysis addresses two key aspects: the legal position of husband and wife under the Marriage Law and gender roles as regulated in the KHI

1. The Position of Husband and Wife under Law No. 1 of 1974 on Marriage

Law No. 1 of 1974 on Marriage stipulates that marriage aims to establish a happy and enduring family based on belief in One Supreme God. Article 31 paragraph (1) states that "the rights and legal position of husband and wife are equal in household life and in social relations within society."²⁶ Normatively, this provision reflects recognition of the principle of equality between husband and wife. However, Article 31 paragraph (3) declares that "the husband is the head of the household and the wife is a housewife."²⁷ This phrase has generated prolonged debate, as it is widely perceived as legitimizing male dominance within the family.

²⁴ Hamzani et al., "Pembagian Peran Suami Istri dalam Keluarga Islam Indonesia (Analisis Gender Terhadap Inpres No. 1 Tahun 1991 Tentang Kompilasi Hukum Islam)," *Jurnal Sosekhum* 6, no. 9 (2010): 17–28.

²⁵ Sylvia Walby, *Theorizing Patriarchy* (Oxford: Basil Blackwell, 1990), 87.

²⁶ Republik Indonesia, *Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan*, Pasal 31 ayat (1).

²⁷ *Ibid.*, Pasal 31 ayat (3).

In practice in Tanjungbalai, this provision is often interpreted rigidly, implying that the husband holds primary authority in household decision-making, while the wife is positioned as a complementary figure. One informant, Mrs. Ri, stated that although she contributes significantly to the household economy through fish trading, major decisions such as children's education and business investment remain under her husband's authority. "When it comes to important matters, my husband makes the decision. I only help earn the money," she explained.²⁸ This illustrates how a legal provision intended to affirm equality is instead interpreted in patriarchal ways that reinforce women's subordination.

A similar issue arises in the division of domestic responsibilities. Many husbands in Tanjungbalai adhere to the interpretation that, as heads of households, they are not obliged to participate in domestic work. Conversely, wives are perceived as having an obligation to manage household affairs even when they are employed. This interpretation clearly contradicts the spirit of Article 31 paragraph (1), which emphasizes equality of status, yet in practice paragraph (3) is more frequently invoked.²⁹ This situation highlights an inconsistency between the legal norm of equality and prevailing social practices.

Criticism of this provision has been widely articulated by legal scholars and gender activists. Asyhar argues that the concept of "husband as head of the household" must be reinterpreted within a gender equality framework, rather than as a justification for male domination.³⁰ Without such reinterpretation, the Marriage Law risks functioning as an instrument that reinforces discrimination. In the context of Tanjungbalai, this reinterpretation is crucial to emphasize that family leadership should be understood as functional rather than hierarchical, allowing it to be exercised jointly and equitably according to each spouse's capacity.

2. Gender Roles in the Compilation of Islamic Law

The Compilation of Islamic Law (KHI), enacted through Presidential Instruction No. 1 of 1991, serves as an important guideline in the practice of family law in Indonesia. Article 79 paragraph (1) states that "husband and wife bear a noble obligation to uphold a household characterized by *sakinah*, *mawaddah*, and *rahmah*."³¹ Furthermore, Article 80 paragraph (2) stipulates that the husband is obliged to protect his wife and provide for all household necessities according to his ability. Article 83 paragraph (1) specifies that the wife is obliged to manage household affairs as well as possible.

Textually, these provisions appear to balance the rights and obligations of husband and wife. However, in practice, patriarchal interpretations are more commonly applied, resulting in women being consistently positioned in subordinate

²⁸ Interview with Mrs. Ri, a fish trader at the Wire Market, November 12, 2023.

²⁹ Interview with Mrs. An, a migrant worker from Tanjungbalai, November 10, 2023.

³⁰ Mohammad Asyhar, "Kritik Terhadap Konsep Kepala Keluarga dalam UU Perkawinan," *Jurnal Hukum Islam* 15, no. 2 (2019): 211–230.

³¹ Departemen Agama RI, *Instruksi Presiden Nomor 1 Tahun 1991 tentang Kompilasi Hukum Islam* (Jakarta: Depag, 1991), Pasal 79 ayat (1).

roles. An interview with Mrs. Lm, a contract teacher, revealed that although she contributes to household finances, responsibility for domestic work remains entirely hers. She stated, “When I say I am tired or ask for help, my husband says that it is indeed the wife’s obligation according to religion.”³² This reflects how KHI provisions that should balance spousal roles are instead used to reinforce traditional views that restrict women’s roles.

In addition, the KHI emphasizes the concept of the husband as the leader of the household. This concept is often understood as implying male superiority rather than moral responsibility. According to Hamzani, such provisions may become gender-biased if not interpreted within an equality framework, as they open space for male domination over women.³³ Field findings in Tanjungbalai support this analysis: most informants stated that society places greater emphasis on the wife’s role as household manager, while the wife’s public role is considered secondary, even when her income is essential to the family.

Subordination institutionalized through interpretations of the KHI also affects social legitimacy. Women who attempt to negotiate more equal roles are often stigmatized as disobedient wives or as “opposing their husbands.” This stigma leads many women to accept unequal conditions despite feeling disadvantaged. Within Berger’s social construction framework, this situation reflects the internalization of patriarchal values that have been objectified through law and religious norms. In other words, the KHI has the potential to function as an instrument for reproducing gender inequality if not interpreted critically and contextually.³⁴

Thus, the legal analysis of the Compilation of Islamic Law demonstrates that although the text contains principles of equality, social practices and patriarchal interpretations more often reinforce gender inequality within the family. In the context of Tanjungbalai, this is clearly evident in the division of domestic labor and household decision-making authority, where women continue to be positioned in subordinate roles despite their significant contribution to sustaining the family economy.

3. Previous Studies on the Legal Analysis of the Marriage Law and the Compilation of Islamic Law

Academic studies on Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (Kompilasi Hukum Islam, KHI) have been widely conducted, particularly in relation to issues of gender equality. The existing literature generally indicates that although both legal instruments normatively affirm the principle of balance between husband and wife, in practice several provisions leave room for patriarchal interpretation. Therefore, it is important to situate the findings of this study in Tanjungbalai within a broader scholarly discourse.

³² Interview with Mrs. Lm, contract teacher in Tanjungbalai, November 15, 2023.

³³ Hamzani et al., “Pembagian Peran Suami Istri dalam Keluarga Islam Indonesia (Analisis Gender Terhadap Inpres No. 1 Tahun 1991 Tentang Kompilasi Hukum Islam),” *Jurnal Sosekhum* 6, no. 9 (2010): 17–28.

³⁴ Sylvia Walby, *Theorizing Patriarchy* (Oxford: Basil Blackwell, 1990), 87.

Musdah Mulia, for example, highlights Article 31 paragraph (3) of the Marriage Law, which states that the husband is the head of the household and the wife is a housewife. According to her, this provision has been used to perpetuate male dominance within the family, despite Article 31 paragraph (1), which affirms equality between husband and wife. She emphasizes the need for reinterpretation so that the concept of “head of the household” is understood functionally rather than hierarchically.³⁵ A similar critique is advanced by Asyhar, who argues that this provision has discriminatory potential if not interpreted within a gender justice framework.³⁶

Criticism of patriarchal bias is also evident in analyses of the Compilation of Islamic Law. Hamzani and his colleagues demonstrate that Article 83 paragraph (1), which emphasizes the wife’s obligation to manage household affairs, is often interpreted in an exclusive manner that reinforces domestic stereotypes of women.³⁷ Muthmainnah even argues that the KHI, as a product of legal–political processes during the New Order era, remains heavily influenced by patriarchal social constructions and therefore does not fully align with the principle of gender equality mandated by the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which Indonesia ratified in 1984.³⁸

Comparative studies further indicate that similar problems are not unique to Indonesia. Quraishi, in her analysis of family law in Pakistan, argues that many Muslim-majority countries continue to retain patriarchal provisions in marriage law, even though religious texts themselves provide space for reciprocity and equality.³⁹ These findings reinforce the argument that issues of gender equality in family law do not primarily lie in the legal texts themselves, but rather in the processes of interpretation and internalization within societies that remain strongly influenced by patriarchal culture.

By reviewing these previous studies, this research positions itself as both a continuation of and a corrective to earlier normative analyses. Whereas prior studies have often focused primarily on the level of legal texts, this study moves beyond textual analysis by integrating Berger’s social construction theory to explain how legal texts, culture, and everyday social practices interact in reproducing gender inequality. In this way, the study makes a more comprehensive theoretical and practical contribution: theoretically, by enriching family law analysis through a sociological perspective, and practically, by offering gender-responsive strategies for legal reinterpretation and the mainstreaming of equality within working families.

³⁵ Musdah Mulia, *Islam dan Inspirasi Kesetaraan Gender* (Jakarta: Gramedia, 2006), 65–67.

³⁶ Mohammad Asyhar, “Kritik Terhadap Konsep Kepala Keluarga dalam UU Perkawinan,” *Jurnal Hukum Islam* 15, no. 2 (2019): 211–230.

³⁷ Hamzani et al., “Pembagian Peran Suami Istri dalam Keluarga Islam Indonesia (Analisis Gender Terhadap Inpres No. 1 Tahun 1991 Tentang Kompilasi Hukum Islam),” *Jurnal Sosekhum* 6, no. 9 (2010): 17–28.

³⁸ Muthmainnah, “Rekonstruksi Kesetaraan Gender dalam Kompilasi Hukum Islam,” *Jurnal Hukum dan Pembangunan* 50, no. 3 (2020): 567–590.

³⁹ Asifa Quraishi, “Her Honor: An Islamic Critique of the Rape Laws of Pakistan from a Woman-Sensitive Perspective,” *Michigan Journal of International Law* 18, no. 2 (1997): 287–320.

Synthesis of Theory and Law: Reconstructing Gender Equality

The findings of this study on gender inequality in the families of working couples in Tanjungbalai reveal a gap between legal norms that promise equality and social practices that continue to perpetuate male dominance. On the one hand, the Marriage Law and the Compilation of Islamic Law (KHI) normatively provide space for equality in the legal position of husband and wife. On the other hand, patriarchal interpretations that prevail in society have objectified these legal norms into social practices that consistently place women in subordinate positions.

Within the framework of Peter L. Berger's social construction theory, this unequal gender reality is formed through the externalization of patriarchal actions, objectivation in the form of legal interpretations and social norms, and internalization within individual consciousness. Therefore, the reconstruction of gender equality cannot rely solely on changes in legal texts, but also requires the transformation of social and cultural consciousness. The following section proposes two main strategies: gender-responsive reinterpretation of legal provisions and the mainstreaming of gender perspectives within family practices.

1. Gender-Responsive Reinterpretation of Legal Provisions

Reinterpreting provisions within the Marriage Law and the Compilation of Islamic Law constitutes a crucial step in dismantling patriarchal bias that has become institutionalized in Indonesian family law. Article 31 paragraph (3) of the Marriage Law, which states that "the husband is the head of the household and the wife is a housewife," should not be understood within a hierarchical framework, but rather within a functional one. This means that the term "head of the household" should not be interpreted as granting absolute authority to men, but as a responsibility that may be exercised jointly based on mutual agreement between spouses. Such an interpretation aligns with the principle of gender equality articulated in Article 31 paragraph (1) of the Marriage Law, which emphasizes balanced rights and positions between husband and wife.⁴⁰

Similarly, within the KHI, the provision concerning the wife's obligation to manage household affairs (Article 83 paragraph (1)) must be reinterpreted so as not to exclude men from domestic responsibilities. A progressive interpretation can shift this obligation toward a notion of "shared responsibility" that is distributed equitably between spouses. Through such reinterpretation, the provisions of the KHI can be used to strengthen women's roles rather than merely reinforcing patriarchal constructions. This approach is consistent with Musdah Mulia's argument that Islamic law is dynamic in nature and open to reinterpretation in response to contemporary challenges, including gender equality.⁴¹

This reinterpretation also corresponds with international movements advocating gender mainstreaming in family law. According to UN Women, gender-

⁴⁰ Republic of Indonesia, *Law Number 1 of 1974 concerning Marriage*, Article 31 paragraph (1).

⁴¹ Musdah Mulia, *Islam dan Inspirasi Kesenjangan Gender* (Jakarta: Gramedia, 2006), 67–69.

responsive laws must eliminate structural discrimination and provide opportunities for women to participate fully in both public and domestic life.⁴² Accordingly, the Marriage Law and the KHI should be situated within a broader human rights framework, rather than narrow interpretations that reinforce patriarchal norms.

Field findings from Tanjungbalai demonstrate the urgency of such reinterpretation. Most informants expressed that domestic burdens borne solely by women generate a sense of injustice, even though women contribute substantially to household income. If legal provisions are reinterpreted to emphasize shared responsibility, these conditions may gradually change. In other words, legal reform must be accompanied by cultural transformation and heightened social awareness to achieve substantive equality within the family.

2. Strategies for Gender Mainstreaming within the Family

In addition to legal reinterpretation, gender mainstreaming within the family represents a critical strategy for reconstructing equality. Gender mainstreaming does not merely involve integrating gender issues into public policy, but also embedding gender perspectives into everyday family practices. This approach is consistent with the definition provided by the Ministry of Women's Empowerment and Child Protection, which defines gender mainstreaming as a strategy to ensure that gender perspectives are integrated into all areas of development, including family life.⁴³

The first strategy involves promoting a more equitable division of domestic labor. This can be achieved through the early socialization of equality values in schools, religious institutions, and local communities. When men are engaged in domestic work from an early age, more balanced role divisions can develop naturally within households. The second strategy is to enhance family law literacy among the public. Many informants in this study admitted to having limited understanding of the Marriage Law and the KHI, leading them to rely on dominant interpretations that tend to be patriarchal. Gender-based family law education can help communities recognize that equality is a fundamental principle of marriage law.

The third strategy is to strengthen the role of local communities and customary institutions in promoting gender equality values. In Tanjungbalai, religious leaders and community figures continue to hold significant moral authority. Their involvement in gender equality campaigns can accelerate cultural change. Rinaldo's research demonstrates that religious leaders play a crucial role in transforming gender norms within Indonesian Muslim communities, making their engagement particularly strategic.⁴⁴

⁴² UN Women, *Progress of the World's Women 2019–2020: Families in a Changing World* (New York: UN Women, 2019), 24.

⁴³ Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, *Panduan Pengarusutamaan Gender dalam Pembangunan* (Jakarta: KPPPA, 2020), 15.

⁴⁴ Rachel Rinaldo, "Pious and Critical: Muslim Women Activists and the Question of Agency," *Gender & Society* 27, no. 6 (2013): 768–790.

The final strategy emphasizes the importance of support from local government policies. Family development programs in Tanjungbalai should be designed with a gender perspective, for example through skills training for women alongside the provision of adequate childcare facilities. In this way, women can engage in paid employment without bearing the full burden of domestic responsibilities.

By combining legal reinterpretation with gender mainstreaming strategies, the reconstruction of gender equality within the families of working couples becomes achievable. This process is undoubtedly complex, as it requires both structural and cultural transformation. However, as Berger's social construction theory suggests that social reality is constructed and therefore changeable, gender inequality that is currently perceived as natural can be reconstructed into a more just and equitable social reality.

Conclusion

This study demonstrates that gender inequality in the families of working couples in Tanjungbalai remains deeply entrenched, despite the fact that Indonesia's marriage law normatively affirms the principle of equality between husband and wife. The field findings reveal two dominant patterns of injustice, namely the *double burden* and the subordination of women. Women in Tanjungbalai continue to bear a dual workload even though they make significant contributions to household income. In addition, they are positioned in subordinate roles in household decision-making, resulting in the marginalization of their authority within the family. These findings indicate a substantial gap between legal texts and social practices shaped by patriarchal cultural constructions.⁴⁵

Analysis using Peter L. Berger's social construction theory helps explain how this gender inequality is continuously reproduced. The process of externalization is evident in everyday practices that assign women primary responsibility for domestic labor; objectivation occurs when these practices are institutionalized through social norms and legal interpretations; and internalization is reflected in women's acceptance of double burdens and subordination as natural conditions. Through this framework, Berger's theory illustrates that gender inequality is not inherent or natural, but rather a socially constructed reality that is produced, legitimized, and sustained through social interaction—and therefore remains open to reconstruction.⁴⁶

From a legal perspective, this study finds that although Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law provide a normative foundation for equality, patriarchal interpretations dominate their practical implementation. Provisions that designate the husband as head of the household are frequently

⁴⁵ Interview with Mrs. Ri, a fish trader at the Wire Market, November 12, 2023; Interview with Mrs. Lm, contract teacher in Tanjungbalai, November 15, 2023.

⁴⁶ Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (New York: Anchor Books, 1966), 71–105.

understood as legitimizing male superiority, while the wife's obligation to manage household affairs is interpreted as justification for unequal domestic burdens. This situation demonstrates that Indonesian family law contains a dual potential: on the one hand, it can support gender equality; on the other hand, it can reinforce inequality if interpreted narrowly and uncritically.⁴⁷

The novelty of this study lies in two key aspects. First, from a theoretical perspective, it integrates Peter L. Berger's social construction theory with an analysis of Islamic family law in Indonesia—an approach that remains relatively rare in existing scholarship. This integration enriches the sociology of family law by illuminating the dialectical relationship between legal texts and social practices in shaping gender realities. Second, from a practical perspective, this study presents an empirical case of working families in Tanjungbalai to illustrate concrete manifestations of gender inequality, while simultaneously offering gender-responsive strategies for legal reinterpretation and the mainstreaming of equality within family life.⁴⁸

Based on these findings, this study offers several practical recommendations. First, legal provisions within the Marriage Law and the Compilation of Islamic Law should be reinterpreted to emphasize equality more explicitly, particularly by understanding the concept of “head of the household” in functional rather than hierarchical terms. Second, local governments and religious institutions should strengthen gender-based family law literacy programs to promote public awareness that equality constitutes a fundamental principle of marriage law. Third, gender mainstreaming strategies should be integrated into family development policies through social campaigns, equality education in schools, and the provision of supportive facilities for working women. Through these measures, it is expected that entrenched social constructions of inequality can be reconstructed toward a more just and equitable family reality.⁴⁹

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⁴⁷ Mohammad Asyhar, “Kritik Terhadap Konsep Kepala Keluarga dalam UU Perkawinan,” *Jurnal Hukum Islam* 15, no. 2 (2019): 211–230.

⁴⁸ Musdah Mulia, *Islam dan Inspirasi Kesetaraan Gender* (Jakarta: Gramedia, 2006), 67–69.

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