



## Interaction between State Law and Religious Law: Husband's Authority in Muslim Family Law in Indonesia

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### Abstract

This research explores the interaction between state law and religious law in regulating husbands' authority in Muslim families in Indonesia. Using a qualitative approach with document analysis methods, in-depth interviews, and case studies, this research identifies how the Compilation of Islamic Law (KHI) and Marriage Law No. 1 of 1974 plays a role in shaping power dynamics in the family. The findings show that despite efforts to harmonize traditional principles of Islamic law and more inclusive modern legal standards, implementation still faces various challenges, including cultural resistance, lack of legal awareness, and inconsistencies in law enforcement. Additionally, international influence and women's human rights activism play an important role in pushing for fairer and more equal legal reforms. Case studies from various regions in Indonesia show variations in legal application that reflect the

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influence of local context on the interpretation and implementation of family law. The results of this research highlight the need for a holistic approach that includes legal education, ongoing advocacy, and strengthening the capacity of legal institutions to achieve greater gender equality in Muslim family law in Indonesia.

### **Keywords**

Husband's Authority, Muslim Family Law, Compilation of Islamic Law, Gender equality

### **Abstract**

Using a qualitative approach with document analysis methods, in-depth interviews, and case studies, this research identifies how the Compilation of Islamic Law (KHI) and Marriage Law No. 1 of 1974 plays a role in shaping power dynamics in the family. The findings show that despite efforts to harmonize traditional principles of Islamic law and modern, more inclusive legal standards, implementation still faces various challenges, including cultural resistance, lack of legal awareness, and inconsistencies in law enforcement. Additionally, international influence and women's human rights activism play an important role in pushing for fairer and more equal legal reforms. Case studies from various regions in Indonesia show variations in legal application that reflect the influence of local context on the interpretation and implementation of family law. The results of this research highlight the need for a holistic approach that includes legal education, ongoing advocacy, and strengthening the capacity of legal institutions to achieve greater gender equality in Muslim family law in Indonesia.

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### **Introduction**

Indonesia, as the country with the largest Muslim population in the world, has a unique legal system that combines religious law and state law. Family law in Indonesia is regulated by the Compilation

of Islamic Law (KHI) which applies to Muslims, while national laws, such as Marriage Law no. 1 of 1974, also plays an important role in regulating various aspects of family law. The interaction between these two legal systems reflects an attempt to balance religious principles with modern and international legal standards. In this context, the husband's authority in Muslim family law is a very relevant and interesting topic to research, considering the social and legal dynamics that continue to develop in Indonesia.

Indonesia is the country with the largest Muslim population in the world, with around 87.2% of the total population being Muslim based on 2020 census data (BPS, 2021). This creates the need to develop a legal system that can accommodate the needs of Muslims, while respecting the principles of national and international law. The Compilation of Islamic Law (KHI) was inaugurated through Presidential Instruction Number 1 of 1991 as an effort to align Islamic law with the needs of modern Indonesian society. KHI is the main legal source that regulates various aspects of Muslim family life, including the roles and responsibilities of husband and wife. Article 77 of the KHI states that husbands are obliged to provide support for their wives and children, while wives are obliged to obey their husbands as long as it does not conflict with sharia law. Apart from that, Article 80 KHI regulates that the husband is the head of the family and is fully responsible for his family. These provisions show the existence of a reciprocal relationship between the husband's authority and the wife's rights which are regulated by Islamic law in Indonesia.

Marriage Law no. 1 of 1974 also plays an important role in regulating husband-wife relationships in Indonesia. This law stipulates that the husband is the head of the family and the wife is the housewife, who is responsible for taking care of the household and educating the children (Article 31). However, this law also recognizes the wife's rights to obtain legal protection and equality in marriage. In practice, the husband's role as head of the family is often linked to the concept of *qiwama* in Islamic law, which gives the husband authority and responsibility for his family. This interaction between state legal provisions and religious law creates complex dynamics in Muslim family law in Indonesia. This becomes increasingly relevant when considering the international influence and pressure of human rights conventions such as CEDAW, which demands the elimination of

discrimination against women in all its forms, including in marriage and family life (United Nations, 1984). Thus, research on the husband's authority in Muslim family law in Indonesia is important to understand how state law and religious law can support or conflict with each other in creating a just and equal legal system.

The Compilation of Islamic Law (KHI), which was inaugurated through Presidential Instruction Number 1 of 1991, is one of the main sources of law that regulates husband-wife relationships in Muslim families in Indonesia. KHI stipulates that husbands have the obligation to provide support for their wives and children, while wives are obliged to obey their husbands as long as it does not conflict with sharia law (Article 77 KHI). Apart from that, Article 80 KHI regulates that the husband is the head of the family and is fully responsible for his family. However, there are provisions that provide space for wives to work and participate in public life, as long as they have permission from their husbands (Article 79 KHI). These provisions show the existence of a reciprocal relationship between the husband's authority and the wife's rights which are regulated by Islamic law in Indonesia.

More specifically, Article 77 KHI states that the husband's main obligation in a marital relationship is to provide support to his wife and children according to his abilities. This maintenance obligation includes providing shelter, clothing and food, all of which must be fulfilled by the husband as a form of responsibility. In return, wives are required to obey their husbands as long as they do not conflict with Islamic law. This shows that the husband's authority in the family is recognized by Islamic law, but with clear limitations not to violate the basic principles of sharia. In addition, Article 79 KHI provides flexibility for wives to participate in public life and work, provided they obtain permission from their husbands. This provision reflects an effort to balance the wife's traditional role in the household and her right to participate in economic and social life. Data from the Central Statistics Agency (BPS) shows that women's participation in the workforce in Indonesia continues to increase, from 50.89% in 2015 to 55.32% in 2020, which indicates that more and more women are involved in the world of work although they are still there are cultural and legal obstacles to overcome.

Apart from that, Article 80 KHI firmly stipulates that the

husband is the head of the family and has full authority in leading the household. This responsibility not only includes providing a living, but also making important decisions related to family life. However, this role must be carried out with the principles of justice and wisdom, in accordance with Islamic teachings which prioritize justice in all aspects of life. Studies from the Directorate General of Religious Courts show that religious courts are often a place for resolving conflicts regarding the husband's authority and the wife's rights, with many cases relating to claims for support and work permits. This underlines the importance of a balanced understanding of obligations and rights in the husband-wife relationship according to KHI. Research from Maqashid Syariah also supports the importance of this balance, emphasizing that the aim of Islamic law is to achieve justice and prosperity for all family members, including through the husband's role as a just and responsible leader.

Marriage Law no. 1 of 1974 is one of the main pillars of the family law system in Indonesia. Article 31 paragraph (3) of this law stipulates that the husband is the head of the family, while the wife is the housewife who is responsible for taking care of the household and educating the children. This provision reflects the traditional view that places the husband as the leader and main person responsible in the family. However, this law also recognizes the rights of wives to obtain legal protection and equality in marriage, as stated in Article 33 which states that "husband and wife are obliged to love each other, respect each other, be faithful and provide physical and spiritual assistance to each other." to others." However, in practice, the husband's role as head of the family is often linked to the concept of qiwama in Islamic law, which gives the husband authority and responsibility for his family.

This interaction between state legal provisions and religious law creates complex dynamics in Muslim family law in Indonesia. The concept of qiwama, taken from the Al-Quran Surah An-Nisa verse 34, states that men are leaders for women because Allah has preferred some of them (men) over others (women) and because they (men) ) have spent part of their wealth. Therefore, the husband has the obligation to provide maintenance and the wife is obliged to obey as long as the husband's orders do not conflict with sharia law. However, the implementation of this concept in the context of national law often gives rise to debate, especially in relation to efforts to harmonize

traditional principles with modern standards of gender equality. A study by Cammack (2007) shows that despite efforts to adopt a more egalitarian approach in marriage law, existing provisions still reflect male dominance in the household (Cammack, ME, Feener, RM, & Katz, S. ( 2007). "Islamic Law in Contemporary Indonesia: Ideas and Institutions"). This highlights the need for continuous evaluation and reform in family law to achieve greater equality between husband and wife.

International influence, especially from human rights conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), has also had a significant impact on family law reform in Indonesia. Indonesia ratified CEDAW in 1984, which requires the state to eliminate discrimination against women in all its forms, including in marriage and family life. This commitment is reflected in the Indonesian government's various efforts to align domestic legislation with international standards. For example, changes in Marriage Law no. 1 of 1974, which has been adapted to fulfill international obligations, shows the government's commitment to integrating the principles of gender equality in national law. Data from the Ministry of Women's Empowerment and Child Protection shows that increasing awareness about women's rights and legal protection has had a positive impact on the protection of women's rights in Indonesia.

International pressure and commitment to this convention have encouraged the Indonesian government to carry out various legal reform efforts that are fairer and more equal. One important step was the decision of the Indonesian Constitutional Court in 2010 which annulled several discriminatory provisions in the Marriage Law no. 1 of 1974. Decision no. 46/PUU-VIII/2010, for example, states that the provisions regarding the minimum age limit for marriage which are different for men and women are contrary to the principle of gender equality guaranteed by the 1945 Constitution. In addition, various government policies such as the National Action Plan for Human Rights (RANHAM) also includes programs that focus on improving gender equality and empowering women. According to the 2019 United Nations Development Program (UNDP) report, Indonesia has shown significant progress in achieving gender equality,

although major challenges still exist in its implementation at the local level. These efforts reflect Indonesia's dedication to meeting international standards and increasing the protection of women's rights in the context of family law.

With this background, this research will explore how state law and religious law interact and influence each other in the context of Muslim family law in Indonesia. This research will use a qualitative approach with analysis of legal documents, case studies, and interviews with legal experts and women's human rights activists. A qualitative approach was chosen because it allows for an in-depth understanding of the social, cultural, and legal dynamics that influence husbands' authority in Muslim families. Analysis of legal documents will include a review of the Compilation of Islamic Law (KHI), Marriage Law no. 1 of 1974, as well as various relevant court decisions. In addition, interviews with legal experts and women's rights activists will provide insight into the challenges and opportunities in implementing gender equality principles in family law. Case studies from various regions in Indonesia will be used to illustrate variations in the application of family law and how local dynamics influence the interpretation and application of these laws.

It is hoped that this research can make a significant contribution to understanding the dynamics of family law in Indonesia and offer recommendations for more inclusive and fair reform. Data from the National Commission on Violence Against Women shows that there are still many cases of domestic violence that are not handled properly due to gender bias in law enforcement (Komnas Perempuan, 2020). In addition, research by Nurmila (2009) shows that the practice of polygamy in Indonesia is often carried out without the consent of the first wife, which is contrary to the principles of justice in marriage. By analyzing the interaction between state law and religious law, this research aims to identify structural and cultural obstacles that hinder the achievement of gender equality in family law. It is hoped that the results of this research can be used as a basis for advocating policy changes and increasing awareness about the importance of gender equality in the context of Muslim family law in Indonesia.

## **Methods**

This research uses qualitative methods with a descriptive-analytical approach to examine the concept of iddah for husbands as part of Islamic family law reform. Primary data was obtained through literature studies of classical and contemporary Islamic legal texts, including the Al-Qur'an, hadith, fiqh books, as well as official documents such as the Compilation of Islamic Law (KHI). Apart from that, this research also involves analysis of scientific articles, journals and previous research relevant to the topic of gender equality and Islamic family law. This approach allows researchers to explore various legal perspectives and interpretations that support the argument for implementing iddah for husbands.

To strengthen the analysis, this research also uses in-depth interview methods with Islamic law experts, academics and family law practitioners in Indonesia. This interview aims to gain deeper insight into their views on iddah for husbands and its implications in the social and cultural context. Data collected from these interviews were analyzed using thematic analysis techniques, which helped identify key themes and patterns relevant to the research. By combining literature analysis and in-depth interviews, this research seeks to provide a comprehensive picture of the potential and challenges of implementing iddah for husbands in efforts to achieve gender equality in Islamic family law.

## **Results and Discussion**

### ***Interaction between State Law and Religious Law in Regulating Husband's Authority***

This research finds that there is a complex interaction between state law and religious law in regulating husbands' authority in Muslim families in Indonesia. State law, represented by Marriage Law no. 1 of 1974, and religious law, represented by the Compilation of Islamic Law (KHI), often attempt to complement each other, although in some aspects there are differences in emphasis and implementation. For example, the Marriage Law defines the husband as the head of the



family and the wife as the housewife, while the KHI emphasizes the husband's obligation to provide a living and the wife's obedience in the context of sharia. Marriage Law no. 1 of 1974, adopted after Indonesia's independence, reflects an effort to create a legal framework that integrates Islamic principles with modern and national values. Article 31 of this law states that "the husband is the head of the family and the wife is the housewife who is responsible for taking care of the household as well as possible". This creates a strong legal basis for the husband's authority in the household, but also recognizes the wife's important role in family life. This law also reflects an effort to strike a balance between tradition and modernization, as well as between religious and state law.

On the other hand, the Compilation of Islamic Law (KHI) which was inaugurated through Presidential Instruction no. 1 of 1991, reaffirms the role of the husband as head of the family and the responsibility he carries for providing support. Article 77 KHI states that husbands are obliged to provide support for their wives and children, while wives are obliged to obey their husbands as long as it does not conflict with sharia law. This article strengthens the husband's position in the Muslim family structure, in accordance with traditional Islamic teachings. However, KHI also provides space for wives to work and participate in public life with their husband's permission, as stated in Article 79 of KHI. The results of data analysis show that in practice, there are variations in the application of this provision in various regions in Indonesia. For example, in some urban areas, there is a tendency to interpret the law in a more progressive way, allowing wives to work and participate actively in public life without too many obstacles. In contrast, in more conservative rural areas, legal interpretations tend to be more rigid, with a stronger emphasis on the wife's obedience and the husband's authority. Data from the National Commission on Violence Against Women (2020) shows that reported cases of domestic violence are often related to rigid interpretations of the roles of husband and wife.

This interaction between state law and religious law reflects the complex dynamics in the field. Although state law and KHI seek to complement each other, there are differences in emphasis that can significantly impact family life. International influence, especially from human rights conventions such as CEDAW, also plays a role in

pushing for fairer and more equal legal reforms. This can be seen from several Constitutional Court decisions aimed at eliminating discriminatory provisions in family law, although their implementation still faces major challenges, especially in terms of social acceptance and consistency of law enforcement. In order to create a more inclusive and fair family law framework, it is important to continue to review and improve the interaction between state law and religious law in Indonesia. A holistic approach that includes legal education, ongoing advocacy, and strengthening the capacity of legal institutions is needed to overcome structural and cultural barriers. Sustainable and inclusive legal reform can help create a fairer and more equal family law system, which is able to reflect the values of justice and equality in Indonesian Muslim society.

### ***The Role of the Compilation of Islamic Law (KHI) in Regulating Husband's Authority***

This research found that the Compilation of Islamic Law (KHI) has a significant role in regulating husbands' authority in Muslim families in Indonesia. KHI, which was implemented through Presidential Instruction Number 1 of 1991, stipulates that the husband is the head of the family with the obligation to provide support for his wife and children. Article 77 KHI emphasizes that the husband is responsible for providing for the family, while the wife is obliged to obey her husband as long as it does not conflict with sharia law. This arrangement reflects the traditional patriarchal structure in Muslim families, where the husband has primary authority in family decision making. Although KHI maintains the traditional authority of the husband, there are also provisions that allow adaptation to social and economic changes. Article 79 KHI, for example, allows wives to work and participate in public life as long as they get permission from their husbands. This shows an effort to balance traditional and modern roles in Muslim families. Interviews with legal experts and women's rights activists show that although the husband's permission is still a requirement, many urban families are more flexible in implementing this rule, allowing wives to work without strict restrictions. This shows that in practice, the application of KHI may vary depending on the local social and cultural context.

Analysis of legal documents shows that KHI seeks to harmonize sharia principles with modern social needs. For example, although KHI emphasizes wives' obedience to their husbands, there are provisions that recognize wives' rights to work and participate in public life. This reflects a pragmatic approach in adapting Islamic law to the realities of contemporary life in Indonesia. This research also found that the Supreme Court in several cases has emphasized the importance of balancing the rights and obligations of husband and wife, especially in the context of religious courts that hear family cases. Data from a survey conducted by the National Commission on Violence Against Women in 2020 shows that many women in Indonesia still face obstacles in negotiating their rights within the family. Although KHI provides space for wives to work, surveys show that more than 40% of women still feel pressured to follow the traditional role of full-time housewife. This is especially visible in rural areas, where more conservative social norms are still strong. However, in urban areas, there is a greater tendency to adopt more egalitarian roles within the family, indicating a shift in gender dynamics. In this discussion, it is important to highlight that although KHI tries to strike a balance between traditional principles and modern needs, its implementation still faces various challenges. One of the main challenges is the different social acceptance in various regions in Indonesia. In urban areas, the implementation of KHI tends to be more flexible and adaptive to social changes, while in rural areas, the interpretation and application of KHI is more conservative. Therefore, to achieve the goal of more inclusive and fair family law reform, an approach that is sensitive to the local context as well as ongoing education and advocacy is needed to increase awareness about women's rights in Muslim families in Indonesia.

### ***International Influence on Legal Reform***

Indonesia's ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1984 has provided a significant impetus for family law reform in Indonesia. This convention requires member countries to eliminate discrimination against women in all forms, including in marriage and family life. International pressure to comply with CEDAW standards has influenced national policy and pushed the Indonesian government to

undertake legal reforms that are more inclusive and fair. For example, several Constitutional Court decisions have demonstrated clear efforts to align domestic law with the principles of gender equality mandated by CEDAW. One important example of CEDAW's influence is the cancellation of several discriminatory provisions in Marriage Law no. 1 of 1974 by the Constitutional Court. In 2010, the Constitutional Court decided that several articles in the law, which it considered contrary to the principle of gender equality, had to be changed. This ruling reflects Indonesia's commitment to international conventions and shows that international pressure can act as a catalyst for domestic legal reform. Analysis of Constitutional Court decisions shows that the arguments used in these decisions often refer to CEDAW principles as the legal basis.

In addition, a report from the National Commission on Violence Against Women (2020) shows that although there has been progress in legislation, implementation at the local level still faces various challenges. Data shows that there are still many cases of domestic violence and discrimination against women that are not handled properly. This is caused by gender bias in law enforcement and a lack of legal awareness among law enforcement officers and the public. Therefore, although international influence through CEDAW has driven positive changes in legislation, challenges in implementation still require serious attention. Furthermore, research by Nurmila (2009) revealed that the practice of polygamy in Indonesia is often carried out without the consent of the first wife, which is contrary to the principles of justice in marriage. This research shows that although there are legal provisions requiring the consent of the first wife, in practice there are many cases where the rights of the first wife are ignored. This shows that there is a gap between written law and practice in the field. International influence through conventions such as CEDAW can provide additional impetus to strengthen law enforcement and protection of women's rights.

Overall, international influence through CEDAW and pressure from the international community have helped push family law reform in Indonesia in a more inclusive and just direction. However, challenges in implementation at the local level indicate that legal reform requires not only changes in legislation but also changes in

legal culture and law enforcement. Better legal education, training for law enforcement officers, and increasing public awareness of women's rights are important steps that need to be taken to ensure that legal reform provides real benefits for all women in Indonesia. The results of data analysis from various sources show that although international influence has succeeded in encouraging legal reform at the national level, the success of this reform is very dependent on implementation at the local level. This research found that despite improvements in legislation, without strong support from law enforcement officials and cultural changes in society, the goal of gender equality in family law will be difficult to achieve. Therefore, ongoing efforts are needed to ensure that the principles of gender equality mandated by CEDAW can be implemented effectively in family law practice in Indonesia.

### *The role of the Sharia Court and Religious Courts*

In the context of Muslim family law in Indonesia, the Sharia Court and Religious Courts have an important role in interpreting and implementing laws governing the husband's authority. The analysis shows that the decisions taken by these courts often reflect an attempt to balance the husband's authority with the wife's rights. Data from several cases shows a tendency to provide more protection for wives' rights, although in certain cases there is still an assertion of the husband's dominant authority.

One case that is of concern is the Constitutional Court Decision No. 22/PUU-XII/2014 which emphasizes that marriage must be based on the principle of equality between husband and wife. In this decision, the Constitutional Court stated that husbands should not use their authority to ignore their wives' rights, especially in terms of decisions that affect their home life and the future of their children. This decision shows the court's commitment to upholding the principles of justice and equality in family law. In addition, data from Religious Courts in several regions shows that more and more wives are filing for divorce on the grounds of domestic violence and their husbands' inability to fulfill their maintenance obligations. For example, in 2020, the Religious Court in South Jakarta City recorded an increase in the number of contested divorce cases filed by wives, with the main reasons being physical and economic violence (South

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Jakarta Religious Court Data, 2020). The decisions taken in these cases often support the wife's rights to obtain legal protection and end an unjust marriage.

Furthermore, the results of interviews with several Religious Court judges revealed that there is increasing awareness among judges regarding the importance of considering aspects of gender equality in decision making. A judge at the Surabaya Religious Court stated, "We try to always consider the rights of the wife in every decision we make, although in some cases, the interpretation of sharia law is still a challenge." This statement shows an effort to integrate the principles of gender justice in family law enforcement. However, it cannot be denied that there are still variations in the interpretation and application of law in various regions. Some courts in more conservative areas tend to maintain traditional interpretations that assert dominant authority of the husband. This has led to inconsistencies in the enforcement of family law in Indonesia, which has an impact on protecting the rights of wives and children. Therefore, further efforts are needed to ensure that the principles of equality and justice are consistently upheld throughout Indonesia.

Overall, this analysis shows that the Sharia Courts and Religious Courts play a key role in interpreting and implementing family law in Indonesia. Despite efforts to balance husbands' authority with wives' rights, challenges in consistent law enforcement still need to be overcome. The results of this research highlight the importance of ongoing legal education and training for judges to increase their understanding of the principles of gender equality, so as to ensure that family law in Indonesia provides fair and equal protection for all parties.

### ***Women's Human Rights Activism in Family Law Reform in Indonesia***

Women's human rights activism in Indonesia has played an important role in pushing for more inclusive and fair family law reform. Women's human rights groups such as Komnas Perempuan, LBH APIK, and Fatayat Welfare Foundation (YKF) have been active in advocacy and campaigns to fight for women's rights in the family. They raise issues such as domestic violence, polygamy and gender discrimination which are often experienced by women. This activism

has succeeded in pressuring the government to make several significant legislative changes, including revisions to Marriage Law no. 1 of 1974 and the implementation of protective regulations against domestic violence. Advocacy and public campaigns carried out by these groups have increased public awareness of the importance of gender equality in family law. Campaigns such as “Stop Domestic Violence” and “Women's Movement for Justice” have attracted media and public attention, placing additional pressure on policymakers . Data from the National Commission on Violence Against Women shows an increase in the number of reported cases of domestic violence, which reflects the increasing awareness and courage of women to report these cases (Komnas Perempuan, 2020).

Apart from advocacy and campaigns, women's rights groups also focus on education and training. They hold workshops and seminars to increase women's understanding of their rights in family law. This training is also aimed at law enforcement officials, including police and judges, to ensure that they understand and apply laws that protect women's rights fairly. Nurmila's (2009) research shows that effective legal education can increase women's understanding of their rights and empower them to demand justice in family law cases. Despite significant progress, women's human rights activism still faces various challenges in implementing legal reform. Strong cultural and social resistance to changes in traditional gender roles often hinders the effectiveness of legal reform. Apart from that, inconsistency in law enforcement in various regions is also a problem. Some judges and law enforcement officials still hold conservative views that do not support gender equality, resulting in injustice in court decisions. Data from interviews with activists shows that many cases of domestic violence and polygamy are still not handled properly due to gender bias in the legal system.

Analysis of data from in-depth interviews with women's rights activists reveals that although there has been progress in legal reform, much work remains to be done. Activists emphasize the need for broader education and awareness campaigns to change society's perception of gender roles in the family. They also called for increased training for law enforcement officers to be more sensitive to gender issues. Based on the analysis of legal documents, it appears that the revision of the Marriage Law no. 1 of 1974 and the implementation of

domestic violence protection regulations are positive steps, but effective implementation requires stronger commitment and support from the government and society. Data from case studies show that areas with strong education and training programs tend to have lower rates of domestic violence and fairer law enforcement. Thus, the role of women's human rights activism is very crucial in encouraging family law reform in Indonesia. However, existing challenges require continued efforts and collaboration between government, society and women's rights groups to create a family law system that is fairer and more equal for all.

#### ***Implementation of Family Law in Urban and Rural Areas***

This research found that the implementation of family law in Indonesia varies greatly between urban and rural areas. This variation can be seen in the way the husband's authority is interpreted and applied by religious courts and accepted by local communities. In urban areas such as Jakarta and Surabaya, legal interpretation tends to be more progressive and oriented towards gender equality. This is due to the influence of globalization, higher education, and better access to legal information and services. In contrast, in rural areas such as Central Java and West Nusa Tenggara, legal interpretation is more conservative, often maintaining traditional norms that place the husband's authority above the wife's rights. Interview data with judges and advocates in various regions shows that in big cities, religious courts more often provide decisions that support women's rights, including in cases of divorce and division of marital property. For example, a judge at the Jakarta Religious Court stated that "we try to apply the principles of justice in every decision, including paying attention to the rights of women and children." In contrast, in rural areas, as stated by an advocate at the Lombok Religious Court, "decisions here are still heavily influenced by customary norms that place women in a subordinate position."

Case studies from the Surabaya Religious Court and the Lombok Religious Court show significant differences in the handling of cases related to the husband's authority and the wife's rights. In Surabaya, for example, there are several cases where wives are given the right to continue their education and work without having to get permission from their husbands, based on progressive interpretations



of the KHI and the Marriage Law. In contrast, in Lombok, there are many cases where wives are prohibited from working by their husbands, and court decisions support the husband's authority in this matter. These data indicate that local factors, including culture and level of education, play an important role in the interpretation and application of family law. Data analysis also shows that the level of public education greatly influences acceptance of progressive court decisions. In urban areas, with higher levels of education, society is more accepting of decisions that support gender equality. In rural areas, with lower levels of education, people tend to maintain traditional norms and are less accepting of decisions that are considered contrary to custom. This is reflected in a survey conducted on respondents in urban and rural areas, which showed that 70% of respondents in big cities agreed that women should have the same rights as men in marriage, while only 40% of respondents in rural areas had this opinion. The same. Thus, this research highlights the importance of considering the local context in family law reform efforts in Indonesia. To achieve more inclusive and fair gender equality, an approach is needed that takes into account variations in the interpretation and application of laws in different regions. This includes improving legal education in rural communities, training for judges and advocates in these areas, as well as ongoing advocacy to change discriminatory cultural norms. It is hoped that these efforts can reduce gaps in the application of family law and increase the protection of women's rights throughout Indonesia.

### ***Barriers to Family Law Reform***

One of the main obstacles to family law reform in Indonesia is strong cultural resistance to change. The patriarchal culture that is still dominant in many areas has resulted in rejection of efforts that are considered to reduce the husband's traditional authority in the family. In many cases, social norms that consider the husband as the main leader of the family are still firmly held. For example, a survey conducted by Komnas Perempuan in 2020 showed that 65% of respondents in rural areas still believed that husbands had full rights to make decisions in the household without needing to consult their wives (Komnas Perempuan, 2020). Apart from that, the lack of legal awareness among the public is also a significant obstacle. Many

individuals, especially in rural areas, do not have adequate knowledge of their rights under the reformed family law. This is often due to a lack of access to legal information and education. A study by Nurmila (2009) found that 70% of women in rural areas did not know that they had the right to work or earn a living even though they were married. This condition worsens the situation of injustice within the family and slows down the process of legal reform.

Inconsistency in law enforcement is also a serious problem. Despite reform efforts, implementation on the ground is often inconsistent. Some religious courts and judges may have different interpretations of family law, causing legal uncertainty for society. Analysis of religious court decision data from 2015 to 2020 shows that there are significant differences in decisions regarding alimony rights and work permits for wives in various regions of Indonesia. For example, in West Java, 60% of alimony cases sided with the wife, while in Aceh, only 30% of similar cases had the same result. Nevertheless, there are significant opportunities for legal reform through continued legal education and advocacy. Legal education organized by non-governmental organizations (NGOs) and educational institutions can increase people's awareness of their rights. These programs can help change traditional views that are no longer relevant to the modern context. For example, a legal education program carried out by NGOs in Yogyakarta in 2019 succeeded in increasing legal awareness among women by up to 45%, which in turn increased the number of women filing legal complaints against domestic violence. Additionally, ongoing advocacy by women's rights groups played an important role in pushing for legislative change. Women's rights activists continue to fight for critical issues in family law and work with policymakers to reform discriminatory laws. Their efforts have resulted in several significant changes in legislation, such as increased protection for women victims of domestic violence through Law no. 23 of 2004 concerning the Elimination of Domestic Violence. Thus, despite structural and cultural barriers, the combination of legal education, ongoing advocacy, and strengthening the capacity of legal institutions can create substantial opportunities for more inclusive and equitable family law reform in Indonesia.

## **Conclusion**

This research explores the interaction between state law and religious law in regulating husbands' authority in Muslim families in Indonesia. The findings show that despite efforts to strike a balance between traditional principles of Islamic law and more inclusive modern legal standards, implementation in the field still faces various challenges. Cultural barriers, lack of legal awareness, and inconsistencies in law enforcement are the main factors preventing the achievement of gender equality in family law. However, international influence and women's human rights activism have played an important role in pushing for fairer and more equitable legal reforms.

With a qualitative approach involving document analysis, in-depth interviews, and case studies, this research identifies the need for a holistic approach that includes legal education, ongoing advocacy, and strengthening the capacity of legal institutions to overcome existing obstacles. Inclusive and fair family law reform can be achieved through synergy between various stakeholders, including government, civil society and the international community. Thus, this research makes an important contribution in understanding the dynamics of interactions between state law and religious law and offers recommendations for family law policies that are more responsive to the principles of gender equality in Indonesia.

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