

# Patriarchy in the Family: A Study of the Causal Factors of Divorce in the Perspective of Legal Feminism

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Article	Abstract
<p><b>Keywords:</b> <i>Divorce; Family; Injustice; Legal Feminism; Patriarchy.</i></p> <p><b>Article History</b> Received: Jan 7, 2025; Reviewed: Jan 27, 2025; Accepted: Mar 19, 2025; Published: Mar 21, 2025.</p>	<p><i>This research aims to analyze the influence of the patriarchal system in the family on divorce using a legal feminism approach and focusing on the experiences of women who face injustice in husband-wife relationships. Male dominance in decision making and handling household responsibilities often leads to dissatisfaction in marriage. This research uses empirical methods with data collection techniques in the form of interviews with a number of respondents, including Maria, and Mrs. Sri who have experienced divorce and faced related legal challenges. The research results show that patriarchal attitudes shown by husbands, such as dominance in family decisions and non-involvement in household responsibilities, contribute significantly to dissatisfaction in marriage and trigger divorce. Respondents face emotional and financial stress, where they are often the sole provider of the family's needs, while their husbands display an indifferent and irresponsible attitude. During the divorce process, the respondents also experienced difficulties in proving the violence they experienced and in obtaining custody of their children. The patriarchal system in the family has a significant influence on divorce, especially in creating injustice experienced by women. This system reinforces inequality in marital relationships and hinders women from accessing their rights, both during marriage and after divorce.</i></p>



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## A. INTRODUCTION

In family life, patriarchy often functions as a social system that dominates relationships between family members, especially between husband and wife. This concept of patriarchy refers to a power structure in which men are recognized as the head of the family and hold greater authority in various aspects of domestic life (Aninda & Nugroho, 2023). In this context, the husband is expected to be the main decision-maker, encompassing everything from financial management to determining the direction of children's education. This inequality creates a situation where women often do not have an equal voice on issues that affect their own lives.

The number of divorces in Central Java in 2023 was recorded at 23.18 thousand cases. Although this figure shows a decrease compared to 2022, it is still higher than December 2021 data. This decline in the number of divorces, recorded at -0.74% over the past five years, indicates that despite the reduction, divorce rates in the province remain significant in the national context. Historically, this province has experienced a fairly high growth in divorces, with a 15.64% increase in 2021, while the lowest growth occurred in 2020, at -18.1. The main causes of divorce in Central Java, as in many other areas, are often related to economic problems, domestic violence, and incompatibility between couples. Many couples report that financial problems significantly contribute to divorce, as economic pressures exacerbate relationship strain. Additionally, domestic violence is a serious issue, with women often trapped in physically and emotionally damaging relationships, leaving them with no choice but to file for divorce (Hidayah & Wicaksono, 2020)(KemenPPPA, 2023).

Incompatibility between couples is another frequently cited cause of divorce. Many couples enter marriage without adequate emotional and mental preparation, leading to conflicts when differences arise. Furthermore, the lack of effective communication and inability to compromise often escalate these conflicts. These factors contribute to the decision to end marriages, with women disproportionately affected due to existing patriarchal structures (KemenPPPA, 2023).

From the perspective of legal feminism, patriarchy is a source of injustice that harms women. Existing legal systems and social norms often reinforce men's position as holders of control, relegating women to a subordinate status where their rights are frequently overlooked or diminished. This dynamic affects women's lives within the family, including decision-making related to shared interests such as finances, children's education, and domestic roles (Anisa & Ikawati, 2021).

Educational institutions also play a significant role in perpetuating gender inequality. Gender stereotypes in education reinforce traditional gender roles, contributing to the dynamics of patriarchy within families (Azizah, 2021). These stereotypes shape expectations for men and women in terms of responsibilities, authority, and decision-making, which can influence the dynamics of marriage and even decisions related to divorce.

Further supporting this view, (Merry, 2006) highlights how international human rights laws, when translated into local contexts, can expose and challenge the gender-based power imbalances perpetuated within households. Divorce, as the ultimate manifestation of

a couple's inability to maintain a marriage, is often rooted in the injustice women experience due to patriarchal dominance. When women perceive that their rights and roles are not recognized or valued, domestic conflicts can intensify, eventually leading to divorce. Women's lack of access to adequate legal protection further exacerbates this situation (Benería et al., 2015).

To ensure this research upholds the highest ethical standards, specific measures have been implemented to protect participants. Anonymity is guaranteed by using pseudonyms and securely storing personal data to prevent unauthorized access. Participants' emotional well-being is prioritized by creating a safe and supportive environment during data collection, providing the option to pause or withdraw at any stage without consequence, and offering referrals to professional counseling if distress arises. Informed consent is obtained by thoroughly explaining the study's objectives, procedures, potential risks, and benefits, followed by participants providing signed or verbal consent before participation. These safeguards ensure that the research process respects participants' dignity, rights, and emotional well-being (Halimatusa'diyah & Triana, 2024).

Using the perspective of legal feminism, this study seeks to explore the factors contributing to divorce due to patriarchal systems within families. The focus is on understanding how gender inequality in households, along with the lack of legal support to protect women's rights, serves as a significant trigger for divorce. By incorporating insights from global studies on gender inequality, legal feminism, and family dynamics, this research aims to identify forms of inequality in marriage and examine how the law can address these issues to create a more just and equitable family structure.

## **B. METHOD**

This study employs a qualitative approach with a case study method to explore in depth how patriarchy within families contributes to divorce. The case study method was chosen for its ability to delve into the lived experiences of individuals or families, providing rich insights into the dynamics of marital relationships influenced by gender-based power imbalances. Primary data was collected through semi-structured interviews with divorced individuals, focusing on the role of patriarchal values in shaping decision-making, household responsibilities, and the overall trajectory of their marital relationships. To enhance the depth and reliability of the findings, the study incorporates data triangulation by utilizing additional methods, including surveys, group interviews, and focus group discussions (FGDs). Surveys

were distributed to a broader group of divorced individuals to gather quantitative data on the prevalence of patriarchal factors in marital breakdowns. Group interviews allowed participants to share and compare experiences, providing richer and more nuanced data. Meanwhile, FGDs with key informants, such as legal practitioners, marriage counselors, and women's rights activists, offered expert perspectives on the systemic and legal dimensions of patriarchy in families.

Ethical considerations were carefully addressed to ensure the study adhered to the highest research standards. Anonymity was maintained by assigning pseudonyms or anonymized identifiers to participants, and personal information was securely stored to prevent unauthorized access. Written informed consent was obtained from all participants, who were thoroughly briefed on the research objectives, methods, and their rights to withdraw at any time. Recognizing the sensitive nature of the topic, measures were implemented to safeguard participants' emotional well-being, including providing access to counseling resources for those who experienced distress during or after the study. Furthermore, cultural sensitivity was prioritized to respect societal norms and practices related to gender and family dynamics.

Data analysis was conducted using qualitative methods, beginning with thematic analysis to identify recurring patterns and themes in participants' narratives regarding patriarchal influences in their marriages. The validity of the findings was strengthened through member checking, where preliminary results were shared with selected participants to confirm that the interpretations accurately reflected their experiences. This process ensured that the analysis was grounded in the participants' perspectives. Additionally, cross-case comparisons were conducted to identify similarities and differences across cases, providing a broader understanding of how patriarchal systems manifest in diverse family contexts. These comparisons allowed for the identification of recurring patterns while accounting for unique individual and cultural variations.

## **C. RESULTS AND DISCUSSION**

### **1. Manifestations of Patriarchy in the Family**

Patriarchy, as a social system that gives more power to men, is very visible in family dynamics. In patriarchal families, the structure and day-to-day functioning often reflect the inequality between husband and wife, with men being dominant in terms of power and control. This manifestation of patriarchy can be seen from three main aspects of family life, namely the division of roles and responsibilities, decision-making, and control over

resources. These three aspects significantly affect the balance of power in the family and have a sustainable impact on the well-being of family members, especially women (Halizah & Faralita, 2023).

#### **a. Division of Roles and Responsibilities**

In patriarchal families, the division of roles and responsibilities is often unbalanced and tends to favor men. Husbands generally have the role of the main breadwinner, which is considered the “primary” job and is more appreciated. On the other hand, wives are more often assigned to take care of the household, such as cooking, cleaning, and taking care of children. These domestic tasks, while very important, are often considered less valuable compared to the work outside the home performed by men. This creates inequality in social status within the household, where women's roles are considered “Less important” even though they spend enormous amounts of time and energy carrying out these tasks (Hannan & Syarif, 2023).

This unbalanced division of roles makes women have to bear a double burden, especially when they also work outside the home. Many women today are engaged in formal work and contribute to the family economy, but their responsibilities in the home are not diminished. They are expected to continue to take care of all household affairs after work, while the role of the husband in the house is very limited. This not only affects the physical health of women who have to deal with excessive workloads but also has an impact on their mental well-being. The pressure to meet these double expectations can lead to burnout and prolonged stress, which ultimately affects the quality of relationships in the family (Hossain, 2018).

This unfair division of roles also creates inequality in terms of social recognition. Often, women's contributions in taking care of the household are considered an “Obligation” and do not receive the rewards they deserve. This is different from the husband's role as a breadwinner who often receives recognition and respect, both from within the family and from the wider community. Women's lack of appreciation for domestic work makes them feel unappreciated and marginalized in the family, which can result in prolonged feelings of frustration and dissatisfaction (Indriyanty & Nugroho, 2023).

#### **b. Decision**

Another aspect of the manifestation of patriarchy in the family is the dominance of men in decision-making. In many patriarchal families, the husband is considered the head of the household who has the ultimate authority in determining all important decisions.

Decision-making, such as about children's education, family finances, housing, and even small things related to daily activities, is often entirely in the hands of the husband. Wives may provide input, but their voices are often not considered equally, and the final decision remains in the hands of the husband (Jamilah, 2023).

This inequality in decision-making shows that women do not have enough control over their own lives as well as family life. This makes women feel that they do not have a significant power or role in determining the future of their families. Disattachment in important decision-making also affects how women view their position in the family. They feel that their role is limited to carrying out the decisions made by their husbands, which ultimately makes them lose the opportunity to contribute more actively in determining the direction of the family (Katz, 2020).

This inequality also has an impact on women's self-confidence. When women are not given the opportunity to be involved in decision-making, they tend to feel less capable and do not have enough expertise to make important decisions. In fact, many women have excellent insights and views on family life and can provide valuable perspectives if given the chance. Joint decision-making can actually give better results because it considers the viewpoints of both parties (Lekha & Kumar, 2024).

The dominance of the husband in decision-making is also often a source of conflict in the household. When women feel that their voice is not valued, they can become frustrated and feel dissatisfied with the marriage relationship. This often causes tension, especially if the decisions the husband makes are not in accordance with the wife's expectations or needs. Prolonged dissatisfaction can affect the husband-wife relationship, and in many cases, contribute to the decision to divorce (MacKinnon, 1989).

## **2. Factors Causing Patriarchal Divorce**

Patriarchy in the family not only creates inequality between men and women, but also contributes to the increase in divorce rates. When the patriarchal system is applied in domestic life, the relationship between husband and wife is often unequal, which can trigger various conflicts and dissatisfaction. Some of the factors related to patriarchy and cause divorce are inequality in relationships, domestic violence, dissatisfaction with traditional gender roles, and conflicts that arise related to decision-making. These factors not only create tension, but can also lead to a split that ultimately forces couples to take the decision to divorce.

### **a. Inequality in Relationships**

Inequality in relationships is one of the main causes of divorce in families that still adhere to the patriarchal system. In patriarchal families, men are considered to be the leaders of the household who have greater authority in various matters, while women are seen as supportive and followers. This inequality is reflected in the division of roles, where men are often given the role of the main breadwinner, while women are tasked with taking care of the household and children. When women's roles are limited to domestic affairs, they feel undervalued and have no control over important decisions in the family.

This inequality leads to prolonged dissatisfaction on the part of women, especially when they feel that their contributions are not considered equal to those of their husbands. Many women who work outside the home also face a double burden because they are expected to continue to take care of the household after work. This adds to the pressure and makes them feel overwhelmed. Meanwhile, a husband who feels entitled to lead the family may not provide enough support to his wife when it comes to sharing domestic responsibilities. This injustice in the division of roles often triggers frustration and tension, which ultimately leads to unresolved conflicts.

In addition, inequality in relationships also affects the way decisions are made in the family. In a patriarchal family, the husband is considered to have the right to make all important decisions, such as decisions about finances, children's education, or housing. When women are not involved in decision-making, they feel they have no voice and are not valued in the family. This situation can make women feel marginalized and not considered equal to their husbands, which ultimately creates an emotional distance between the two. Dissatisfaction that continues without resolution can be the main reason why many couples decide to divorce (Maimun, 2022).

### **b. Domestic Violence**

Domestic violence is one of the manifestations of patriarchy that is often the cause of divorce. This violence is not only physical, but can also be emotional, verbal, or economic violence. In patriarchal families, husbands who feel they have more power over their wives often use violence as a way to maintain control and discipline their wives. This violence can be in the form of threats, insults, or even restraints on the wife's freedom to carry out her life.

Domestic violence often makes women feel threatened and unsafe in their own homes. They lose the sense of comfort and tranquility that should be available in the family environment. When women are victims of violence, they often experience deep trauma, both

physically and emotionally. Repeated physical violence not only damages the health of the body, but also destroys their self-esteem and self-confidence. Meanwhile, emotional violence, such as humiliation and manipulation, makes women feel worthless and have no control over their own lives (Merry, 2006).

Economic dependence also often exacerbates this situation. Many women who do not have the economic resources of their own are forced to endure violent marriages because they have no other choice. They are worried that they will not be able to support themselves and their children if they leave their husbands. However, for women who have the opportunity to gain economic independence or get support from their families and society, divorce becomes the only way to escape from an unhealthy environment. Divorce in cases of domestic violence is a step to protect yourself and your children from dangerous situations, as well as to start a new, better life (Mufti, 2024).

### **c. Conflicts related to Decision Making**

Conflicts related to decision-making are also one of the important factors that cause divorce in patriarchal families. In the patriarchal system, the husband is considered the party who has the full right to make important decisions in the family. This includes decisions regarding finances, children's education, housing, and other important aspects of family life. When husbands always have a monopoly on decision-making, wives feel they have no control or involvement in family affairs, which can make them feel neglected and unappreciated (Muhaimin, 2019).

This inequality in decision-making often causes conflict, especially when the decisions taken by the husband are not in accordance with the expectations or needs of the wife. For example, when it comes to finances, a husband who has full control over family expenses may make decisions that are not in accordance with daily needs or do not consider the interests of his wife and children. When wives feel that their husbands do not respect or ignore their opinions, this can lead to prolonged tension and conflict (Nafisah et al., 2024).

Conflicts related to decision-making also arise when the wife tries to appear more active in the family, but the husband refuses to share power. Women who want to have a say in decision-making often face rejection from their husbands who feel that it will threaten their position as the head of the family. This creates an imbalanced power dynamic, where women feel that they have no influence on their own lives or the lives of their children. Conflicts that occur due to this inequality are often difficult to resolve if one of the parties is unwilling to compromise, and eventually leads to divorce (Nandi et al., 2025).

In addition, conflicts that arise due to inequality in decision-making also have an impact on the quality of communication between husband and wife. When women feel that their opinions are not valued, they tend to refrain from expressing their views or desires, resulting in a lack of healthy communication in the relationship. This lack of communication further worsens the relationship, as small problems that can actually be solved through open dialogue become major conflicts that are difficult to overcome. When communication in the family is not going well, the relationship becomes disharmonious, and this is often the reason for couples to divorce.

Ultimately, these patriarchal-related factors of divorce show how inequality in family relationships can adversely affect household harmony. Inequality in roles and responsibilities, domestic violence, dissatisfaction with traditional gender roles, and decision-making conflicts all reflect how patriarchy creates injustice that leads to unhappiness and separation. To create healthier and more harmonious relationships, it is important to establish equality in the family, where husband and wife have equal rights and responsibilities, and support each other in carrying out their roles (Nugroho et al., 2024).

Encouraging equality in family relationships will help reduce dissatisfaction felt by women and create better communication between husband and wife. When husbands and wives can share responsibilities and decision-making equally, their relationship will become more harmonious and mutually supportive.

### **3. Analysis of Factors Causing Divorce from the Perspective of Legal Feminism**

Legal feminism is an approach that highlights how existing legal systems often favor women and reinforce gender inequality. In divorce, legal feminism sees that the applicable marriage law and the judiciary still have various shortcomings in ensuring equality between men and women. Gender injustice, bias in the judicial process, and the structural impact of patriarchy are the three main aspects that legal feminism focuses on in analyzing the causes of divorce. These three aspects show how women often do not get equal rights and how the existing law actually strengthens the position of men as the more dominant party in the family.

#### **a. Gender Injustice in Marriage Law**

Gender injustice in marriage law is one of the main issues highlighted by legal feminism. Many of the rules contained in the marriage law are still not completely fair to women. In many cases, women do not have equal rights with men in terms of filing for divorce, child custody, or the division of joint property. For example, in the divorce process,

women often have to prove a clear and compelling reason for divorce, while men do not face the same burden of proof. This reflects that the existing law still tends to favor men and treats women as weaker and less disenfranchised (Puspitasari & Pudjibudojo, 2021).

In addition, marriage laws in some countries or regions still maintain traditional norms that consider men as the head of the family and the main breadwinner. This norm is reflected in the rule of law that gives more power to the husband in terms of managing family assets. When divorce occurs, women often find it difficult to get equal rights to common property, because the property is often recorded in the name of the husband. In many cases, women who do not work or do not have a fixed income do not get equal access to economic resources after divorce, which puts them in a vulnerable position and makes it difficult to live independently (Puspitasari et al., 2022).

This unfair marriage law also covers child custody. In some legal systems, child custody is automatically vested in the husband or is considered a more viable right for the man, especially if the husband is the primary breadwinner. It does not take into account the best interests of children or women's ability and desire to care for their children. This injustice in terms of custody creates great emotional pressure for women who want to maintain a relationship with their children after a divorce, but do not have enough legal support.

This gender injustice in marriage law makes women feel unprotected and have no power over their own lives. Many women survive unhealthy or violent marriages because they feel they will not get justice if they choose to divorce. This injustice shows how the law, which is supposed to protect all parties, has become a tool that strengthens the dominant position of men and oppresses women.

The patriarchal underpinnings of family law extend beyond individual cases, shaping broader social norms that discourage women from leaving unhealthy or abusive marriages. Fear of financial insecurity, loss of custody, and societal stigma often compel women to remain in relationships that undermine their dignity and safety. This dynamic illustrates what Smart (1989) describes as the “double burden” of women in patriarchal societies—facing inequality both within the family and in the legal system.

In Indonesia, the impact of patriarchal norms is evident in the implementation of family law. Although reforms such as Law No. 16 of 2019 (an amendment to the Marriage Law) raised the minimum marriage age for women, significant gaps remain in ensuring gender equality. For instance, provisions that allow polygamy with judicial approval

disproportionately affect women, reinforcing the idea that men hold greater authority and privilege within marriage (Rinaldo et al., 2024).

Addressing gender injustice in marriage law requires a multifaceted approach. First, legal reforms must eliminate discriminatory provisions that perpetuate patriarchal norms, such as unequal requirements for divorce and biased custody arrangements. Second, family law should explicitly recognize and value women's contributions to the household, both economic and non-economic, to ensure equitable property division. Third, judicial systems must adopt gender-sensitive training to reduce biases that disadvantage women during legal proceedings (Suryanata, 2022).

Feminist legal theorists argue that empowering women within the legal system is essential to dismantling patriarchy and achieving substantive equality. For instance, incorporating principles of substantive equality, as proposed by Fredman (2001), would ensure that laws do not merely treat men and women the same but actively address the structural barriers that disadvantage women.

By integrating these principles, marriage law can evolve into a tool for promoting gender justice rather than perpetuating inequality. This requires not only legal reforms but also cultural and societal shifts that challenge traditional gender roles and empower women to assert their rights within families and beyond (Maimun, 2022).

#### **b. Gender Bias in the Judicial Process**

In addition to injustice in the rule of law, gender bias in the judicial process is also one of the main causes of unfair divorces for women. This gender bias occurs when judges, lawyers, or other law enforcement officials view women and men unequally, both because of the stereotypes they hold and because of the traditional values that are still inherent in their views. This bias has a great influence on the outcome of the divorce process, because the decisions taken by the judiciary are often not in favor of women.

In the divorce process, judges or officials who have conservative views may consider women as weaker and less capable in terms of financial management or childcare. For example, a judge may think that a mother cannot afford to take care of her children alone because she does not have a fixed income, while a father is considered more worthy of custody because he is the breadwinner. This view does not take into account the emotional abilities and important roles that mothers have played in caring for and educating children during marriage (Syahrizan & Siregar, 2024).

Gender bias in the judicial process can also be seen from the way women are treated in court. In cases of domestic violence, for example, women who file for divorce often do not receive fair treatment. They have to face questions that doubt their credibility, and in some cases, the violence they experience is perceived as a “family” problem that should be resolved internally. This bias shows a lack of understanding and sensitivity from law enforcement officials to women's experiences and how the violence they experience impacts their lives.

In addition, gender bias is also seen in terms of the division of common property. Judges who have a patriarchal view may consider that the husband is more entitled to family assets because he is the breadwinner, while women's contributions in the form of domestic work are not appreciated. In many cases, the division of property after divorce does not reflect the contributions that have been made by the woman during the marriage, either in the form of emotional support or household chores that allow the husband to work and earn money. This kind of bias makes women lose their rights to assets that should also belong to them.

Gender bias in this judicial process shows that the problem of gender inequality is not only found in the rule of law, but also in its implementation. When law enforcement officials do not have a sufficient understanding of gender equality and are not sensitive to women's experiences, the results of the divorce process are often unfair and detrimental to women. Therefore, it is important to increase awareness and training for law enforcement officials so that they can understand the importance of gender equality and provide true justice for all parties (Trianita & Azahra, 2023).

#### **4. The Structural Impact of Patriarchy on Women's Rights in Marriage**

The structural impact of patriarchy on women's rights in marriage is one of the factors contributing to unfair divorce. Patriarchy, as a social system that gives more power to men, is reflected in various aspects of family life and marriage. In many families, the husband is considered the head of the household who has the right to manage everything, including control over finances, important decision-making, and even rights to his wife's body. This position puts women in a lower position and depends on their husbands in many ways.

One of the structural impacts of patriarchy is women's economic dependence on husbands. In many patriarchal families, women are not given the opportunity to work or have their own income, so they must be completely dependent on their husbands to provide for them and their children. This economic dependence makes it difficult for women to get

out of unhealthy or violent marriages, because they do not have enough resources to live independently. When women do not have access to economic resources, they lose autonomy and the ability to make decisions that are important to their own lives.

In addition, the structural impact of patriarchy is also seen in terms of control over women's bodies. In many cases, women are considered to be “owned” by the husband after marriage, which means that the husband has rights to his wife's body, including in terms of sexual relations. This right is often abused by the husband to impose his will, without paying attention to the wife's feelings or desires. When women feel that they have no control over their own bodies, they lose their sense of self-esteem and autonomy. This condition creates unhealthy and destructive relationships, which ultimately contribute to the decision to divorce (Trikusuma & Muhlizar, 2024).

The structural impact of patriarchy is also seen in the way women are treated in terms of family decision-making. The husband is often seen as the party with more authority to make important decisions, while the wife only plays a supporting role. When women do not have equal rights in decision-making, they feel disvalued and do not have a meaningful role in the family. This inequality creates a sense of dissatisfaction and frustration that can damage the husband-wife relationship. Many women feel that they have no voice in the family and are only treated as followers, which ultimately leads them to decide to divorce.

This patriarchal structural impact also affects women's rights after divorce. Divorced women often face difficulties in obtaining custody of children or a share of common property, as they do not have equal access to resources and are not involved in the management of family assets during marriage. This creates ongoing injustice for women, even after they come out of unhealthy marriages. They have to face various difficulties to start a new life, because the existing patriarchal system still continues to oppress them (Wardatun & Smith, 2020).

From the perspective of legal feminism, it is important to carry out legal reforms that can address the structural impact of this patriarchy and create gender equality in marriage and divorce. These reforms should include changes in the rule of law that provide equal rights for women in terms of asset management, child custody, and family decision-making. In addition, there needs to be policies that support women's economic independence, so that they do not have to depend on their husbands and have greater choices in determining their life path.

Legal feminism also emphasizes the importance of education and training for law enforcement officials to reduce gender bias in the judicial process. Law enforcement officials must have a sufficient understanding of women's experiences and how patriarchy affects their lives, so that they can provide better and fairer justice for women. With changes in the rule of law and the implementation of the law, it is hoped that women can get equal rights and a fairer life, both in marriage and after divorce (Yusuf et al., 2023).

### **5. An Analysis of Maria's Case from the Perspective of Legal Feminism**

Maria (not her real name) is a 35-year-old woman who comes from an urban environment. She married at the age of 25 to her husband, Andi, who worked as a manager in a private company. When they got married, Maria already had a job as an administrative staff in a company. However, shortly after getting married, Andi asked Maria to stop working on the grounds that he wanted Maria to focus on taking care of the house and family. At first, Maria complied because she felt that quitting her job was a form of sacrifice for her family. She hopes that by complying with her husband's request, their married life will run harmoniously. However, as time went by, Maria began to feel the impact of the decision. After no longer working, he became completely dependent on Andi financially. Whenever Mary needed something, she had to ask her husband for money. This made Maria feel that she had lost her autonomy and was not free to determine her own needs.

In addition to financial problems, decision-making in the family is also completely dominated by Andi. In every important decision, from financial planning, to choosing a child's school, to the decision to buy a house, Andi is always the one who decides. Maria often gave her opinion, but her husband rarely listened to her and always felt that she knew what was best for the family. Maria began to feel that she was not considered important in the family. Whenever he tried to convey his wishes, Andi always responded in a dismissive tone, as if Maria's views were worthless.

In their family, Andi also has full control over assets and financial management. All family assets, such as cars and houses, are recorded only in Andi's name. When Maria tried to talk about her financial security, especially if something unexpected happened, Andi responded angrily and said that all those assets were the result of her hard work, so she felt entitled to have full control. Maria felt that she did not have any rights to the assets they had built together. This feeling made Maria even more depressed and felt marginalized in the family.

In addition, emotional violence is part of the dynamics of Maria and Andi's relationship. When Andi was not satisfied with something, he often hurled harsh words at Maria, accusing her of not taking care of the house or not understanding anything about finances. This verbal abuse repeatedly made Maria feel very depressed and lost confidence. She felt helpless and afraid to express her wishes, because every time she tried to speak, all she received was ridicule and anger from her husband.

After years of living in inequality, Maria began to feel that she was unhappy in her marriage. She felt that her rights as a wife and individual were not respected. When Andi began to show signs of physical abuse, Maria felt that she had to leave this marriage to protect herself and her children. However, he was also faced with a major problem: he had no income and no assets in his name, which made him afraid to leave home.

With her outgoing support, Maria finally filed for divorce. This divorce process is not easy. In court, Maria faced many questions about her reasons for wanting a divorce, and she felt that her position as a housewife with no income made her considered incapable when it came to childcare. Andi used his economic power to obtain custody of the child and filed a full claim on the family assets, arguing that all of these assets were the result of his work.

During the court proceedings, the Judge handling the case seemed to have the view that the husband, as the breadwinner, was more entitled to assets and more capable in terms of child custody. Although Maria had done everything she could to prove that she was able to take care of their children, the court's decision still granted primary custody to Andi. Maria only gets the right to see her children on weekends, which makes her feel that she has lost an important part of her life.

Maria's case study shows how patriarchy and gender injustice in the marriage law system and the judiciary can worsen women's position in divorce. Maria's financial dependency from the beginning of her marriage is one example of how patriarchal structures play a role in restricting women's rights and leaving them without control over their own lives. With no income and assets of her own, Maria is in a very vulnerable position when facing divorce.

This injustice is exacerbated by a judicial process that is insensitive to women's needs. In Maria's case, gender bias is evident when judges tend to grant custody of children to Andi on the grounds that she is the breadwinner. This view reflects the traditional gender stereotype that only men can provide for the family's financial needs, while Maria's

contribution as a housekeeper is considered worthless, This shows how bias in the justice system can hinder women from getting justice and equal rights in divorce.

From the perspective of legal feminism, it is important to carry out reforms that can ensure equality for women in terms of rights to assets and child custody. Women's contributions in the form of domestic work should be valued on an equal footing with their husbands' financial contributions, so that in the event of a divorce, women also get a fair share of the assets they have together. In addition, law enforcement officials must be more sensitive to women's experiences and how financial dependence and domestic violence affect their position in the divorce process.

Maria's case also shows how emotional violence and control over economic assets are forms of domination used by husbands to maintain power in patriarchal relationships. Violence in this form is often considered less serious than physical violence, even though its impact on women's mental and emotional well-being is enormous. Legal reform also needs to pay more attention to forms of violence that are not always visible physically, but are just as damaging to women's lives.

To create better justice for women in situations like this, it is necessary to carry out legal reforms that ensure that women have equal access to economic resources and have equal rights in childcare. In addition, law enforcement officials' awareness of women's experiences and how patriarchy affects their lives needs to be increased. Only then can women have an equal opportunity to get justice in marriage as well as after divorce.

#### **D. CONCLUSIONS**

Patriarchy in the family contributes significantly to divorce through role inequality, male dominance in decision-making, and control over economic resources. This inequality fuels prolonged conflict, with women burdened with domestic responsibilities without balanced support. Patriarchal dominance reduces the sense of justice in relationships, so divorce is often the solution of choice. In marriage law, patriarchal bias worsens women's positions, especially in cases of divorce, child custody, or domestic violence. These structural inequities reinforce women's financial and emotional dependence, limit their autonomy, and hinder adequate legal protections. From the perspective of legal feminism, patriarchy and divorce are intertwined through institutionalized gender inequality. Changes in the legal system sensitive to women's rights, as well as government support in economic independence programs, are needed to create fairer and equal marriage relationships.

## E. REFERENCES

- Aninda, A. S. P., & Nugroho, T. (2023). Juridical Study of Legal Protection of Child Victims of Sexual Violence. *Proceeding International Conference Restructuring and Transforming Law*, 2(2), 421–426. <https://proceedings.ums.ac.id/icrtlaw/article/view/4169>
- Anisa, D., & Ikawati, E. (2021). Posisi Perempuan Dalam Hukum Keluarga Islam Di Indonesia (analisis Kompilasi Hukum Islam Kajian Gender Dan Feminisme). *Jurnal Kajian Gender Dan Anak*, 5(1), 1–16.
- Azizah, N. (2021). Aliran Feminis dan Teori Kesetaraan Gender dalam Hukum. *SPECTRUM: Journal of Gender and Children Studies*, 1(1), 1–10.
- Benería, L., Berik, G., & Floro, M. (2015). *Gender, development and globalization: Economics as if all people mattered*. Routledge. <https://www.taylorfrancis.com/books/mono/10.4324/9780203107935/gender-development-globalization-lourdes-beneria-g%C3%BCnseli-berik-maria-floro>
- Halimatusa'diyah, I., & Triana, W. (2024). Sexism and women's access to justice: Feminist judging in Indonesian Islamic judiciary. *Women's Studies International Forum*, 103, 102883. <https://www.sciencedirect.com/science/article/pii/S0277539524000219>
- Halizah, L. R., & Faralita, E. (2023). Budaya patriarki dan kesetaraan gender. *Wasaka Hukum*, 11(1), 19–32.
- Hannan, A., & Syarif, Z. (2023). The High Rate of Judicial Divorce among Women of Lower Education in Madura-Indonesia: A Gender Perspective. *PALASTREN: Jurnal Studi Gender*, 16(1), 29–58.
- Hidayah, N. P., & Wicaksono, G. W. (2020). Legal Knowledge Management System on Family Law for Society. *Jurnal Hukum Novelty*, 11(1), 68–85. <http://intelektual.org/index.php/Novelty/article/view/15614>
- Hossain, N. (2018). Post-conflict ruptures and the space for women's empowerment in Bangladesh. *Women's Studies International Forum*, 68, 104–112. <https://www.sciencedirect.com/science/article/pii/S0277539516303260>
- Indriyanty, M. P., & Nugroho, T. (2023). Socialization of Legal Understanding towards Street Merchants (PKL) who Provide Trading in Locations that are Prohibited from A Progressive Law Enforcement Perspective. *Proceeding International Conference Restructuring and Transforming Law*, 2(2), 463–468. <https://proceedings.ums.ac.id/index.php/icrtlaw/article/view/4175>
- Jamilah, J. A. (2023). *Women and Formal Divorce in Contemporary Indonesia: Gender and Agency in Muslim Women's Reasons for Divorce and Decision-making Processes* [PhD Thesis, Sl: sn]. <https://repository.uibn.ru.nl/bitstream/handle/2066/298211/298211.pdf?sequence=1>
- Katz, L. T. (2020). Tearing down the maternal wall in the legal profession: A perspective inspired by difference feminism. *Geo. J. Gender & L.*, 22, 213.
- Lekha, N. B., & Kumar, P. (2024). *Routledge Handbook of Gender, Culture, and Development in India*. Taylor & Francis Group. <https://api.taylorfrancis.com/content/books/mono/download?identifierName=doi&identifierValue=10.4324/9781003474913&type=googlepdf>

- MacKinnon, C. A. (1989). *Toward a feminist theory of the state*. Harvard University Press. [https://books.google.com/books?hl=en&lr=&id=Shn5xHywtHIC&oi=fnd&pg=PR9&dq=MacKinnon,+C.+A.+\(1989\).+Toward+a+feminist+theory+of+the+state.+Harvard+UP,+206.&ots=M8dlZDIII1&sig=DFyfOLz4KJX2bdzwTSQu9Xe-t24](https://books.google.com/books?hl=en&lr=&id=Shn5xHywtHIC&oi=fnd&pg=PR9&dq=MacKinnon,+C.+A.+(1989).+Toward+a+feminist+theory+of+the+state.+Harvard+UP,+206.&ots=M8dlZDIII1&sig=DFyfOLz4KJX2bdzwTSQu9Xe-t24)
- Maimun, M. (2022). The Women's Rights in Divorce and Gender Equality Discourse in The Dynamics of Divorce in Madura. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 6(1), 468–492.
- Merry, S. E. (2006). Transnational human rights and local activism: Mapping the middle. *American Anthropologist*, 108(1), 38–51.
- Mufti, M. (2024). Gender Equality in Islamic Marriage Law through the Maqāsid al-Sharī'a Perspective: A Study on Woman-initiated Divorce (Ceraai Gugat) in Indonesia. *Sawwa: Jurnal Studi Gender*, 19(1), 29–46.
- Muhaimin, M. (2019). Restoratif Justice dalam Penyelesaian Tindak Pidana Ringan. *Jurnal Penelitian Hukum De Jure*, 19(2), 185–206.
- Nafisah, D., Nasrudin, N., Meidina, A. R., & Zain, M. F. (2024). Comparative analysis of Islamic family law and normative law: Examining the causes of divorce in Purwokerto, Indonesia. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 8(2), 847–871.
- Nandi, A., Hader, T., & Das, T. (2025). Gender Stereotypes and Bias as Depicted in STEM Textbooks of School Education: Insight from Systematic Literature Review. *International Journal of Educational Innovation and Research*, 4(1), 34–57.
- Nugroho, T., Samudera, K., Cakraningrat, K., Maulana, J. F., Ratnasari, Y., & Budiono, A. (2024). The Al'afwu (Forgiving Each Other) Approach In Restorative Justice For Disputing Muslims. *JHR (Jurnal Hukum Replik)*, 12(1), 240–253.
- Puspitasari, D., & Pudjibudojo, J. K. (2021). Divorce decision-making in Javanese women: A review from social, cultural, and gender perspective. *International Conference on Psychological Studies (ICPSYCHE 2020)*, 124–130. <https://www.atlantispress.com/proceedings/icpsyche-20/125955810>
- Puspitasari, D., Pudjibudojo, J. K., & Hartanti, H. (2022). Decision Making on Divorce for Javanese Women in Indonesia. *International Journal of Environmental, Sustainability, and Social Science*, 3(3), 702–712.
- Rinaldo, R., Nisa, E. F., & Nurmila, N. (2024). Divorce Narratives and Class Inequalities in Indonesia. *Journal of Family Issues*, 45(5), 1195–1216. <https://doi.org/10.1177/0192513X231155657>
- Suryanata, I. W. F. (2022). Pengaruh budaya patriarki terhadap perceraian dalam masyarakat Hindu Bali. *Belom Bahadat*, 12(2), 1–17.
- Syahrizan, M., & Siregar, A. H. (2024). Budaya Patriarki dalam Rumah Tangga menurut Perspektif Hukum Islam. *Bertuah Jurnal Syariah Dan Ekonomi Islam*, 5(1), 118–131.
- Trianita, Y., & Azahra, D. N. (2023). Representasi Budaya Patriarki dalam Film Ngeri–Ngeri Sedap Karya Bene Dion Rajagukguk. *Jurnal Ilmu Komunikasi*, 13(1), 59–72.

- Trikusuma, S., & Muhlizar, M. (2024). Legal Protection of Women in the Divorce Process: Case Studies and Policy Implications in Indonesia. *Pena Justisia: Media Komunikasi Dan Kajian Hukum*, 23(3), 995–1007.
- Wardatun, A., & Smith, B. J. (2020). Woman-initiated divorce and feminist Fiqh in Indonesia: Narrating male acts of Nushūz in marriage. *Ulumuna*, 24(2), 266–295.
- Yusuf, N., Azizah, N., & Hasan, F. (2023). Feminism Analysis of Judges' Considerations for Post-Divorce Domestic Violence Victims in Medan and Banda Aceh Religious Courts. *Al-'Adalah*, 20(2), 283–308.