

## Marriage Disrupted: A Sociological and Legal Examination of Women's Ascendancy as Family Heads

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**Abstract:** This study examines the legal and social challenges faced by female heads of households in Salatiga City using a sociological juridical approach. Through a combination of normative analysis of laws and regulations and an empirical approach through interviews and observations, this study finds that female heads of households experience structural discrimination in legal recognition and access to social assistance. The integration of feminist theory, structural functionalism, and conflict theory is used to read the dynamics of gender inequality in the local socio-cultural context. The results of the study show that social and legal policies have not been responsive to the needs of women as the main actors in the household. This study recommends updating gender-based policies and strengthening women's legal capacity at the community level.

**Keywords:** Women; Female Head of Household; Dissolution of Marriage; Legal; Sociological.

### Introduction

There has been a shift in the pattern of husband and wife relationships in running a household life in society, this is of course influenced by various situations and conditions, starting from customs, laws, developments in the era, and also religious understanding. Marriage is a fundamental social institution in society. However, not all marriages run harmoniously. Many married couples face various problems that can disrupt family unity. One phenomenon that attracts attention is the role of women as heads of families in troubled marriages. This role often arises as a response to the husband's inability to fulfill his economic and emotional responsibilities. In Indonesia, the concept of the head of the family has traditionally been held by men. However, social and economic changes have changed this dynamic. Women increasingly play a role as breadwinners and decision makers in the main family (Nkosi, 2024; Robert O & Jr., 1961; Sarah Treves et al., 2024). This phenomenon is increasingly evident in troubled marriages, where women often have to take over the role of head of the family to maintain the survival of the family (Berhane et al., 2024). Changes in gender roles in the family are becoming an increasingly real phenomenon in the modern era. National data shows that in 2023, 12.73 % of households in Indonesia were headed by women. In Salatiga, although specific data on female heads of households are not yet available, statistics show that 65.35% of the population is of productive age (15-59 years), indicating the potential role of women in the family economy. Factors such as divorce, death of a spouse, or economic needs often force women to take on the role of head of the family (Arif, 2019). However, in a patriarchal society, this role is usually considered to deviate from existing social norms. The shift in gender roles in the family is increasingly evident in the modern era.

The discourse on the role of women in the family is always interesting to discuss, especially now that many women work with higher salaries than their husbands. Automatically, women (wives) cannot fully manage the household as desired by their husbands, which is supported by culture and religion (Anil & Amana, 2011; Bukido et al., 2022; Menkel-Meadow, 1986; Suryani et al., 2023). Life continues to change from a classical life that emphasizes women to a modern egalitarian life. An egalitarian society is a society

that is based on the view that in essence every human being, both men and women, has the same and equal rights (Aris & Sabir, 2020).

In many cases, women take on the role of head of the family for various reasons, such as divorce, the death of a spouse, or economic factors. According to Connell (2005) research, changes in family structure in modern society lead to more flexible roles in the family, including women's leadership. Salatiga City was chosen as the research location because it has social diversity that reflects the dynamics of families in Indonesia. In addition, the high number of women working as breadwinners in this area indicates a phenomenon that needs further research. Although the law has recognized women as heads of families in some cases, many challenges are still faced, both in terms of social, economic, and legal aspects. For example, Fakihi (2008) research shows that strong patriarchal norms hinder women's access to financial and legal resources.

It is said to have shifted because so far women (wives) have almost always been the second person in the family and society (Anil & Amana, 2011). This culture is reinforced by religious norms in the Qur'an and the hadith of the Prophet Muhammad SAW (Muhtadin, 2019). So far women have always been in the position of second sex or second creation. Women are manifested as complements to men (Nazar et al., 2022), or wives are positioned as the losers for all husband's decisions (Shava, 2021). Saputri (2016) household institutions position women as weak secondary creatures. According to Philpiss Woods, this practice is categorized as a complementary structure (Phillips et al., 2024). In sociological theory (Thornton, 2023), this kind of husband and wife relationship pattern is called owner property. In addition to patterns in the family, husband and wife can have equal status; between husband and wife, there is no higher or lower status, which is called an equal partner (Shava, 2021). A wife plays a greater role than her husband, but the husband still has power because he is the breadwinner. This means that the wife's income should not exceed the husband's income; this pattern is called Senior-Junior Partner (Ikhar, 2018; Puspitawati et al., 2019).

A family pattern that places the wife as a complement to her husband. The husband's job is still to earn a living, while the wife's job is still to take care of the household. In their free time, husband and wife can sit together to discuss plans for joint activities (McGarry & Hinsliff-Smith, 2021). This pattern is called head complementation (Saeidzadeh, 2023). Nowadays, many wives or women also earn a living, it can even be said that the wife's salary is bigger than the husband's, which was originally intended to help the husband meet the family's needs. There are wives who deliberately work hard to meet the family's needs while their husbands take care of the household (Usamah, 2013). Many wives (women) become heads of families, not because of divorce or the death of their husbands (Sakinah, 2020).

According to Julia Cleves, the term "female head of household" includes two meanings at once: women who are leaders and responsible for the household, and women who take care of and support their family members economically and socially (Nur & Andri, 2022). These women bear the sole responsibility to support their families (Helim, 2024). Female heads of households show that public space and leadership do not only belong to men; women can become leaders if they have the capacity and ability as a leader, as male leaders have (Gehrmann, 2017; Kasim & Daud, 2022). Female heads of households are interesting to discuss because in addition to having implications for the institution of marriage in Islam and the laws in force in Indonesia, they will also change the pattern of relationships built in families that have been running in society (Emilda et al., 2024). As stated by Amin Abdullah in his book *Religious Studies: Normativity or Historicity*, shifts or changes in efforts to build scientific epistemology are logical consequences of scientific activities which are historically based on the development of community culture (Angkasa et al., 2023).

However, there are also other reasons that require the wife to be the head of the family. For example, the husband leaves his wife for a long time without news, the husband is sick so he cannot work properly. (Syahrial, 2019); husband has an accident so he cannot support his wife and children, or even a lazy husband who does not want to work, husband likes unhealthy polygamy, so he neglects his family. Stating that there are other reasons why women become heads of families, women who are not married so they organize their households and are responsible for themselves (Nofianti, 2016). While the Marriage Law

and KHI place the husband as the head of the family and the wife as a housewife. (Khoiroh & Syakur, 2023).

Women become heads of families not merely by choice, but as a response to the various social and economic conditions they face (Aris & Sabir, 2020; Schultz, 2020). Some common factors that cause women to take on this role include: husband's death (Najah & Fitriani, 2021), divorce (Bukido et al., 2022), being left by a husband without clear responsibilities, husband's illness or disability, and the husband's condition at home while the wife works. In these situations, women must carry out dual functions as breadwinners and household managers (Fatima & Ajmal, 2012; Vidūnaitė, 2024; Yearly, 2011).

In various cultures, the position of women in the household is greatly influenced by the patriarchal system that establishes men as the center of power and the main decision-makers. However, in practice, women also play a very important role, not only in caring for children and managing the household, but also in financial and social aspects (Robert O & Jr., 1961). Power in the family, as explained by Juran & Trivedi (2015), can be seen from who has the authority in decision-making, including financial matters, children's education, and social involvement (Vidūnaitė, 2024).

Although Salatiga is known as a multicultural and open city, its social structure is still heavily influenced by patriarchal values. In everyday life, men are still often considered the legitimate and dominant heads of households in family and community decision-making. Women who function as heads of families often do not receive equal social recognition, even though functionally and administratively they bear full responsibility. Local cultural norms that place women in the domestic sphere also reinforce the stigma against women who act as primary breadwinners or family leaders. In many cases, female heads of households are not involved in decision-making in the RT/RW environment, and their presence is often seen as a result of household failure, not as a form of resilience or independence.

Therefore, it is important to examine in more depth how the legal system and social policies respond to the reality of women as heads of families, especially in the context of unregistered marriages, in order to create inclusive justice in modern family structures.

## **Literature Review**

### **The Power of Women in the Family**

Women's strength in the family lies not only in their role as domestic managers, but also as social actors who have bargaining power, leadership, and decision-making capacity. Various theories, including feminist, structural functional and conflict, view women as agents capable of reproducing, maintaining and even negotiating family structures in situations of social and economic crisis.

### **Feminist Theory**

Feminist theory is used to explain how patriarchal domination affects women's access to legal and social resources. In his work *Masculine Domination*, Bourdieu (1990) explains that male domination over women is not only material but also symbolic. In the context of the family, women often experience subordination that forms social norms regarding their roles as caregivers and housekeepers. In many cases, they are also the main breadwinners (Arif, 2019).

According to Rosemarie (2009), feminism has various streams, including liberal feminism, which emphasizes equal rights in law and economics; radical feminism (Berhane et al., 2024), which criticizes the patriarchal system structurally; and social feminism, which sees gender inequality in a socio-economic context (Shinoda, 2021). In analyzing the role of women as heads of households, social and radical feminism provide insight into how patriarchal norms limit women's access to resources that should support their more equal roles.

### **Structural Functionalism Theory**

Structural functionalism theory explains how social systems maintain the status quo through the division of traditional gender roles. This is reflected in how social institutions (RT/RW, sub-districts) treat female heads of families as "anomalies". Structural functionalism developed by (Puspitawati et al., 2019)

views society as a system consisting of interacting parts to achieve balance. In the context of the family, Parsons proposed the concept of instrumental and expressive roles. Men usually take on instrumental roles as breadwinners, and women take on expressive roles as caregivers and housewives (Faezah et al., 2024). However, when women become heads of households, this theory can be extended to understand how women's roles can adapt to maintain social balance. Parsons argues that changes in family structure, including the increasing number of women becoming heads of households, require adjustments to social norms to maintain societal stability (Khoiroh & Syakur, 2023).

### **Conflict Theory**

Conflict theory is used to understand the inequality in the distribution of resources, both in the context of social assistance and legal protection. Karl Marx and Friedrich Engels (1848), in the Communist Manifesto, argued that inequality in access to economic and legal resources was a result of the capitalist system that restricted certain groups, including women.

In the family context, conflict theory highlights how female heads of households often face inequalities in access to decent work (Mgomezulu et al., 2024), supportive social policies, and equal legal rights. Collins (2009) developed conflict theory in a gender context by highlighting how women in patriarchal systems often experience economic exploitation and legal injustice (Negussie et al., 2024; Yolanda Fitri Windia, 2024). For example, female heads of households are often forced to work in the informal sector for low wages (Leta et al., 2021), while their access to social or legal assistance is often limited. Thus, conflict theory suggests that gender inequality in family roles is not only an individual problem but also a structural problem that must be addressed through policy and social change.

These three theories provide different but complementary perspectives in analyzing the role of women as heads of households. Feminist theory highlights how patriarchal dominance shapes women's roles (Cheng & Xie, 2023), structural functionalism theory explains how changing gender roles can affect social balance, and conflict theory reveals how economic and legal inequality worsens women's conditions in carrying out these roles.

Including the local socio-cultural context, including Javanese family values and stigma against women who "abandon domestic roles," are systematically analyzed to show their influence on social policy and access to law. Comparisons are made with studies in Yogyakarta (Rohinah & Anisah, 2021) and Makassar (Roslianah, 2024; Sarina, 2021), which show similar patterns of marginalization of female heads of households. This study contributes to the literature by presenting the context of small and medium-sized cities in Indonesia that have been underrepresented, but have not yet examined women heads of households due to unregistered marriages. By understanding these three approaches, we can develop more inclusive policies and strategies to support women who are heads of households.

### **The Concept of Head of Family in Islamic Law**

Talking about the head of the family is closely related to the problem of marriage carried out by every human being. Every individual, both men and women, has a common interest in living together and organizing (Aris & Sabir, 2020). The desire to live together is natural for every human being as a zoon politic creature. However, there are some humans who have disorders, so they do not have the desire to live together (marriage) with other types. So, a human society consists of various conditions in the family, social, and diverse life needs (*iltizamāt*). (Nurwandi et al., 2018). Living together in a marriage is based on the spiritual characteristics that exist in humans themselves, this is a natural law as explained in QS Al Hujurat: 13. These basic human needs can be realized well if they are carried out based on feelings of affection, cooperation, mutual respect, mutual trust, and even willingness to sacrifice for each other (Fitriyani et al., 2023). This will be able to lead two individuals to form a harmonious family. If the relationship between family members is well established, then the family institution can be a source of entertainment, inspiration, and encouragement to recreate for the welfare of oneself, family, society, and humanity (Ghummiah, 2023; Junaidi & Sukanti, 2022; Nur & Andri, 2022).

Not the other way around. They make this institution a place to rule, channel emotions so that violence occurs, and belittle because they feel firm (Jafar et al., 2024). The paternalistic family leadership of Abdullah Ahmad An Na'im is an actual response of Islamic law to the reality of the 7th century, not an ideal response of Islamic law (Nurrochman, 2014). According to him, different situations and conditions demand legal formulations with a contemporary spirit that can be applied today.

The struggle for male leadership in household affairs (head of family) and leadership in public affairs in Islam always refers to QS An-Nur: 144, Nisa: 34 and QS Al-Baqarah: 228. Regarding male leadership (QS An-Nisa: 34) because men have one degree of superiority (QS Al-Baqarah: 228), Asghar Ali Engineer stated that men protect women, which means that men protect women is a sociological statement, namely the customs that existed in Arabia at that time, not theological (Menkel-Meadow, 1986). Likewise, the statement of the Qur'an that men have a higher degree is a statement about the social situation and not about normative principles. According to him, the Qur'an only states that men are higher, not necessarily higher (Ghummiyah, 2023).

In Surah An-Nisa: 34 In interpreting verse 34 of Surah An-Nisa, classical commentators are slightly different from contemporary commentators, the husband as a capable person and a person who is responsible for his wife not only in terms of sustenance but also in terms of education (Sakinah, 2020). Meanwhile, Al-Qurtubi interprets this verse more broadly, men are not only tasked as leaders over women but also as judges to judge, war leaders, and go down to the battlefield (Syahril, 2019); this can only be done by men and cannot be done by women. Women. In line with Al-Qurtubi is Ibn Kathir, also Asyaukani who states that men or men are leaders for women who must be obeyed as long as they are still within the corridor of Islamic law (Schultz, 2020).

Not much different from the interpreters and experts in Islamic law in Indonesia, M. Quraish Shihab, Hasbi Ash Shiddieqy, and Hamka interpret the word *qawwam* as a leader (Quraish, 2002). This means that the husband/man is a leader for women, and it cannot be interpreted that men are equal to women, let alone vice versa. This interpretation is supported by many hadiths that explain the wife's obligation to obey her husband, including hadiths about the wife's respect for her husband (Suhandjati, 2018), the intervention of angels in sexual relations, the nature of women, the fact that women were created from ribs, and so on. Contemporary thinker Shahrur argues that both men and women have advantages, Allah has preferred some men and women over others. This meaning is clearly related to QS Al-Isra': 21 which means: See how We some of them excel others. And the Hereafter is higher in rank and greater in virtue.

In line with the above understanding, Nasarudin Umar said, A husband can become the head of the family if he meets two requirements, namely first being defensive or a priority, and second being able to finance his wife's life with his wealth, as conveyed by Aminah Wadud Muhsin (Ikrar, 2018). On the other hand, a wife or woman can become the head of the family if she is able to finance her household life. So, the basis for someone to become the head of the family is not gender, but rather being able to guarantee the needs of the family, which include physical needs (clothing, food, shelter) and psychological and spiritual needs (Rogus, 2003).

The excellence of life in this world is not based on gender (male or female) but on quality (Najah & Fitriani, 2021). Therefore, if women have the opportunity to actualize their abilities and achieve excellence, then women (wives) can be more qualified and superior than men (wives) (Mamluatun, 2022). The husband becomes the head of the family because he has two physical advantages and can provide for his wife. If the husband does not have both of these *illat*, then the head of the family can turn to (Fitriyani et al., 2023; Rahmatiah et al., 2022; Usamah, 2013).

Marriage Law (UUP) No. 1 of 1974 Article 3 point 1 paragraph 1 and 2 states that the rights and positions of husband and wife in household life and social life are balanced, so that each party has the right to carry out legal acts. However, paragraph 3 states that the husband is the head of the family, and the wife is the mother (Kasim & Daud, 2022). Household. Article 3 is strengthened in Article 34 which explains that a husband is obliged to protect his wife and fulfill all household needs according to his ability. Meanwhile,

the wife is obliged to manage her household affairs as well as possible. This UUP is reinforced by KHI (Compilation of Islamic Law) Article 79.

UUP (Marriage Law) Article 31 paragraph 3 emphasizes that the husband is the head of the family while the wife is the housewife. Meanwhile, the KHI (Compilation of Islamic Law) formulates that the husband is a guide, protector, and person responsible for the livelihood which in essence means that the husband has a higher position than his wife. Marriage law in Indonesia places women/wives in the domestic sphere and husbands in the public sphere (Hidayat, 2019). This illustrates that sociologically and philosophically, male dominance in the family has been firm and standard. The UUP and also the KHI present a society that is still patriarchal by domesticating women (Ghummiah, 2023; Kasim & Daud, 2022; Shava, 2021).

On the other hand, it is explained that husband and wife must respect each other, love each other, work together in household affairs, and so on. The verses in article 34 of the UUP and article 79 of the KHI close the door to hegemony by both the wife and the husband. There is no higher position between the two (Riyadi et al., 2023; Thornton, 2023). Although the husband's position is the head of the family, *mutatis mutandis* does not make the wife's status lower than the husband (Suhandjati, 2018). This article only shows that each husband and wife have a division of functions in the household and does not show the structure of the husband-wife relationship (Ayu et al., 2022; Villarreal et al., 2023).

## Method

This research uses a sociological juridical approach with a combination approach (Adlini et al., 2022; Creswell & Creswell, 2018). The legal approach is used to analyze legal regulations related to the recognition of women as heads of families, including social protection laws, population administration, and social welfare policies. The empirical approach was applied through in-depth interviews and participatory observation of 12 households led by women in the Salatiga City area. Informants were selected using purposive sampling techniques, with the following criteria: women with administrative or de facto head of household status, aged 25–60 years, from the lower middle economic class. Information was also obtained from local village officials and community leaders.

Data collection methods include Semi-structured interviews, conducted with female heads of households and village officials to understand experiences, obstacles, and local institutional responses, and direct observation, used to capture social interactions, roles in the community, and participation in social programs. Data analysis was conducted qualitatively with a thematic approach, namely identifying patterns of meaning from informant narratives and comparing them with applicable legal constructions. Triangulation techniques are used to verify data from multiple sources. Validity is strengthened by the member check method, as well as matching with local administrative documents. The selection of Salatiga City as a location is based on its characteristics as a multicultural and open city, its social structure is still heavily influenced by patriarchal values, quite active in implementing social policies, pluralistic, and an educational city, but with social dynamics that are not as complex as metropolitan cities. This city is a representation of a middle urban area that has not been widely studied in the issue of women heads of families.

## Results and Discussion

### Structural Challenges and Efforts to Empower Women as Heads of Families

Several legal barriers faced by female heads of households in Salatiga were identified concretely through field cases. Female heads of households in Salatiga often face social stigma and inequality in access to state aid programs, in line with the assumptions of radical feminist theory and inequality in the distribution of state aid that favors male households.

One informant stated that she was not registered as head of household in the local data system because she was still registered under the name of her husband who had left her de facto for five years. For example, in the case of Mrs. M, who has been left by her husband for more than five years without an

official divorce certificate, her status remains "wife" in the Dukcapil data. As a result, she cannot access the PKH assistance program because she is not recognized as the head of the family. Although she is *de facto* responsible for the family's economy and social affairs, there is no administrative mechanism to change her status without a court decision, which is cost and procedurally unaffordable (Interview with Mrs. M, December 2023).

Another example is the case of Mrs. R, a widow with two children, who had difficulty registering her child to a public school because the head of the family's data was still in the name of her late husband. The administrative change process was delayed for almost a semester, impacting her child's access to education (Interview with Mrs. R, December 2023).

Furthermore, there are quite a lot of findings in the Salatiga community where the factor that makes women become heads of families is the practice of unregistered marriage, where marriages are not officially recorded by the state. When a divorce occurs or a partner leaves the home, women must assume the role of head of the family without any legal or administrative support.

In the case experienced by Mrs. L, a woman in Salatiga, she was married in a secret marriage to a married man and had two children. Because her marriage was not legally registered, she did not have official status as a wife or head of the family. After her partner left her, Mrs. L could not access social assistance such as PKH and BPJS because administratively she was still recorded as "unmarried". His children were only registered under his own name. He also faces social stigma and difficulties in managing marriage legalization due to the high costs and procedures (Interview with Mrs. R, January 2023).

A different case was experienced by Mrs. SB, who had a secret marriage and was recognized as the head of the family but did not receive social recognition from the community because the marriage status was not legally valid. Empirically, female heads of households in Salatiga face social stigma, economic limitations, and legal uncertainty. Not only do they bear a double economic burden, but they also have to face unclear legal status in various administrative procedures, such as Family Card registration or social assistance participation.

In the social dimension, women who are heads of families often face stigma and social discrimination, especially in societies that still adhere to patriarchal norms. Interviews with several community leaders in Salatiga revealed that women who hold the position of head of the family are often considered to deviate from their nature. They experience social pressure from both their extended family and their surrounding environment. (Dror et al., 2016) research shows that rigid gender norms often limit women's roles in the family, even though social changes have opened more opportunities for them. In societies that still adhere to a patriarchal system (Arif, 2019), female heads of households are often viewed negatively and are not fully accepted in household leadership roles (Mgomezulu et al., 2024). This slows down the process of normalizing women's roles as heads of households and makes them more vulnerable to social and economic pressures.

One of the main challenges faced by female heads of households is limited access to economic resources. Many of them have to work more than one job to support their families. Field studies in Salatiga show that female heads of households more often work in the informal sector with uncertain incomes.

This finding is in line with the World Bank report (2012) which states that female heads of households in developing countries face more significant obstacles in accessing decent and stable employment. These obstacles include discrimination in the workplace, low levels of education and skills that are in line with the labor market, and a lack of adequate policy support for women who have to work while taking care of their families. In line with what Kabeer (1999) said that women's economic empowerment is the key to overcoming gender inequality in society.

Discussion of Islamic law is also important, because Salatiga is an area with high diversity of beliefs. In this context, the dominant patriarchal interpretation of Islamic jurisprudence reinforces the marginalization of women in the family. Although there is no explicit prohibition in Islamic law for women to be heads of families, social practices often reflect conservative values that are unresponsive to social realities. To address these challenges, more gender-responsive legal reforms are needed. Formal legal

recognition of female heads of households must be integrated into derivative regulations down to the sub-district level, including technical guidelines for village officials and strengthening the role of women's legal aid institutions.

In terms of Islamic law, this also needs to be explored further. Although there is no evidence that prohibits women from becoming heads of families, socio-religious interpretations in some circles still assume that men are the only legitimate leaders of the household. This view is reinforced by an understanding of classical *fiqh* that has not been fully contextualized. Therefore, it is important to encourage social *ijtihad* and fatwas based on *maqashid al-shariah* to provide progressive religious legitimacy to women as heads of families.

From a positive legal perspective, the absence of regulations that recognize variations in family structure is a major obstacle. Legal updates can be made through:

1. Revision to Permendagri 108/2019 so that the definition of head of family reflects factual conditions, not just marital status.
2. Issuance of Regional Regulations (Perda) that regulate special protection and accurate data collection for households led by women.
3. Developing alternative administrative procedures for women who cannot access the courts for status changes, such as a locally valid certificate of absolute responsibility (SKTM).

From a positive legal perspective, there are no regulations that explicitly discriminate against women from becoming heads of families. However, in population administration practices, the definition of head of family is still gender biased because it implicitly places men as the dominant norm in the family structure (Minister of Home Affairs Regulation No. 108/2019 concerning Forms and Books Used in Population Administration). This results in female heads of families experiencing administrative obstacles in accessing social assistance and public services.

The study found that legal instruments, such as Law No. 23 of 2014 on Regional Government and Law No. 52 of 2009 on Population and Family Development, do not contain specific mechanisms to ensure the protection or recognition of female heads of households. As a result, local policies do not actively mainstream gender in their social programs.

This study found that although laws in some countries have accommodated the role of women as heads of households, there is still discrimination in legal practice. One form of discrimination is limited access to inheritance rights and social benefits. In Salatiga, several female heads of households reported experiencing difficulties in managing inheritance rights and population administration.

This is based on the findings of UN Women (2022) which states that although there has been progress in the legal recognition of women's rights, there are still many structural barriers that prevent women from obtaining their full rights, especially in developing countries. These barriers include the lack of legal awareness among women, injustice in the application of the law, and complicated and often gender-biased bureaucracy (Gehrmann, 2017). Existing laws and policies do not fully support women who act as heads of families. In addition, the determining role of culture still slows down social change in accepting women as family leaders. Therefore, government intervention is needed in the form of more inclusive policies and economic empowerment programs for female heads of households. (Juran & Trivedi, 2015; Yeary, 2011). In addition, public education to change the negative stigma against female heads of households is also important.

Women as heads of families face various structural challenges that not only come from the legal system and public policies, but also from social and cultural constructions that are still patriarchal. Legally, although several regulations have provided administrative recognition of women's roles in the household, implementation in the field still encounters obstacles, especially in terms of access to social assistance, legal protection guarantees, and public services. Socially, women as heads of families often face the stigma of having an "incomplete family" or are considered to have failed in carrying out their role as a wife. This challenge becomes even more difficult when they come from marriages that are not officially registered (*sirihani siri*), which makes their legal position and that of their children weak in the eyes of the state. To



answer these challenges, comprehensive empowerment efforts are needed, both in the form of increasing legal literacy, economic skills training, and strengthening women's leadership capacity at the community level. The government and non-governmental organizations need to expand the scope of programs that specifically target female heads of households, as well as provide safe spaces and access to legal and psychological assistance. A participatory and contextual empowerment approach is key to ensuring that women are not only able to survive economically, but also have their roles recognized socially and legally.

### **Female Head of Family between Religious Law and State Law**

The phenomenon of women as heads of households in the context of troubled marriages is a manifestation of the complex shift in gender roles in modern society. Findings from the study indicate that factors such as economic hardship, domestic violence (KDRT), husband death, divorce, unregistered marriage and the husband's inability to fulfill his responsibilities significantly encourage women to take over the role of head of the family.

One of the factors of women being heads of families due to unregistered marriages, when an unofficial divorce occurs or the partner leaves the house, women are in a vulnerable position because they do not have a legal basis to access social assistance or legal protection. However, legally and administratively women from unregistered marriages can be recognized as heads of families, but social recognition from society is often not given because cultural and religious norms still view the role of head of the family as having to be carried out by men with legal marital status. Thus, women involved in unregistered marriages often have to bear full household responsibilities without formal recognition from the State in certain cases and social recognition.

Women as heads of families often have to face a double burden, namely earning a living and taking care of the household, which can cause physical and emotional exhaustion. Female heads of households (PEKKA) are those who are responsible for household needs, either because they are divorced, abandoned by their husband, not yet married but supporting the family, or because their husband does not function as head of the family. (Andiko et al., 2024; Ghummiah, 2023; Ihza Taftazana et al., 2022; Nur & Andri, 2022; Nurrochman, 2014; Rustina, 2020; Saeidzadeh, 2023; Shivi et al., 2024; Suryani et al., 2023).

Apart from legal factors, economic conditions also encourage women to work and take over the main role in the family. Many women work because of financial need, a desire for self-actualization, or social reasons. Thus, women become heads of families not only for personal reasons, but also because of interrelated legal, economic and social factors (Batyrgareieva et al., 2021; Yavorska et al., 2024).

However, in practice the Marriage Law (UUP) No. 1 of 1974. Article 31 paragraph (3) of this regulation is often an obstacle for women who have to carry out the role of head of the family, either due to divorce, death of a spouse, or economic conditions that require them to be the main breadwinner. Islamic family law or also known as UUP explains the rights of wives and obligations of husbands, obligations of wives and rights of husbands, and joint obligations of husband and wife (Haz & Adawiyah, 2024). Articles 30 to 34 of the UUP explain that the position of husband and wife is balanced; this is *the spirit of the times* or the demands of the times, which is also the nature of forming a harmonious family (Suryani et al., 2023).

Meanwhile, the KHI is more detailed in regulating the rights and obligations of husband and wife. As regulated in articles 77 to 84. Article 79 paragraph 1 states that *the husband is the head of the family, and the wife is the housewife*. Meanwhile, both in the UUP, KHI, and even Islamic law, there is no in-depth discussion of women as family members. The reality of women as heads of families and the various factors behind it cannot be denied (Labetubun et al., 2023). Due to the progress of the times, because of the situation, and also because of the high level of education of women, many women work with salaries sufficient to support their families (Aris & Sabir, 2020).

Although *de facto* wives or women carry out the duties and functions of husbands, they do not immediately declare themselves as heads of families (Labetubun et al., 2023; Nursaidah et al., 2020). In addition to social and religious norms, the laws in force in Indonesia also never allow wives to become heads of families. Marriages in force in Indonesia have not considered what happens if the wife becomes the head of the family. Law Number 24 of 2013, which is an amendment to Law Number 23 of 2006

concerning Population Administration, provides flexibility in the Family Card (KK) which allows the head of family column to be filled with the wife's name.

UUP, KHI, and family law need to anticipate the shift in the division of husband and wife functions, so that if the wife must become the head of the family, this can be accommodated legally. Reform of marriage law needs to consider the shift in roles that are outside of general customs, so that both *de facto* and *de jure*, the wife as head of the family can be accommodated (Riyadi et al., 2023). Changes in the division of husband and wife functions in the family will certainly have implications for the institution of marriage, starting from issues of family support, hasanah, inheritance, and so on (Suhandjati, 2018). So when women become heads of families, it will have implications for the institution of marriage, especially regarding the law. In Islam, women may file for divorce because their husbands are irresponsible, known as the concept of *khulu'* (Fitriyani et al., 2023; Nurrochman, 2014).

The UUP does not explicitly explain the conditions of a household where at some point the division of functions between husband and wife is reversed. However, the UUP has offered a solution that is appropriate and in accordance with the character and culture of the community. Article 33 of the UUP emphasizes that husband and wife must respect each other, love each other, be loyal, and help each other physically and mentally (Kasim & Daud, 2022). This is also in accordance with the definition of marriage in Article 1 which states that marriage is a physical and spiritual bond between a man and a woman to form a happy and eternal family based on the Almighty God. This is further strengthened by the definition of marriage in Islamic jurisprudence, namely *mitsaqan. fake people* (Shava, 2021).

How society and Islamic law respond to women as heads of families depends on the society. If society can accept it as something positive and the family remains harmonious, then women as heads of families remain good and in accordance with norms (Nur & Andri, 2022). Women as heads of families are in a complex position between religious law and state law. Although state law has provided administrative recognition for women as heads of families, patriarchal religious and cultural norms often remain an obstacle to full social recognition. Therefore, an integrative approach is needed that encourages legal reform and religious interpretation that is more contextual and inclusive of the role of women in the family.

### **Implications of Female Head of Household Policy**

Based on field findings and legal analysis, this study confirms that women as heads of families are in a vulnerable position because the legal system and social policies have not fully accommodated the reality of changing family structures. Social changes such as increasing divorce rates, male migration for work, and urban poverty have placed women as the mainstay of the household but have not been accompanied by adequate institutional recognition.

The existence of women as heads of households has important policy implications, especially in terms of legal recognition, social protection, and the formulation of empowerment programs. So far, many policies are still based on the ideal family structure that places men as heads of households, so that women who take over this role are often marginalized from access to social assistance, welfare programs, and community decision-making. Therefore, the government needs to formulate policies that are more inclusive and responsive to contemporary family dynamics.

This includes reformulating population data indicators to better reflect actual roles in the household, as well as drafting regional regulations (Perda) that specifically protect and empower female heads of households. In addition, cross-sectoral cooperation between the government, civil society organizations, and religious institutions needs to be strengthened to socialize new norms that support equal roles in the family. Policies that focus not only on economic aspects, but also social and cultural aspects, are key to creating comprehensive justice for women who function as heads of households.

Based on findings in the field, it is apparent that female heads of households face systemic challenges, both from legal, social and economic aspects. These findings suggest the need for more inclusive and contextual policy responses. For this reason, the following table 1 is presented. main findings and policy implications that can be used as a basis for formulating strategies for protecting and empowering women as heads of families.

**Table 1. Key Findings and Policy Implications**

Findings Categories	Field Findings	Policy Implications / Recommendations
Legal-Administrative	Women are not recognized as heads of families in official documents (KK).	Revision of the definition of "head of family" in the Dukcapil regulation (Minister of Home Affairs Regulation No. 108/2019).
Social Access & State Assistance	Unable to access PKH and assistance due to administrative status.	Social data must be based on de facto reality, not just marital status or gender.
Local Social & Cultural Stigma	Women are considered "illegitimate" as household leaders by society.	Gender-based socialization through regional regulations, and campaigns to change social norms at the local level.
Islamic Law and Gender Roles	Classical fiqh was used to limit women's social roles.	Promotion of progressive Fiqh based on <i>maqashid al-shariah</i> through cooperation with local MUI.
Limited Access to Law	It is difficult to access the court to change legal status (due to costs & time).	Provision of alternative administrative routes (e.g. SKTM), as well as women's legal aid posts.
Data and Documentation	Although legally and administratively women from <i>unregistered marriages</i> can be recognized as heads of families, social recognition from society is often not given because cultural and religious norms still view the role of head of the family as having to be carried out by men with legal marital status.	Synergy between social and religious institutions is encouraged to conduct public education so that society accepts the diversity of family structures, including households led by women without registered marital status.

## Conclusion

This study highlights that female heads of households in Salatiga face systemic barriers in the form of limited legal recognition, access to social assistance, and socio-cultural pressures. The mismatch between the formal legal framework and social reality causes women in household leadership positions to experience administrative and social marginalization. Analysis of existing regulations shows a lack of structural recognition of contemporary household dynamics, particularly in middle-urban contexts. By using a sociological juridical approach, this study not only reveals legal inequality, but also explains the social dynamics that reinforce gender inequality. Changing roles of women in society need to be followed by inclusive and gender-equity-based policy responses. Therefore, this study recommends legal and policy reforms that include population administration reform, the preparation of regional regulations with a gender perspective, strengthening access to legal aid, and a contextual and progressive religious approach. With these steps, it is hoped that the state and society can provide proper protection and recognition for female heads of families as the main actors in family and social development.

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## Conflict of Interest

This article is purely scientific in nature and therefore is not intended to harm any party or contain any conflict of interest

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