

Reformulation of Joint Marital Property Regimes for the Protection of Female Migrant Workers: Empirical Evidence from Malang Regency

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ABSTRACT

This article examines the reformulation of joint marital property regimes to enhance legal protection for female migrant workers in Indonesia, particularly in divorce cases in which women are the primary breadwinners. The issue arises from Article 35 of the Indonesian Marriage Law, which grants equal entitlement to husbands over joint property, even when assets are largely generated through women's overseas employment. Using an empirical juridical method

with a descriptive-critical approach, this study analyzes legal norms and their implementation, with a focus on Malang Regency due to its high number of female migrant workers. The findings indicate that equal division of joint property fails to reflect substantive justice and gender equality, often disadvantaging women by requiring them to share earnings with husbands who lack proportional economic contribution. This gap highlights a disconnect between legal norms and social realities. Accordingly, the study recommends an optional application of Article 35, contribution-based property distribution, and enhanced legal awareness by Religious Affairs Offices to ensure substantive justice and effective protection for female migrant workers.

Keywords: Joint Marital Property, Regulatory Reformulation, Migrant Workers.

A. Introduction

The number of Indonesian migrant workers remains high despite annual fluctuations. As of August 2024, 23,197 workers were recorded, a decline from 28,297 in August 2023. Meanwhile, gender disparities persist, with approximately 70% female and 30% male workers. East Java is the largest sending region, contributing 27.39% of the national total, with Malang Regency as its primary source area (Kementerian Pelindungan Pekerja Migran Indonesia, 2025). Continued domestic labor competition and sustained international demand for workers of productive age suggest that this figure will remain high in the coming years.

The large number of Indonesian migrant workers has negatively affected family stability, as divorce among migrant households continues to increase in many regions, with a substantial share initiated by female migrant workers. Malang Regency is among the areas with the highest number of such cases. These divorces are driven by poor remittance management, misuse of funds, extramarital affairs, unwillingness to work, weakened emotional bonds, and other forms of marital neglect

(Muawwanah, 2019; Nasrulloh, Ermawan, Thoriquddin, & Anam, 2025; Sucipto & Handoyo, 2023).

The main challenge for female migrant workers in divorce proceedings is the husband's legal right to claim *harta gono-gini* (joint marital property). Under the joint property regime, all assets acquired during marriage are classified as joint property regardless of whether they are generated by the husband or the wife, unless excluded by a marital agreement (Rahmi, Jayusman, Azizah, Efrinaldi, & Rahmawati, 2025). This principle, reaffirmed in Article 35 of Law Number 1 of 1974 on Marriage, prioritizes the timing and manner of acquisition over identifying the spouse who contributed to the asset.

Article 1 letter f of the Compilation of Islamic Law defines joint property as all assets acquired during marriage by either spouse, individually or jointly, regardless of the name under which they are registered. Assets purchased using the income of either spouse therefore remain joint property and constitute the legal entitlement of both spouses. Normatively, both the Marriage Law and the Compilation of Islamic Law treat husband and wife as a single, inseparable legal entity rather than as autonomous legal subjects (Ristianawati, 2021).

Article 97 of the Compilation of Islamic Law requires the equal division of joint marital property, entitling each spouse to one-half unless otherwise agreed in a marital contract, without considering individual contributions or circumstances. The concept of *gono-gini* also includes debt, as Article 93 paragraph (2) assigns any debt incurred by one spouse for family purposes to joint property and to the shared responsibility of both spouses, even when undertaken unilaterally (Bainon, Fautanu, Solihin, Khosyi'ah, & Hasan Ridwan, 2024).

Under the current legal framework, wives working as migrant workers remain vulnerable to husbands' claims over joint marital property because Article 35 of the Marriage Law does not distinguish economic contributions based on gender

or the division of productive and reproductive labor. This equal legal positioning of working and non-working spouses (Muslimin & Fatma, 2020), creates structural challenges in marriages marked by unequal power relations. Empirically, many households rely on wives as primary income earners who also retain domestic responsibilities, leading to disputes over joint property distribution that fail to reflect substantive justice.

This study critically re-examines joint marital property regimes to strengthen legal protection for female migrant workers and prevent disadvantage in court disputes. Rather than abolishing joint property, it proposes recalibrating the existing framework to reflect contemporary social realities in which women increasingly act as primary economic contributors. The study, therefore, advances a reformulation of joint marital property regulation to ensure alignment with substantive justice and to prevent structural disadvantage to either spouse.

This study employs an empirical juridical method that integrates normative legal analysis with an empirical assessment of the implementation of joint marital property law. The normative analysis focuses on Article 35 of the Marriage Law and principles of social justice in family law, while the empirical component examines social realities and their implications for female migrant workers. Empirical data were collected through field interviews in Malang Regency involving female migrant workers, Religious Court judges, legal practitioners, and gender activists, supported by relevant statutory materials and scholarly literature. All data were analyzed qualitatively using social justice and gender equality frameworks to formulate legal policy recommendations that are more protective and equitable.

Comparable studies remain limited, as this research specifically addresses the legal protection of female migrant workers at both pre-litigation and post-litigation stages. Existing scholarly works largely examine joint marital property from broader perspectives, including general frameworks of

asset distribution (Anggi Widiyastuti, Siti Fatimah, Abd. Basit Misbachul Fitri, & Sandi Ferdy Yulianto, 2025), distributive justice in joint property allocation (Zainurohmah, Andini, & Damayanti, 2023), and principles of fairness in marital property division (Utami & Dalimunthe, 2023). Other studies focus on joint asset distribution in mixed marriages (Kurniawan, Rato, & Ali, 2024) and the practical settlement of joint property disputes in the Religious Courts (Rais, 2019), while Widya Sari emphasizes the necessity of reformulating the Compilation of Islamic Law (KHI) concerning joint marital property regulation (Sari & Arif, 2023).

While existing studies rely predominantly on a normative juridical approach, the present research employs an empirical juridical design, allowing for a more substantive assessment of urgency and justice. Previous scholarship generally limits its contribution to proposing equitable models of joint marital property distribution. In contrast, this article advances a protection-oriented framework for female career workers by advocating the optionalization of joint marital property regimes and the institutionalization of legal socialization by the Office of Religious Affairs (KUA). As a result, the recommendations offered are more operational in ensuring legal protection, positioning this study within an underexplored scholarly domain and strengthening the academic basis for reformulating joint marital property regulations.

B. Discussion

1. Joint Property Regulations as a Structural Disadvantage for Female Migrant Workers

Female migrant workers demonstrate limited legal literacy regarding marital agreements and property protection, compounded by inadequate legal dissemination, resulting in minimal awareness that joint marital property regimes apply automatically upon marriage. Consequently, assets accumulated

through prolonged overseas employment often become legally contested only at the divorce stage, as marriages are governed by joint property regimes by default (Sariah, 2025). Under these conditions, joint marital property regulations are perceived as unjust, as women who serve as primary economic contributors remain structurally vulnerable to their husbands' claims due to the prioritization of formal legal classification over actual economic contribution, thereby undermining effective legal protection (Marsiati, 2025).

This situation imposes a compounded psychological and economic burden on female migrant workers, who sustain household economies through prolonged separation while facing social stigma and the risk of losing assets from their labor upon divorce. Although formally neutral, joint marital property regulations in practice reinforce gender inequality by disregarding women's central economic role, prompting demands for regulatory frameworks that ensure legal certainty and equitable protection amid increasing asset claims by husbands (Sariati, 2025).

Migrant work is generally undertaken as an economic necessity rather than a voluntary choice, motivated by the pursuit of family stability, yet many women experience disappointment when their sacrifices are unrecognized through spousal infidelity, unemployment, or neglect (Kholipah, 2025; Sulistiani & Nurrachmi, 2021; Wulandari, Malihah, & Aryanti, 2022).

Consequently, female migrant workers perceive equal asset division as substantively unjust and argue that assets earned through exclusive overseas labor should be treated as individual property, given that they alone bear the risks and burdens of income generation (Misriati, 2025).

Decisions of the Religious Court of Malang Regency reveal the persistent risk of *harta gono-gini* (joint marital property) claims against women who independently generate income. In Case No. 3024/Pdt.G/2023/PA.Kab.Malang and Case No.

3889/Pdt.G/2024/PA.Kab.Malang, former husbands pursued equal division of both immovable and movable marital assets, despite the wives' roles as primary income earners. These rulings underscore the structural vulnerability of women breadwinners, as joint marital property remains subject to equal division regardless of unequal economic contributions to its acquisition.

2. Joint Property Regulation of Migrant Workers in the Views of Judges, Legal Practitioners, and Gender Activists

Judges generally regard the joint property regulations in the Marriage Law and the Compilation of Islamic Law as embodying spousal equality, as they allow reciprocal claims between spouses, although such provisions may still generate disputes when perceived as unjust. They also emphasize that these rules are the product of careful deliberation and remain adaptable to empirical realities and contextual conditions (Iyadh, 2025).

Judges acknowledge that migrant worker families are highly vulnerable to divorce due to prolonged separation, communication breakdowns, and financial pressures, making husbands' claims over joint property a plausible risk. In such cases, judges exercise judicial discretion based on the principle of *ius curia novit* (the court knows the law), applying a careful assessment to ensure that joint property decisions achieve the greatest possible justice and benefit (Asri, 2025).

Legal practitioners emphasize that justice is a non-negotiable foundation of the legal system and that joint marital property regulations must consider the social realities faced by women, including migrant workers, rather than relying solely on textual interpretation. The law should function as a protective instrument for economically and socially disadvantaged parties while maintaining legal certainty, justice, and utility, as an imbalance among these elements risks undermining the law's normative purpose (Syauqillah, 2025).

Legal practitioners question whether joint property regulations genuinely reflect justice when family economies are sustained primarily by women working abroad as migrant workers. In practice, the automatic application of joint property rules allows non-productive husbands to claim assets, creating a gap between legal norms and principles of substantive justice (Miftahurrohman, 2025).

Gender activists contend that in joint marital property regulations, there are legal gaps that disadvantage women, particularly female migrant workers, whose economic contributions to family livelihoods are often insufficiently recognized in divorce disputes. Although these women bear a dual burden by working abroad for their families, their entitlement to the resulting assets remains vulnerable, indicating that the current legal framework has not provided explicit or proportional protection for their role as primary economic supporters (Aisyah, 2025).

Divorce constitutes a period of heightened legal vulnerability for female migrant workers, who face procedural barriers, limited access to legal information, and the frequent neglect of post-marital entitlements such as *nafqah māḍiyah* (past maintenance), *mut'ah* (consolatory payment), and *'iddah* (post-divorce waiting period maintenance). This vulnerability is intensified when joint marital property regimes also operate to their disadvantage. Gender activists argue that, given the substantial sacrifices and primary economic roles assumed by female migrant workers, joint property regulation should ensure legal certainty through clear mechanisms for asset separation or registration, as formally neutral rules otherwise risk erasing substantive contributions and reinforcing gender inequality (Fitriyah, 2025).

3. Joint Property Regulations and the Absence of Social Justice in Marital Relationships

The reformulation of joint marital property regulation is urgently required to protect the rights of female migrant workers,

as the current legal framework often fails to reflect social justice when women function as primary economic providers due to limited spousal contribution. Legal rules designed to ensure spousal balance have, in practice, placed women in structurally disadvantaged positions, indicating the need for regulatory adjustment in response to changing family roles. Under Marriage Law Number 1 of 1974, particularly Article 34 paragraph (1), the husband bears primary responsibility for the economic and emotional welfare of the wife and children, affirming that Indonesian family law designates the husband as the principal duty bearer for household welfare and family stability.

The husband's maintenance obligation normatively positions women to focus on domestic roles, particularly child education and care, reflecting traditional gender constructions (Amin, 2024). However, contemporary socio-economic changes expose a gap between this norm and marital realities, as many husbands are unable to fulfill maintenance duties, compelling wives to become income-generating roles to sustain household economies (Adib, Salwa, & Khairiyah, 2024).

Many families lack financial stability, as a significant number of men are unable to meet household economic needs due to unemployment, low wages, or limited job opportunities. In these conditions, women are often compelled to assume primary responsibility for family provision, which frequently involves leaving the household and country to work as migrant laborers (Nadzirah, 2025). This dynamic reflects a structural shift in women's roles from marital companions to principal economic providers within the family (Wulandari et al., 2022).

Female migrant workers carry a double burden as primary economic providers while remaining responsible for domestic roles and childcare, resulting in compounded psychological and social pressures that reflect the exploitation of their labor, time, and multiple roles (Byrt & Cook, 2025).

Paradoxically, joint marital property regimes under Indonesian law disadvantage female migrant workers who act as primary breadwinners, as all assets acquired during marriage are classified as joint property, regardless of their labor contributions. Consequently, income generated through prolonged migrant work may be claimed by husbands who have failed to fulfill maintenance obligations, producing a normative imbalance between labor responsibility and property entitlement. The persistence of this unreformed legal framework institutionalizes gender injustice and sustains post-divorce property disputes (Bukido, Azzochrah, Zakariah, & Paikah, 2025).

Existing joint marital property regulation conflict with Rawls's principle of fairness, which requires proportional alignment between rights and obligations based on contribution, as they disregard unequal asset accumulation in migrant worker households and expose female migrant workers to the loss of the economic returns of their labor upon divorce (Raden, 2024). This disjunction between legal norms and social realities reflects a failure to protect working women and female migrant workers adequately (Devaney, Mac Donald, & Holzer, 2024). In light of changing family relations and gender roles, an intersectional approach necessitates regulatory reform to ensure that joint property rules remain relevant and fair, as the absence of reform risks perpetuating structural injustice and prolonged vulnerability for female migrant workers (Redshaw, Thomas, Kerrigan, Krivokapic-Skoko, & Flynn, 2025).

4. Reformulating Indonesia's Marital Property Norms through Optional Regimes and Contribution-Based Justice

Law Number 1 of 1974 on Marriage, particularly Article 35, classifies assets acquired during marriage as joint property. Inherited or gifted assets, however, remain separate unless otherwise agreed upon. This framework is reinforced by Article

36 of Government Regulation Number 9 of 1975, which requires spousal consent for acts concerning joint property. Although this regime provides formal legal certainty, it inadequately reflects the complexity of economic contributions in contemporary families, especially those involving female migrant workers. The automatic application of joint property under Article 35 disregards unequal economic contributions and shifting socio-economic roles, thereby generating potential injustice in households where women function as primary income earners (Rais, 2019).

Although Article 35 aims to ensure legal certainty, its implementation creates substantial problems, as most couples are not given the option to merge or separate assets and often lack legal literacy regarding marital property rules (Rouf, Ch, & Mahmudi, 2023; Zuhriandi, Lubis, & Nurcahaya, 2023). Consequently, disputes or divorce can result in legal outcomes to which spouses never consciously agreed, underscoring the need to reformulate Article 35 so that legal norms align with justice and contemporary family realities, safeguarding the rights and interests of both spouses.

The most appropriate reformulation of Article 35 is the replacement of the automatic joint marital property regime with an optional system that allows prospective spouses to choose between joint or separate property during the pre-marital verification process at the Office of Religious Affairs (KUA). The selected arrangement is formally recorded in the marriage book and acquires legal validity, ensuring that the choice contains informed consent and awareness of its legal consequences. This optional framework accommodates diverse economic needs and socio-cultural contexts, enabling couples to select property arrangements that reflect their perceptions of fairness and thereby promoting substantive justice over uniform legal treatment (Crafa, Laneve, Sartor, & Veschetti, 2023).

Under a property separation regime, all income and assets acquired during marriage remain the individual spouse's

property, providing greater protection for working women and female migrant workers. In contrast, joint property converts all marital assets into collective ownership, granting equal legal claims to both spouses and aligning with partnerships that emphasize mutual trust in household management (Jayusman, 2021).

Transitioning to an optional system is grounded in a philosophical framework that emphasizes justice and legal protection. Legal norms should enable individuals to make informed decisions that reflect their circumstances, thereby reinforcing John Rawls's principle that justice arises from voluntary agreement rather than coercion. The optional model empowers spouses to determine their own legal consequences, anchoring justice in autonomy and consensual decision-making (Kiran, Iqbal, & Jawwad, 2023).

Optional marital property arrangements offer several significant advantages. First, they promote more participatory legal decision-making because couples are no longer in the joint-property system automatically or unknowingly; instead, they consciously select the property regime they prefer. Second, they provide couples with the opportunity to receive comprehensive explanations from the Office of Religious Affairs regarding the legal consequences of each option, allowing for a more mature understanding of both joint property, and separation of property and thereby strengthening legal literacy. Third, they function as a preventive mechanism to reduce disputes, since the predetermined arrangement minimizes the likelihood of asset-related conflicts prolonging divorce proceedings. Fourth, they enhance individual accountability, particularly when opting for separation of property, ensuring that no unilateral claims arise that could disadvantage women, including migrant workers. Fifth, they align with contemporary socio-economic developments that position men and women on equal footing, making the marriage law more dynamic, more responsive to societal change, and more effective as an instrument of substantive justice.

In conclusion, reformulating Article 35 into an optional system represents a transformation of the legal paradigm. Marriage law shifts from a top-down mechanism to agreements made by spouses, embodying substantive law that ensures genuine protection and justice. Optionalization enables the legal system to harmonize legal protection, certainty, and social justice without rigidity (Ajlouni, 2023).

5. Reformulating Article 97 KHI toward a Contribution-Based Model of Marital Property Justice

Article 97 of the Compilation of Islamic Law (KHI) provides that widows or divorced widowers are each entitled to one half of the joint property, unless otherwise agreed in a prenuptial arrangement, thereby affirming equal rights to marital assets upon divorce. This provision is closely linked to Article 35 of Law Number 1 of 1974 on Marriage, which classifies assets acquired during marriage as joint property. Article 37 further reinforces the framework by stipulating that, upon divorce, joint property distribution is governed by the applicable legal system, which, for Muslim spouses, refers directly to the KHI.

Article 97 of the Compilation of Islamic Law (KHI) currently provides that widows or divorced widowers are each entitled to one half of the joint property, unless otherwise stipulated in a marital agreement. This provision establishes the principle of equal division at a fifty-fifty ratio for each spouse (Rouf, 2024). The reformulation that needs to be advanced is a shift in orientation so that the distribution of joint property is not determined solely by a formal principle of equality but instead reflects the actual contributions of each spouse within the household. These contributions encompass both economic participation and non-economic roles, thereby enabling a more substantive and context-sensitive approach to justice in marital property distribution.

In line with the objective of reformulating Article 97 of the Compilation of Islamic Law, the distribution of joint marital property should be recalibrated toward a contribution-based model that accords with principles of marital property justice. This approach requires that the allocation of assets be determined based on the actual economic contributions of each spouse to the household. Spouses who contribute more substantially through labor and income generation should therefore be entitled to a proportionally greater share, while those with lesser contributions receive an allocation commensurate with their input. Such a model reflects Aristotelian distributive justice, which allocates rights in accordance with contribution and merit, and provides a more just foundation for regulating marital property relations (Ridwan, Gumilar, Suadi, Hasan, & Syaifuddin, 2023).

However, contributions within the family cannot be assessed solely through financial measures. Domestic roles, including household management, childcare, and maintaining family stability, constitute significant forms of contribution that possess their own economic value. Therefore, the reformulation of the article must provide sufficient space for judges to evaluate non-economic contributions, ensuring substantive justice (Hudaa, Ying, & D'Agustino, 2024). This principle aligns with Rawlsian fairness, which underscores the need to protect vulnerable parties and rejects distribution models that rely exclusively on mathematical calculations (Alexander Samosir & Susanto, 2025).

The reformulation must also establish clear procedural guidelines for judges to prevent ambiguity in the distribution of joint property. For instance, the revised KHI could incorporate a provision requiring judges to assess contributions based on concrete evidence, including income records, documentation of assets acquired through one party's earnings, or testimony regarding domestic responsibilities. Through such mechanisms, Kelsen's principle of legal certainty can be upheld while still allowing sufficient flexibility to achieve substantive justice.

From a utilitarian perspective, a contribution-based reformulation offers greater societal benefit because it prevents significant losses for individuals who have made substantial efforts (Galanis & Veneziani, 2022). For example, a female migrant worker who has spent years sending earnings to finance the purchase of a house or land would not be placed at a disadvantage, as her contributions would not be automatically divided in half with a spouse whose role is not proportionate to her efforts. In this manner, the legal system generates the greatest benefit for those who have contributed the most, thereby aligning with the utilitarian objective of maximizing overall welfare.

The reformulation of this article is also consistent with the Islamic principle of justice, which emphasizes *al-ʿadl* (principle of justice and fairness), understood as placing matters in their appropriate position. Within the framework of Islamic jurisprudence, fair distribution does not require equal division but demands proportionality based on the nature and extent of each party's effort (Al-Khatib, 2023). By establishing contribution as the basis for property division, the application of Islamic law becomes more closely aligned with the *Maqāṣid al-Sharīʿah* (objectives of Islamic law), particularly *ḥifẓ al-māl* (the protection of property) and the preservation of social justice.

A contribution-based approach is necessary to correct the gender bias in Article 97 of the Compilation of Islamic Law, which applies an automatic equal-division formula that often favors men with minimal economic input while disadvantaging women who sustain household finances, including female migrant workers. Similar issues arise in inheritance distribution, where individual contributions merit consideration (Nasrulloh & Witro, 2022). By prioritizing substantive evaluation over formal neutrality, a contribution-oriented model ensures proportional protection for working women, aligns family law with contemporary socio-economic realities, and reconciles legal certainty with substantive justice for vulnerable groups.

6. The Urgency of Legal Socialization on Joint Marital Property and Its Implications at the Office of Religious Affairs

Joint marital property is a central issue in Islamic family law in Indonesia, yet no regulation requires the Office of Religious Affairs (KUA) to provide systematic legal socialization to prospective spouses regarding its nature and consequences. This gap leaves many couples unaware of the legal status of marital assets, as marriage is often perceived primarily as a sacred bond while its legal dimension, particularly regarding property upon divorce, is neglected. Insufficient pre-marital legal awareness contributes to recurring disputes over joint marital property, which could be mitigated through effective early legal socialization.

In this context, legal socialization on joint marital property constitutes an urgent necessity that should be institutionalized through regulations requiring the Office of Religious Affairs (KUA) to provide legal explanations as an integral component of premarital guidance. Such socialization is essential to ensure that prospective spouses develop informed legal awareness regarding the status and management of marital assets, including the availability of marital agreements adapted to their respective socio-economic conditions (Zulfadli, 2023). This regulatory mandate does not require statutory legislation and can be effectively implemented through ministerial regulations or circular letters issued by the Ministry of Religious Affairs, which have a technical and operational scope. Given the existing institutional authority and service infrastructure of the KUA, this obligation is both feasible and strategic, functioning as a preventive mechanism to reduce disputes, enhance legal literacy, and strengthen equitable legal protection for spouses, particularly those from vulnerable groups.

Legal socialization on joint marital property conducted by the Office of Religious Affairs (KUA) is essential, as many couples remain unaware that joint marital property regimes

apply automatically from the commencement of marriage. This lack of awareness often leads to serious disputes upon divorce, particularly concerning assets that could have been anticipated and regulated at an earlier stage. Systematic legal socialization enables couples to understand the legal consequences of joint marital property and reduces the potential for conflict. It also allows spouses to determine more equitable arrangements for property management, either by accepting the statutory joint property regime or by entering into marital agreements adapted to their respective socio-economic conditions, thereby promoting justice and legal certainty without disadvantaging either party (Arum & Suharmoko, 2024).

Legal socialization on joint marital property is essential to achieving justice and legal certainty for married couples. Early legal awareness enables spouses to determine property management arrangements that correspond to their respective socio-economic conditions, either by accepting the statutory joint marital property regime or by entering into marital agreements providing for property separation. This clarity enhances legal autonomy and serves as a preventive mechanism against future disputes over marital assets. Accordingly, the fundamental objectives of law: legal certainty, utility, and justice, may be effectively realized within the sphere of family relations.

The obligation to provide legal socialization has become increasingly urgent, as marriage is often perceived solely as a sacred practice without sufficient awareness of its legal consequences. This condition disproportionately harms vulnerable groups, particularly female migrant workers who frequently act as primary family breadwinners yet lack awareness of their legal rights and the risks associated with joint marital property upon divorce. Accordingly, regulatory measures requiring the Office of Religious Affairs (KUA) to conduct legal socialization on joint marital property represent a strategic form of legal protection aimed at preventing gender-based injustice,

enhancing legal literacy, and promoting more equitable, resilient, and harmonious family relations.

C. Conclusion

Interview results indicate that female migrant workers experience serious vulnerability under the current joint marital property regime. The majority of informants were unaware that income earned through overseas employment is, as a matter of law, automatically considered part of joint marital property and may be claimed by the husband upon divorce, even in the absence of any economic contribution on his part. This situation generates a pronounced sense of injustice, as the entire burden of economic provision is borne by women while ownership rights are distributed through a formalistic equal-division framework. Judicial practice that continues to adhere to equal distribution as prescribed by Article 97 of the Compilation of Islamic Law further weakens women's legal position and fails to accommodate substantive, contribution-based justice.

Based on these findings, reformulating joint marital property regulation constitutes an urgent necessity. Such reform may be pursued by rendering joint marital property an optional regime, introducing a distribution model grounded in both financial and non-financial contributions, and mandating KUA or *Kantor Urusan Agama* (the Office of Religious Affairs) to conduct legal socialization on marital property for prospective spouses. This reformulation aims to align family law with the realities of modern family structures, protect female migrant workers as primary income earners, and reaffirm the principle of fairness, ensuring the law substantively advances social justice and affords meaningful protection to vulnerable groups.

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