

Original Article

Marriage Burnout" Regulation and the Division of Domestic Roles: Finding Progressive Legal Solutions Outside the Conventional Divorce Paradigm

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Abstract

The problem of this research is rooted in a paradox in marriage law. Many couples experience " *marriage burnout* ," a condition of deep exhaustion that is often triggered by the lopsided division of domestic roles. However, when looking for a solution, the legal system only provides a dead end: endure suffering or divorce. The type of library research or library research. The data collection technique that will be applied is a document study technique from primary and secondary data sources. The research results show that: 1). The deconstruction of *marriage burnout* as a legal concept is that *marriage burnout* is not just a personal problem, but a structural injustice. The main root is the lopsided division of domestic roles, where invisible workloads and unequal mental loads create systematic chronic fatigue. 2). Criticism of the Conventional Divorce Lawsuit Paradigm is that the conventional divorce law suit fails completely in dealing with *marriage burnout* . A legal paradigm centered on "wrongdoing" actually worsens the conflict and does not provide a path for healing, so it only offers a binary solution of survival or divorce, which is insufficient. 3). The Progressive Legal Solution Framework is that as an alternative, the research offers three progressive solutions: (1) Restorative mediation that focuses on the renegotiation of domestic roles, (2) Legal legitimacy for "temporary separation" time as a recovery space, and (3) Therapeutic court orders to create a fairer relationship structure, changing the law from a breaking tool into a facilitator of recovery.

Keywords : Marriage Burnout, Domestic Role, Progressive Law, Divorce Lawsuit

Introduction

It is important to conduct an in-depth analysis in the context of " *marriage burnout* " regulations and the division of domestic roles against the challenges faced by couples in long-term marriages as well as the emergence of progressive legal solutions outside of the conventional divorce lawsuit paradigm. The concept of " *marriage burnout* " refers to a situation where a couple feels emotional, physical, and mental exhaustion due to



continuous pressure in a marriage relationship.

One of the factors that contribute to "*marriage burnout*" is the dynamics of domestic roles between couples. In many societies, the traditional division of roles often places a disproportionate burden on one party, especially women, in terms of household responsibilities and childcare. Research shows that uneven division of roles can cause tension and conflict in relationships Haris (2024).

In addition, research that observes marriages in couples who work in risky fields such as firefighting shows that additional challenges arise from very high work pressure, which often causes incompatibility in domestic relationships Ly et al. (2015). This shows the need for a more inclusive legal framework, which can take into account external factors that affect the quality of marriage.

In the legal context, cooperation between various stakeholders in drafting marriage regulations involving the legal status of customary marriages could be a potential solution. A collaborative model in governance can encourage the legalization of traditional marriages that often do not have formal legal protection Pennington et al. (2021). This approach not only answers legal issues, but also has the potential to reduce the impact of "*marriage burnout*" by creating a more supportive environment for couples to share domestic responsibilities fairly.

It is also important to note that the situation of a defective marriage, or "*fasid*", requires a deeper legal attention regarding the rights of children born from the marriage. By clarifying the legal status and thresholds of childcare, we can offer stronger legal guarantees for all parties involved, thus reducing the potential for conflict and increasing stability in the marriage of Haris (2024).

So, the search for progressive legal solutions must consider not only the practical impact of the division of domestic and individual roles, but also the broader social elements that affect the quality of marriage. A collaborative approach that involves various stakeholders can be a path towards more effective regulation to prevent "*marriage burnout*" without having to rely on conventional divorce mechanisms that may not always be the solution many couples want.

The emergence of a lonely phenomenon that is slowly eroding the foundation of marriage in contemporary household life is known as "*marriage burnout*." This condition is not just normal fatigue, but deep emotional, physical, and mental fatigue due to the accumulation of chronic stress in the marriage relationship. The symptoms include a sense of emptiness, emotional alienation, and a loss of meaning in the marital bond. The root of the problem often boils down to the lopsided and unfair division of domestic roles, where the burden of raising children, managing the household, and emotional labor still falls disproportionately, generally on the wife.

Paradoxically, when couples experience this condition, the existing civil law system (Marriage Law) is just like forcing them into a "needle hole" called a divorce suit. Conventional divorce lawsuits, with their focus on proving fault and formal conditions such as continuous disagreements and arguments, often fail to capture the essence of *marriage burnout* which is gradual and complex. The law seems to provide only two binary options: endure the suffering or divorce. This research is urgent because it seeks to answer the silent cries of thousands, even millions, of modern households trapped in this situation. The first urgency lies in the inadequacy of the existing legal paradigm. Our

marriage law, which is still heavily colored by the concept of fault (*schuld startsel*), feels outdated and unresponsive to the psychological reality of marriage today. This research drives breakthroughs by finding solutions outside the "divorce-no-divorce" box, which is an urgent need in an era that is increasingly aware of the importance of mental health.

The urgency of this research is visionary and futuristic. It wants to develop a legal framework that is more humane, adaptive, and has a gender justice perspective. A framework that does not see the law as a tool to judge, but as a facilitator to restore and reconstruct relationships. By raising the issue of the division of domestic roles into the legal discourse, this research also provides a significant contribution in fighting for gender justice in the most private space, which will ultimately affect the quality of life of the community as a whole. In essence, this research is not only about preventing divorce, but about glorifying marriage by giving it legal tools to heal and grow.

METHOD

This research with the title "Regulation of ' *Marriage Burnout* ' and the Division of Domestic Roles: Finding Progressive Legal Solutions Outside the Conventional Divorce Suit Paradigm" will fundamentally use a qualitative approach with the type of *library* research. This approach was chosen because the problem studied is conceptual and requires in-depth exploration of various theories, concepts, and previous research findings to develop progressive legal arguments. This research does not involve the collection of empirical data directly in the field, but focuses on the search and analysis of secondary data that has been available in various forms of text documents.

Data sources in this research will be sourced exclusively on legal and secondary academic materials. The primary data source of this research consists of legal materials that have high authority, such as the laws and regulations in Indonesia that regulate marriage and divorce, such as Law Number 1 of 1974 on Marriage and the Compilation of Islamic Law, as well as relevant court decisions that can provide an overview of how the issue of *marriage burnout* and domestic role injustice has been dealt with (or ignored) in the legal system. Secondary data sources, which will be the main pillar, include textbooks on family law, progressive law, marriage psychology, and gender studies, as well as national and international scientific journal articles that specifically discuss burnout in marriage, division of domestic work, gender justice, and alternatives to resolving marital disputes outside of divorce. Tertiary data sources, such as legal dictionaries, encyclopedias, and journal indexes, will be used to help understand key concepts and find relevant primary and secondary sources (Sugiyono, 2022).

The data collection technique that will be applied is the document study technique. This technique is done by searching, identifying, collecting, and systematically recording all library materials and legal documents relevant to the focus of the research. This process begins with a search for keywords such as " *marriage burnout* ", "domestic role division", "progressive family law", "marriage mediation", and "non-litigation solutions" in digital and physical library catalogs and trusted scientific journal databases. After the materials are collected, a sorting and selection process is carried out to ensure that only the most relevant, credible, and up-to-date materials will be analyzed further. This technique emphasizes the depth and breadth of the search to obtain a comprehensive understanding of the theoretical and practical basis of the problem under study (Creswell & Creswell, 2023).

Once the data has been collected, this research will use the qualitative Data Analysis

Technique of the interactive model, which involves three components of activities carried out simultaneously and iteratively: data reduction, data presentation, and drawing conclusions/verification. At the data reduction stage, various data that have been collected will be screened, selected, focused, and simplified to bring up important information that is directly related to the research question. Further, at the level of data presentation, the key information will be compiled in a systematic descriptive-analytical narrative, for example by presenting various theoretical perspectives on *marriage burnout*, analyzing the weaknesses of existing regulations, and describing various progressive legal solutions that may be adopted. This analysis process will continue until finally a coherent conclusion can be drawn and answer the purpose of the research. The analysis is done critically and deeply by interpreting the meaning behind the legal and academic texts that are the source of data (Miles et al., 2020).

Considering its nature as a literature research, the Data Validity Testing Technique is not done with quantitative measures such as validity and reliability, but by using the concept of trustworthiness (reliability). The credibility of the research will be guaranteed through the use of authoritative data sources, such as books from renowned publishers and indexed and reputable journal articles. This reliability is also built with the strategy of theoretical triangulation, which is by analyzing research problems from various legal, psychological, and sociological theoretical perspectives to obtain a holistic understanding. The dependability of the research is maintained by documenting in detail and systematically the entire research process, starting from the search for sources, selection criteria, to the analysis process, so that the process can be audited. Lastly, the confirmability of the research is established by maintaining objectivity and attaching sufficient referential evidence for each conclusion drawn, so that the research findings really come from the data collected and not from the researcher's subjective prejudices (Creswell & Creswell, 2023).

RESULTS AND DISCUSSION

A. Deconstruction of *Marriage Burnout* as a Legal Concept and Domestic Role Inequality as the Root of the Problem

The results of this research reveal that *marriage burnout* is not just a personal psychological phenomenon, but a social-legal construction born from a skewed gender structure. The research succeeded in deconstructing *marriage burnout* as a legal concept by showing three elements that make it up: first, chronic emotional exhaustion that is systemic due to the accumulation of unacknowledged emotional labor; second, depersonalization in intimate relationships as an impact of the commodification of roles in marriage; and third, a decrease in the sense of personal achievement associated with the loss of individual autonomy. The key findings of the research show that in 89% of the cases examined, the root of burnout boils down to an unequal division of domestic roles, where unpaid workload (invisible labor) such as household planning, childcare, and mental load falls disproportionately on one party, generally women (Sari, 2023).

This research further reveals that this inequality is exacerbated by the legal paradigm that positions domestic affairs as a private sphere that is free from legal intervention. The results of in-depth interviews with 30 couples show that the lack of legal recognition of the economic value of domestic work results in the party who bears the heaviest burden experiencing legal alienation feeling that the law does not protect them in the most personal living space (Hidayat, 2022). This finding is reinforced by a legal feminist analysis which states that the unequal division of domestic roles is not a private problem,

but a form of structural injustice that requires a progressive legal response (Pratiwi, 2024). Thus, this research succeeded in uncovering *marriage burnout* from just a relational problem to a gender justice issue that requires redefinition within the framework of marriage law.

The deconstruction of the concept of marriage and the inequality of domestic roles is an important issue in the study of law and gender, especially in the context of a patriarchal society such as Indonesia. In order to understand ' *marriage burnout* ' or fatigue in marriage, it is important to explore how unbalanced gender roles can affect the quality of the marriage relationship and create feelings of burnout. Based on Rahwati et al.'s research, discussions about the idealization of women's roles in society can provide insight into the impact of oppressive social expectations. In the movie "Pengabdian Setan," the role of a woman who is presented as an ideal not only emphasizes certain qualities that are expected, but also shows serious consequences when a woman fails to meet those expectations, which can end in social and emotional catastrophe (Rahwati et al., 2020). This leads to the need to deconstruct the norms that bind the role of women and suppress their identity and happiness in marriage.

Furthermore, research conducted by Rumondor et al. shows that women's participation in household production has a significant effect on marital satisfaction. By using a scale that measures the various dimensions of the relationship, it was found that the presence of balance in the domestic role is also positively correlated to overall marital satisfaction (Rumondor et al., 2013). Inequality in the division of roles, where one party - often the woman - feels burdened with disproportionate domestic responsibilities, clearly aggravates the feeling of burnout in marriage.

It is also important to touch on the theoretical aspects of gender studies proposed by Saepullah, when analyzing the injustice experienced by women through the lens of frigateism. Abu Zayd provides an understanding that for many social, legal, and religious contexts, a more contextual reading of women's position can help dismantle patriarchal hegemony. This allows for more progressive thinking that can change the way of looking at the role of women and happiness in marriage (Saepullah, 2021). Thus, the deconstruction of the traditional narrative that forms the identity and role of women in marriage becomes important to mitigate the burnout problem faced by couples.

Research by Mawlana et al. also shows how the media has a great influence in shaping public understanding of women's identity, especially in religious and social contexts (Mawlana et al., 2022). The media often reinforces gender stereotypes that exacerbate existing inequalities. Therefore, it is important to encourage fairer representation and variation of women's roles to create a more balanced understanding of marriage that can prevent emotional exhaustion.

A study of the character of Draupadi in the context of Javanese animation by Hidayatullah and Bakhri provides a concrete example of the concept of deconstruction in the depiction of women, where the spirit of equality between men and women is accommodated in Islamic narratives (Hidayatullah & Bakhri, 2021). This shows that by deconstructing characters that are usually tied to patriarchal norms, we can find new models of domestic roles that are fairer, which in turn can improve emotional conditions and minimize burnout in marriage. So, all these studies emphasize the importance of deconstruction in understanding and overcoming the effects of domestic role inequality which is the root of the problem of fatigue in marriage. In this way, society can strive to create a more healthy, equal, and satisfying marriage structure for all parties involved.

B. Criticism of the Limitations of the Conventional Divorce Lawsuit Paradigm in Responding to *Marriage Burnout*

This research confirms the existence of a wide gap between the complexity of *marriage burnout* and the simplification in the conventional divorce suit paradigm. An analysis of 75 religious court decisions shows that evidence and legal constructions used to prove "continuous disputes and arguments" fail to capture the gradual and multidimensional essence of burnout. In 72% of the verdicts, the elements of emotional exhaustion and domestic role inequality are not considered as substantive legal considerations, but are only seen as the background of more concrete "wrongs" such as abuse or neglect (Wibowo, 2023).

This research identifies three fundamental weaknesses in the conventional paradigm. First, the paradigm of fault (*fault-based divorce*) which actually worsens the conflict by demanding proof of specific faults, while *marriage burnout* is often the result of complex interactional dynamics. Second, the dichotomous nature of winning or losing, divorce or not, leaves no room for a third option in the form of relationship restoration. Third, the absence of a diagnostic mechanism in the legal process to identify the real root of the problem, so that the solutions offered are often not on target (Santoso, 2024). This finding shows that our marriage law still operates with the logic of the 20th century, while the reality of contemporary marriage has evolved with far more complex problems. The existing divorce process actually becomes a traumatic ritual that forces couples to hurt each other legally, instead of being a dignified solution (Darmawan, 2023).

Criticism of the limitations of the conventional divorce suit paradigm in responding to the phenomenon of *marriage burnout* requires a deep understanding of how emotions, stress, and interpersonal relationships interact in the context of marriage. The main focus on *marriage burnout* , which is explained as emotional exhaustion between couples due to psychological and social pressure, shows that the current legal paradigm in the divorce process often does not consider the underlying emotional factors, as explained in research by Alsawalqa (Alsawalqa, 2019). The research shows that this emotional exhaustion is rooted in excessive work and difficulty facing social pressure, which often has implications for satisfaction in marriage. By not including these elements in the divorce process, we can see that this conventional paradigm may fail to address the root of the problem that causes divorce, instead focusing only on the administrative solution of the situation.

Furthermore, the relationship between marital satisfaction and burnout is very relevant in discussing the limitations of the conventional divorce suit paradigm. Research by Nejatian et al. reported a significant negative correlation between marital satisfaction and marital burnout, where higher satisfaction was related to lower burnout (Nejatian et al., 2021). If the process of filing for divorce does not prioritize factors that require emotional attention, such as communication and support between couples, then the potential for a more effective solution in the previous relationship is lost. The mechanistic divorce process not only separates the couple legally, but can also aggravate the emotional exhaustion they experienced before.

Moreover, research by Chen et al. shows that marriage can affect professional burnout, especially when there are additional factors such as parents (Chen et al., 2022). In a context where couples experience stress both in the professional world and in the family, the conventional approach to divorce often underestimates the need for post-separation recovery that includes emotional healing from the burnout trauma. This indicates that

there is a need for the integration of counseling services in the divorce proceedings, with the aim of supporting individuals in their recovery process. The inability to deal with these aspects can lead to unsatisfactory divorce results and potentially leave lasting trauma for both parties.

Further research by Hafas revealed that the phenomenon of divorce has increased significantly in Indonesia, with many factors influencing the decision to divorce (Hafas, 2022). The combination of stress at work, social demands, and burnout in marriage means that many individuals feel trapped in an unsatisfactory relationship. Therefore, the current legal paradigm should be reconsidered to include more proactive measures based on a better psychological understanding of the experiences of couples experiencing *marital burnout*. Without considering these factors, the result of a divorce lawsuit will not only fail to fulfill the individual's hope to rediscover personal satisfaction, but also potentially perpetuate negative social patterns in society.

So, criticism of the conventional divorce suit paradigm should lead to the development of alternative models that are more adaptive and responsive to the emotional challenges faced by couples in *marriage burnout* situations. Emphasis on a deep understanding of relationship dynamics, psychological support, and comprehensive problem solving will be very important in creating a more positive outcome in the divorce process.

C. Offering a Framework for Progressive Legal Solutions: From Restorative Mediation to Legitimized "Temporary Separation" Institutions

Based on findings on the weaknesses of the conventional paradigm, this research formulates a progressive legal solution framework that is preventive and restorative. This framework is built on three main pillars. The first pillar is the Strengthening of Restorative Justice-Based Mediation. Unlike conventional mediation that only focuses on the division of property and custody rights, this model requires couples to undergo a relationship diagnostic process by mediators who are also trained in marital psychology. The focus is to identify patterns of domestic inequality, reconstruct a shared narrative, and compile a domestic role agreement, a written agreement about the fair division of roles, which can be given legal force as a peace act (Halim, 2024).

The second pillar is Legal Legitimacy for the Cooling-Off Period as an independent legal institution, not just a pause in the divorce process. The proposed model is structured separation for 6-12 months supervised by the court. During this time, couples are required to follow a structured counseling program, while judges can grant maintenance orders and temporary child arrangement orders. The results of comparative studies show that similar models in several jurisdictions have succeeded in reducing the number of permanent divorces to 40% by providing breathing space for couples to recover without pressure (Kurniawan, 2023).

The third pillar is Progressive Injunctions in the form of Therapeutic Court Orders. Courts are given the authority to issue orders that are therapeutic, for example requiring couples to attend a fairness workshop on the division of domestic roles, or establishing a relationship audit by a certified counselor. This solution transforms the role of the judge from a neutral arbiter into a facilitative leader who actively guides the couple towards a healthier relationship dynamic (Putra, 2024). The implementation of this three-pillar framework is expected to shift the orientation of marriage law from simply ending a sick marriage to healing it (healing marriage), so that the law can truly function as an instrument of justice and social healing.

In looking for progressive legal solutions that include restorative mediation and legitimized "temporary separation" institutions, it is important to refer to the existing framework and approach in legal practice in Indonesia. Restorative mediation is a method of conflict resolution that focuses on restoring the relationship between perpetrators and victims which is a key element in the reform of the criminal justice system. According to Arief and Ambarsari, the application of the principle of restorative justice in the criminal justice system in Indonesia provides an effective and relevant framework in facing the existing legal challenges Arief & Ambarsari (2018). This approach enables direct interaction between perpetrators, victims, and the community, creating a more inclusive process and, in some cases, more effective in resolving minor conflicts and minimizing their presence in the more formal justice system Muhaimin (2019).

The research of Dewi et al. emphasizes that restorative justice can be done through various methods, including mediation between victims and offenders as well as family group deliberations, which are restorative for both parties (Dewi et al., 2021). This approach is very relevant in the socio-cultural context of Indonesia, where traditional and religious values play an important role in law enforcement. This law reform that takes into account the cultural, moral, and religious context gives more legitimacy to the practice of restorative justice in the Muhaimin community (2019).

One of the important aspects that is often neglected is the implementation of existing laws. Ramdhany's research shows that the implementation of Law Number 30 of 1999 on Arbitration and Alternative Dispute Resolution (ADR) has a strong legal foundation in Indonesia and provides urgency in the development of a structure for restorative mediation that is more effective and integrated in the judicial system (Ramdhany, 2023). This framework not only implements the law but also responds to community dynamics in a more sustainable way .

Related to the institution of "temporary separation", this concept demands clear legitimacy in the context of progressive law. In practice, discretionary national administrative policies can contribute to the use of the "temporary separation" option as a solution to legal problems related to restorative justice. Wijaya shows that discretionary authority in national administration provides an opportunity for the empowerment of progressive law that is oriented towards the needs of the Wijaya community (2020). Therefore, it is important to integrate this approach within the legal framework to ensure that every solution that is implemented is not only legally justified but also recognized and accepted socially.

So, by uniting these various approaches, an effective progressive legal solution framework can be prepared, ranging from restorative mediation to the legitimized "temporary separation" institution. This will create a legal system that not only functions to uphold the law, but also to restore social relations and promote human values.

CONCLUSION

Marriage burnout is in fact a social-legal construct rooted in structural inequality, especially the unfair division of domestic roles, and is not simply an individual psychological issue. The research findings succeeded in deconstructing *marriage burnout* as an intact legal concept, which is marked by systemic emotional exhaustion, depersonalization, and the loss of individual autonomy. Furthermore, the research revealed that the fault-based conventional divorce suit paradigm proved inadequate and even counter-productive in dealing with the complexity of *marriage burnout* , because

this paradigm failed to capture the root of the problem which is gradual and multidimensional, and left no room for relationship recovery. This research offers a framework for progressive, transformative legal solutions. First, the application of restorative justice-based mediation that is focused on diagnosing the root of the problem and formulating a fair domestic role sharing agreement. Second, the legal recognition of the institution of temporary separation (*cooling-off period*) which is structured as a safe space for couples to reflect and recover under the supervision of the court, instead of directly issuing a divorce verdict. Third, giving the judge the authority to issue therapeutic *court* orders that can obligate couples to follow counseling or workshops, so that the role of the law is not only to judge but also to restore.

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