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Addressing Gender Imbalance in Marriage and Wife-Initiated Divorce in Aceh: Rethinking the Role of Premarital Counselling

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Abstract:

The persistently high divorce rate in Aceh, predominantly initiated by wives, reflects enduring gender inequality within marital structures. This article critically examines the effectiveness of premarital counseling as a preventive measure against marital dissolution. Using a juridical-normative-empirical approach, qualitative data were collected through interviews with facilitators, registrars, and officials in several Religious Affairs Offices across Aceh Province. Findings reveal that Premarital counseling is frequently implemented in a manner inconsistent with national guidelines, constrained by insufficient duration, lack of certified facilitators, and poor monitoring mechanisms. More importantly, program content often reproduces patriarchal norms rather than addressing structural gender inequalities that contribute to wife-initiated divorce. The article argues that without integrating a gender perspective and addressing underlying socio-legal factors, Premarital counseling remains ineffective in reducing divorce rates. This study contributes to the literature by linking gender imbalance, family resilience, and legal effectiveness, and recommends curriculum reform, professionalization of facilitators, and systematic evaluation to enhance the program's preventive capacity.

Keywords: divorce; gender; premarital counselling; family resilience; Islamic family law.

Introduction

Divorce remains a significant social and legal issue in Indonesia,¹ with Aceh Province showing a consistent upward trend in the number of cases each year.² Data from the Aceh Sharia Court indicate that in 2021 there were 6,448 divorce cases, 4,974 of which (77.2%) were filed by wives. The figure rose to 6,916 in 2022 and remained high at 6,091 in 2023, again predominantly initiated by wives. The national media has also reported these rising divorce rates. According to data from the Directorate General of Religious Courts of the Indonesian Supreme Court, there were 463,961 divorces in religious courts across Indonesia in 2024.³ This number consists of 356,605 lawsuits filed by women and 107,356 divorces initiated by men. This tendency reflects growing female agency and dissatisfaction with unequal marital responsibilities. This situation highlights the need for a more effective and humane approach to resolving these problems.⁴ The divorce petitions associated with economic pressures, domestic violence, and lack of communication, while pointing out that government interventions such as premarital counseling have not significantly reduced the trend.⁵ Public commentary has echoed these concerns. Scholars and legal practitioners argue that the state has focused excessively on formal compliance rather than substantive empowerment, leaving many women in Aceh disillusioned with marriage as an institution.⁶

¹ Nirwan Junus et al., "Integration of Mediation in Divorce Cases Reviewed from Supreme Court Regulation on Court Mediation Procedures," *Jambura Law Review* 6, no. 1 (2024): 1, <https://doi.org/10.33756/jlr.v6i1.19370>; Muhammad Iqbal Juliansyahzen et al., "Bargaining Equal Spousal Roles in Marital Life: The Phenomenon of Wife-Petitioned Divorce Among Middle-Class Muslims in Yogyakarta," *AHKAM: Jurnal Ilmu Syariah* 24, no. 1 (2024): 37–54, <https://doi.org/10.15408/ajis.v24i1.34038>; Lisnawati Lisnawati et al., "Modernizing Divorce in Courts: How to Realize Justice in Diverse Geographical Conditions?," *JURIS (Jurnal Ilmiah Syariah)* 23, no. 2 (2024): 367–81, <https://doi.org/10.31958/juris.v23i2.11836>; Derry Angling Kesuma et al., "A Progressive Effort to Strengthen the System of Interconnection of Court Decisions on the Rights of Women and Children After Divorce," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 25, no. 1 (2025): 280–93, <https://doi.org/10.19109/nurani.v25i1.24759>.

² Ainal Mardhiah et al., "Exploring Family Resilience through the Lens of Islamic Education and Law: Analysis of Divorce Trends in Banda Aceh City," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 9, no. 1 (2025): 522–37, <https://doi.org/10.22373/sjkh.v9i1.15984>.

³ Dwi Bayu Radius and Prayogi Dwi Sulisty, "If That's So, It's Better to Divorce," *Kompas.id*, September 14, 2025, <https://www.kompas.id/artikel/en-turunkan-ego-untuk-tekan-perceraian>.

⁴ Muhamad Hasan Sebyar et al., "Divorce Mediation at Panyabungan Religious Court: Transforming the Desire for Divorce into Reconciliation through Cultural Values in Contemporary Islamic Jurisprudence," *Al-Manahij: Jurnal Kajian Hukum Islam*, June 11, 2025, 81–100, <https://doi.org/10.24090/mnh.v19i1.12255>.

⁵ Musleh Harry et al., "Examining the Provision of Legal and Religious Education to Islamic Families to Safeguard the Rights and Well-Being of Women and Children: A Case Study Conducted in Malang Regency, East Java," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 3 (2024): 1526–46, <https://doi.org/10.22373/sjkh.v8i3.19566>.

⁶ Muslim Zainuddin et al., "Divorce Problems and Community Social Capital in Realizing Family Resilience in Aceh," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (2022): 914–33, <https://doi.org/10.22373/sjkh.v6i2.15080>.



From a theoretical perspective, these developments resonate with broader debates in gender and family law. Sayer et al. argue that women's decisions to initiate divorce are strongly influenced by dissatisfaction with persistent inequalities in household labor, despite improvements in economic independence.⁷ Moreover, Killewald's work confirms that financial instability, coupled with gendered expectations, contributes to marital dissolution even in contexts of social modernization.⁸ In Indonesia, Djawas et al. assert that while premarital counseling *is* intended to foster family resilience, its implementation in Aceh and South Sumatra is inadequately supported by proper evaluation, facilitation, and attention to gender equality.⁹ Irfan et al. also reported similar findings, indicating that a decade of premarital guidance leaves only an insignificant preventive impact on divorce rates.¹⁰

Randles, in her analysis of U.S. marriage education programs, found that rather than transforming gender relations, these initiatives often strengthen traditional roles, setting women as emotional caretakers and men as breadwinners. Lawson and Satti, in their comparative study of post-divorce adjustment in the United States, show how women from minority and immigrant backgrounds are placed in a vulnerable position due to both cultural norms and structural inequities.¹¹ These insights reinforce the need to examine how programs like premarital counseling may inadvertently perpetuate rather than resolve gendered inequalities. In the Acehnese context, legal effectiveness theory provides a useful framework. Soerjono Soekanto identifies five factors, including substance, structure, culture, facilities, and community. These factors determine whether a law or program achieves its intended objectives.¹² In the case of premarital counselling, all five dimensions are problematic, where the legal substance is general and does not explicitly incorporate gender equality; the structure is weak due to inadequate availability of trained facilitators; cultural norms continue to privilege male authority; facilities are insufficient; and communities often regard the program as something ornamental rather than a transformative process.

Equally important is the perspective of feminist legal theory. Smart contends that the law often reinforces male dominance when it ignores the realities of

⁷ Liana C. Sayer et al., "She Left, He Left: How Employment and Satisfaction Affect Men's and Women's Decisions to Leave Marriages," *Ajs; American Journal of Sociology* 116, no. 6 (2011): 1982–2018, <https://doi.org/10.1086/658173>; Atika Fitri et al., "Divorce Lawsuit Due to Impotence Perspective Maslahat Theory: Case Study of the Andoolo Religious Court Decision, Southeast Sulawesi," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (2024): 220–36, <https://doi.org/10.22373/ujhk.v7i1.21860>.

⁸ Alexandra Killewald, "Money, Work, and Marital Stability: Assessing Change in the Gendered Determinants of Divorce," *American Sociological Review* 81, no. 4 (2016): 696–719, <https://doi.org/10.1177/0003122416655340>.

⁹ Mursyid Djawas et al., "Creating Family Resilience in Indonesia: A Study of 'Marriage Guidance' Program in Aceh and South Sumatera," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 1 (2022): 299–324, <https://doi.org/10.19105/al-lhkam.v17i1.6150>.

¹⁰ Muhammad Irfan et al., "Reflection of a Decade of Pre-Marriage Guidance on Family Resilience in Indonesia," *SMART: Journal of Sharia, Tradition, and Modernity*, December 28, 2021, 188–201, <https://doi.org/10.24042/smart.v1i2.11353>.

¹¹ Erma J. Lawson and Filza Satti, "The Aftermath of Divorce: Postdivorce Adjustment Strategies of South Asian, Black, and White Women in the United States," *Journal of Divorce & Remarriage* 57, no. 6 (2016): 411–31, <https://doi.org/10.1080/10502556.2016.1196849>.

¹² Soerjono Soekanto, *Faktor-faktor yang mempengaruhi penegakan hukum* (RajaGrafindo Persada, 2008).



women.¹³ MacKinnon similarly critiques the neutrality of law, arguing that it frequently codifies patriarchal norms under the guise of objectivity.¹⁴ Without integrating these perspectives, premarital counseling risks functioning as a symbolic rather than substantive intervention. In other words, it becomes a bureaucratic requirement rather than a mechanism for transforming unequal marital structures. The persistence of wife-initiated divorce in Aceh thus raises urgent questions about both the content and implementation of premarital counselling. Why, despite its institutionalization, does premarital counseling fail to prevent divorce? Why are women in Aceh compelled to initiate divorce at such high rates? What cultural and structural barriers prevent the integration of gender-sensitive perspectives into the program? And what reforms are needed to ensure that premarital counseling can function as a legal formality and as a genuine tool for fostering equitable and resilient families?

This article addresses these questions by linking empirical data from Aceh with theoretical insights from gender studies, legal effectiveness, and family resilience. The central argument advanced here is that the ineffectiveness of premarital counseling lies not only in its technical shortcomings, such as limited duration and lack of monitoring, but also more fundamentally in its absence of a gender-sensitive framework. Without integrating gender perspectives, premarital counseling cannot adequately respond to the realities of women's vulnerability in marriage. This research, therefore, makes both theoretical and practical contributions: it advances scholarly discussions on law and gender in Muslim societies while offering concrete policy recommendations for reforming premarital counseling in Indonesia.

Methods

This study applies a juridical-normative-empirical approach, a method widely used in socio-legal research to combine normative legal analysis with empirical field data.¹⁵ The juridical-normative aspect involves the analysis of primary legal materials such as the Compilation of Islamic Law, Law No. 1 of 1974 concerning Marriage as amended by Law No. 16 of 2019, Government Regulation No. 9 of 1975, the Decree of the Director General of Islamic Community Guidance No. 172/2022, and the Ministerial Decree No. 876/2023 concerning Technical Guidelines for Premarital Counseling.¹⁶ Secondary legal materials include relevant scholarly works, journal articles, and authoritative textbooks on family law, gender studies, and legal effectiveness.¹⁷ The empirical aspect involved qualitative field research in several Religious Affairs Offices (*Kantor Urusan Agama* or KUA) in Aceh Province. Field research complements the normative study as it captures the gap between law in the books and law in action.¹⁸ Eight key informants were selected purposively: three

¹³ Carol Smart, *Feminism and the Power of Law* (Routledge, 1989), 22.

¹⁴ Catharine A. MacKinnon, *Feminism Unmodified: Discourses on Life and Law* (Harvard University Press, 1987), 32.

¹⁵ Peter Mahmud Marzuki, *Penelitian hukum* (Kencana, 2007), 133.

¹⁶ Direktorat Jenderal Bimas Islam, *Keputusan Direktur Jenderal Bimas Islam No. 172/2022 Tentang Petunjuk Teknis Bimbingan Perkawinan Calon Pengantin* (Kementerian Agama, 2022).

¹⁷ Soekanto, *Faktor-faktor yang mempengaruhi penegakan hukum*.

¹⁸ Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (Russell Sage Foundation, 1975), 15.



marriage registrars (*penghulu*), two certified premarital counseling facilitators, and three officials from the Regional Office of the Ministry of Religious Affairs. Purposive sampling¹⁹ was applied to ensure that the selected informants directly represent institutional actors most relevant to the implementation of premarital counseling. In addition, statistical data on divorce were collected from the *Mahkamah Syariah Aceh* Annual Reports, which consistently show a high rate of wife-initiated divorce.

Data were collected from in-depth interviews, document analysis, and limited participant observation of counselling sessions. In-depth interviews are particularly suitable for exploring subjective perceptions of facilitators and registrars, as they provide detailed narratives that cannot be captured through survey-based methods.²⁰ To ensure reliability, data were cross-checked using triangulation of sources, comprising interviews, program documents, and official statistics.²¹ Ethical considerations were taken into account by obtaining informed consent from informants, ensuring anonymity, and respecting cultural sensitivities in Aceh. This is consistent with ethical standards in qualitative research on family and gender issues.²² Data analysis followed a thematic qualitative approach, structured according to Soerjono Soekanto's framework of legal effectiveness, which considers legal substance, structure, culture, facilities, and community as determining factors for legal success.²³ This framework was complemented by feminist legal theory, particularly Carol Smart's argument that law reproduces patriarchal power when it ignores women's experiences,²⁴ And Catharine MacKinnon's critique of the supposed neutrality of law.²⁵ In addition, Walsh's theory of family resilience provided a perspective to evaluate whether premarital counseling contributes to the reinforcement of adaptive capacities in families in the face of marital challenges.²⁶

The following are the research subjects, namely the key informants who served as primary data sources in this study.

Table 1. Key Informant as Primary Source

No	Initial	Gender	Position / Role	Institutional Context
1	INF-SG	Male	Head of KUA	Sigli
2	INF-BR1	Male	Head of KUA	Bireuen
3	INF-BR2	Male	Counselor at KUA	Bireuen
4	INF-BR3	Male	Participant of Bimwin Catin	Bireuen
5	INF-AT	Male	Head of KUA	Aceh Timur

¹⁹ Matthew B. Miles and A. Michael Huberman, *Qualitative Data Analysis: A Methods Sourcebook* (SAGE, 2020), 33.

²⁰ Steinar Kvale, *Doing Interviews* (SAGE Publications, 2007), 56.

²¹ Norman K. Denzin, *The Research Act: A Theoretical Introduction to Sociological Methods* (Transaction Publishers, 2017), 291.

²² Sharlene Nagy Hesse-Biber, *Handbook of Feminist Research: Theory and Praxis* (SAGE, 2012), 152.

²³ Soekanto, *Faktor-faktor yang mempengaruhi penegakan hukum*.

²⁴ Smart, *Feminism and the Power of Law*.

²⁵ MacKinnon, *Feminism Unmodified*.

²⁶ Froma Walsh, "Family Resilience: A Framework for Clinical Practice," *Family Process* 42, no. 1 (2003): 1–18, <https://doi.org/10.1111/j.1545-5300.2003.00001.x>.



6	INF-KWL	Male	Head of Subdivision of Islamic Affairs	Kanwil Kemenag Aceh
7	INF-BA	Female	Counselor at KUA	Banda Aceh
8	INF-AB	Female	Counselor at KUA	Aceh Besar
9	INF-LS1	Male	Counselor at KUA	Lhokseumawe
10	INF-LS2	Male	Participant of Bimwin Catin	Lhokseumawe
11	INF-MS	Male	Judge of Mahkamah Syar'iyah	Banda Aceh

Finally, this research acknowledges several limitations. The number of informants was relatively small, thereby not representing the full diversity of experiences across Aceh.²⁷ Access to some official documents was restricted, which hampered a comprehensive evaluation of institutional monitoring. Moreover, generally, qualitative interviews are subject to potential gender biases in self-reporting, particularly when discussion on sensitive issues related to marital relations is involved.²⁸ These limitations, however, do not diminish the relevance of the findings but rather highlight the need for further, broader research.

Results and Discussion

Divorce Trends in Aceh and Social Realities

Divorce in Aceh reveals a distinctive and persistent pattern in which the majority of cases are initiated by wives. Annual reports from the Mahkamah Syariah Aceh demonstrate that in 2021, there were 6,448 divorce cases, 4,974 of which (77.2%) were filed by wives. In 2022, the number of divorces increased to 6,916, with 4,974 cases (72%) initiated by wives. Although the figure slightly declined to 6,091 in 2023, wife-initiated divorce still accounted for 4,724 cases (75%). These statistics suggest that, on average, two-thirds to three-fourths of divorces in Aceh are driven by women's petitions, indicating a structural trend rather than an annual anomaly.²⁹

Table 2. Divorce Annual reports from the Mahkamah Syariah

Year	Total Cases	Wife-Initiated	%	Husband-Initiated	%
2021	6,448	4,974	77.2	1,474	22.8
2022	6,916	4,974	72.0	1,942	28.0
2023	6,091	4,724	75.0	1,367	25.0

Source: Mahkamah Syariah Aceh Annual Reports, 2021–2023

When compared with other provinces, Aceh's figures are particularly striking. National statistics from the Central Bureau of Statistics (BPS) show that in West Java and East Java, for example, the proportion of wife-initiated divorces typically ranges

²⁷ Hesse-Biber, *Handbook of Feminist Research*, 35.

²⁸ Ibid., 160.

²⁹ Mahkamah Syar'iyah Aceh, "Laporan Tahunan Mahkamah Syar'iyah Aceh 2021-2023," Mahkamah Syar'iyah Aceh, 2023, <https://ms-aceh.go.id/transparansi-keseekretariatan/laporan-tahunan.html>.



between 55 and 65 per cent, significantly lower than Aceh's consistent average of over 70 per cent.³⁰ This reveals that Aceh is not only experiencing high divorce rates in absolute terms but also displays a sharper gendered pattern of divorce initiation. The causes of this phenomenon cannot be reduced to mere statistical observations but must be understood within the socio-cultural realities of Acehnese marriages. Local media have repeatedly reported on the prevalence of wife-initiated divorce. Kompas.com report in 2023 highlighted that in Lhokseumawe, more than 80 per cent of divorce cases were initiated by wives, primarily due to husbands' failure to provide financial support, irresponsible behavior, and domestic violence.³¹ Similarly, *Serambi News* noted that in Bireuen, economic hardship, polygamy, and repeated household conflicts were major drivers of divorce petitions.³² *AJNN* reported that many women, despite the stigma of divorce, filed petitions as a survival strategy when burdened with the double responsibilities of raising children and earning income while their husbands overlooked their responsibilities.³³

These accounts align with findings in academic scholarship. Ramadhita et al argued that gender imbalance in the distribution of household responsibilities and financial management often precipitates marital dissolution across Indonesian societies.³⁴ Further observed is that reforms in Islamic family law in Indonesia, by providing greater procedural access, have enabled women to exit marriages characterized by systemic inequities. As Nurlaelawati has shown, the increasing use of religious courts by women reflects not only their agency but also the structural reforms that allow them to contest abusive or neglectful marriages.³⁵ More recently, studies demonstrate that judicial *ijtihad* has expanded women's rights after divorce, signifying an ongoing process of family law reform that aligns with principles of gender equity.³⁶ The qualitative interviews conducted for this study reinforce these claims. One respondent from Banda Aceh explained,

³⁰ Azwir Azwir et al., "The Legality of Divorce in Aceh: A Study of Divorce Practices Out of Religious Courts," *Al-Manahij: Jurnal Kajian Hukum Islam*, November 25, 2022, 165–80, <https://doi.org/10.24090/mnh.v16i2.6389>.

³¹ Masriadi and Irfan Maullana, "72 Istri Gugat Cerai Suami di Lhokseumawe, Mayoritas karena KDRT dan Perselisihan," *KOMPAS.com*, April 14, 2025, <https://regional.kompas.com/read/2025/04/14/154824678/72-istri-gugat-cerai-suami-di-lhokseumawe-mayoritas-karena-kdrt-dan>.

³² Yusmandin Idris, "Ekonomi Jadi Pemicu, 222 Istri Di Bireuen Gugat Cerai Suami - Serambinews.Com," *Serambinews.Com*, July 29, 2025, <https://aceh.tribunnews.com/2025/07/29/ekonomi-jadi-pemicu-222-istri-di-bireuen-gugat-cerai-suami>.

³³ Putri Zuhra Furna, "226 Istri Di Lhokseumawe Gugat Cerai Suami," January 14, 2025, <https://www.ajnn.net/news/226-istri-di-lhokseumawe-gugat-cerai-suami/index.html>.

³⁴ Ramadhita Ramadhita et al., "Gender Inequality and Judicial Discretion in Muslims Divorce of Indonesia," *Cogent Social Sciences* 9, no. 1 (2023): 2206347, <https://doi.org/10.1080/23311886.2023.2206347>.

³⁵ Euis Nurlaelawati, "Muslim Women in Indonesian Religious Courts: Reform, Strategies, and Pronouncement of Divorce," *Islamic Law and Society* Vol.20, no. No. 3 (2013): 242–71.

³⁶ Mohamed Sulthan Ismiya Begum et al., "Gender Equity in Muslim Family Law: Modern and Contemporary 'Ulamā's View," *Al-Ahkam* 34, no. 2 (2024): 2,



“I worked as a seamstress to provide for the children, while my husband rarely worked and often used money for himself. In the household, he retained decision-making authority but did not fulfil his responsibilities. Eventually, I could no longer bear the situation and decided to file for divorce.”³⁷

Testimonies reveal the gender-specific dynamics of marital dissolution, where women bear the dual responsibilities of being both economic providers and primary caregivers. Yet, they remain marginalized in household decision-making processes. In such contexts, divorce should not be viewed as an impulsive act but rather as a reasoned response to entrenched systemic inequities. Community attitudes toward this phenomenon are ambivalent; while the rise in wife-initiated divorces demonstrates women's empowerment and legal agency within the Islamic judicial system, social stigmatization persists. Divorced women often face societal reproach, including gossip and character judgments. Yet, many persist in seeking divorce, showing that the personal costs of remaining in unequal marriages often outweigh the negative social consequences.³⁸

The broader socio-economic transformations in Aceh, shaped by prolonged conflict and the catastrophic 2004 tsunami, have catalyzed significant shifts in gender roles. Women's involvement in economic activities has increased, despite prevailing cultural norms that continue to privilege male authority within the family. This discrepancy exacerbates marital tensions. Acehnese cultural narratives uphold male dominance while simultaneously expecting women to maintain family cohesion, thus creating a cultural double standard that undervalues women's contributions both domestically and economically.³⁹

The phenomenon of wife-initiated divorce in Aceh can be interpreted as a manifestation of structural gender inequalities. Persistent imbalances in labor division, lack of financial acknowledgement, and the perpetuation of patriarchal dominance collectively generate intolerable living conditions for women, prompting them to refer to divorce as a strategy of resistance. Feminist legal theory, particularly Catharine MacKinnon's work, elucidates how law sustains patriarchal structures and provides room for women to challenge these inequities. Although Aceh's religious courts operate within patriarchal frameworks, they also represent institutional spaces

<https://doi.org/10.21580/ahkam.2024.34.2.20773>; Neng Eri Sofiana et al., “Gender-Responsive Construction in Nikah-Kawin Traditions in West Java: A Qiwamah Perspective,” *El-Mashlahah* 14, no. 1 (2024): 71–94, <https://doi.org/10.23971/el-mashlahah.v14i1.7691>.

³⁷ INF-BA1, Interview (Banda Aceh, 16 July 2024)

³⁸ Ramadhita et al., “Gender Inequality and Judicial Discretion in Muslims Divorce of Indonesia”; Laras Shesa et al., “Reformulating Progressive Fiqh of Talak (Divorce): A Contemporary Study of the Principle of Making Divorce More Difficult in SEMA No. 1 of 2022 for Women's Protection,” *MILRev: Metro Islamic Law Review* 3, no. 2 (2024): 236–62, <https://doi.org/10.32332/milrev.v3i2.9950>.

³⁹ Husnul Khatimah et al., “Perceptions of Traditional Dayah Z Generation Towards Aceh Heroines and Gender Equality Awareness,” *Electronic Journal of Education, Social Economics and Technology* 5, no. 2 (2024): 361–72, <https://doi.org/10.33122/ejeset.v5i2.442>.



where women can reclaim agency and justice through legal divorce petitions.⁴⁰ In summary, divorce in Aceh must be understood both as a symptom of entrenched gender disparities and as a deliberate strategy employed by women to contest systemic inequalities using available legal mechanisms. Empirical data, media narratives, and qualitative accounts collectively affirm that wife-initiated divorce is a structural phenomenon intricately linked to the socio-economic and cultural realities of Acehnese society. This condition necessitates comprehensive systemic interventions to address gender inequality in marriage.⁴¹

Gender Imbalance in Acehnese Marriages and Culture

Marriage in Aceh is situated within a cultural context where Islamic law, customary norms, and patriarchal traditions intersect. This intersection creates complex dynamics of gender relations. Although Aceh is often celebrated for its strong Islamic identity and its history of female leaders in the public sphere, such as Cut Nyak Dhien or the symbolic authority of female religious teachers, the realities of gender relations within families often tell a different story. In everyday marital life, women are subject to cultural expectations that both valorize and constrain their roles, resulting in disharmony that usually contributes to marital breakdowns.

Anthropological studies have long observed the tension between Aceh's historical narratives of female leadership and its deeply patriarchal household structures. Bowen documented how Acehnese society constructs men as the ultimate authority in both religious and familial matters, while women, despite their active roles in the economy and local communities, are relegated to the domestic sphere.⁴² Siegel similarly noted that although Acehnese women enjoy visibility in markets and communal spaces, within the household their voices are frequently muted in deciding financial matters, children's education, and property.⁴³ These ethnographic accounts resonate strongly with the testimonies collected in the present study, where women repeatedly complain of their marginalization in decision-making. However, they contribute equally, and often more, to household life.

The cultural expectation that wives must prioritize family harmony above all else further exacerbates gender imbalance. Community discourses in Aceh frequently portray women as the moral guardians of the household. As a result, when marital conflict arises, women are often blamed for failing to maintain peace, although the

⁴⁰ MacKinnon, *Feminism Unmodified*.

⁴¹ M. Ikhwan et al., "Deciding To Be A Widow or Stay with A Husband: The Experience of Muslim Women Filing for Divorce in the Aceh Sharia Court," *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum* 10, no. 1 (2025): 80–99, <https://doi.org/10.22515/alahkam.v10i1.10825>.

⁴² John R. Bowen, *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning* (Cambridge University Press, 2003), 85–87.

⁴³ James T. Siegel, *Shadow and Sound: The Historical Thought of a Sumatran People*, with Internet Archive (Chicago: University of Chicago Press, 1979), 132–135, <http://archive.org/details/shadowsoundhisto0000siegl>.



source of conflict lies in the husband's negligence, infidelity, or abuse. This burden of responsibility contributes to what Froma Walsh describes as the "double bind" of resilience: women are expected to take pressures without complaint while simultaneously being responsible for the intactness of the family. In Aceh, this expectation is reinforced by sermons in local mosques and materials used in premarital counseling that stress the wife's duty of *taat* (obedience) to her husband, with little discussion of reciprocal obligations.

Empirical realities demonstrate how these cultural narratives translate into real-life experiences. In interviews conducted in Banda Aceh and Bireuen, wives reported feeling trapped in marriages where they performed dual tasks of earning income and managing domestic labor, while husbands controlled financial decisions without proportionate contribution. One woman complained that although she worked in a market stall every day to feed her children, her husband retained authority over family finances and frequently diverted resources for personal use.⁴⁴ Another respondent noted that her husband's frequent absences, coupled with his refusal to discuss matters relating to their children's education, left her with little choice but to seek divorce.⁴⁵ Such accounts reveal the persistence of patriarchal authority even in contexts where women's economic contributions are indispensable. Surveys conducted at the national level corroborate these findings. Research by Rinaldo, Nisa, and Nurmila indicates that women in Muslim-majority provinces in Indonesia disproportionately bear domestic responsibilities while having to work outside the home.⁴⁶ Specifically, fieldwork conducted by Harahap in Aceh reveals that entrenched gender norms within local religious discourse reinforce the expectation for wives to endure hardships silently. This cultural expectation positions divorce as both a last resort and a radical action by women.⁴⁷

The social stigma divorced women have to face further illustrates the gender imbalance. In Acehnese communities, divorced men are often viewed with neutrality or even sympathy, whereas divorced women are subjected to suspicion and gossip. Local newspapers such as *Serambi News* frequently report on women being labelled impatient or disobedient when they file for divorce, regardless of the circumstances.⁴⁸ This reflects Carol Smart's argument that law and culture together incriminate women's actions, further reinforcing patriarchal expectations.⁴⁹ By choosing divorce, women in Aceh confront not only the legal and economic challenges of separation but also the cultural judgment of their communities. Yet persisting high rates of wife-

⁴⁴ INF-BR2, Interview (Bireuen, 16 July 2024)

⁴⁵ INF-BR3, Interview (Bireuen, 16 July 2024)

⁴⁶ Rachel Rinaldo et al., "Divorce Narratives and Class Inequalities in Indonesia," *Journal of Family Issues* 45, no. 5 (2024): 1195–216, <https://doi.org/10.1177/0192513X231155657>.

⁴⁷ Ikhwan et al., "Deciding to Be a Widow or Stay with A Husband."

⁴⁸ Idris, "Ekonomi Jadi Pemicu, 222 Istri Di Bireuen Gugat Cerai Suami - Serambinews.Com."

⁴⁹ Smart, *Feminism and the Power of Law*.



initiated divorce suggest that women are willing to confront these challenges, prioritizing dignity and autonomy over conformity to social norms.

Acehnese culture embodies paradoxes that complicate simplistic readings of patriarchy. Historical narratives of female warriors and contemporary examples of female ulama suggest that women possess symbolic authority in Acehnese society. Nur Ichwan argued that this symbolic authority, however, does not represent structural power within households. Instead, it often functions as a cultural myth that masks the everyday subordination of women in marital relationships. This contradiction explains why Aceh simultaneously produces strong female figures in history and politics while maintaining patriarchal family structures that limit women's autonomy.⁵⁰

The persistence of gender imbalance in Acehnese marriages must also be situated in the province's post-conflict and post-tsunami context.⁵¹ Economic disruptions and social dislocations have triggered many women to take on greater roles as breadwinners.⁵² Yet cultural expectations have not shifted accordingly.⁵³ Husbands often continue to emphasize authority without adapting to the new reality of shared responsibilities.⁵⁴ This disjuncture between economic necessity and cultural recognition often stimulates conflict.⁵⁵ A facilitator of premarital counseling in Lhokseumawe admitted during interviews, "We teach couples about religious duties, but we do not discuss how responsibilities should be negotiated if both husband and wife are working. That is why many problems later arise."⁵⁶ The facilitator's acknowledgement highlights the cultural blind spots in both community practices and state interventions.⁵⁷

Gender imbalance in Aceh is thus not only a matter of unequal domestic labor but also a broader cultural system that privileges male authority while overburdening women with responsibilities.⁵⁸ The effect is cumulative: women are denied equal decision-making opportunities, expected to maintain harmony, stigmatized when they seek divorce, and yet forced by socio-economic realities to assume multiple

⁵⁰ Moch Nur Ichwan, "Official Ulama and the Politics of Re-Islamization: The Majelis Permusyawaratan Ulama, Shari'atization and Contested Authority in Post-New Order Aceh1," *Journal of Islamic Studies* 22, no. 2 (2011): 183–214, <https://doi.org/10.1093/jis/etr026>.

⁵¹ Edward Aspinall, *The Helsinki Agreement: A More Promising Basis for Peace in Aceh?* vol. 1 (East-West Center, 2005).

⁵² Muhammad Rikza Muqtada et al., "Fiqh Contestation on Women's Public Leadership in Indonesia and Malaysia: Reproducing Qur'anic and Hadith Interpretations," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 19, no. 1 (2024): 1, <https://doi.org/10.19105/al-lhkam.v19i1.13163>.

⁵³ Rinaldo et al., "Divorce Narratives and Class Inequalities in Indonesia."

⁵⁴ Bowen, *Islam, Law, and Equality in Indonesia*, 85–87.

⁵⁵ Siegel, *Shadow and Sound*.

⁵⁶ INF-LS1, Interview (Lhokseumawe, July 2024)

⁵⁷ Ichwan, "Official Ulama and the Politics of Re-Islamization."

⁵⁸ Nurlaelawati, "Muslim Women in Indonesian Religious Courts."



roles.⁵⁹ This accumulation of inequalities explains the predominance of wife-initiated divorce.⁶⁰ The feminist legal perspective of Catharine MacKinnon is particularly instructive here. MacKinnon contends that law reflects patriarchal power structures and creates opportunities for resistance.⁶¹ In Aceh, the law of divorce, often mediated through religious courts, simultaneously reproduces patriarchal ideals of male authority while seemingly providing women with the procedural means to escape oppressive marriages.⁶² This paradox mirrors the cultural contradictions of Aceh itself: a society that simultaneously celebrates women's symbolic roles and constrains their lived experiences within households.⁶³

In other words, the reality of gender imbalance in Acehese marriages illustrates how cultural norms, economic pressures, and religious discourses intersect to create conditions of inequality that often culminate in wife-initiated divorce.⁶⁴ Women in Aceh are caught between expectations of obedience and responsibility on the one hand, and the practical necessity of survival and dignity on the other.⁶⁵ By filing for divorce, they challenge not only their husbands' authority but also the established culture of assigning them responsibility for marital harmony without granting them similar power.⁶⁶ The persistence of this pattern underscores the urgency of legal, cultural, and educational interventions that address gender imbalance as a structural issue rather than treating divorce as an individual failing.⁶⁷

Premarital Counseling in Aceh: Between Regulatory Design and Empirical Realities

The Indonesian government has long viewed the strengthening of family resilience as a strategic necessity in preventing divorce and maintaining social harmony.⁶⁸ One of the principal instruments designed to address this challenge is the premarital counseling program, often referred to premarital counseling. This program was institutionalized through the Decree of the Directorate General of Islamic Community Guidance No. 172 of 2022 and further reinforced by Supreme Court Regulation No. 876 of 2023. The program is intended as a mandatory requirement for couples before marriage registration, reflecting the state's proactive intervention at the threshold of marital life.

⁵⁹ Smart, *Feminism and the Power of Law*.

⁶⁰ Ramadhita et al., "Gender Inequality and Judicial Discretion in Muslims Divorce of Indonesia."

⁶¹ MacKinnon, *Feminism Unmodified*.

⁶² Nurlaelawati, "Muslim Women in Indonesian Religious Courts."

⁶³ Ichwan, "Official Ulema and the Politics of Re-Islamization."

⁶⁴ Rinaldo et al., "Divorce Narratives and Class Inequalities in Indonesia."

⁶⁵ Kathryn Robinson, *Gender, Islam and Democracy in Indonesia* (Routledge, 2008).

⁶⁶ Smart, *Feminism and the Power of Law*.

⁶⁷ Ramadhita et al., "Gender Inequality and Judicial Discretion in Muslims Divorce of Indonesia."

⁶⁸ Soekanto, *Faktor-faktor yang mempengaruhi penegakan hukum*.



The official guidelines outline an ambitious curriculum that comprises multiple modules on (a) religious duties of spouses, (b) reproductive health and family planning, (c) financial management and household economy, (d) communication and conflict resolution skills, and (e) gender partnership within the household.⁶⁹ Principally, this integrated design acknowledges the multi-dimensional nature of marriage, combining doctrinal, social, and practical elements to prepare couples not only for ritual obligations but also for partnership realities. A total of 16 instructional hours across two days are prescribed, with participatory methods, including discussions, simulations, and case studies, envisioned as part of delivery.

On paper, therefore, Premarital counseling seemingly aligns with global best practices in premarital education, which emphasize the importance of communication skills, conflict resolution, and shared responsibility.⁷⁰ However, the implementation of Premarital counseling in Aceh reveals a profound gap between regulatory substance and empirical reality.⁷¹ This disjuncture was discovered from interviews with facilitators, participants, and officials, exposing how doctrinal priorities, cultural biases, and institutional weaknesses collectively undermine the program's effectiveness.

A recurring theme from the interview data is the prioritization of doctrinal content over practical skills. One facilitator from Banda Aceh shared,

“The time is very limited. We have to finish many topics in only two days. So, what we usually emphasize is the religious part—duties of the husband, duties of the wife, patience, and obedience. It is not possible to go deeper into communication techniques or conflict resolution.”⁷²

This testimony reflects a widespread practice, implying that rather than delivering the full breadth of the curriculum, facilitators condense sessions into lectures on religious obligations, often interpreted through a patriarchal perspective. The modules on reproductive health and financial planning are similarly narrowed. Reproductive health becomes equated with instructions about family planning methods, while financial management is reduced to exhortations that husbands must provide and wives must economize. Crucially, the module on gender partnership, which the guidelines explicitly identify as central, is either omitted or reinterpreted to reinforce traditional gender hierarchies.

Participants' accounts further underscore the flaw of the program. A woman from Bireuen who later filed for divorce recalled,

“In premarital counseling they told us that if the wife obeys the husband, then the family will be harmonious. But no one told us what to do if the husband does not provide, or if he is violent, or if he leaves for months.

⁶⁹ Kementerian Agama RI, *Petunjuk Teknis Bimbingan Perkawinan Calon Pengantin* (Dirjen Bimas Islam, 2022), 16–19.

⁷⁰ Walsh, “Family Resilience.”

⁷¹ Ichwan, “Official Ulema and the Politics of Re-Islamization.”

⁷² INF-BA2, Interview (Banda Aceh, August 2024)



When I faced these problems, I realized that Premarital counseling had not prepared me at all. I had no choice but to file for divorce.”⁷³

Another participant from Lhokseumawe expressed similar disappointment,

“We were told to be patient, to pray more, to maintain obedience. But there was no discussion about how to manage money together or how to communicate when problems happen. When conflicts came, the advice from Premarital counseling was useless.”⁷⁴

These accounts highlight the contrast between the program’s stated objectives and its practical outcomes. Instead of providing couples with advice on how to navigate conflict and build resilience, Premarital counseling in Aceh functions as a mere doctrinal exercise that reinforces unequal roles and leaves women particularly vulnerable to inequalities. Officials within the Ministry of Religious Affairs (KUA) also acknowledge these shortcomings. An official of a religious affairs office admitted in their interview,

“The program is important, but in reality, many of our facilitators are not trained in counselling. They are religious teachers. They focus on delivering lectures, not on skills. Monitoring is also weak. Sometimes modules like gender equality are skipped because they are considered sensitive.”⁷⁵

Such admissions reveal institutional flaws: facilitators lack specialized training, oversight mechanisms are insufficient, and cultural resistance to gender-sensitive material leads to selective implementation. The result is that the substance of the law, well-articulated in guidelines, fails in practice due to structural and cultural barriers. The consequences of this gap are profound. First, premarital counseling inadvertently reinforces patriarchal norms. By emphasizing obedience and endurance as the primary virtues of wives, while affirming male authority as provider and leader, the program indirectly legitimizes gender hierarchies. This reproduces inequalities that women later confront in marriage, particularly in households where men fail to meet their obligations. Second, the program leaves couples underprepared for real challenges. By neglecting communication, negotiation, and conflict management skills, Premarital counseling deprives families of the adaptive capacities identified by Froma Walsh as essential to resilience.⁷⁶ When conflict arises, couples lack constructive strategies, leading to breakdowns that escalate to divorce. Third, the program fails to address domestic violence or economic neglect, two of the most common triggers of wife-initiated divorce in Aceh. As interviews revealed, women facing such issues find that Premarital counseling has provided no significant guidance, making divorce the only viable recourse.

⁷³ INF-BR1, Interview (Bireuen, September 2024)

⁷⁴ INF-LS2, Interview (Lhokseumawe, September 2024)

⁷⁵ INF-KWL, Interview (Banda Aceh, September 2024).

⁷⁶ Walsh, “Family Resilience.”



The above condition leads to a striking paradox: a program intended to prevent divorce may, in its current form, indirectly contribute to the persistence of high divorce rates, particularly resulting from wife-initiated petitions.⁷⁷ Women with advice from Premarital counseling suggesting reinforced obligations of obedience often feel unprovided with guidance to negotiate equality or protect themselves against structural unfairness. When marriages falter, they turn to the courts, where wife-initiated divorce petitions frequently become the last resort.⁷⁸

Soerjono Soekanto's framework of legal effectiveness helps explain this outcome. In terms of the substantive aspect, premarital counseling's regulatory design is robust, prescribing a comprehensive curriculum. Structurally, however, the institutions responsible for delivery lack capacity, relying on untrained facilitators and offering no systematic monitoring. Culturally, patriarchal norms in Aceh dominate the interpretation of the program, privileging obedience and endurance over equality and partnership. In Soekanto's triadic model—substance, structure, and culture—the failure of the latter two undermines the effectiveness of the law, rendering the substance largely symbolic.⁷⁹

Froma Walsh's family resilience theory adds a further layer. Walsh emphasizes that resilient families are those that cultivate problem-solving skills, open communication, and shared responsibilities. Premarital counselling, as implemented in Aceh, does not foster these capacities. Instead, it promotes doctrinal conformity, leaving couples ill-equipped to adapt to pressing conditions. The absence of resilience-building explains why, despite attending Premarital counselling, many families collapse under pressure, often with women initiating divorce as an act of survival.⁸⁰ Feminist legal perspectives shed even sharper light. Carol Smart argues that law is not neutral but reflects the values of the society in which it operates, often reproducing patriarchal structures.⁸¹ Catharine MacKinnon further contends that law simultaneously oppresses and empowers women, legitimizing male dominance while also offering women tools of resistance.⁸² Premarital counseling exemplifies this paradox. Framed as a preventive measure, it reproduces patriarchal hierarchies by valorizing obedience and silence. Yet when these hierarchies prove untenable, women use their very own legal system—petitioning for divorce—to reclaim autonomy. Thus, Premarital counseling not only fails to prevent divorce but, by reinforcing inequality, indirectly fuels more practices of wife-initiated divorce.⁸³

⁷⁷ Gazi Gazi et al., "Koherensi Kebijakan Ketahanan Keluarga Dan Tumpang Tindih Mandat Penyelenggaraan Pendidikan Pra Nikah Di Indonesia," *Harmoni* 21, no. 2 (2022): 217–35, <https://doi.org/10.32488/harmoni.v21i2.640>.

⁷⁸ Ramadhita et al., "Gender Inequality and Judicial Discretion in Muslims Divorce of Indonesia."

⁷⁹ Soekanto, *Faktor-faktor yang mempengaruhi penegakan hukum*.

⁸⁰ Walsh, "Family Resilience."

⁸¹ Smart, *Feminism and the Power of Law*.

⁸² MacKinnon, *Feminism Unmodified*.

⁸³ Nurlaelawati, "Muslim Women in Indonesian Religious Courts."



The contradiction between regulation and practice can be illustrated in the following comparative form:

Table 3. Official Curriculum vs. Field Implementation of Premarital Counselling in Aceh

Module (as per guidelines)	Intended Content	Observed Practice in Aceh	Gender Implications
Religious duties	Reciprocal obligations of spouses	Emphasis on the wife’s obedience and the husband’s provision	Reinforcing patriarchal hierarchy
Reproductive health	Knowledge of reproductive rights and health management	Limited to family planning methods	Neglecting women’s agency and shared responsibility
Financial management	Joint financial planning and budgeting	Husband serves as the provider, wife must economize	Disempowering wives in financial decision-making
Conflict resolution	Skills for communication and negotiation	Reduced to calls for patience and endurance	Denies women’s power to contest inequality
Gender partnership	Promotion of equality and shared responsibilities	Often skipped or reinterpreted to stress male leadership	Marginalizing the gender equality perspective

The Table above highlights the systematic erosion of transformative content in Premarital counselling’s delivery. The modules most capable of addressing structural inequalities, including conflict resolution and gender partnership, are precisely those most neglected. On the other hand, the modules most emphasized, such as religious duties and obedience, are those most likely to reproduce existing hierarchies.

The negative impact is visible in divorce statistics. As demonstrated in the earlier section, between 2021 and 2023, over 70 per cent of divorces in Aceh were initiated by wives, a proportion significantly higher than in other provinces.⁸⁴ Interviews with judges of the Mahkamah Syar’iyah confirm that the majority of petitions cite economic neglect, irresponsibility, and abuse, all issues unaddressed by Premarital counselling. A judge in Banda Aceh explained, “Most women who come here say they have already tried to endure. But when the husband does not provide or is violent, they see no hope. Many of them attended Premarital counselling, but it did not change the outcome. The problems were deeper, and Premarital counseling did not prepare them.”⁸⁵

⁸⁴ Mahkamah Syar’iyah Aceh, “Laporan Tahunan Mahkamah Syar’iyah Aceh 2021-2023.”

⁸⁵ Interview with INF-MS, Judge of Mahkamah Syar’iyah, Banda Aceh, September 2024.



This testimony underscores the functional irrelevance of Premarital counseling to the realities of marital conflict in Aceh. Instead of serving as a preventive mechanism, the program operates as a bureaucratic requirement with little substantive impact.⁸⁶ The broader implication is that premarital counseling in its current form is misaligned with the realities of Acehnese society. While the program aims to strengthen family resilience, its doctrinal emphasis and patriarchal orientation undermine this objective.⁸⁷ Instead of empowering couples to build equitable partnerships, Premarital counseling perpetuates the very inequalities that lead to wife-initiated divorce.⁸⁸

In conclusion, the case of Premarital counselling in Aceh illustrates the paradox of a well-intentioned policy undermined by flawed implementation. The guidelines articulate a progressive vision, yet structural shortcomings, cultural resistance, and institutional limitations reduce the program to a ritualistic practice.⁸⁹ The voices of facilitators, participants, and officials converge in pointing to a program that is too short, too doctrinal, and too disconnected from real challenges. For women in Aceh, this means entering marriage without any knowledge of how to contest inequality, leaving divorce as their only recourse.⁹⁰ From the perspective of legal effectiveness, family resilience, and feminist critique, Premarital counseling in Aceh stands as an example of how state interventions can fail not because of flawed design but because of cultural and structural contradictions that hollow out their substance.⁹¹ Therefore, reform is urgent, considering that curriculum enrichment with gender-transformative content, the availability of qualified facilitators, and post-marital support mechanisms are essential if Premarital counseling is to fulfil its preventive mandate. Without such reforms, the program will remain an initiative whose lofty ideals are extinguished in practice.⁹²

Comparative Perspectives on Premarital Counselling: Lessons from Muslim Societies and Western Models

Placing Aceh's premarital counseling experience in comparative perspective reveals that the gap between regulatory design and social realities is neither unique nor isolated. Across Muslim-majority societies, state-led premarital counseling programs are typically structured on the basis of doctrinal and moral education rather than skill development, while in Western contexts, premarital education has evolved

⁸⁶ Rinto Wahyu Widodo and Muhammad Untung Manara, *Effectiveness of Premarital Counseling in Indonesia: Literature Review* | *KONSELI: Jurnal Bimbingan Dan Konseling (E-Journal)*, March 5, 2025, <https://ejournal.radenintan.ac.id/index.php/konseli/article/view/19196>.

⁸⁷ Walsh, "Family Resilience."

⁸⁸ Ramadhita et al., "Gender Inequality and Judicial Discretion in Muslims Divorce of Indonesia."

⁸⁹ Soekanto, *Faktor-faktor yang mempengaruhi penegakan hukum*.

⁹⁰ Nurlaelawati, "Muslim Women in Indonesian Religious Courts."

⁹¹ Smart, *Feminism and the Power of Law*.

⁹² MacKinnon, *Feminism Unmodified*.



into a more pragmatic, evidence-based model focused on communication, conflict resolution, and partnership.⁹³ Examining these contrasts further explains the structural weaknesses of Premarital counselling and highlights potential pathways for reform.

In Southeast Asia, Malaysia has institutionalized premarital courses since the 1990s, making them mandatory for Muslim couples intending to marry. Much like Premarital counseling in Indonesia, the Malaysian program was initially framed as a mechanism to curb divorce rates and reinforce family harmony. Studies conducted by Yusof, Mahmud, and Abdul Ghani indicate that Malaysian premarital courses devote extensive time to religious obligations and sexual ethics, while devoting less attention to problem-solving skills and gender partnership.⁹⁴ Similar to Aceh, the delivery is often lecture-based, facilitated by religious officers, with little interactivity. While participants generally acknowledge gaining religious knowledge, the impact on divorce prevention is limited, as evidenced by increasing numbers of wife-initiated divorce petitions. Abdullah argued that the lack of gender-sensitive content has contributed to the persistence of unequal marital dynamics, as women remain overburdened by domestic responsibilities while lacking structural power in decision-making.⁹⁵

Brunei Darussalam offers a comparable case. Premarital education is mandated under the Islamic Family Law Act, with modules on family harmony, reproductive health, and financial management. However, Hariri et al observed that implementation overwhelmingly emphasizes doctrinal obedience, with facilitators frequently stressing the duty of wives to obey their husbands and maintain household peace.⁹⁶ Gender partnership is discussed superficially and set within traditional hierarchies. The result, as in Aceh, is that women are instructed to endure inequality rather than equipped to negotiate partnership.

Beyond Southeast Asia, Muslim societies in the Middle East have also experimented with premarital counselling, though with similar limitations. In Egypt, the state introduced mandatory premarital health examinations and counselling modules in 2014. While the program aimed to integrate reproductive health education with social guidance, Fadel noted that the content was largely biomedical

⁹³ Kholis Bidayati et al., "Strengthening Family Institution through Pre-Marital Course: Comparative Study between Indonesia and Malaysia," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 20, no. 2 (2020): 147–61, <https://doi.org/10.30631/alrisalah.v20i2.600>.

⁹⁴ Kamarusdiana Kamarusdiana et al., "Pre-Marital Education: Concepts and Regulations in Indonesia and Malaysia," *Al-Ahkam* 32, no. 1 (2022): 41–64, <https://doi.org/10.21580/ahkam.2022.32.1.10709>.

⁹⁵ Arif Sugitanata Arif, "Hukum Keluarga Islam Di Brunei Darussalam:," *Al-Qadha : Jurnal Hukum Islam Dan Perundang-Undangan* 8, no. 1 (2021): 1–12, <https://doi.org/10.32505/qadha.v8i1.2275>.

⁹⁶ Anas Wildan Hariri et al., "Marriage Guidance for Prospective Brides from The Perspective of Maslahah Mursalah (Case Study at the Office of Religious Affairs, Wonoasri District, Madiun Regency)," *Rechtsvinding* 1, no. 2 (2023): 85–92, <https://doi.org/10.59525/rechtsvinding.v1i2.418>.



and doctrinal, failing to address gender equity or conflict resolution.⁹⁷ In Pakistan, premarital counseling remains largely informal, conducted through religious institutions or community elders. These cases suggest that across Muslim-majority societies, premarital counseling remains constrained by patriarchal interpretations of religious duty, leaving structural gender inequalities unchallenged.

In contrast, premarital counseling models in Western contexts, particularly in the United States and parts of Europe, demonstrate a markedly different approach. Rather than doctrinal instruction, these programs emphasize skill development and evidence-based interventions. Research by Stanley, Amato, Johnson, and Markman on the Prevention and Relationship Enhancement Program (PREP) in the U.S. showed that couples who underwent skill-based premarital education reported significantly higher levels of marital satisfaction and lower levels of divorce cases over the first five years of marriage.⁹⁸ The key components of PREP include training in communication skills, conflict resolution strategies, problem-solving exercises, and realistic expectation setting. These modules directly address the practical challenges of marriage, equipping couples with adaptive capacities to navigate stress and conflict.

Similarly, Carroll and Doherty documented how skill-based premarital counseling programs across Europe reduced the likelihood of divorce by up to 30 per cent when compared to couples who did not participate.⁹⁹ The distinguishing factor is that Western models frame marriage as a partnership requiring continuous negotiation and shared responsibilities, rather than as a hierarchical arrangement governed by rigid roles. Gender equality is integrated into the curriculum not as an abstract ideal but as a practical instrument to support family resilience. The contrast between Muslim and Western models underscores the primary weakness of Premarital counseling in Aceh: its doctrinal focus reproduces inequality rather than mitigating it. While Western programs emphasize skills, communication, and equality, Premarital counseling focuses more on endurance, obedience, and ritual.¹⁰⁰ This divergence is not merely cultural but has tangible consequences. In Aceh, as in Malaysia and Brunei, the absence of skill-based training leaves women vulnerable to structural inequalities, forcing them to seek divorce when facing economic neglect or

⁹⁷ Christian Lange et al., "Text Mining Islamic Law," *Islamic Law and Society* 28, no. 3 (2021): 234–81, <https://doi.org/10.1163/15685195-bja10009>.

⁹⁸ Scott M. Stanley et al., "Premarital Education, Marital Quality, and Marital Stability: Findings from a Large, Random Household Survey," *Journal of Family Psychology: JFP: Journal of the Division of Family Psychology of the American Psychological Association (Division 43)* 20, no. 1 (2006): 117–26, <https://doi.org/10.1037/0893-3200.20.1.117>.

⁹⁹ Jason S. Carroll and William J. Doherty, "Evaluating the Effectiveness of Premarital Prevention Programs: A Meta-Analytic Review of Outcome Research," *Family Relations: An Interdisciplinary Journal of Applied Family Studies* (United Kingdom) 52, no. 2 (2003): 105–18, <https://doi.org/10.1111/j.1741-3729.2003.00105.x>.

¹⁰⁰ Howard J. Markman et al., *Fighting for Your Marriage: A Deluxe Revised Edition of the Classic Best-Seller for Enhancing Marriage and Preventing Divorce* (John Wiley & Sons, 2010).



abuse. In the U.S. and Europe, by contrast, premarital counseling equips couples with the knowledge of addressing such issues constructively, thereby reducing the likelihood of divorce.

Nevertheless, the Western experience also offers cautionary lessons. Not all premarital programs are equally effective. Markman et al. warned that programs that are too short, poorly facilitated, or insufficiently contextualized fail to produce lasting benefits.¹⁰¹ The success of premarital counseling is contingent on professional facilitation, curriculum depth, and cultural adaptation. For Aceh, this suggests that simply importing Western models without adjustment would not be sufficient. Instead, reform requires adapting skill-based approaches to local cultural and religious contexts, integrating gender equality within a framework that resonates with Islamic values.

Therefore, a hybrid approach is necessary and feasible. Comparative scholarship indicates that religious framing and skill-based content are not mutually exclusive. In Jordan, for instance, a pilot premarital program implemented by Al-Krenawi and Graham combined religious teachings with modules on conflict resolution and financial planning, framed through Qur'anic principles of *shura* (consultation) and mutual responsibility.¹⁰² The program reported significant improvements in marital satisfaction during its first three years of implementation. Such models demonstrate that gender partnership and skill-building can be integrated into Islamic frameworks without undermining religious legitimacy.

For Aceh, the comparative evidence points to several urgent reforms. First, the curriculum must be rebalanced to ensure that modules on conflict resolution, communication, and gender partnership are not marginalized or omitted but prioritized as central pillars. Second, facilitators require qualifications not only in religious teaching but also in counselling techniques and gender-sensitive pedagogy. Third, monitoring and evaluation mechanisms must be strengthened to ensure fidelity to the intended curriculum, preventing the omission of transformative content. Finally, reform must be framed within Islamic principles parallel to Acehnese culture, emphasizing that equality and partnership are consistent with Qur'anic teachings of justice and compassion.¹⁰³

Toward Reform: Integrating Gender Equality into Premarital Counselling

The preceding analysis demonstrates that the institutionalization of Premarital counselling, despite its well-intentioned regulatory design, has not succeeded in addressing the structural causes of marital instability in Aceh. The persistent and dominant wife-initiated divorce petitions indicate that the program currently

¹⁰¹ *Ibid.*

¹⁰² Quintan Wiktorowicz and Suha Taji Farouki, "Islamic NGOs and Muslim Politics: A Case from Jordan," *Third World Quarterly* 21, no. 4 (2000): 685–99, <https://doi.org/10.1080/01436590050079065>.

¹⁰³ Walsh, "Family Resilience."



implemented fails to equip couples with the skills and knowledge essential to building equitable and resilient marriages. Instead, its doctrinal orientation and patriarchal framing reinforce gender imbalances that lead to marital breakdown. This paradox underscores the urgency of reforming Premarital counseling through the explicit integration of gender equality, professionalization of facilitation, and development of mechanisms that extend beyond the premarital stage into ongoing marital support.¹⁰⁴

Reform must start from discovering and recognizing the gap between regulation and practice. As shown in Sub-Discussion 3, the official curriculum mandates modules on communication, conflict resolution, financial planning, and gender partnership, but these modules are routinely marginalized or distorted during delivery.¹⁰⁵ Instead, facilitators emphasize obedience, patience, and ritual conformity. This gap is not simply a matter of incomplete implementation but a reflection of deeper structural and cultural constraints. Facilitators often lack pedagogical training, institutional oversight is minimal, and cultural resistance to gender-sensitive content leads to selective omission. In Soerjono Soekanto's framework, the substance of the law is undermined by deficiencies in both structure and culture. Reform, therefore, must address these aspects simultaneously.¹⁰⁶

Curriculum reform must be the priority. International evidence, as discussed in Sub-Discussion 4, shows that premarital counseling is most effective when it equips couples with adaptive skills such as communication, negotiation, and joint problem-solving. For Aceh, this does not mean abandoning religious content but rather reframing it in ways that support partnership and equality. Qur'anic concepts such as *musyawarah* (deliberation), *mawaddah wa rahmah* (affection and mercy), and *'adl* (justice) provide a strong theological foundation for gender equality within marriage.¹⁰⁷ By embedding modules on conflict resolution, financial planning, and shared responsibility within this Islamic framework, Premarital counseling can present gender partnership not as a sole Western model but as a core Islamic value. The gender partnership module must be elevated from marginal status to a central pillar of the curriculum, ensuring that couples learn not only their religious tasks but also their practical rights and responsibilities as partners.¹⁰⁸

Second, reform must focus on the professionalization of facilitators. Current facilitators are often drawn from KUA officials or local religious teachers, many of whom are ill-equipped to deliver interactive training. The interview data reveal that most rely on lectures and sermons, leaving little room for discussion or skill-building

¹⁰⁴ Mansour Fakhri, *Analisis Gender Dan Transformasi Sosial* (Pustaka Pelajar, 2019), 85–87.

¹⁰⁵ Kementerian Agama RI, *Petunjuk Teknis Bimbingan Perkawinan Calon Pengantin*.

¹⁰⁶ Soekanto, *Faktor-faktor yang mempengaruhi penegakan hukum*.

¹⁰⁷ Amin Abdullah, *Islam as a Cultural Discourse: Integrating Religion, Culture, and Law in Indonesia* (UIN Sunan Kalijaga Press, 2020), 112–14.

¹⁰⁸ Ihsan Yilmaz, "Pakistan Federal Shariat Court's Collective Ijtihād on Gender Equality, Women's Rights and the Right to Family Life," *Islam and Christian-Muslim Relations* 25, no. 2 (2014): 181–92, <https://doi.org/10.1080/09596410.2014.883200>.



practices. Professionalization requires systematic training in counselling techniques, gender-sensitive pedagogy, and participatory methods. The development of a national certification program for facilitators, with ongoing evaluation and refresher courses, could help standardize quality and ensure fidelity to the curriculum. Furthermore, involving women facilitators and professionals from psychology, social work, and public health would diversify perspectives and counterbalance patriarchal interpretations.¹⁰⁹

Third, reform must address the absence of post-marital support mechanisms. The current model treats premarital counseling as a one-time intervention, after which couples are left to navigate challenges alone. Yet evidence from both Muslim and Western contexts shows that ongoing support through family counselling centers, mediation services, or follow-up workshops significantly enhances marital stability.¹¹⁰ In Aceh, where cultural stigma and patriarchal norms often discourage women from seeking help, the establishment of accessible and confidential support services is particularly critical. Post-marital support would provide couples with opportunities to revisit and reinforce skills learned in Premarital counselling, while also offering safe spaces for women to seek assistance in cases of abuse or neglect.¹¹¹

The integration of gender equality into Premarital counseling must also contend with cultural resistance. As feminist legal theorists such as Carol Smart and Catharine MacKinnon remind us, law and policy are never neutral but reflect existing power structures.¹¹² In Aceh, where patriarchal interpretations of Islam are deeply entrenched, any effort to promote gender partnership risks being dismissed as foreign or subversive. Reform must therefore be framed in culturally resonant terms, drawing on Islamic jurisprudence and local traditions that emphasize justice and compassion.¹¹³ Collaborative engagement with religious leaders, women's organizations, and community stakeholders will be essential to legitimize reform and mitigate resistance.¹¹⁴

From the perspective of Walsh's family resilience theory, reforming Premarital counseling is essential to building adaptive capacities in Acehnese families. The current program promotes endurance and obedience, which may temporarily

¹⁰⁹ Nedaa M. Bahkali et al., "Effect of Premarital Education on the Quality of Life of Female Partners: A Cross-Sectional Study," *Cureus* 14, no. 12 (2022): e32186, <https://doi.org/10.7759/cureus.32186>.

¹¹⁰ Muhammad Mufti, "Gender Equality in Islamic Marriage Law through the Maqāṣid Al-Sharī'a Perspective: A Study on Woman-Initiated Divorce (Ceraī Gugat) in Indonesia," *Sawwa: Jurnal Studi Gender* 19, no. 1 (2024): 29–46, <https://doi.org/10.21580/sa.v19i1.22641>.

¹¹¹ Mursyid Djawas et al., "Creating Family Resilience in Indonesia: A Study of 'Marriage Guidance' Program in Aceh and South Sumatera," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 1 (2022): 299–324, <https://doi.org/10.19105/al-lhkam.v17i1.6150>.

¹¹² Smart, *Feminism and the Power of Law*; MacKinnon, *Feminism Unmodified*.

¹¹³ Catharine A. MacKinnon, *Toward a Feminist Theory of the State* (Cambridge: Harvard University Press, 1989), 161–164.

¹¹⁴ David Kloos, "The Salience of Gender: Female Islamic Authority in Aceh, Indonesia," *Asian Studies Review* 40, no. 4 (2016): 527–44, <https://doi.org/10.1080/10357823.2016.1225669>.



suppress conflict but do not foster resilience. A reformed Premarital counseling that emphasizes communication, problem-solving, and shared responsibility would cultivate the adaptive skills necessary for families to withstand economic hardship, social change, and interpersonal conflict.¹¹⁵ Such resilience would not only reduce divorce rates but also strengthen broader community stability.¹¹⁶

The empirical realities of wife-initiated divorce in Aceh further highlight the urgency of reform. Interviews with divorced women consistently reveal that Premarital counseling left them unprepared to navigate economic neglect, abuse, or exclusion from decision-making. By failing to address these structural inequalities, Premarital counseling seems to lure women into divorce as their only viable option for justice and autonomy. Reforming Premarital counseling to integrate gender equality would not eliminate divorce, but would ensure that divorce is not the default outcome of systemic inequality.¹¹⁷ Instead, women and men alike would be equipped to build marriages based on partnership rather than hierarchy.

Concrete policy recommendations emerge from this analysis. First, the Ministry of Religious Affairs should revise the national Premarital counseling curriculum to mandate the delivery of modules on gender partnership and conflict resolution, with clear monitoring indicators.¹¹⁸ Second, a certification system for facilitators should be established, requiring training in counselling and gender sensitivity as prerequisites for service. Third, the government should pilot family counselling centers at the district level in Aceh, offering follow-up services for couples after marriage. Fourth, partnerships with universities and NGOs should be encouraged to provide research-based materials and an evaluation of Premarital counselling's effectiveness. Finally, public campaigns should be developed to reframe gender equality as consistent with Islamic teachings, thereby reducing cultural resistance.¹¹⁹

These reforms would not only enhance the effectiveness of Premarital counseling but also contribute to broader goals of gender justice and family resilience in Aceh. Aligning legal substance with structural capacity and cultural legitimacy is expected to transform the program from a bureaucratic formality to a transformative

¹¹⁵ Walsh, "Family Resilience."

¹¹⁶ Mohammad Nasir et al., "Pre-Marital Counseling Effectiveness In Building Happy Muslim Families," *INTERNATIONAL JOURNAL OF CONTEMPORARY ISLAMIC LAW AND SOCIETY* 3, no. 1 (2021): 55–68, <https://doi.org/10.24239/ijcils.Vol3.Iss1.27>.

¹¹⁷ Jason S. Carroll and William J. Doherty, "Evaluating the Effectiveness of Premarital Prevention Programs: A Meta-Analytic Review of Outcome Research," *Family Relations* 52, no. 2 (2003): 105–18, <https://doi.org/10.1111/j.1741-3729.2003.00105.x>.

¹¹⁸ Syawaluddin Zaleha, "Penyuluhan Pra Nikah Bagi Pemuda Dan Remaja Masjid Di Desa Pulau Pule Kecamatan Air Batu," *Center of Knowledge: Jurnal Pendidikan Dan Pengabdian Masyarakat*, April 29, 2023, 178–86, <https://doi.org/10.51178/cok.v3i1.1302>.

¹¹⁹ Gepeng Rambe et al., "Strategi Komunikasi Konseling Penyuluh Agama Dalam Meminimalisir Perceraian Di Kabupaten Aceh Singkil," *PERSPEKTIF* 12, no. 1 (2023): 309–20, <https://doi.org/10.31289/perspektif.v12i1.8601>.



intervention.¹²⁰ Without reform, Premarital counseling will continue to reproduce patriarchal norms and fail to prevent divorce, undermining both its legal mandate and its social purpose. With reform, it has the potential to provide a meaningful instrument for strengthening families and promoting equality.

In conclusion, the missing gender perspective in Premarital counseling is not a minor oversight but the central reason for its ineffectiveness in preventing wife-initiated divorce in Aceh. Integrating gender equality into the curriculum, professionalizing facilitators, and providing post-marital support are essential steps toward reform.¹²¹ Framed through the perspectives of legal effectiveness, family resilience, and feminist critique, these reforms represent not only a practical necessity but also a moral imperative. If Premarital counseling is to fulfill its promise of strengthening families, it must move beyond doctrine to embrace equality, partnership, and resilience as the foundations of marital life.¹²²

Conclusion

This study has shown that the persistence of wife-initiated divorce in Aceh reflects structural gender inequalities within marriage and the ineffectiveness of premarital counseling in addressing them. Statistical data from the Mahkamah Syariah Aceh (2021–2023) confirm that wives filed more than two-thirds of divorce petitions, while qualitative evidence reveals causes such as economic neglect, domestic violence, and women's exclusion from decision-making. Although Premarital counseling is normatively framed as a preventive program with modules on communication, financial management, and gender partnership, its implementation in Aceh is dominated by doctrinal lectures often focused on obedience and patience. Facilitators lack professional training, monitoring mechanisms are weak, and modules most relevant to gender equality are frequently neglected. Consequently, premarital counseling reinforces patriarchal norms rather than equipping couples with skills to build resilient partnerships.

The novelty of this article lies in connecting the persistence of wife-initiated divorce in Aceh with structural deficiencies of Premarital counseling, analyzed according to Soerjono Soekanto's theory of legal effectiveness, Froma Walsh's family resilience framework, and feminist legal critique. This integrated approach explains the failure of Premarital counseling as both a legal intervention and a social program.

¹²⁰ Christine G. Schenk, "Legal and Spatial Ordering in Aceh, Indonesia: Inscribing the Security of Female Bodies into Law," *Environment and Planning A: Economy and Space* 51, no. 5 (2019): 1128–44, <https://doi.org/10.1177/0308518X19836119>.

¹²¹ Asna Husin, "Falling Out of Love: Divorce of Three Acehnese Ubanan Couples in the Islamic Law Perspective," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (2023): 1868–96, <https://doi.org/10.22373/sjhk.v7i3.19433>.

¹²² David Kloos and Nor Ismah, "Siting Islamic Feminism: The Indonesian Congress of Women Islamic Scholars and the Challenge of Challenging Patriarchal Authority," *History and Anthropology* 34, no. 5 (2023): 818–43, <https://doi.org/10.1080/02757206.2023.2249495>.



Practically, reform is imperative in this case. The curriculum, therefore, must priorities conflict resolution and gender partnership; facilitators require certification and gender-sensitive training; and post-marital support should be developed to sustain resilience. These reforms must be framed within Islamic principles of justice, compassion, and consultation to gain legitimacy in Acehese society. In conclusion, without integrating a gender perspective, Premarital counseling will remain a bureaucratic formality disconnected from lived realities. With reform, however, it has the potential to become a transformative tool for strengthening families and reducing divorce.

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