

УДК 347.62: 331.218.34(594)

**ANALYSIS OF MARRIAGE LAW IN INDONESIA:
THE ROLE OF CAREER WOMEN IN HOUSEHOLD LIFE**

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In the Indonesian marriage law stipulated in the law No. 1 year 1974 on marriage, a husband is responsible for providing a living to his family, in fact in the community instead of that women or wives make a living as career women. The impact of these changes will result in positive and negative consequences. The positive impact of women in households is increasingly strong so that when something happens to her husband, he dies or divorcing, then woman can take over the role of husband as a single parent woman in the family and look for the work and raised her children. From the negative side, with the number of activities outdoors, automatically the affairs of the household have less attention so that the family communication is less harmonious both to the husband and children. This study used normative legal studies on marriage, linked to social changes amid the Indonesian society that is now experiencing the transition from traditional communities to modern life. The results of research and analysis resulted that the career women in Indonesia have more and more opportunities for women to work in the public sector as employees or government employees. So that the position of women as housewives Diminished and resulted in less harmonic family relationships, as the time for family is increasingly diminishing.

Keywords: marriage law, women careers, household life, Indonesia.

**АНАЛИЗ БРАЧНОГО ПРАВА ИНДОНЕЗИИ:
РОЛЬ ДЕЛОВОЙ ЖЕНЩИНЫ В СЕМЬЕ**

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Согласно семейному законодательству, отраженному в законе Индонезии 1974 года № 1, муж несет ответственность за обеспечение своей семьи средствами к существованию. Но фактически вместо этого в семье зарабатывают на жизнь женщины или жены, строя свою карьеру. Это приводит

как к положительным, так и к отрицательным последствиям. Положительным является то, что роль женщины в домашнем хозяйстве становится все более значимой. Поэтому в случае, если что-то происходит с мужем – он умирает или супруги разводятся, то женщина может взять на себя роль мужа, найдя работу и воспитывая своих детей в одиночку. Отрицательной стороной является то, что с увеличением занятости вне дома, женщина все меньше внимания уделяет домашнему хозяйству, что отражается на семейном общении, которое становится менее гармоничным как с мужем, так и с детьми. В данной статье использованы нормативно-правовые исследования по вопросам брака, связанные с социальными изменениями в индонезийском обществе, которое в настоящее время переживает переход от традиционных общинных форм к нормам современной жизни. Результаты исследования и проведенный анализ показали, что женщины в Индонезии получают все больше возможностей для карьерного роста, будучи занятыми в государственном секторе в качестве наемных работников или государственных служащих. Таким образом, число домохозяек сокращается, приводя к нарушению гармонии в семейных отношениях, поскольку у таких женщин все больше не хватает времени для семьи.

Ключевые слова: брачное право, карьера женщины, домашнее хозяйство, Индонезия.

Introduction

In Indonesia the role of women and men is no difference as a result of women's emancipation struggle, many women who occupy public office, both in government and private institutions, many women occupy important positions in government ranging from civil servants until the Minister even became the President. In the private sector women are also many who occupy important positions ranging from employees, corporate secretary even the Director of the company.

As a result of many career women the role of women becomes double, as well as housewives also play a living, so that the role of housewives who care for

husbands and children tend to diminish, because it is more important to the career work compared to his role as a housewife who dwells at home. Many career women especially Indonesian artists and other celebrities do "divorce" with her husband, due to more important job career than the integrity of her household. The advancement of science and technology brings change to women, which once tended to be housewives in the home, there are now changes in the mindset of women that tend to be independent women or become career women. The equality of gender demands makes women feel they have the same rights as men in politics, government, governmental institutions and other public sectors.

A career woman as well as the basis for the division of socially and culturally established responsibilities, where in the Western world men and women have the same right to become everything desired according to his talents to be able to pursue a career with men, as well as to be leaders [5, p.19].

As a career woman, having a double responsibility for her family, as well as a housewife who care for and care for her children is also responsible for earning a living and support her family. For housewives women the responsibility of making a living and live living is the responsibility of men or husbands. In the present day the responsibility of making a living that is charged to a man or husband is less able to meet the needs of the family besides a husband is difficult to find a job to give his family so that a woman or wife come forth making a living as a career woman.

A career woman is a mature woman or adult princess who is involved in or works and performs work or profession in the house or outdoors under the pretext of wanting to pursue progress, development and position in her life [12, p. 11].

In the Indonesian marriage law stipulated in the law No. 1 year 1974 on marriage, in article 31, paragraph 3, contains provisions: "Husband is the head of family and wife of housewife. From the provisions of this law can be concluded that a husband or groom is responsible for earning a living to support the family of his wife and children because the husband is the head of the household, matters relating to economic problems family, spending money, tuition, family operation money is the sole responsibility of a husband. While a wife is in this law her position as a

housewife which means a wife is responsible for the arrangement of the household including maintaining and caring for the child, preparing food for her husband and children, educating the child is the responsibility of a wife”.

At article 41 B Act No. 1 year 1974 on marriage contains provisions: “The father who is responsible for all the maintenance and education costs required by the child; When the father in reality is unable to give such obligation, the court may determine that the mother carries the fee. From this provision it can be concluded that a husband is not absolute responsible as the head of the family for a living, if a husband does not have the ability to make a living, then with a court decision of a wife participated maintenance and education costs of children”.

If we observe the conditions in the Indonesian community now, a man who is legally marriage becomes the head of the family responsible for a living in fact in the field of difficulty to find a job to get money to give the family and wife a living. This is due to the many job openings filled by women in the government sector, such as teachers, nurses and healthcare professionals and others as well as the private sector such as banking, corporate employees. As a result, many men who did not get a job or unemployment due to losing competition with women in terms of obtaining a job.

Such conditions, making the marriage law governed by the law No. 1 year 1974 on marriage, are less effective because of social change occurring in Indonesian society, where women are now the backbone of the family's breadwinner even though it formally became the responsibility of the male. By looking at the social condition of women in Indonesia nowadays the author want to find out more about the problem of career women.

Methodology

The research method used in the making of this paper is a normative legal research method i.e. based on juridical analysis and sociological analysis stipulated in the law No. 1 year 1974 on marriage, in this legislation is set normatively on the rights and obligations of a wife in a home life, where a husband as the head of the family and a wife as a housewife. In this study are also examined in sociological analysis with a quality juridical approach in relation to the Indonesian marital law.

This is because many women who have a husband still run his job as a career woman who will help the husband in making a living, and the fact that is in Indonesia many jobs are filled by Women who consequently men do not get a job or become unemployed.

Results and discussion

Career women role in Indonesian marriage law

Law No. 1 year 1974 on marriage determining, that parents are the father or mother remains obligated to nurture and educate children, solely for the sake of children, when there is a dispute about the possession of children, the court gave his decision. In this law it is also determined that the father who is responsible for all the maintenance and education costs required by the child, when the father in reality is not able to give such obligations. The court may determine that mother is carrying such costs.

From the provisions of the article has been explained that the responsibility of maintaining and educating children resulting from the marriage of the husband is the father, it can be done well if the father or male has an income or work and it is impossible for a husband to fulfill his responsibilities when the husband becomes unemployed. This law will in the absolute discretion nurture and educate the child to be charged to the husband, but the wife also has an obligation to nurture and educate the child if the husband does not have the ability to nurture and educate the child, it occurs when The court decided the wife took charge of nurturing and educating the child.

In the law of marriage in Indonesia the responsibility of providing a living to his wife and children is husband, because the husband is hard to get the job then was replaced by a wife who acted as a career woman. Indeed between the laws with the social reality that exist in the community is very different, nowadays women are in demand for a living, because if only rely on the husband will be a shortage of costs in managing his household life.

Women's careers are still taking care of the family despite being busy. On the sidelines of a career woman was able to spare a little time to take care of her husband

and children. A career woman has enough salary, a career woman who wants to take care of her own family without using a housekeeper then her family will be a harmonious family. Unlike the career woman who pays the housekeeper, then her family will not be harmonious, because career women are more concerned with his career than the main task of being a housewife. Desire to be a condition of life for a wealthy and poor family and in itself a family life will be very difficult to fulfill these demands, which is not supported by some of the social associations, but merely by desires egoistic pure [13, p. 54].

Along with the modern times prototype of a woman, who was often silent at home to take care of various household needs and serve her husband, has now become increasingly longer and tend to be self-reliant as a career woman. Many of us find women who every day are no longer covered with kitchen affairs, wells and mattresses that used to be very identical as women's duties, but more likely to manage their personal work, ranging from bank officers, police women, stewardess, artists, even politicians and various strategic positions in the bureaucratic and self-employed world. Phenomena like this are greatly inversely proportional to the role of women in the past, many ancient women who chose not to work outside, but prefer to serve husbands and take care of all their household needs.

The role of women as wives is very important because happiness and the tribulation that occurs in the family life of many is determined by the wife. The wise wife can make her household as the safest and most pleasant place for her husband, she can make herself a good friend gives her husband peace and happiness. She can relieve the heart of a hot husband and she can make himself as a place of the shedding of all emotions in the husband's chest, so that the turmoil of anger, upset disappointed or grief of the husband can be heard, understood and felt so that the peace of the husband will recover again [16, p. 2].

Against the image of women often the wrong picture, strengthened by local traditions and culture, people nudge put women as second-class citizens, who then compiled a division of almost raw tasks, men in charge of making a living and free to enjoy life outside his home. While women at home alone, take care of children, wash

and cook. The view seems discriminatory, then comes the concept of alignment in families, men and women are seen to have the same potential, women's existence in this concept is more steady. Due to economic pressures, wives are helping to find work, in order to race against a modern and growing life style. The husband does not mind if the wife helps to work, women's work patterns affect the family structure, the positivity is obvious, the family is earning.

Given the for of prosperous households is a shared responsibility, the function of mothers, who are so heavy needs to be exhausted between the husband of the wife, because the both work equally. The task of educating for example weighs the point not only on mother's shoulders, but also father. A taboo work for husbands like washing and cooking can be done at the fathers.

With such a division of tasks, it will be able to relieve heavy burden on mothers who are multi position and doubles. It is no longer relevant when someone restricts a woman who wants to develop a career, which is important how women and men alike can divide the time between tasks in and out of the house.

Women facing problematic career

The way to work and even the family patterns of today is much shifting, once our family rests on one person (single parent). In a single parent family the husband often becomes the focus of all his, wife, child and other family members subject and obedient to the husband. In order to have heavy duty the husband was fulfilled, the husband worked hard generally outside the house (public sector). Husbands are not burdened to take care of household duties (domestic sector) such as parenting, cooking, arranging space, garden, household appliances etc.

But such family patterns are now fading. Many households were not built and enforced based on the principle of "single parent" rather than the "dual earner" family. In the family pattern of dual earner, the family is not concentrated on one person (the husband) but the tummy is spread also to the wife, besides the husband itself, so that not only the husband but the public sector, such as a work , managers and professionals (accountants, lawyers, doctors, public relations, etc.). And from this

it arose a busy family. And entering the community increasingly complex this encourages the family to become busy.

As the law of sociology says that any change will be a shift, something is acquired, but there is also a missing one. So the question is what does it have to do and what are missing when our family is from the "single parent" pattern to "dual earner"?

The families acquired by the "dual earner" are among other family members not dependent on one person. If the husband is due to certain reasons or factors cannot perform the function, then the wife can take over with full trust, because it is accustomed to be self-reliant.

The missing, the husband is no longer the sole ruler in the household, so the family decision is not a unilateral decision. Family decisions are the result of the deliberations of all family members each standing relatively parallel. The missing one again is the perception of household duties. The household area is no longer the dominant region of women, because the area has been increasingly left to do the outdoors.

The number of educated women grows many jobs that require labor ranging from field personnel such as sales, computer operators, banking institutions, telephone etc. Besides that, "inflation" is pushing the burden of the household economy, all of them being a trigger for women out of the house, and filling jobs, women are no longer defined by mothers, who are at home.

With the spread of women to various positions and occupations, the more public areas that originally belonged to men, now also in women. From there, women enter a remarkable busyness which then requires attention is the management of household affairs, especially those concerning the development of children, the more urgent if the children still need great attention from both parents. Thus the family is busy having to find the right way to solve this problem; otherwise it could give birth to the household re-notch itself.

If the presence of parents especially mothers or their attention is lacking, then the development of children is also impaired and means the education of children and

their dulcification does not achieve maximum results. Thus, the existence of mothers as a place of dependent children (before reaching the independent age stage) and as educators are needed by children. Many facts suggest that the parental discomfort of the house also makes the child distorted or naughty because of lack of supervision. Consequently, there are many negative attitudes and behavior of children that are not monitored by their parents [1, p. 409].

The problem that can arise is the cracks in the husband's relationship, because one of the partner did cheating. The phenomenon of other dream men or other dream women has been reported in various print media. It is as if this phenomenon is a new tendency in this modern-day family life. Although this issue cannot be delegated to women alone, the existing data shows a factor of togetherness or frequency of meeting between men and women is a very significant cause of infidelity. Colleagues are frequent cheating spouses. Thus, with women working outdoors, the possibility of occurrence of infidelity is greater, because the frequency factor of the meeting or togetherness with other men is relatively high [14, p. 38].

The problem now faced by a career woman in Indonesia, is a matter of life choice, whether it remains a career woman to help the family economy, with the risk of family attention-based or cease to be a career woman with the risk of conditions the family economy is reduced which relies solely on the economic source of the husband. The fact that is happening in Indonesia women prefer to be a career woman because if you rely on income from the husband will not be adequate in meeting the needs of family life, in addition many women who want to earn income of his own business without relying on the gift of his husband.

Women's single parent career life options

The competition of life in Indonesia is increasingly hard in this industry era, besides the needs of life require costs that should be on the responsibility of the family, if only rely on the outcome of the income from the husband is clearly insufficient, one way to fulfill the necessities of life are women to seek family income by working outside to be a career woman. The choice of life to be a career woman in

Indonesia more and more in this industrialization era, because the condition of life demands such.

According to O. Ihromi, those whose works will be able to make financial rewards called women work. Although these rewards are not directly accepted only in the calculations, not in reality. For example a woman who worked on a family farm to help her father or husband do not get the money or result from them, but after the harvest and the family sale proceeds will earn money. Unlike the women, who spent hours taking care of his household, even his time was almost seized without a break because of the many jobs that had to be completed. But because the work did not make money then the woman, excluding in the category of "working", such activities do not include career women despite being very busy or earning financial rewards, either directly or indirectly [15, p. 38].

Understanding the career woman does not escape the problem of women's nature. Woman is one of the two human genetic expressions based on the gender. Man is an animal, whose species belongs to the category of sexual dimorphism, whose development process is through the interaction between one gender and another. In this connection, women are recognized as a gender that is particularly well-known for its species biologically. Through its role that man cannot be given, namely pregnant, childbirth, and breastfeeding. Women have much penetrated public life, which has been dominated by men. Women have many who work outdoors, and many of them become career women. The term "career" means a work or profession in which a person needs training to perform it and he or she desires to pursue it in part or all of the time of his life. Meanwhile "career woman" means women, who are engaged in professional activities such as business, office and so on the education of skills such as skills, honesty, and so on that promises to achieve progress [14, p.31].

So open opportunities for women to actively participate in the community, causing various problems to him faced with some statements. Whether she will only be the mother of her children, or be the wife of her husband, or participate in a full community (professional) activity, or share the activity in a balanced manner. In general, motivation to work or conduct activities outside the household, is not merely

seeking income, but there are other objectives. Like to go forward, want to gain knowledge, want to get a place in the community and because of other motivations, which in essence want to satisfy him. In realizing that desire, it is not forever run smoothly as expected. There is a problem that arises in researching careers that were previously unimaginable. As active women outside the household, such as actively organized, corporations, civil servants, and institutions in the community, lack understanding of the task and even some who forget it at all by reason, that taking care of kitchens and households are not so important, as can be solved and addressed by helpers [3].

Thus from the explanations of experts who convey the understanding of career women can be understood that career women are women who pursue and love a full work in the long term in order to achieve the achievements and objectives both in wages and status. Women's careers are not only in the form of public sector but women who have a job outside the house aside from housewives can be said to be career women.

According to H. Chuzaimah and T. Yanggo, the career woman's creed can be classified into 3 namely;

a. A career woman who needs to look attractive in reality there is indeed a woman who is performing with beautiful clothes, good and interesting. With an attractive appearance, she can establish a lot of relationships and improve her career, such as women, who are leaders in the company. Other examples of women, who rely on their performances, are dancers and singers.

b. Women, who are directly related to others or not. There are women, who need to connect directly with others or not. There are women who need to connect directly with others to improve and develop their careers, for example, teachers, lecturers, midwives and doctors. While there are also women, who do not need to connect directly with other people such as book writers, designers and painters.

c. A career woman, who is building a career in a house or indoor, for example: midwives, merchants, etc. [6, p. 24].

Career women in maintaining household harmony

The career woman in maintaining household harmony should be clever in terms of timing and arrangement of attention to her family both to her children and her husband. In addition, communication between families is also an important factor for the continuity and harmony of households. Leaving home because it is busy working can be a potential conflict from the party of wives that interfere with the harmony of the household, although recognized the harmony is not the responsibility of the wife. More if according to the perception of husband's lack of wife at home it resulted in insufficient fulfillment of the needs of the husband. Consequently the homemaking conflicts are inevitable. The onset of this conflict can be understood given that wives face considerable role and double duty [9, p. 403].

Another problem that can arise is the rift of the wife's relationship because of cheating. The phenomenon of other dream men or other dream women has been reported in various print media. It is as if this phenomenon is a new tendency in this modern-day family life. Although this issue cannot be delegated to women alone, the existing data shows a factor of togetherness or frequency of meeting between men and women is a very significant cause of infidelity. Colleagues are frequent cheating spouses. Thus, with women working outdoors, the possibility of occurrence of infidelity is greater, because the frequency factor of the meeting or togetherness with other men is relatively high [14, p. 43].

The harmonious family is a happy family, a family full of affection. The family is a major place in learning noble qualities, such as faithfulness, mercy and compassion. Families are where children learn about life. Parents are the primary teachers for his children, and the child will learn about living from his family and family who will lead the child in a good life. The sense of harmony itself is a condition that all family members feel a peaceful, happy inner-born atmosphere. Family harmony is something that every family wants. Family harmony is something that makes the family atmosphere peaceful, happy to be born and inner. This condition is a career woman able to divide the time for family, so that her family becomes a harmonious family.

In forming a family of Sakinah, the wife who a career woman was first required to serve her husband with a heart. She was required to have an attitude of obedience, obedience and loyalty to her husband. Apparently obedience is in a positive sense. A wife must feel that herself belongs and is only devoted to her husband in the case of love not to others, as well as keeping and spending his possessions and opinions wisely. Therefore, as a career woman, wife must be able to instill trust in her husband, that she is faithful and trustworthy. If necessary, a career woman should be willing to be delivered by her husband to the workplace and she is able to explain that her friend's friends are good and trustworthy. Thus she could gain the trust of her husband [2, p. 78].

Among the things that can ruin loyalty is the self-ornamental excessive. A career woman wants to look prime, wanting to be appreciated and looked upon by her superiors. In fact, when at home, she never dressed up and decorated. Excessive appearances will lead to suspicion. A wife should dress up for her husband and not for the other, and not to commit an immoral by exposing her beauty to the purpose of luring another man with no shame. Jewellery that exceeds the limit or that invites an immoral should be abandoned and replaced by clothing that contains worship.

To keep the integrity and harmony of households the career woman in Indonesia should be able to stay awake, when she behaved as a career woman and when she acted as a housewife, because the character of a career woman doubles as a homemaker about children and husband, as well as a breadwinner or a buffer in family life.

The phenomenon of career women in Indonesia has struck in the socio-economic life of the community. This is because a husband or a man is hard to find a job, many companies in Indonesia need women labor to fill job openings in the company, with consideration of salary demands are cheaper in addition to working risk is lighter than male labor. Consequently the men are difficult to get the job because it has been filled by the female workforce. And this kind of condition that makes a lot of career women in Indonesia although legally a marriage that is responsible for living is the husband or groom.

Woman career in Islamic law view

In the view of Islamic religious law, a career woman is placed in a special position with expertise without curb her rights. Islam does not prohibit even obliging the followers of charity for its advancement as well as women are viewed as an independent person, women are given the right to cultured, work in order to be creative in nature, appreciating on earth correctly according to God's direction. By understanding all of these women will be steady to the existence of its Islamic, wide expanse of knowledge, to know the figure of women from time to time and will not be carried away by the misleading cultural currents, in the view of human Islam is not forbidden for work and career, as long as women can place themselves as revealed in the word of the almighty in the QS Ath Thalaq (69:6), whose translation: "Place them (in wives) where you reside according to your ability and do not trouble them to narrow their hearts" [7, p. 946].

Based on the word of God above the women who have a career, both outside or inside the house is justified in the Aqidah, provided that it does not deviate from his femininating Phyra, because every woman has different consequences, for example women who are under 30 years old different from women who are younger age.

When the rights and obligations are human, that is when the responsibility is related to human. So when it is found equality of obligation, the equality in bearing the responsibilities of each man and woman have the same rights and bear the same obligation. Islam does not distinguish between men and women in carrying out the responsibilities of the Indonesian Islamic Propagation Council. As in QS Ali Imran (3: 104), whose translation: "And there shall be among you a class of people who call upon virtue, telling the Ma'ruf and preventing the possibility of losing the fortunate".

Islam is a real, ijtihad and charity that continues to the advancement of industry, agriculture, trade, and Islamic politics, is a torch for justice and the offering of humanity, civility and chastity good example. When women are seriously demanding the rights in politics as determined by Islam, women are to put off sinful clothing and lawlessness that is said to be a modern lambing and progress.

Islam is a religion that puts the woman as a creation creature of Allah Swt, that does not make a difference to men in the human nature. In women and men there is no fundamental distinction that leads to the domination of the role of one party between women and men, but in a certain case the position of the woman should not necessarily be the same as the position of a men. It does not mean that Islam does not provide the same space and respect for women. But it is the nature of the woman who wants a thing. Islam came into the world restoring honor, self-esteem, and the rights of women in every lifetime. Starting from childhood, adolescence, adulthood, as a wife until the time of a woman became grandmother. Even Islam raises the degree of women to a special degree of infertility [10, p. 15]

Islamic law, in addition to regulating the relationship between husband and wife, also set a reciprocal relationship between parents and children. The close association of this Islamic rule allows for a balanced development between generations. Because the child is the successor generation of his parents, it is important for parents to educate their children not to be weak generations. Important things to be aware of in human life from birth to adulthood one step is wrong in the process, it will be fatal to the happiness and success of the child, both in the world and the hereafter [8, p.112]

The roles and responsibilities of women as housewives as well as parents must start since the child was born because since then the child began to receive an influence of stimulation from the outside. He began to learn how he had to accept, cultivate and react to a stimulus. On one side the child demonstrated his individuality factors in the face of these stimuli, but on the other hand he began to instill special patterns due to the stimuli of these patterns which later became the pattern the foundation of further personality development. Indeed, every woman or mother can be a parent, but not all parents manage to hold a position as a parent, especially without mature preparations, so things are appropriate to be thought and material meditations Or a spouse that will soon be possible. Because there is no denying that at the beginning of his life, a child is very dependent upon the parent who nourishes him [4, p. 5]

If since childhood a child has been used to do things well, then he will establish a good relationship with friends. Have a high sense of ageism that he loved and admired the community, he has a sense of responsibility towards her, her family, and society and the nation and the state. When a mother imparts a gentle motherhood and habits that are well implanted, it will have a positive impact on the development of the child's soul [11, p. 46]

A mother if many provide a pleasant experience for the child, then the positive element that will grow in the child's personality. And vice versa if many experiences that do not have been accepted the child of his mother then the negative element that will be experienced in the personality of the child who is growing or developing. The experience is obtained by the children through all aspects of his life, ranging from eating, drinking, sleeping, the warmth of treatment and so on, this is all gained by the child in the first year of his life through his mother, both mother as a career woman and mother households completely. The relationship of mother and son is very close, as a mother must guide and nurture her son to the right, or the praiseworthy, in addition, while the child must obey and respect the commandments of the two parents, especially to the mother.

Conclusion

In the Indonesian marriage law stipulated in the law No. 1 year 1974 on marriage the obligation to make a living is a husband, because the husband is the head of the family who is responsible for the welfare and family life. In the law of marriage the husband, who is responsible in making the living, but in a statement of reality in the community is precisely women, who make a living to fulfill the needs of the family as a career woman.

Such a social condition is caused by many men to be difficult to find jobs, losing to competing with the same female workforce as the same. This is because many companies or private institutions prefer women's labor compared to men's labor. As a result many men are not getting a job that is automatically earning no income to provide a living to his family. The role of making a living for family needs

is now widely taken over by women as a career woman whose marriage is legally the responsibility of a man or husband.

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