

The polemic of the controversial articles on the Family Resilience bill from the perspective of Islamic law, psychology, and social communication

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The aim of this research is to seek further the articles of Indonesian draft bill; Family Resilience, whose planning is still debateable, through islamic law, psychology, and social communication perspectives. Those articles are: 1) Regulating feelings (article 24 paragraph (2)), 2) Mandatory of wife to hold household affair (article 25 paragraph (3)), 3) Managing sperm and ovum uses (article 26 paragraph (4)), 4) Separation of parents and children's room (article 33 paragraph (2)), 5) Obligation to report to sexual preverse (article 86-86), 6) Prohibiting deviant sex activities (article 85). Researchers use normative juridical approach and qualitative descriptive analysis methods. The results of this research are: 1) Supporting the parliament to maintain the regulation of feeling article due to the importance of family communication as the foundation of family resilience. 2) Against the article of wife's mandatory to handle household affairs per se, because of equality

issue. 3) Encouraging parliament on managing the use of sperm and ovum (offspring purity). 4) Promoting on separation of parents and children's chamber (requirements needed) to anticipate haphazard thing to children (inadequate number of age). 5) Supporting parliament to give a report to sexual deviation activities, due to mental health care. These results of research are desired to to be parliament's consideration on taking into account their final decision. Primarily, to those articles that are still being debated by the society.

Tujuan dari penelitian ini adalah untuk mengulas lebih dalam pasal-pasal pada RUU Ketahanan Keluarga yang masih menjadi pro dan kontra melalui kacamata: hukum islam, psikologi, dan kemasyarakatan. Pasal-pasal tersebut adalah 1) Mengatur Perasaan (Pasal 24 ayat (2)), 2) Istri Wajib Urus Rumah Tangga (Pasal 25 ayat (3)), 3) Mengatur Penggunaan Sperma dan Ovum (Pasal 26), 4) Pemisahan Kamar Orangtua dan Anak (Pasal 33 ayat (2)), 5) Wajib Lapori Penyimpangan Seksual (Pasal 86-87), 6) Melarang Aktivitas Seks Menyimpang (Penjelasan Pasal 85). Peneliti menggunakan pendekatan yuridis normatif dengan metode analisis deskriptif kualitatif, yaitu mengambil suatu penilaian secara tidak langsung dengan cara menarik kesimpulan yang dituangkan dalam bentuk pernyataan dan tulisan. Hasil dari penelitian ini antara lain; 1) Menyetujui pemerintah untuk mempertahankan pasal Mengatur Perasaan mengingat pentingnya kesamaan persepsi dalam komunikasi keluarga menjadi landasan yang penting dalam ketahanan keluarga, 2) Tidak menyetujui adanya UU yang mewajibkan urusan rumah tangga sepenuhnya di tangan istri, terkait pembagian peran dalam keluarga, 3) Menyetujui adanya pengaturan penggunaan sperma dan ovum atas landasan menjaga kemurnian keturunan, 4) Menyetujui adanya pemisahan kamar orang tua dan anak (bersyarat) demi memberi ruang antara pertumbuhan anak dan menjaga anak dari sesuatu yang seyogyanya belum diketahui pada usia di bawah, dan 5) Menyetujui adanya kewajiban individu untuk melapor kategori penyimpangan seksual, demi menjaga kesehatan kejiwaan individu melalui kegiatan seksual. Hasil-hasil dari penelitian ini, sekiranya dapat menjadi rujukan pemerintah dalam meninjau ulang pasal-pasal terkait dalam RUU Ketahanan Keluarga yang dianggap masih menuai pro dan kontra masyarakat Indonesia.

Keywords: *Draft Bill; Family Resilience; Controversial Articles*

Introduction

Research background

Indonesia is a country with about 269.6 million of population, and in the fourth rank of the most population country in the world (Central Agency on Statistics, Ministry of PPN /Bappenas, UNFPA, 2018: 2). Based on the 2015 Inter-Census Survey (SUPAS), in Indonesia, there were \pm 81.2 million families, of which 61.75 million were male heads of families and 19.45 million female heads of families. However, there are only 66.2 million households, meaning that in each household there will be 1.23 families (Central Agency

on Statistics, 2015: 29). By building 81.2 million strong families, Indonesia can be a strong country (*Strong Families make Strong Nation*).

According to Law Number 52 of 2009 concerning Status Development and Family Development, the family is the smallest unit of society consisting of husband and wife, or husband, wife, and children, or father and child, or mother and child. The family becomes the smallest order of the largest scope, which is a nation that then becomes a country, even the world. In other languages, the family becomes the main foundation in the resilience of a country, that's where we find the urgency of regulating the scope of the family. As the smallest unit of society, the family has an important role in the physical and mental growth and development of every individual born into the world. Basically, every family will have problems to solve, considering that each family has its complexity and diversity. The most important thing in the concept of family is a sense of caring, commitment to family, and the process of the family organization itself. Speaking of these three areas, then we will lead to a form of family resilience. Resilience refers to the resilience of strengths in adversity and pressure (McDonald, 2012: 236).

The resilience of individuals and families will have an impact on the formation of community resilience. According to Euis Sunarti, Professor of IPB's Family Resilience and Empowerment, said that the family as a microsystem influences the larger system that exists in society. So that family security is the foundation of national resilience. It is also in accordance with the quality of family life that reflects the quality of life of the nation, so that resilience in the family reflects national resilience as well. Therefore, efforts to increase family resilience are important to reduce or overcome various problems that hamper national development (lemhannas.go.id).

In line with the development of national and world conditions that are currently affected by technological progress, cultural changes, political dynamics, and economic problems, families can experience changes in their structure, function, and role. Changes that exist in the family can build family resilience and can also threaten the existence of the family. Economic pressure, on the one hand, can corner each family member in a vulnerable position, on the other hand if these conditions can be passed well then family resilience will be created and can be more resilient in facing future economic challenges. Likewise,

when a family faces pressure on social and cultural change, if passed well it will strengthen the resilience of a family.

Based on the 2015 SUPAS results, it appears that the family profile in Indonesia is in a vulnerable condition. In terms of health, recorded from Statistics Indonesia 2019, in 2018 there were more than 4.1 million people affected by diarrhea brought to health facilities. Next is malaria, where more than 1.3 million people contracted the disease in 2018. It also recorded more than 478 thousand children or toddlers suffering from pneumonia. As for tuberculosis (TB), there are 204 thousand more people who have contracted this disease. Finally, communicable HIV/AIDS (cumulative) reaches 114 thousand cases (Central Agency on Statistics, 2019: 193).

National Statistics of Indonesia 2019 also presents the percentage of household conditions based on floor area. That in 2018, there were 31.7% of households living in houses with an area of ≤ 50 m² and 4.45% occupying houses with an area of ≤ 20 m². Even worse, in the 2015 SUSENAS, it was presented that there were still 4.63% of households without beds and 2.77% not having a fixed location for sleeping. Inadequate living conditions not only cause physical health problems but also affect the psychological health of every family member.

The results of the 2017 SUSENAS by the Central Agency on Statistics show that the largest percentage for the education level of poor household heads is elementary school graduates, which is 37.46%. Likewise with non-poor household heads, the highest level of education is primary school graduates, amounting to 28.27%. While the smallest presentation of the level of education of household heads is a bachelor or college graduates, both from poor households and non-poor households, respectively 0.73% and 9.21% (Central Agency on Statistics, 2017: 180).

Divorce statistics show an increasing trend. Within a few years, the Central Agency on Statistics collected data on marriage and divorce data from the Directorate General of Islamic Community Guidance, the Ministry of Religion of the Republic of Indonesia, and the Directorate General of the Religious Courts, the Supreme Court. When viewed from the marriage and divorce charts in the Academic Paper for the Family Resilience Bill, it appears that there has been a decrease in the number of married couples from 2013 to

2016, although there was an increase up to 2018. Contrary to the increasing divorce trend from 2013 to 2018. This shows that more and more families are separating because of divorce. Divorce data show that every year the number of families experiencing a family bond break is increasing. In 2018, there were ≥ 400 thousand families that experienced this rift. This issue regarding family resilience to the continuity of marital ties is a serious problem and needs to be addressed. The most common reasons for divorce cases are the occurrence of strife or strife as much as 44.8%, economic problems as much as 27.17%, husband/wife leave as much as 17.55%, domestic violence as much as 2.15%, and drunk as much as 0.85% (Drafting Team Family Resilience Bill, 2020: 5).

Child age marriage in Indonesia also shows an increase based on Child Age Marriage Data in Indonesia 2013-2015. Where there is an increase in the percentage of men aged 15 to 19 years who have sex outside of marriage. Based on the 2017 Indonesian Demographic and Health Survey, 4,864 women aged 15-17 have already given birth or are pregnant with their first child, 1,351 women at 18 years old, and 1,286 women at 19 years old (Central Agency on Statistics, 2017: 84).

Based on the above statistical data considerations, several members of the Indonesian House of Representatives (DPR) proposed the formation of a Law on Family Resilience. Some of the DPR members who proposed the Family Resilience Bill were Ali Taher from the PAN Faction, Ledia Hanifa, and Netty Prasetyani from the PKS Faction, Sodik Mudjahid from the Gerindra Faction, and Endang Maria Astuti from the Golkar Faction (nasional.tempo.co). However, it was known later that one of the proposers of the Family Resilience Bill, a member of the Golkar Faction House of Representatives, Endang Maria was opposed by his faction who later stated that he withdrew support for the Family Resilience Bill (news.detik.com).

The desire to form the Family Resilience Act, the legislators can face accommodating the basis for regulating the scope of life in a family that comprehensively covers various aspects and dimensions in the family. So that this law will not only function to deal with social issues, but also function to develop aspects of the family structure that are in line with their roles, functions, and objectives. Until finally making the family as one of the main footholds in national development policy. At present the Family Resilience Bill is

included in the list of 2020 Priority National Legislative Programs (Drafting Team Family Resilience Bill, 2020: 12).

The problem is the issue of discussion and discourse to ratify the Family Resilience Bill into Law which creates a polemic for those who are contra to this bill. Last February the contents of the Family Resilience Bill rose in the media because there were several controversial articles. Some articles which are considered controversial are articles that regulate: 1) Regulating Feelings (Article 24 paragraph (2)); 2) Wives Mandatory to Take Care of Household (Article 25 paragraph (3)); 3) Regulating the Use of Sperm and Ovum (Article 26); 4) Separation of Parents and Children Rooms (Article 33 paragraph (2)); 5) Obligatory Report Sexual Abuse (Articles 86-87); and 6) Prohibiting Deviant Sex Activities (Explanation of Article 85).

This paper will explore how the Family Resilience Bill should regulate these controversial matters from the perspective of Islamic law, psychological perspective, and social perspective. Some things in the controversial article need to be discussed through various perspectives to have more targeted implications. The discussion in this paper will be divided into sub-chapters of controversial articles which will be directly reviewed from various perspectives.

Research methods

The research method used in this paper is a juridical-normative approach, which examines written law from aspects of theory, philosophy, history, comparison, structure/composition, scope/material, consistency, general explanation, and article by article (Muhammad, 2004: 52). This study uses library data, while the source of the data is secondary data that is data obtained through library material by collecting from various reading sources related to the problem being studied.

The data analysis technique used in this research is descriptive qualitative analysis, which takes an indirect assessment by concluding as outlined in the form of statements and writings. With qualitative data analysis techniques, the results of this study will be broken down into sentences that are arranged in a systematic, clear, and detailed manner so that they can be interpreted to obtain a deductive conclusion to answer the subject (Moleong, 2011: 248).

Theoretical framework

Legals norm

Norms are a measure that must be followed or obeyed by someone in dealing with others and with their environment. The term terminology is derived from Latin, or in Arabic it is called the rule, while in Indonesian, we know it by guidelines, benchmarks, or rules. Initially, the norm is interpreted as a right-angled, that is, a perpendicular line, which is the size/benchmark that forms a desired angle or line. Norms in their development are interpreted as a measure or benchmark for someone to act or behave in society. So that in essence the norm is all the rules that must be obeyed. Until now, the two terms, the rules or norms used by scholars in Indonesia. In the book "Regarding Rule of Law", Soerjono Soekanto and Purnadi Purbacaraka argued that the rule is a benchmark, measure, or guide for behaving or acting in life. If we look at the nature of the form, then the rule is the formulation of an *'oordeel'* view of behavior and attitude (Soekanto & Purbacaraka, 1989: 6).

A new norm will be created if there is more than one person because the norm regulates the procedure for one's behavior towards others and their environment, in other sentences a new norm can be found in the association of human life. Each norm contains errands often referred to as *'das Sollen'* (ought to be/ought to do) which in Indonesian are often interpreted as 'should be' (Kelsen, 1945: 35).

There are several types of norms, such as moral norms, customs, religion, and law. Legal norms can be formed in writing or not written by the authorized institution to shape it, while other norms such as morals, customs, religion, etc. are formed unwritten but continue to grow and develop from habits in society. The habits that exist in society about something good or bad, which repeatedly occur, will always be following a sense of justice in the community, different from the norms of state law, which sometimes can be found incompatible with a sense of justice/public opinion (Indrati, 2019: 19).

Family resilience

Resilience is defined in many terms such as the ability to bounce back or recover from stress, be able to adapt to stressful conditions, not be sick despite significant difficulties, and be able to function above the norm regardless of stress or difficulty (Carver, 1998: 247;

Tusaie & Dyer, 2004: 3-4). Whereas Family Resilience is defined by The National Network for Family Resilience (1995 in Mawarpury, 2017: 99) as the ability of individuals or families to use their potential in facing life challenges or problems, including the ability to restore family functions to the way they were when faced with challenges and crises. In Indonesia, family resilience is better known as the concept of family resilience (Mawarpury, 2017: 98).

According to Walsh (2015: 14), family resilience is defined as the ability of the family, as a functional system, to withstand and rebound from adversity. Sunarti (2001: 53) explains that family resilience is the ability of a family to manage the problems it faces using its resources to meet the needs of its family. This is measured by a system approach that includes input components (physical and non-physical resources in the family), processes (family management, family problems, and coping mechanisms) and outputs (meeting the physical and psychosocial needs of the family). Three aspects need to be met in realizing family resilience such as family physical endurance, family social security, and family psychological endurance.

First, family physical endurance, that is, if primary needs such as clothing, food, shelter, education, and health can be fulfilled. Indicators of meeting this aspect are income per capita that exceeds the minimum physical needs and families are free from economic problems. The second aspect is family social security, when the family is oriented to religious values, communicates effectively, and the family has high commitment. The indicators are the division of roles, mutual support to move forward, have time with family, be able to foster social relations and good problem-solving mechanisms. Last, family psychological endurance, that is, if the family can cope with non-physical problems such as being able to positively control emotions, have a positive self-concept, as well as caring between husband and wife and family members.

Discussion

Overall, the Family Resilience Bill, which is currently a priority bill in the DPR RI (People's Representative Council), covers various aspects needed to meet family resilience or resilience, such as physical, social, and psychological resilience aspects. But several things in this bill were highlighted because they contained articles that triggered controversy. In the

discussion, the articles which will become a controversy in the Family Resilience Bill will be analyzed further in the perspective of Islamic, psychological, and social law.

1. Regulate feelings - article 24 paragraph (2)

“Every husband and wife who are bound in a legal marriage is obliged to love, respect, maintain the honor, be loyal, and provide physical and spiritual assistance to one another.”

The problem that is often raised about Article “Regulate Feelings” is “how is the scope as big as the state, regulating abstract matters of feeling?”. In the communication point of view, Article 24 paragraph (2) means that it is discussing the realm of family communication. This means, what is discussed in this article is something that has its prevalence value. The rules about feelings indicate the need for a married couple to express their feelings for each other, of course this is not without reason. Four benefits in expressing feelings of love include reducing stress due to pent up, making it easier for couples to understand each other, sometimes being an effective way to persuade, and being one way to reduce interpersonal problems (Devito, 2016: 204-206).

Reviewing the definition of marriage from the Marriage Law, the mention of ‘physical and spiritual ties’ is the key to marriage itself. Inner and inner bonds, in the process of interaction will certainly involve emotional messages. The regulation of feelings of love and love in this marriage supports the strengthening of the potential achievement of the maximum point of the effectiveness of messages between married couples who later we know as emotional intelligence or emotional intelligence (Goleman, 1995 from Devito 2016: 193).

The word ‘bond’ in marriage is certainly not built without the power of feeling. The ties referred to in family communication determine the extent to which married couples can understand each other and create nuances of harmony from the marriage. How important is this? Imagine, if in marriage not coming from this bond of mutual love, then the tendency to build emotional intelligence together will also be less hopeful. This situation will allow married couples to bury each other and sink into each other’s prejudices. Clarification of communication that is not built up, will create discomfort for each other. This inconvenience will later have the potential to ignite miscommunication, quarrels, and even cases of domestic violence.

How is this related to state resilience? Taking one problem that led to the decision to divorce, namely domestic violence. This domestic violence is an issue that has aroused the ire of women, who feel that they are living under pressure from a patriarchal culture in Indonesia. If this incident continues to increase, then the country's problems will continue to grow, or even in the worst situation, the issue of domestic violence is likely to be the highest case in Indonesia in the future. The capability in building a communication match between husband and wife through this emotional bond becomes an important and complicated thing in building it if it is not based on love and love, at least that is conceptualized in family communication. The complexity of emotions together with communication in the manifestation of marriage seems trivial to be regulated on a country scale through its laws. The abstract urgency that the government is trying to build is the harmonization of family communication itself which then has an impact on the resilience of the country through the hierarchy of the smallest order of family formation, namely marriage.

The Marriage Law defines marriage as a spiritual bond between a man and a woman as husband and wife to form a happy and eternal family (household) based on the divinity of the Almighty. From this marriage, a family will be formed. The phrase Article 24 paragraph (2) of the Family Resilience Bill at issue by many is a plagiarized article of Article 33 of the Marriage Law and Article 77 (b) of the Compilation of Islamic Law (KHI), "*Husbands and wives are obliged to love each other in love, respect and give help from one body and another to another.*"

Thus, the article in question by some of these people is an article that already exists in the Marriage Law and KHI, where the sentence of the article in the previous regulation is not questioned, so it needs to be questioned whether the issue of the phrase Article 24 paragraph (2) of the Family Endurance Bill is only exaggerated in conjunction with the issue of other article phrases.

Allah mentioned in QS. Ar-Rum verse (21), "*And among the signs of His power is that He created for you wives of your kind, so that you are inclined and feel at ease with him, and made Him with love and affection. Verily in that are indeed signs for people who think.*" The verse states that the family is the first social basis of every person, therefore within the scope of a family needs to be built on basic concepts and behaviors. The basic concept of this family in the Qur'an is known as *sakinah*, *mawaddah*, and *rahmah*. *Sakinah* means that in assembling the

ark of household life, both joy and sorrow are always carried out with peace of mind, the tranquility of the soul, and clarity of the soul, when the state of joy is not excessive and when the state of grief is also not excessive sadness. All life problems must be dealt with according to religious teachings contained in the verses of the Quran, while *mawaddah* and *rahmah* are loving one another and giving love to one another between wives (Permatasari, 2006: 1).

In line with the basic concept of the family in Islam, harmonious family conditions also become one of the important variables in building the psychological endurance of the family. Family with good psychological endurance is the family that able to cope with non-physical problems, can control emotions positively, have a positive self-concept, and there is caring between husband and wife (Sunarti: 92). Besides, the results of research on satisfying long-term marriages suggest that healthy partner relationships have several characteristics, namely mutual respect, trust and loyalty, good sexual relations, cooperation, and mutual support, spirituality, and adaptability when facing an atmosphere of transition and change (Kaslow & Robinson, 1996: 155). So, to build a strong marriage requires a healthy relationship between husband and wife as mentioned in Article 24 paragraph (2).

As we all know, Article 24 paragraph (2) requires an attitude of mutual love, respect, physical and spiritual support, and giving between husband and wife, so with this attitude it is expected that each obligation can be fulfilled in upholding the household. So that it can create a safe atmosphere and mutual understanding which is an absolute requirement for the establishment of a household. Understanding the obligation of mutual love and mutual assistance must be recognized by each husband and wife. And each pair must also understand that they have strengths and weaknesses. It is also emphasized in the General Explanation of the Marriage Law item 4a, husband and wife need to help each other and complement each other so that they can develop their personalities to help and achieve spiritual and material well-being. Thus, the regulation regarding the article that regulates this feeling is appropriate both in terms of Islamic law, psychology, and social communication so that it does not need to be changed or deleted.

2. Wives mandatory to take care of household - article 25 paragraph (3)

The wife's mandatory as referred to in paragraph (1), include:

- a. *mandate to take care of household affairs as well as possible;*
- b. *maintain family resilience; and*
- c. *treat husband and child well, and fulfill the rights of husband and child in accordance with religious norms, social ethics, and statutory provisions.*

The problem raised in this article is the existence of the phrase “*mandate to take care of household affairs as well as possible*” which is only included in the wife’s mandatory but not included in Article 25 paragraph (2) which is the husband’s mandatory. Which is interpreted by many to require a wife to stay at home and play a role as a housewife as well as possible or not working. Similar to the problem of Article 24 paragraph (2) of the Family Resilience Bill, the phrase Article 25 paragraph (3) is a copy of one of the articles in the Marriage Law, specifically, Article 34 paragraph (2) which sounds the same as what is in the Family Resilience Bill that wife must take care of household affairs as well as possible.

Before Article 24 paragraph (2), Article 24 paragraph (1) of the Family Resilience Bill states “*In the implementation of Family Resilience, every husband and wife bound in a legal marriage have a noble obligation to uphold the household and foster family harmony.*” The above article is in line with the provisions of Article 30 of the Marriage Law “*Husbands and wives bear the noble obligation to uphold the household which is the basic joint of the community structure.*”

Article 31 paragraph (1) of the Marriage Law also affirms the equal rights and position of husband and wife, it is stated: “*The rights and position of the wife are balanced with the rights and position of the husband in domestic life and the association of living together in society.*”

Regarding this problem, Allah SWT in Al-Quran QS Al-Ahzab verse (33) says: “*And abide in your houses and do not display yourselves as [was] the display of the former times of ignorance. And establish prayer and give zakah and obey Allah and His Messenger. Allah intends only to remove from you the impurity [of sin], O people of the [Prophet’s] household, and to purify you with [extensive] purification.*”

Islamic history records that work was done during the time of the Prophet SAW various. Some examples of work done by women during the time of the Prophet are *Ummu Salim binti Malhan* who works as bridal makeup. In the field of commerce, *Khadijah binti Khuwailid* was a very accomplished businessman. *Zainab binti Jahsy*, who was active in tanning animal skins, whose work was then offered. *Raithat*, Abdullah bin Mas’ud’s wife, works because

her husband and child do not meet the needs of the family. During the Caliph Umar ra., *Al-Syifa*, women who were good at writing were assigned by *Amirul Mukminin* to handle the Medina City market (Shihab, 2003: 275-276). Women who worked during the time of the Prophet SAW and the Caliphate were not only due to an emergency, but women worked as an effort to self-actualize their expertise.

Yusuf al-Qardhawi believes that prohibition from going outside the house except for emergencies, as the word of Allah SWT at QS. Al-Ahzab verse 33, is actually intended specifically for the wives of the Prophet SAW. This prohibition was violated by Aisyah ra. who participated in the Jamal war. The next development, women's habits to leave the house both to study and work, no one denies it. It seems as if it has become a *consensus (ijma)* that women may leave the house while still observing certain conditions (Qardhawi, 1994: 386).

Basically the scholars agree that the most important work of women is to provide education for children with love as taught by religion. This does not mean forbidding women (mothers or wives) from working outside the home, which is the focal point of religion regarding the types and methods of work carried out by these women, because there are certain types of work that are only suitable for women and there are types of work others are not suitable for women (Asriaty, 2014: 176).

In addition, the majority (*jumbur*) of scholars such as the *Shafi'iyah*, *Al-Hanabilah*, and some *Al-Malikiyah* schools, say that wives are not required to serve or do household matters. But the wife's obligation is to be submissive, service in terms of sexual relations, ready to receive lessons from the husband when opposing the husband, asking permission when leaving the house or traveling, and not allowing other people to enter the house except with the permission of the husband (Sarwat, 2019: 47). The tendency of wives to do domestic work is part of the customs and culture formed in Indonesia, referring to the conventional family concept.

The concept of a conventional family is illustrated by the structure or pattern of relations, namely the husband as the provider of income (productive role) and family protector (public role), while the wife as a housewife (domestic role) who does household affairs such as washing, cooking, or caring for children (Puspitawati, 2012: 195). However,

the concept of conventional family has experienced a shift along with the concept of justice and gender equality. The role of husband and wife is no longer limited by the division of roles but can work together so that family members can play the same role, both in the domestic, public, and community. A good division of roles becomes a better form of family social security.

However, the concept of synergy between husband and wife has not been reflected in the realm of media texts in Indonesia. If we see the sentence in the article that regulates the obligations of the wife to take care of this household, then we will be able to see the similarity of the substance between the sound of the article with the stereotype formed in the media text. Even when women appeared on TV, they were described as being binary, good women and bad women. The good woman is then described again as a woman who is obedient, gentle, likes to succumb, and serves her domestic life well. In the soap opera *Cinta Suci*, which is played primarily by Irish Bella, for example, Suci is described as a good woman with the version previously described.

Besides soap operas, one of the most explicit to describe women's representation clearly is advertising. Advertising is the right place to devoting the stereotypes of men to women (Istiyanto, 2007: 369). The description in the ad shows clearly how women are placed and assigned to jobs that are different from those of men. Gender boundaries between men and women become clear through the activities they do or the decisions they then make. How does the Extra Joss ad feature the male masculinity that is characterized by their work as a physically strong person or the Bodrex advertisement that makes Teuku Wisnu a well-established worker indicating that it is men who are in the realm of business.

On the other hand, we often find advertisements on floor cleaning products, cooking spices, deodorizers or detergent clothing, etc are women, especially wives/mothers. Over the time, we will always see the cast who is cooking, cleaning the floor, will always be done by women. The reality of advertising in Indonesia has a side that is semi contrary to the film industry in Indonesia which began to show women in the non-domestic side. The film *Mimpi Sejuta Dolar*, *3 Srikandi*, or *Perempuan Berkalung Sorban* are examples of films that deny the existence of a permissive value to the status quo of women in the domestic realm. Back to the article that requires household affairs, the written article only requires the wife to

take care of household matters that are often associated with the domestic sphere. So this article is considered to be in line with the patterns of advertising that mostly place women in the realm and succeed in generating a lot of social criticism of it. This article also seems to emphasize the ‘artificial value’ of women in limiting the various activities that will always be paired with their status as women (Louis, 2006: 424-425). Even if this rule is not made, the fact that the ‘change of time’ that only women have is undeniable, given that the work or not of men in the family sphere will not ‘reduce or increase’ their role in the family.

After considering aspects of Islamic law, psychology, society, and aspects of the times, the authors argue that the provisions of Article 25 paragraph (3) of the Family Resilience Bill, especially the phrase “*must take care of household affairs as well as possible*” is no longer relevant to current developments, where women are currently required to be able to actualize themselves in external affairs so this article needs to be corrected or eliminated. However, it should be underlined that in order to actualize themselves in external affairs, women must not forget the task of educating children and serving their husbands.

3. Regulate the use of sperm and ovum - article 26 paragraph (2)

Every husband and wife who are legally married are entitled to gain offspring as referred to in paragraph (1) letter c can be done by natural means or assisted reproduction technology using sperm and ovum fertilization results from the husband and wife concerned and implanted in the womb of a wife from where did the ovum come from.

The provisions of Article 26 paragraph (2) of the Family Resilience Bill are supported by criminal provisions in Articles 31-32 of the Family Resilience Bill, which in essence prohibit a person from trading, donating voluntarily, or accepting a sperm or ovum donor which is carried out independently or through an institution. It is also forbidden for someone to persuade, facilitate, coerce, or threaten others to do some of the above. Everyone is also prohibited from engaging in, persuading, facilitating, coercing, or threatening to carry out surrogation.

Nowadays, many developing reproductive technologies include IVF or in vitro fertilization, surrogate mother technique, zygote intrafallopian transfer (ZIPT), gamete intrafallopian transfer (GIFT), intracytoplasmic sperm injection, cryopreservation, preimplantation genetic diagnosis, and sex selection. At a workshop organized by the

International Islamic Center for Population Studies and Research at Al-Azhar University, Egypt, one of the results of which allowed in vitro fertilization techniques, except that the ovum, sperm, or embryo were obtained through donor results, it was not allowed.

Yusuf Qaradhawi, in the book *Fatwa-Fatwa Kontemporer Jilid 3* says that jurists (*fuqaha*) do not allow uterine leasing techniques in any form. Likewise, the techniques which use sperm and egg cells come from other men or women, it is also forbidden. Borrowing of the uterus or the use of another woman's uterus is also not permitted. Qaradhawi believes that this prohibition exists because such methods will raise difficult questions to answer, such as who is the mother of the baby? Will the egg cells carry the characteristics of the baby or the baby will carry the characteristics of women who are pregnant and giving birth? The woman is pregnant and giving birth, not of her own volition (Qaradhawi, 2001: 513).

In Indonesia, based on Article 13 of Regulation of the Minister of Health Number 43 of 2015 concerning the Implementation of Reproductive Services with Assistance or Pregnancy Outside the Natural Way, it is regulated that reproductive technology services can be carried out either conventionally or Intra Cytoplasmic Sperm Injection (ICSI). The conventional method is done by meeting the normal husband's spermatozoa and the wife's oocytes in a tube, which then the embryo formed will be transferred to the wife's uterus. Whereas ICSI is done by direct injection of husband's spermatozoa into the wife's oocyte, this is done when the quality of spermatozoa is very poor to form embryos.

Regarding this issue, the Indonesian Ulama Council (MUI) in 1979 issued a fatwa which stipulated the provision that IVF with sperm and ovum from a married couple whose law was legally changed, because this right included endeavors based on religious principles. While IVF by a husband and wife entrusted with another wife's womb is *haram* based on the rules of *sadd az-zari'ah*, because this will cause complicated problems in relation to inheritance issues (especially between children born with mothers who have ovum and pregnant mothers then give birth, and vice versa). Likewise, with IVF from frozen sperm from a deceased husband the law is forbidden based on the rules of *sadd az-zari'ah*, because this will cause a complicated problem, both in relation to the determination of the family and in relation to inheritance. Lastly, test-tube babies whose sperm and ovum are taken from other than legally married couples are forbidden, therefore the status is the same as

the sexual relations between the opposite sex outside of legal marriage (*zina*), and based on the rules of *sadd az-zari'ah*, that is to avoid the actual act of adultery (*zina*).

Thus, the regulation of the use of sperm and ovum and the prohibition of trading in the Family Resilience Bill is in accordance with Islamic Sharia and the purpose of *Maqashid al-Shari'ah*, namely maintaining offspring. Because the use of sperm and ovum is not strictly regulated what is permitted and not permitted, it will have an impact on the purity of the offspring of a child which will be even more difficult to determine the family (*nasab*), inheritance, and so on. The regulation on this matter in the Family Resilience Bill is right so according to the author, this article does not need to be changed or removed.

4. Separation of parent and children room – article 33 paragraph (2)

Habitable housing as referred to in paragraph (1) letter a has the following characteristics:

- a. *Has a good air circulation, lighting and water sanitation;*
- b. *has a separate bedroom between parent and child and is separate between boy and girl;*
- c. *the availability of bathrooms and latrines that are healthy, closed, lockable, and safe from sexual crimes.*

Prophet Muhammad SAW. teaches his people to separate the children's beds as said in a narrated hadith, Rasulullah SAW. said, "*Order your children to pray when they are seven years old, and beat them up when they are ten years old, and separate their beds.*" (HR. Abu Daud)

In order to separate the bed in the above hadith, Prophet SAW. does not explain at what age exactly it must be done. Imam Asy-Syaukani in *Nailul Authar* explained that some *fiqh* experts are of the opinion that the command to separate the beds is enforced at the age of ten, some argue that since the child was seven years old. Furthermore, Imam Ibn Rushd in *al-Muqadimat* also explained, the children's beds began to be separated, said some scholars at the age of seven when they began to be ordered to pray, and some said at the age of ten when they were educated to do such prayers based on *dbahir* hadith. And don't mix two naked boys and two girls in one blanket.

According to Ibnu Rusyd, the opinion which says that the separation of the bed since the age of seven years because at that age can be said to be the end of childhood, marked by the date of all baby teeth and has replaced with permanent teeth. Meanwhile, the opinion that says separation begins at the age of ten years because usually at this age the average

begins to grow a sense of attraction between the opposite sex (Maghfiro, 2018: 1).

In addition to separation rooms between girls and boys, Article 33 Paragraph (2) of this Bill also regulates the separation of parents' and children's bedrooms. Both of these rules are one form of Islamic sexual education in the family (Madani, 2003). The family as the first and foremost media of socialization has quite an important role in providing sexual education for children. Sexual education also has a positive influence on adolescent psychological endurance (Rinta, 2015: 172).

Adolescence is in a period of curiosity, including sexual problems. Sexual education provided to adolescents will form adolescents who are able to get through adolescence without falling into the negative influence of free and premarital sexual behavior. If the family succeeds in educating adolescents to be able to exploit their youthful passions in positive ways and away from premarital sexual behavior, it can have an impact on reducing the problem of free sex. In addition, psychological resilience can be formed in adolescents with long-term influence on increasing family and national resilience. The importance of taking care of adolescents is needed because adolescents as a component of the demographic landscape of the national resilience *astagatra* (eight aspects of national life) have a major influence on Indonesia's future (Rinta, 2015: 164).

In the Family Resilience Development Book released by the Central Agency on Statistics (BPS) and the Ministry of Empowerment of Women and Children (KEMENPPA) in 2016, it is mentioned that the head of the household and his partner who have a separate bedroom from children and other family members have the potential to get quality sleep which is better than couples whose bedrooms are joined by children or other household members. Better sleep quality has an impact on increasing physical endurance, so families can carry out their respective roles and functions in life. The head of the household and his spouse who have the freedom to rest with a separate bedroom with children are expected to have better family endurance (Central Agency on Statistics, 2016: 18).

In terms of interpersonal relationships within the family, this article certainly has another positive impact. One of the functions of the family by Friedman is the affective function. An affective function is a function from within the family to love one another and provide support for one another. This function is one of several positive functions that the

family has. However, not many people realize that the positive function of this family also has a contradictory side in the discussion of family communication, namely the dark side in the form of jealousy and violence (Devito, 2016: 299-302).

One thing that can be anticipated from the separation of rooms between children and parents is the value of the dark side. Jealousy, according to Devito is a state of anger when we feel our close relationship is in a position to be seized or competed. Let us imagine, if only parents and children are in the same room, too strong affective functions given by a father to his daughter for example, small and large will have an impact on feelings of ownership of the child to his father. This, if allowed to continue to grow, will cause the child to be jealous of his father who is closer to his mother, for example, even though his mother is the wife of the father.

The difference in roles between children to fathers and wives to husbands is likely to be categorized into jealousy itself. Jealousy is often interpreted to mean the same as envy, even though these two terms have different meanings. Envy will occur when an individual sees that another individual has something he also has but to a greater degree or amount. While jealousy, basically is to contradict what was different from the beginning. The problem is, jealousy is not as simple as its definition, so jealousy should be considered in relation to the separation of the child's and parents' rooms. Jealousy is divided into three levels, namely: *Cognitive jealousy*, is jealousy involving dark thoughts, with conjectures that might not make sense. *Emotional jealousy*, which is a feeling of being unhappy/like, when you see someone else doing something together with others (father is romantic towards mom). *Behavioral jealousy*, this jealousy is a next level of emotional actions. For example, doing something that causes parents to get angry/fight.

The negative impact which can further be prevented from separating the children's and parents' rooms is the violent side. Crimes that can occur in interpersonal relationships include verbal, physical, and even sexual crimes. If the child is a minor witnessing how an adult overflows his emotions (in this case his parents), then the activity will later be internalized by the child. Given the growth of children one of which is the imitation stage, which means he has absorbed that value. This crime, if left unchecked by children, will inevitably lead to the disorganization of family functions in terms of education and

protection. This value is one of the values that strengthen the family in maintaining its status and function as a whole family.

Therefore, this article becomes one of the first step points that become an alternative to preventing vulnerable families from having problems in their communication relationships. The existence of a separate space for each and every parent will give them a more capable spatial when being had to act with certain restrictions. As explained earlier, it would be unhealthy if the quarrel between parents was witnessed directly by their children, especially those who still did not understand. Separation of this room becomes important, given the power relations that work in the family structure between children and parents themselves.

The arrangement in Article 33 paragraph (2) is appropriate with the consideration that the separation of the room between parent and child is in accordance with the recommendations in Islamic law. In terms of psychology, this is also appropriate because it indirectly provides sex education to children. In addition, this separation is also important in order to avoid some negative impacts when viewed from the social side. However, this article is controversial because it is considered inaccessible to families with low economic conditions who are unable to build many rooms or separate children's rooms. Therefore, it is necessary to consider the government and policymakers in supporting and realizing aspects of livable housing that can be reached by all members of the community. In this case, the role of the body that handles Family Resilience is very important to formulate policies for families who have not been able to separate parents and children 's rooms.

5. Obligated to report sexual abuse and prohibit deviant sex activity - article 86, article 87, elucidation of article 85

Article 86

Families experiencing Family Crisis due to sexual irregularities are required to report their family members to the Agency that handles Family Resilience or rehabilitation institutions appointed by the Government to receive treatment and/or care.

Article 87

Every adult who experiences sexual deviations is required to report themselves to the Agency that handles Family Resilience or rehabilitation institutions to get treatment and/or care.

Elucidation of Article 85

What is meant by “sexual deviation” is sexual encouragement and satisfaction that is shown to be unusual or in unnatural ways, including but not limited to:

- a. Sadism is a way for someone to get sexual satisfaction by punishing or hurting the sex partner.*
- b. Masochism is the opposite of sadism is a way for someone to get sexual satisfaction through punishment or torture of the sex partner.*
- c. Homosexual (men with men) and lesbians (women with women) are social identity problems where someone loves or likes someone of the same sex.*
- d. Incest is a sexual relationship that occurs between people who have blood relations in a line that is straight down, upward, or sideways, one-on-one, intercourse, and relationships which by their religion or other applicable regulations are prohibited from marriage.*

In a simple definition, sadism is a sexual appetite that is satisfied when done by hurting his partner. While masochism (masochism) is a sexual appetite that is satisfied by hurting oneself. Sadomasochism is a way to achieve sexual pleasure from actions that involve giving and receiving pain or shame (Halgin, 2007: 233). The term sadomasochism is a combination of sadism and masochism which involves two people in sexual activity. Mentioned so because some act as sadistic (which gives pain) and others play a masochistic (who enjoys pain). The Almighty Allah says in the QS. An-Nisa verse (19), *“And associate with them (your wives) in an appropriate manner.”* We are instructed to associate wives with proper or proper methods. The scope of understanding includes several things, including sexual matters. Therefore, all forms of violence in a household are clearly prohibited.

In addition to the teachings of Islam, other laws also regulate the prohibition of these articles, such as the Criminal Code, sexual deviant behavior can be categorized as a form of a criminal violation in the form of torture as regulated in Articles 351, 354, 355, and Article 356. In addition, in Law No. 23 of 20014 concerning the Elimination of Domestic Violence (PKDRT Law), acts of violence are also expressly prohibited, in Article 5 the Act explains that: “Everyone is prohibited from committing domestic violence against people within the scope of his household by a) Physical violence; b) Psychic violence; c) Sexual violence; or d) neglecting the household. “ From the provisions of the law, sadomasochism behavior including prohibited acts, because these actions can be categorized as acts of violence committed by one married couple.

Furthermore, regarding homosexuals and lesbians, the Qur'an emphasizes how cruel the behavior is. In QS. Al-A'raf verse 80, Allah SWT. emphasized that this was a heinous act (*fahisyah*) that had never been done by any inhabitants on earth. Then in verse 81, it is affirmed that homosexuals are people who transgress the limits. This verse tells about the sodomy behavior between men, which happened to the people of the Prophet Lut As.

Speaking of Lesbian, scholars have agreed that both from the understanding and the law this behavior has violated the nature and is strictly forbidden. The word lesbian in Lisaanul 'Arabic is called **السَّحْقُ** which has a soft and subtle meaning. Which then from this word developed into a sentence **مُسَاخَقَةُ النِّسَاءِ**, which means that the relationship is carried out by two women. Some scholars such as Imam Alusi argue that the behavior of *Shaq* (lesbi) is the same as homosexual because *illah* (reason) acts exactly the same, namely sexual deviations that are condemned by religion (Alusi, 1978: 172-173).

All schools of Islamic jurisprudence have the same sight regarding incest (or discordant). They place incest as forbidden sexual relations because people in it have a parallel DNA or bloodline. Multiple incest cannot be justified whether the act is voluntary, even worse with rape. This act is equated with the act of adultery which must be punished. Regarding his sentence there are differences of opinion, the schools of Maliki, Hambali, Shafi'i, Zahiri, Shia Zaidi, punish him by *hudud* (Islamic law by Almighty God), just like the punishment for adulterers. While Abu Hanifah argues that the punishment is with *ta'zir* for incest committed voluntarily. In element, the crime of incest is the same as the crime of adultery, but it must be done with someone in the same family or close relatives/*nasab*. What is meant by this *nasab* path is mother, daughter, sister, and so on. While what is meant by close relatives are nursing mothers (other than biological mothers), siblings, parents-in-law, sons-in-law, and so on (Ginting, 2017: 18).

Islam strictly forbids incest relations as confirmed in the QS. An-Nisa verse (23), *"Prohibited from you (marrying) your mothers; your daughters; your sisters; your father's brothers and sisters; your mother's sisters; daughters of your brothers and sisters; daughters of your sisters; your mothers who breastfeed you; your sister; your wife's mother-in-law; your wife's children who are in your care of the wife you have interfered with, but if you have not mingled with your wife (and you have divorced), then it is not sinful to marry her; (and forbidden to you) the wives of your biological children (son-in-law); and*

bring together (in marriage) two women who are brothers, except what has happened in the past, Allah is merciful, forgiving, merciful.”

Thus, both sadism, masochism, homosexuals, lesbians, and incest is something that is forbidden by God Almighty. The regulation in the Family Resilience Bill is a step in accordance with Islamic sharia, although there are some groups who are contradictory to this, and assume that the deviant behavior is a personal domain and everyone has the right to choose their sexual orientation.

Based on the 5th edition of the Diagnostic and Statistical Manual of Mental Disorder (DSM-5), sadism and masochism are included in paraphilia disorders or sexual attraction in uncommon cases. Sexual sadism disorder is defined as fantasy, compulsion, or repetitive behavior that arouses sexual arousal by involving a victim's psychological or physical suffering. Whereas sexual masochism disorders are defined as repetitive sexual fantasies, arousing passion, encouragement, or impulses that involve activities being humiliated, beaten, bound, or made to suffer (Hucker, 2008; Krueger, 2010; in Oltmanns, 2015: 335). Sexual sadism qualifies for diagnosis only if the partner does not approve of the activity. Sexual masochism will also not be sufficient for diagnosis unless the insistence on fantasy causes significant personal pressure or interferes with one's ability to function (Oltmann, 2015: 333-334).

Whereas homosexual behavior used to be listed in DSM (up to DSM III) as a form of sexual deviation. But now homosexuality has been phased out from the list of disturbances in the latest edition of DSM (starting DSM IV) so that it does not belong to deviant behavior. Guidelines for Classification and Diagnosis of Mental Disorders (PPDGJ) II also make changes to the classification and diagnosis of homosexuals, that is only when individuals with homosexuals who are disturbed are considered to have mental disorders (Oetomo, 2001 in Maliza, 2013: 8). Therefore, disorders of sadism, masochism, and homosexuality that meet the conditions mentioned above should get treatment or follow-up from professionals.

While the notion of incest refers to sexual activity between close relatives, such as father and daughter, mother and son, or between siblings. The definition can also be extended to include stepchildren and stepparents in reconstituted families. The most-reported incest case involves fathers and stepfathers of women with stepchildren who sexually abuse (Cole,

1992 in Oltmann, 2015: 338). Incest can be categorized in sexual abuse that is still in a blood relationship. Sexual violence can disrupt the survival of victims from the psychosocial side such as depression, low self-esteem, loneliness, and difficulty building relationships with others, resulting in victims unable to grow and develop normally. Medically, children from incest are also likely to experience disabilities, both physical and mental disabilities (Tursilarini, 2017: 84).

Reza Indragiri, a Forensic Psychologist, said that sexual incest in the form of incest could occur because of the dominance of parties who could not refuse such as father to biological children. Meanwhile, a psychologist from UGM, Koentjoro said the incest case began with a sense of comfort in a family environment that went too far (cnnindonesia.com). Based on the expert's explanation, this incest phenomenon can be related to the values built in the family. Lack of sexual education, self-control, and lack of room separation discussed in the previous discussion points can be factored the occurrence of incest sexual violence. Various negative effects from physical, social, and psychological aspects can have an impact on the survival of the victim, the victim's family, and the resulting offspring. Thus, the incest phenomenon should be prevented and if it occurs it needs to be reported because victims of sexual violence need psychological treatment.

Sexual myths that developed during the time of Queen Victoria ruled the United Kingdom is very upholding the existence of norms. So that sex in the 17th-century Victorian era is considered a normative conversation because Queen Victoria was also a conservative at that time. This means that there are things that are binary, right-wrong, halal-haram, may or may not be, and so on in this realm of sex. A conversation about sex is only limited as a function of reproduction, i.e., continuing offspring or limited to the field of procreation and only consumed domestically (discussed only in the house/room/hospital by those who are entitled) (Foucault, 1967: 3-7).

According to Foucault, how to develop a discourse such as the greatest desire of men is to women who have big breasts, or conversely, women desire to men with large penis size, or how sex is defined as limited to the pleasure of sexual intercourse is not naturally formed. This is but the result of historical reconstruction echoed through public discourse. Nothing is essential becomes one of Foucault's perspective in seeing the historical journey

of this sexual development.

In addition, Foucault wants to show that the beliefs and practices that develop in the community regarding sex are not as simple as they seem. There are realities that have passed for several centuries until finally achieving such beliefs. The abnormalities given to those who like the same sex are included in this case, because in Foucault's view there is nothing wrong with the existence of same-sex activities. According to him, the ideal standards in the realm of sex do not exist, because it returns to the point of view "*nothing is essential*".

Regarding this thought, what is said to be sexual deviation is to mean pinning an identity to the culprit. In this case, sex means to become one of the strong media as an affirmation of an identity (Louis, 2006). As a result, we will find many sexual categorizations, including four contained in this article; sadism, masochism, homosexuality, and incest.

Simply stated, these deviations are not deviations that are attacking/injuring/hurting the surrounding community. These four sex categories do not hurt many parties and do not cause significant disquiet. As for sexual pleasure that will be achieved by the offender, will only be felt by the couple themselves. Therefore, this ideal standardization about sex must be freed according to Foucault, so that it then forms a new power or force called bio-power. The power in question is not limited to orders to prohibit and eliminate, but rather than prohibiting or making (deviations) sex into taboo and related to the realm of law, sex can actually be managed, organized, and handled by experts in their fields. For example, maximizing the role of sexologists in the four sex categories in this article. Incorporating the problem of sexual orientation or the style of achieving individual sexual satisfaction in the realm of the Law, is something that should be avoided because this makes the practice of power kill every individual's style in achieving his 'art of sexuality' (Foucault, 1990: 58).

The opinion of the author in this controversial article, when viewed from Islamic law, clearly and unequivocally that the actions mentioned in the explanation of Article 85 are prohibited by the Shari'a so that the mandatory provisions for reporting sexual misconduct as referred to in Article 86 and Article 87 need to be regulated. Meanwhile, if viewed from a psychological perspective, the behavior of sexual deviations needs to be reported because it has a negative impact that disrupts the survival of the victim. Another review from the social point of view, this article is considered to limit the sexual appetite of individuals and

seems to give identity based on one's sexual activity. In the article 'compulsory reporting sexual irregularities' according to the social point of view is not feasible. Because this is one of the practices of power over its control over human privacy space (sex). Overall, the article 'obliged to report sexual abuses' has more positive implication practices than the negatives. Because in the corner of Islamic law and psychology, this article helps maintain the sanctity of offspring from healthy sexual relations and practices. Thus, the emphasis on psychiatric health from relationships that are not in accordance with the norms of norms will be better maintained by complying with this article. Thus, the authors argue that this article must be maintained.

Conclusion

The Draft Law on Family Resilience is deemed necessary to regulate because the realization of national resilience departs from the resilience of each family. Overall, this bill has covered various aspects needed in meeting family resilience or resilience, such as aspects of physical, social, and psychological resilience. But in its appearance last February 2020, the Family Resilience Bill raised polemics in the community. Society considers that there are some controversial articles to be regulated in law. In this paper, the author examines several articles that become controversial from the perspective of Islamic law, psychology, and society.

First, Article 24 paragraph (2) is referred to as an article that regulates feelings. From a legal point of view, this article is actually just a copied article from Article 33 of the Marriage Law and Article 77 (b) Compilation of Islamic Laws which had not been much of a problem before. This article is also in line with the basic concept of family in the Qur'an, namely *sakinah, mawaddah, and rahmah*. From a psychological perspective, this article will create a harmonious family, where a harmonious family situation will be important in building psychological family resilience. The social point of view sees that clarification of communication that is not built up will create discomfort for each other. The capability to build a communication match between husband and wife through emotional ties becomes an important and complicated matter in building it if it is not based on love and love regulated in this article. So that this article is correct and does not need to be changed or

deleted.

Second, Article 25 paragraph (3) which is seen as restricting a wife to take care of the domestic sphere only. Both in terms of the aspects of Islamic law, psychology, and society, the authors argue that this provision especially the phrase *“must regulate domestic affairs as well as possible”* is no longer relevant to the current development, in which women are currently required to be able to actualize themselves in external affairs so this article needs to be corrected or eliminated. However, it should be underlined that in order to actualize themselves in external affairs, women must not forget the task of educating children and serving their husbands.

Third, Article 26 paragraph (2) is considered controversial because it regulates the use of sperm and ova. The regulation on the use of sperm and ovum as well as the article concerning the prohibition of trading in this bill is in accordance with Islamic law and the purpose of the *Maqashid al-Shari'ah*, namely to maintain offspring (حفظ النسل). If the use of sperm and ovum is not strictly regulated between what is permitted or not, it will have an impact on the purity of the offspring of a child which will be even more difficult in determining *nasab*, inheritance, and so on. Thus according to the author, the existence of this article is appropriate and does not need to be changed or removed.

Fourth, Article 33 paragraph (2) concerning the separation of parent and child rooms. The arrangement of this article according to the author is appropriate with the consideration that the separation of rooms between parents and children is in accordance with the recommendations in Islamic thought. This article also supports one form of Islamic sexual education in the family. The family as the first media of socialization has an important role to provide sexual education for children. In addition, this separation is also important to avoid some negative impacts when viewed from the social side. However, this article is controversial because it is considered inaccessible to families with low economic conditions who are unable to build many rooms or separate children's rooms from parents. Therefore, it needs to be a consideration for the government and policymakers in supporting and realizing aspects of dwelling that are livable and can be reached by all levels of society. In this case, the role of the body that handles Family Resilience is very important to formulate policies for families that have not been able to separate parents and children.

Fifth, Articles 86-87 and Elucidation of Article 85 are considered to be controversial because they regulate the obligation to report sexual deviations and forbid deviant sexual activity. When viewed from Islamic law, it is clear and unequivocal that all actions mentioned in the explanation of Article 85 are prohibited by the sharia law so that the provisions of Article 86-87 need to be regulated. From psychological perspective, sexual deviant behavior needs to be reported because it has a negative impact that interferes with the survival of the victim. From the social point of view, this article is considered to restrict the sexual appetite of individuals and appears to give an identity based on one's sexual activities so that according to the social point of view the article is not worth defending. Overall, this fifth controversial article has more positive implications practices than the negatives. Wherefrom the view of Islamic law and psychology, this article guarantees the preservation of the soul and purity of offspring from healthy sexual relations and practices. In addition, the emphasis on psychiatric health from relationship that do not comply with the norms, will be well-maintained by complying this article. In the end, the authors argue that this article must be maintained.

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