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The Urgency of Prenuptial Agreements as a Tool for Reconciling Career Autonomy: A Psychological and Legal Perspective from Feminist Law

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ABSTRACT :

The purpose of this research is to clarify and provide an alternative perspective on the urgency of prenuptial agreements as an instrument for reconciling women's career autonomy with post-marital domestic life, thru a review of feminist psychological and legal perspectives, in order to address social prejudice and understand their role in the context of modern marriage. This research uses a qualitative juridical-normative research method with a literature study approach. Primary data comes from Law No. 1 of 1974 concerning Marriage (Article 29), which was analyzed alongside a psychological review of the dynamics of career women facing the double burden and role conflict. Based on the research findings, a prenuptial agreement serves as a tool for reconciling women's career autonomy. From a psychological perspective, prenuptial agreements provide a sense of security and certainty, reduce mental burden, stress, and role conflict, and support self-actualization according to Maslow's theory. From a feminist legal perspective, prenuptial agreements reconstruct patriarchal norms thru fair clauses such as domestic task division, career support, and compensation, recognizing women's economic contributions (including invisible labor), and preventing gender injustice as stipulated in Article 29 of Law No. 1/1974. This research is important for addressing social prejudice about prenuptial agreements as instruments of distrust, as well as providing an in-depth understanding of their role in protecting women's career autonomy, promoting gender equality, and enhancing psychological well-being in the context of modern marriage, which is often characterized by the double burden of working women. The integration of psychological perspectives and feminist legal frameworks in the analysis of prenuptial agreements as a tool for reconciling career autonomy, which has not been extensively explored in previous literature, offers an interdisciplinary approach to promoting equitable and sustainable marriage practices, with a focus on non-financial clauses and psychological impact.

Key words: *Prenuptial Agreement, Career Women, Gender, Psychological, Legal*

INTRODUCTION

A prenuptial agreement is an agreement made by the prospective husband and wife before getting married (Hidayah & Muhiddin, 2024). Prenuptial agreements in Indonesia are legally regulated under Law Number 1 of 1974 Concerning Marriage (Siswanti, 2021). Article 29 of the law states that before or during the marriage, the couple can make an agreement governing the management of their assets. This agreement, known as a prenuptial agreement or marriage contract, is based on the consent of both parties and must be put in writing before the marriage is registered (Salsabila, 2024). A prenuptial agreement is an agreement made before the marriage takes place, with the aim of protecting the rights and obligations of the husband and wife after the

marriage (Rosita, et al., 2022). The couple, who are about to get married, are not without the hope of absolute justice during the process of creating a marriage agreement. Thus, it can be said that couples who enter into a marriage agreement will receive guaranties both during and after the marriage (Sulaiman, 2021).

Not a few career women decide to become housewives or stay-at-home mothers after getting married. Career women are women who have jobs outside the home, whether in offices, schools, or their own businesses. Career women tend to be independent, intelligent, creative, and modern (Yunita et al., 2024). In the context of households, career women tend to have dual roles, requiring support from various parties, managing time at home and in the office, and communicating effectively with family and colleagues. Career women must be able to prioritize in order to fulfill these dual roles (Anjassari, 2023). Career women are often faced with role conflict, where work and family responsibilities clash (Fatimah, 2015). Career women often experience moral dilemmas in managing their roles as mothers and workers (Fadilah, 2018). Working women need support from their partners and families to fulfill their roles well without sacrificing any aspect of their lives (Kartika 2020). Career women have long been a topic of debate (Saleh, 2024).

Feminist circles believe that women entering the workforce is a specific source of exploitation for women, and the division of roles within the family is considered unfair and unprofessional (Umar, 2003). The division of domestic public labor is generally based on patriarchal ideology, which has been established thru a long process and is biased toward male interests, resulting in an imbalance of burden. Women's careers are often positioned in the domestic sphere, while men are frequently associated with the public sector (Enginer, 2007). Simplistically, there are three reasons why women choose to work outside the home. First, financial reasons; second, social and relational needs; and finally, self-actualization needs. Women work as a form of self-actualization, to create, express and develop themselves and others, share knowledge and experience, discover and produce something, and even receive recognition or achieve success. The need for self-actualization thru a career is often a belief behind one of the choices made. The life satisfaction of working women indicates that they have a slightly higher level of life satisfaction compared to women who do not work. In a study published in the *Journal of Marriage and Family*, the life happiness of married women was examined across three categories: working women, women who have worked in the past, and women who have never worked, although it is undeniable that self-actualization comes second only to happiness within the family (Muamar, 2019).

Self-actualization is a need and a source of happiness. It is the highest level of human need after basic needs, the need for safety, the need for belonging and love, and the need for self-esteem

are met. Women who self-actualize outside the domestic sphere as a form of realizing the results of their education and potential to become more useful (Umroh, 2018). Career women are often labeled as independent, self-reliant, and free because they have successfully achieved what they desire. Behind this, there is also a negative stigma that career women are considered not to understand how to educate, women should not pursue too much education, and are only focused on their own well-being. In fact, even when deciding to become a stay-at-home mother despite having a doctoral degree, women are still considered figures of sacrifice for their husbands and children. In fact, they are labeled as figures who hide behind their partner's armpits, have no life or future of their own, are completely dependent, and are even considered uneducated or equated with domestic helpers (www.its.ac.id).

In this context, are women often forced to choose between being career women or housewives, or even neither? Women have a dual role, as workers and homemakers, which often leads to role conflict and moral dilemmas in managing both. From a feminist perspective, the division of roles within the family is still dominated by patriarchal ideology, with the law of causality leading to injustice in the division of domestic and public tasks. In the context of a career, if the dream is big, the partner must be right. Couples who feel secure can experience psychological well-being, career security, better health, and greater peace of mind. Therefore, it is important to make a prenuptial agreement before the wedding to protect the future, especially career and psychological well-being.

Many scientific studies have investigated prenuptial agreements, for example, the thesis conducted by Citra Fatimatuz Zahro examined marriage agreements from a feminist theory perspective (Zahro, 2020). Then, research conducted by Abdu Slafush Sholihin on the urgency of prenuptial agreements among student couples from a legal status and gender studies perspective: a study of master's students in Sharia at UIN Sunan Kalijaga Yogyakarta (Sholihin, 2025). Then there's the research article by Diah Ayu Lestari, Diah Arimbi, and Haris Djoko Saputro on prenuptial agreements as a means of legal protection and achieving a balance of rights and obligations in marriage (Lestari, 2025). The importance of prenuptial agreements written by advocate Indira Gustiar, S.H. on her website (Gustiar, 2024). Then, on her website, Julia Rodgers discusses that prenuptial agreements are a feminist issue (Rodgers, 2025). Then there's an article by Dr. Sharon Thompson on using feminist relational contract theory to build the capacity to be approved: a case study of prenuptial agreements (Thompson, 2020).

The research question in this study is: What is the urgency of prenuptial agreements as a tool for career autonomy reconciliation from a psychological and feminist legal perspective? The method used in this study is qualitative, involving a literature review analysis using a feminist

psychological and legal perspective. Based on these prejudices, this research is important to clarify or provide another perspective and understand the urgency of prenuptial agreements as a tool for reconciling career autonomy from a psychological and legal feminist perspective.

This research utilizes two main theoretical frameworks. First, from a psychological perspective, the researcher employs Maslow's Hierarchy of Needs theory. This theory focuses on the need for safety and self-actualization, explaining that career women require psychological protection to develop themselves. In this case, the author uses the double burden theory, which explains that career women experience pressure and minimize role conflict between work and domestic responsibilities, so prenuptial agreements can reduce mental burden. Meanwhile, from a feminist perspective, the author focuses on the theory of Feminist Legal Theory from figures such as Okin, Thompson, and Crenshaw to assess whether marriage law is still patriarchal. In this theory, it shows how prenuptial agreements can be a tool to address gender inequality, recognize women's domestic work or invisible labor, and strengthen women's bargaining position in the division of roles and career support.

Methods

The research method used by the researcher in this study is a qualitative juridical-normative research method with a literature study approach. With primary data from Law No. 1 of 1974 concerning Marriage, Article 29 which regulates prenuptial agreements in the context of gender justice and women's autonomy. A psychological approach is used to review the psychological dynamics of career women facing the dilemma of dual roles or double burden between family and work.

Result

Prenuptial Agreement as a Tool for Reconciling Career Autonomy

Prenuptial agreements, or premarital agreements, are an effort to protect women in response to contemporary legal and gender issues (Muttaqin & Rosadi, 2020). Prenuptial agreements not only provide legal certainty for the couple but also contribute to preventing future conflicts, thus supporting and creating more harmonious and just relationships (Salsabila, 2024). Gender perspective, pre-marriage agreements as an effort to minimize gender inequality by providing women with flexibility to continue their education or careers without being burdened by domestic responsibilities (Sholikhin, 2025). Women often carry a double burden, balancing the demands of marriage with domestic responsibilities.

Women must work in the public sector, but when they return home, they must also perform their domestic roles. There are many factors that influence gender stereotypes and differences. Women or mothers must work in the public sphere and then return home to fulfill the responsibilities of caring for children and doing laundry and other household chores (Jonathan,

2020). The fact that working women face a double burden cannot be denied in the reality of a society deeply rooted in patriarchal culture. This wouldn't be a problem if the husband played a role in helping to lighten the domestic burden borne by the wife. There is a contract-based relationship pattern between husband and wife. However, if there is no agreement between husband and wife, working women will experience not only a double burden, but a triple burden, indirectly facing multiple discrimination due to the lack of cultural bias (Hidayati, 2015).

Prenuptial agreements, legally regulated in Law No. 1 of 1974 concerning marriage, Article 29, are often perceived solely as instruments for protecting financial assets. Rather, within the context of gender dynamics and the development of modern women's roles, prenuptial agreements have far more profound and transformative potential, particularly as a tool for reconciling women's career autonomy with the demands of domestic life after marriage (Fakih, 2008). Career women often face a dilemma between maintaining their professional identity and meeting societal expectations as homemakers. Prenuptial agreements serve as contracts of equality designed to protect not only property, but also self-actualization, career freedom, and role balance within the household (Yanti, 2024).

Prenuptial agreements can be specifically designed to explicitly guaranty a woman's career. This clause is not only declarative but also operational, such as the fair division of domestic responsibilities. The commitment of husband and wife to support the wife's career development, both financially and in their willingness to share childcare responsibilities, as well as compensation mechanisms if the woman has to sacrifice her career for the sake of the family. Thus, prenuptial agreements become a proactive legal instrument in minimizing the role conflicts that have often affected career women. At the same time, it serves as recognition of the economic and social value of career contributions that are often invisible labor.

Prenuptial agreements have a significant psychological impact. Women feel they have recognized and legally protected career rights and autonomy, leading to a greater sense of security and certainty. This is one step toward minimizing the mental burden or mental load that often accompanies dual-role conflicts, while also improving the quality of the marital relationship because it is built on clear agreements and mutual respect. In a broader perspective, the practice of prenuptial agreements can reconstruct social norms that have historically marginalized women's public roles. By promoting equitable planning from the outset, prenuptial agreements not only protect individuals but also serve as a tool for enforcing gender justice within the institution of marriage.

Challenges in implementation persist, compounded by social stigma that views prenuptial agreements as a sign of distrust. Public ignorance, including among legal professionals, regarding

the flexibility of these agreements to encompass non-financial aspects poses a significant obstacle. Prenuptial agreements are not just an anticipation of divorce, but also a planning tool for a healthy, equal, and mutually supportive marriage. Thus, prenuptial agreements are truly functional as a bridge of reconciliation that combines women's career autonomy with household harmony, creating a new paradigm in building a modern family that is just and sustainable.

Prenuptial Agreement as a Tool for Reconciling Career Autonomy from a Psychological Perspective

Career women have different attitudes toward their work (Poerwandari, 2005). First, women who have hindered career paths, such as those who take a certain or temporary break from their profession due to other obligations. Second, career women take on dual roles, balancing public and domestic duties simultaneously. Third, career women follow a pattern of stability, prioritizing their work or career over other obligations, both domestic and public (Dahlan, 2000).

Women often face a double burden between their careers and domestic responsibilities, which leads to role conflict, stress, and moral dilemmas. From a psychological perspective, prenuptial agreements can serve as a psychological safety net, providing a sense of security and certainty. Legal recognition of career autonomy allows women to reduce mental load related to role conflict, increase life satisfaction and psychological well-being, and maintain professional identity without feeling threatened by social expectations as homemakers. Studies show that spousal support included in prenuptial agreements significantly impacts the mental health of career women. This aligns with Maslow's theory of self-actualization, where recognizing women's need for self-actualization, creativity, and development outside the domestic sphere is key to happiness.

Prenuptial Agreement as a Tool for Reconciling Career Autonomy from a Feminist Legal Perspective

From a feminist legal perspective, prenuptial agreements serve as an instrument of deconstruction against the patriarchal norms inherent in the institution of marriage. As stipulated in Article 29 of Law No. 1 of 1974 concerning Marriage, this agreement not only regulates the division of assets but is also designed to guaranty women's non-material rights, including career autonomy and a fair division of domestic roles. Feminist legal theory emphasizes the urgency of recognizing invisible labor as the often unseen contribution women make in domestic settings, as well as the economic value of women. A comprehensively designed prenuptial agreement can accommodate specific clauses such as equal division of domestic roles or responsibilities, the husband's commitment to support the wife's career development, and financial or non-financial compensation mechanisms if the woman sacrifices her career for the family. Thus, prenuptial agreements become a proactive legal tool in preventing systemic gender injustice.

Conclusion

A prenuptial agreement holds significant importance as a tool for reconciling women's career autonomy with domestic life after marriage, from both psychological and legal feminist perspectives. Psychological Perspective: Prenuptial agreements serve as a "psychological safety net," providing a sense of security and certainty, reducing mental burden, stress, and role conflict. This supports the self-actualization of career women, increasing life satisfaction and mental health, according to Maslow's theory. From a feminist legal perspective, prenuptial agreements reconstruct patriarchal norms thru fair clauses such as domestic task division, career support, and compensation, recognizing women's economic contributions (including invisible labor), and preventing gender injustice as stipulated in Article 29 of Law No. 1/1974. Overall, prenuptial agreements serve as a bridge to harmonious and equal marriages, creating a modern family paradigm. Recommendation: Educate the public and strengthen non-financial clauses for women's empowerment.

Bibliography

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