

## CHANGES IN GENDER ROLES AND FAMILY LAW DYNAMICS IN INDONESIA IN THE DIGITAL ERA

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### ***Abstract***

Significant changes in gender roles in recent decades have shifted social dynamics widely, including within the family. This evolution has also influenced the family law order, which has been more inclined to refer to traditional gender roles. This study aims to describe and analyze the profound impact of changing gender roles on the dynamics of family law in the context of modern society. The focus of the study includes the influence of changing gender roles on child custody, relationships in marriage and divorce, and other legal implications. This study uses a qualitative approach by combining various data collection methods. Primary data were obtained through literature studies, analysis of related legal documents, and case studies. Data analysis was conducted in a comparative descriptive manner to identify significant changes in family law related to shifting gender roles. The results of the study show that changes in gender roles have a significant impact on family law, especially in the aspects of marriage and divorce. Family law needs to adapt to social dynamics that increasingly emphasize the principle of gender equality, both in the rights and obligations of husband and wife and in decision-making related to child custody. Despite regulatory changes, their implementation still faces challenges, including gender bias and strong social norms. Therefore, more equitable and inclusive legal reforms and further research are needed to ensure a family legal system that is responsive to social change and creates justice for all parties.

**Keywords: Gender Role Change; Family Law; Digital Age**

### **Abstrak**

Perubahan peran gender yang signifikan dalam beberapa dekade terakhir telah menggeser dinamika sosial secara luas, termasuk dalam lingkup keluarga. Evolusi ini

turut mempengaruhi tatanan hukum keluarga yang selama ini lebih cenderung mengacu pada peran tradisional gender. Penelitian ini bertujuan untuk mendeskripsikan dan menganalisis dampak mendalam dari perubahan peran gender terhadap dinamika hukum keluarga dalam konteks masyarakat modern. Fokus kajian meliputi pengaruh perubahan peran gender terhadap hak asuh anak, relasi dalam pernikahan dan perceraian, serta implikasi hukum lainnya. Penelitian ini menggunakan pendekatan kualitatif dengan menggabungkan berbagai metode pengumpulan data. Data primer diperoleh melalui studi literatur, analisis dokumen hukum terkait, dan studi kasus. Analisis data dilakukan secara deskriptif komparatif untuk mengidentifikasi perubahan signifikan dalam hukum keluarga yang berkaitan dengan pergeseran peran gender. Hasil penelitian menunjukkan bahwa perubahan peran gender memiliki dampak signifikan terhadap hukum keluarga, terutama dalam aspek pernikahan dan perceraian. Hukum keluarga perlu menyesuaikan diri dengan dinamika sosial yang semakin menekankan prinsip kesetaraan gender, baik dalam hak dan kewajiban suami istri maupun dalam pengambilan keputusan terkait hak asuh anak. Meskipun terjadi perubahan regulasi, penerapannya masih menghadapi tantangan, termasuk bias gender dan norma sosial yang masih kuat. Oleh karena itu, diperlukan reformasi hukum yang lebih adil dan inklusif serta penelitian lebih lanjut untuk memastikan sistem hukum keluarga yang responsif terhadap perubahan sosial dan menciptakan keadilan bagi semua pihak.

### **Kata Kunci: Perubahan Peran Gender; Hukum Keluarga; Era Digital**

#### **Introduction**

These changes are the result of the social transformations that have taken place over the past few decades, where traditional concepts of gender roles in the family are increasingly eroding and facing new challenges. Gender roles refer to the expectations, duties, and responsibilities given to individuals based on their gender. In a rapidly changing society, gender roles are undergoing significant evolution, influencing the way families interact, divide responsibilities, and participate in family law.<sup>1</sup>

In the digital era, this change can be seen from the shift in the division of domestic roles and economic roles in the family. The tradition that established women as housekeepers and men as the main breadwinners has changed. Many women are now involved in the world of work and have a significant economic role in the family. On the other hand, men are increasingly involved in household chores and the fulfillment of family needs.<sup>2</sup>

This change in gender roles also affects the dynamics of family law. Family law covers various aspects, such as marriage, divorce, child custody, and the division of

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<sup>1</sup> Kholis Bidayati Kholis, Muhammad Alwi Al Maliki Alwi, and Suci Ramadhan Suci, "DINAMIKA PEMBAHARUAN HUKUM KELUARGA ISLAM DI NEGARA MUSLIM," *ADHKI: Journal of Islamic Family Law*, 2021, <https://doi.org/10.37876/adhki.v3i1.45>; Eko Setiawan, "DINAMIKA PEMBAHARUAN HUKUM KELUARGA ISLAM DI INDONESIA," *De Jure: Jurnal Hukum Dan Syar'iah*, 2014, <https://doi.org/10.18860/j-fsh.v6i2.3207>.

<sup>2</sup> Samia Bano, ed., *Gender and Justice in Family Law Disputes: Women, Mediation, and Religious Arbitration* (Waltham, MA: Brandeis University Press, 2017), <https://doi.org/10.2307/j.ctv102bhb9>.

joint property. Changes in gender roles can affect the rules and regulations that govern these matters. These changes reflect the need to accommodate new dynamics in the digital family, in line with the growing demands for gender equality and individual rights.<sup>3</sup>

One of the problems that arises is inequality in rights and obligations in the household. Although women now have a broader role in the economy, family law in Indonesia still places men as the legal head of the family. This creates a dilemma when women who are the main breadwinners still have to shoulder domestic responsibilities that are not legally recognized.<sup>4</sup> This double burden is even more complex when associated with a legal system that does not yet fully support equality in the division of roles in the household.

In addition, changes in communication patterns in the digital era also affect household stability. Wider access to information makes couples more aware of their rights in marriage and divorce, which has contributed to the rising divorce rate in recent years. The use of social media and technology in daily life also brings new challenges, such as digital infidelity, cyber harassment in the household, and changes in expectations for couples that are not always in line with the applicable legal norms.

The dynamics of parenting are also one of the complex issues in modern family law. With more and more parents working from home or undergoing digital-based work, traditional parenting is undergoing significant changes.<sup>5</sup> However, in the case of divorce, family law in Indonesia still tends to maintain the old approach to determining child custody, without considering changes in work patterns and more flexible parenting roles.

On the other hand, the digital era also shows an increase in cases of gender-based violence that occur in the digital realm. Domestic violence now does not only occur physically, but also through social media and communication technology. Cases such as online harassment, unauthorized dissemination of personal content (revenge porn), and strict supervision of spouses through technology are new challenges that have not been fully accommodated in family law.

This change in gender roles also raises questions about the legal recognition of increasingly diverse family forms. Although family law norms in Indonesia are still oriented towards traditional family structures, social realities show changes in marriage patterns and family relationships that are not always in accordance with existing regulations. This creates an inequality between social realities and legal

<sup>3</sup> F Hidayat, "Dinamika Perkembangan Hukum Keluarga Di Indonesia," *An Nisa'a*, 2014; H. Puspitawati et al., "Peran Gender Orang Tua-Remaja Dalam Fungsi Keluarga Dan Kesejahteraan Subjektif Remaja," *Jurnal Ilmu Keluarga Dan Konsumen*, 2021, <https://doi.org/10.24156/jikk.2021.14.3.255>.

<sup>4</sup> A. Harahap, "Peran Perempuan Sebagai Tulang Punggung Dalam Memenuhi Kebutuhan Keluarga," *Jurnal Kajian Gender dan Anak* 8, no. 1 (2024): 1-12, <https://doi.org/10.24952/gender.v8i1.10880>.

<sup>5</sup> A. Mulyadi Rusmana dan I. Saleh Indrapradja, "Dasar Pertimbangan Hukum Hakim Terhadap Putusan Perceraian Dengan Pemberian Hak Asuh Anak Kepada Ayahnya Menurut Hukum Positif Indonesia Dalam Perkara Nomor 4074/Pdt.G/2023/Pa.bdg Usulan Penelitian Hukum," *UNES Law Review* 6, no. 4 (2024): 11694-11701, <https://doi.org/10.31933/unesrev.v6i4.2188>; Syahan Nur Muhammad Haiba dan Anjar Sri Ciptorukmi Nugraheni, "Penetapan Hak Asuh Anak Pasca Perceraian Berdasarkan Asas Kepentingan Terbaik Anak," *Aliansi: Jurnal Hukum, Pendidikan dan Sosial Humaniora* 1, no. 2 (2024): 151-161, <https://doi.org/10.62383/aliansi.v1i2.84>.

regulation, which can have an impact on legal protections for individuals in the modern family.

To comprehensively understand the impact of changing gender roles on the dynamics of family law in the digital age, by analyzing real-life cases and collecting data from various sources, research can reveal relevant and complex aspects of changing gender roles in family law. This will provide a deeper insight into how family dynamics and family law change as gender roles change.

### Research Methods

This study uses a descriptive qualitative paradigm with literature studies as the main data collection method. This approach was chosen because it allows for an in-depth and contextual understanding of the phenomenon of changing gender roles and their impact on the dynamics of family law in the digital era. In addition to the literature study, this research also involves data collection through judgments, marriage laws, documentation and analysis of legal cases. The data obtained was then analyzed in a comparative descriptive manner, by comparing various perspectives and contexts. The results of the analysis are presented narratively and thematically, linked to relevant theoretical frameworks. This research is expected to make a significant contribution to the development of theoretical understanding, policymaking, and family law practices that are more equitable and responsive to social change.

### Changes in Gender Roles in the Family

The shift in gender roles in the family is the result of the evolution of social values. In the past, the roles of men and women in the family were very rigid. Men are the backbone of the family, while women are the household managers. However, as time goes by, these roles begin to complement and shift, providing more flexibility for each family member.<sup>6</sup> Modernization has brought significant changes to the role of gender in the family. Women are increasingly independent and have a more strategic role, both at home and in society.<sup>7</sup>

The public's view of gender roles in the family continues to evolve in a more positive direction. The community increasingly appreciates the diversity of roles and contributions of each family member.<sup>8</sup> Family law, which is constantly adapting to social changes, is also influenced by the shift in gender roles in the family. In Islam, the principles of justice and equality are the main basis in regulating rights and obligations between spouses.<sup>9</sup>

In domestic life, the duties and responsibilities of husband and wife are often unequal. Husbands are often considered the head of the family who has to work for a living, while wives do more housework and take care of children. This makes the wife

<sup>6</sup> F. K. Daud dan A. Rosadi, "Dinamika Hukum Keluarga Islam dan Isu Gender di Iran: Antara Pemikiran Elit Sekuler dan Ulama Islam," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 4, no. 2 (2021): 205–220, <https://doi.org/10.24090/volksgeist.v4i2.5258>.

<sup>7</sup> M. N. H. Latief dan P. A. Wates, "Pembaharuan Hukum Keluarga Serta Dampaknya Terhadap Pembatasan Usia Minimal Kawin Dan Peningkatan Status Wanita," *Jurnal Hukum Novelty* 7, no. 2 (2016): 196.

<sup>8</sup> E. Setiawan, "Dinamika Pembaharuan Hukum Keluarga Islam di Indonesia," *De Jure: Jurnal Hukum dan Syar'iah* 6, no. 2 (2014): <https://doi.org/10.18860/j-fsh.v6i2.3207>.

<sup>9</sup> Zainal Abidin, "Kesetaraan Gender dan Emansipasi Perempuan dalam Pendidikan Islam," *Tarbawiyah: Jurnal Ilmiah Pendidikan* 12, no. 1 (2017): 1–17.

feel unfair. Changing gender roles in the family are changing not only household dynamics, but also the social and legal landscape. With more and more women pursuing careers, the demand for equal rights and obligations in the family is getting stronger. This encourages family law reform to be more inclusive and fair.<sup>10</sup>

**Table 1. Number of Gender-Appropriate Workforce**

Percentage of Formal Labor by Gender (Percent)				
Year	2021	2022	2023	2024
Male	43,39	43,97	44,19	45,81
Female	36,20	35,57	35,75	36,32

Source: National Labor Force Survey (Sakernas)

As an illustration, data obtained from the Central Statistics Agency shown in table 1 above, shows that the involvement of women and men in the world of work is practically almost equal and there is a shift in the stigma that women only take care of wells, kitchens and mattresses.

The changes in social values and norms that are happening today have changed the way we view the roles of men and women in the family. A study in Jambusari Village, Cilacap, showed that the change in the role of the wife, influenced by these changes in values, has a significant influence on daily family life.<sup>11</sup>

In addition, the findings of the research at the Tejo Agung Market underscore the importance of women's economic contribution in the family. Women in these markets not only play the role of consumers, but also as active producers. This shows that women have great potential to improve the welfare of families and communities.<sup>12</sup>

Findings from the results of research in Sialagund Village, women in playing their role as housewives play a dual role. A household worker, but also active in the agricultural and trading sectors. Although women's dual role in helping the family economy has a positive impact, they also face difficulties in maintaining a balance between work outside the home and household responsibilities.<sup>13</sup>

The ever-changing dynamics of the family, especially in terms of gender roles, have prompted family law reform. Family law is now more inclusive and accommodates various digital family models, where the rights and obligations of husband and wife are based on the principle of equality.

<sup>10</sup> Suryani, S., "Analisis Hukum Keluarga Islam Terhadap Penguatan Peran Perempuan Dalam Kesetaraan Gender Pada Pengurus Muslimat Dan Pengurus Aisyiyah Di Kota Metro," *Familia: Jurnal Hukum Keluarga* 3, no. 2 (2022): 151-171, <https://doi.org/10.24239/familia.v3i2.78>.

<sup>11</sup> Intan Rahmah, *Perubahan Peran Istri Terhadap Keharmonisan Keluarga di Desa Jambusari Kecamatan Jeruklegi Kabupaten Cilacap* (skripsi, Jurusan Hukum Keluarga Islam Fakultas Syariah, Institut Agama Islam Negeri, 2019); Clem Brooks dan Catherine Bolzendahl, "The Transformation of US Gender Role Attitudes: Cohort Replacement, Social-Structural Change, and Ideological Learning," *Social Science Research* (2004), [https://doi.org/10.1016/S0049-089X\(03\)00041-3](https://doi.org/10.1016/S0049-089X(03)00041-3).

<sup>12</sup> Supriyono, Bayu. *Peran Perempuan dalam Keluarga Menurut Hukum Keluarga Islam (Studi Perempuan Pedagang di Pasar Tejo Agung Kecamatan Metro Timur Kota Metro)* (disertasi doctoral, IAIN Metro, 2019); Bayu Supriyono, "Peran Perempuan dalam Keluarga Menurut Hukum Keluarga Islam," *Al Mujib: Jurnal Multidisipliner* 1, no. 2 (2024): 81-105, <https://doi.org/10.47902/almujib.v1i2.102>.

<sup>13</sup> A. Harahap, "Peran Perempuan Sebagai Tulang Punggung Dalam Memenuhi Kebutuhan Keluarga," *Jurnal Kajian Gender dan Anak* 8, no. 1 (2024): 1-12, <https://doi.org/10.24952/gender.v8i1.10880>.

## The Impact of Changing Gender Roles on Child Custody

The change in gender roles in the digital society has presented new dynamics in the context of family law, including in terms of child custody. The tradition of mothers being the primary caregiver of children has shifted with more and more fathers being actively involved in caring for and raising children.<sup>14</sup> The increasingly strong concept of gender equality in the digital society has changed the traditional role of fathers. Today's fathers are increasingly aware of the importance of sharing parenting responsibilities with their spouses. The active involvement of fathers in childcare not only has a positive impact on the development of the child, but also strengthens family bonds.<sup>15</sup>

This social shift has also prompted a change in the family law paradigm related to child custody. Traditionally, childcare has been organized based on the assumption that the mother is the primary caregiver, while the role of the father tends to be considered as a financial support. However, as gender roles change, many countries have adopted a more inclusive approach and emphasized the importance of fathers' involvement in childcare.<sup>16</sup>

For example, some countries have adopted the principle of "the best interests of the child" as a guide in determining child custody. This principle emphasizes that decisions about childcare should be based on the child's own needs and interests, not on gender or traditional assumptions.<sup>17</sup> This approach allows the court to consider the role and active contribution of the father in the custody of the child, with the aim of providing a fair opportunity for the child to establish a healthy and constructive relationship with both parents.<sup>18</sup>

In addition, there are several results of the Supreme Court's decision that gave child custody to the father, first, the Supreme Court Decision Number: 349K/AG/2006 between Tamara Bleszyinski and Teuku Rafly Pasya who fought for custody of a child named Teuku Rasya who was still 6 years old at that time. In the decision, custody of Teuku Rasya's child was given to Teuku Rafly Pasya's father. The judge's consideration of giving care to his father because his mother, Tamara Bleszyinski, is considered a celebrity who is very busy with her work from morning to night, so if custody is given to her, it is considered that it will cause the child to get less attention and affection and a lack of closeness between parents and children due to her

<sup>14</sup> Loso Judijanto, Dwanda Julisa Sistyawan, I Made Kariyasa, Amiruddin, and Muhammad Husni Abdulah Pakarti, "Gender Roles and the Redefinition of Family Law: Toward a Digital Family with Justice," *Mawaddah: Jurnal Hukum Keluarga Islam* 2, no. 2 (2024): 140–57, <https://doi.org/10.52496/mjhki.v2i2.37>.

<sup>15</sup> A. Sarkadi, R. Kristiansson, F. Oberklaid, and S. Bremberg, "Fathers' Involvement and Children's Developmental Outcomes: A Systematic Review of Longitudinal Studies," *Acta Paediatrica* 97, no. 2 (2008): 153-158, <https://doi.org/10.1111/j.1651-2227.2007.00572.x>.

<sup>16</sup> John Cashmore and Peter Parkinson, "Parenting and Post-Separation Contact: The Views and Experiences of Separated Parents," *Australian Journal of Family Law* 25, no. 1 (2011): 24–47.

<sup>17</sup> M. Siswati and H. Puspitawati, "Peran Gender, Pengambilan Keputusan, Dan Kesejahteraan Keluarga Dual Earner," *Jurnal Ilmu Keluarga Dan Konsumen*, 2017, <https://doi.org/10.24156/jikk.2017.10.3.169>; Aris Try Andreas Putra, "Peran Gender Dalam Pendidikan Islam," *Jurnal Pendidikan Islam*, 2014, <https://doi.org/10.14421/jpi.2014.32.327-344>; Hidayat, "Dinamika Perkembangan Hukum Keluarga Di Indonesia."

<sup>18</sup> Wahyudi, Muhammad Husni Abdulah Pakarti, and Diana Farid, "Peran Tradisi Dan Norma Gender Dalam Penyelesaian Sengketa Hukum Keluarga," *An-Nisa: Journal of Islamic Family Law* 1, no. 3 (2024): 1-11, <https://doi.org/10.63142/an-nisa.v1i3.50>.

busyness.<sup>19</sup> Although legally child custody is in the law, an immature child (*mumayyiz*) in terms of custody falls to his biological mother, but looking at the existing dynamics, it can change.

The same is true of case Number: 4074/Pdt.G/2023/PA. BADG, custody of the child is given to the father, the judge views that the father has the ability to protect, educate, provide a good and comfortable environment compared to the mother, in addition, the facts, evidence and witnesses that occurred during the trial are also the basis for the judge in deciding the case.<sup>20</sup>

Changes in the legal approach to child custody that recognize the active role of the father have a significant impact on both children and parents. Children who grow up with both parents who are actively involved in parenting often experience better psychological, social, and emotional benefits.<sup>21</sup> They have wider access to the resources and attention of both their parents, which can help meet their developmental needs holistically.

For parents, this shift also brings a change in family dynamics. Fathers who are actively involved in parenting can feel emotional satisfaction and gain a closer relationship with their children.<sup>22</sup> At the same time, practical challenges and changes in traditional roles can require adjustments for both parents.

Changes in gender roles in the digital society have had a significant impact on the dynamics of family law, including in terms of child custody. The social shift that favors paternal participation in parenting has prompted a paradigm shift in family law, recognizing the importance of paternal involvement in child custody. The implications of this change are better benefits for children and a more balanced relationship between both parents.<sup>23</sup>

Although there has been progress, there are still many obstacles that hinder the implementation of equal roles in childcare. Some customs and legal rules are still very rigid in viewing gender roles. We need to continue to strive to make everyone aware of the importance of the father's role in raising children and change the rules of family law to be more fair and in line with the times.

### **The Impact of Changing Gender Roles in Marriage and Divorce**

Rapid social change has changed the way we view gender roles in marriage. In the past, women were often considered as husbands' companions. However, as time went by, this view was eroded more and more. Today, women and men have an equal

<sup>19</sup> Syahan Nur Muhammad Haiba dan Anjar Sri Ciptorukmi Nugraheni, "Penetapan Hak Asuh Anak Pasca Perceraian Berdasarkan Asas Kepentingan Terbaik Anak," *Aliansi: Jurnal Hukum, Pendidikan dan Sosial Humaniora* 1, no. 2 (2024): 151-161, <https://doi.org/10.62383/aliansi.v1i2.84>.

<sup>20</sup> A. Mulyadi Rusmana dan I. Saleh Indrapradja, "Dasar Pertimbangan Hukum Hakim Terhadap Putusan Perceraian Dengan Pemberian Hak Asuh Anak Kepada Ayahnya Menurut Hukum Positif Indonesia Dalam Perkara Nomor 4074/Pdt.G/2023/PA.bdg Usulan Penelitian Hukum," *UNES Law Review* 6, no. 4 (2024): 11694-11701, <https://doi.org/10.31933/unesrev.v6i4.2188>.

<sup>21</sup> Paul R. Amato, "Research on Divorce: Continuing Trends and New Developments," *Journal of Marriage and Family* 72, no. 3 (2010): 650-66, <http://www.jstor.org/stable/40732501>.

<sup>22</sup> Natasha J. Cabrera et al., "Fatherhood in the Twenty-First Century," *Child Development* 71, no. 1 (2000): 127-36, <http://www.jstor.org/stable/1132225>.

<sup>23</sup> Abdulah Pakarti, Muhammad Husni, Hendriana Hendriana, Diana Farid, Ghina Ulpah, dan Nurul Afifah, "Pendidikan Agama Dan Konstruksi Gender Dalam Masyarakat Islam," *Al-Usroh: Jurnal Hukum Keluarga Islam* 1, no. 02 (2023): 76-85, <https://doi.org/10.55799/alusroh.v1i02.298>.

opportunity to contribute to the family. This change requires couples to continue to adapt and build a more equal relationship.<sup>24</sup>

The shift in roles between men and women has changed the way we view the division of property during divorce. In the past, women were often disadvantaged because they were considered less financially contributed. Now, as more and more women are working, the courts are more equitable in dividing property, taking into account all contributions, both monetary and otherwise, during marriage.<sup>25</sup> This allows for a fairer recognition of the wife's contribution and involvement in the marital relationship, which in turn affects the division of common property in divorce.

Changes in gender roles also have a significant impact on children's lives in the context of divorce. In the digital age, many fathers are increasingly involved in parenting and have a desire to play an active role in their child's life after divorce.<sup>26</sup> This creates new demands in terms of time division and responsibilities in childcare. Many countries have adopted a more inclusive approach to determining child custody, which considers the best interests of the child and promotes the involvement of both parents in the child's life.<sup>27</sup> This change recognizes the importance of the active role of both parents in the development of the child after divorce.

The change in gender roles in marriage and divorce in Indonesia is not only influenced by social developments, but is also reflected in the legal dynamics that govern marital relationships. Normatively, Law Number 1 of 1974 concerning Marriage, which was later revised through Law Number 16 of 2019, has stipulated that husband and wife have equal rights and obligations in married life. However, in practice, the implementation of gender equality in family law still faces challenges, especially in its interpretation and application by judicial institutions. Changes in the law and court rulings in recent years reflect shifts in legal norms and policies related to gender roles in marriage and divorce.

One of the significant changes in family law regulations is the revision of the Marriage Law through Law No. 16 of 2019, which changed the minimum age of marriage for women from 16 years old to 19 years old, equating it with the minimum age limit for men. This change aims to reduce the practice of child marriage which has been more detrimental to women, as well as provide a stronger legal basis for gender equality in marriage. This revision also reflects a shift in the legal paradigm that emphasizes more on the principle of protection of women and children.

In the aspect of economic obligations in the household, Supreme Court Decision No. 266 K/AG/2010 strengthens the principle that even though the wife has her own income, the husband still has the obligation to provide maintenance. This ruling emphasizes that the role of women as individuals who contribute to the family economy does not necessarily eliminate the legal obligations of husbands as the main breadwinner. This is a reflection of the changing gender role in society that

<sup>24</sup> Paul R. Amato, "Research on Divorce: Continuing Trends and New Developments," *Journal of Marriage and Family* 72, no. 3 (2010): 650–66, <http://www.jstor.org/stable/40732501>.

<sup>25</sup> Margaret F. Brinig and F. H. Buckley, "No-Fault Laws and at-Fault People," *International Review of Law and Economics* 18, no. 1 (1998): 325–340, [https://doi.org/10.1016/S0144-8188\(98\)00008-8](https://doi.org/10.1016/S0144-8188(98)00008-8).

<sup>26</sup> Lamb, M. E. (2012). Mothers, fathers, families, and circumstances: Factors affecting children's adjustment. *Applied Developmental Science*, 16(2), 98–111. <https://doi.org/10.1080/10888691.2012.667344>.

<sup>27</sup> . Maccoby, E. E. Mnookin, R. H. Depner, dan H. E. Peters, *Dividing the Child: Social and Legal Dilemmas of Custody* (Cambridge: Harvard University Press, 1992).

increasingly demands equality, but remains within the corridor of legal responsibility that has been determined.

These changes in marriage law and jurisprudence show that the legal system in Indonesia is beginning to be more responsive to evolving social dynamics. Although normatively the Marriage Law has affirmed the balance of roles between husband and wife, various court decisions that have emerged in recent years are evidence that the interpretation of gender roles in marriage and divorce continues to undergo adjustments. This shift not only marks a change in legal regulation, but also in the way society understands and interprets gender equality in domestic life.

Despite the shift in gender roles in the dynamics of marriage and divorce, the implementation of these changes still faces a number of challenges. Entrenched social norms and gender stereotypes often hinder the adjustment of roles and expectations among couples, potentially leading to conflict.<sup>28</sup> In addition, the successful implementation of these changes is highly dependent on a justice system that is responsive to gender issues. Lack of resources, adequate training, and gender bias in the justice system can hinder the achievement of equal justice for both parties.

Changing gender roles have changed the way we view marriage and divorce. Hopes, responsibilities, and rights between husband and wife are now more equal. However, this change did not just happen. The community and the legal system need to provide strong support for this change to go well. With adequate support, we can create a fairer and more dignified marriage and divorce relationship.

### **Other Legal Implications of Changing Gender Roles**

Changing gender roles have brought significant implications in the world of work. Women now have greater access to employment and educational opportunities, as well as increasingly play an active role in the professional world. However, there are issues that arise related to the pay gap between men and women, sexual harassment in the workplace, and difficulties in achieving a work-life balance.<sup>29</sup> Legal implications in this regard include the protection of the rights of women workers, the enforcement of anti-discrimination laws, and policies that promote equal employment opportunities.

Changes in gender roles also affect legal protection against gender discrimination. More and more countries are adopting laws prohibiting discrimination based on sex in a variety of contexts, such as in the workplace, education, and public services. The legal implications involve monitoring and enforcement of the law, as well as providing a mechanism for individuals who are victims of discrimination to protect their rights and get fair compensation.<sup>30</sup> In addition, legal protection also includes

<sup>28</sup> Richard Collier, "Fathers' Rights, Gender and Welfare: Some Questions for Family Law," *Journal of Social Welfare and Family Law* 31, no. 4 (2009): 357–71; Alexandra Shepard and Tim Stretton, "Women Negotiating the Boundaries of Justice in Britain, 1300–1700: An Introduction," *Journal of British Studies* 58, no. 4 (2019): 677–83; Marcia Neave, "Resolving the Dilemma of Difference: A Critique of 'The Role of Private Ordering in Family Law,'" *The University of Toronto Law Journal* 44, no. 1 (1994): 97–131.

<sup>29</sup> Iritani Padavic, Robin J. Ely, and Erin M. Reid, "Explaining the Persistence of Gender Inequality: The Work–family Narrative as a Social Defense against the 24/7 Work Culture," *Administrative Science Quarterly* 65, no. 1 (2020): 61–111, <https://doi.org/10.1177/0001839219832310>.

<sup>30</sup> Crespi, Isabella, and Vera Lomazzi. "Gender Mainstreaming And Gender Equality In Europe: Policies, Legislation And Eurobarometer Surveys." *Studi Di Sociologia* 56, no. 1 (2018): 23–40. <https://www.jstor.org/stable/26538411>.

efforts to address structural discrimination and promote gender inclusion in all aspects of life.

Changing gender roles also affect access to equitable legal services. Historically, women have often faced barriers in accessing the justice system, especially in cases related to domestic violence or violations of family rights.<sup>31</sup> However, changes in gender roles have prompted changes in laws and policies aimed at providing better protection for women and encouraging their participation in legal processes. It involves efforts to raise legal awareness among women, ensure the availability of adequate legal aid, and build a justice system that is responsive and sensitive to gender issues.

Gender role changes also include legal recognition of different gender identities. Some countries have adopted laws that recognize the right of individuals to identify themselves according to their own gender identity, including in the case of name changes and recognitions in official documents.<sup>32</sup> The legal implications in this case involve protecting the rights of transgender individuals, ensuring protection against discrimination, and creating an inclusive and welcoming legal environment for all individuals.

The shift in gender roles demands significant changes in the legal system. From the protection of workers' rights, to the prevention of gender-based discrimination, to ensuring access to fair legal services and recognition of gender identity diversity, all aspects of the law need to be adjusted. Efforts to realize gender equality in law are an important step in building a more just, inclusive, and respectful society of human rights.

## Conclusion

The results of the study show that changes in gender roles have a major impact on family law, both in marriage and divorce. The law must adapt to social changes that increasingly emphasize equality between men and women in the household. In marriage, more and more women are participating in the world of work and education. Therefore, family law needs to ensure that the rights and obligations of husband and wife are based on the principle of equality, not just traditional norms that place men as the main breadwinners. In divorce, child custody now considers the best interests of the child, not just following the assumption that the mother is the primary caregiver. However, despite the changes in regulations, their implementation still faces obstacles, such as gender bias and social norms that are still strong. The legal system still has challenges in creating justice for women, especially in the distribution of common property and child custody. Therefore, more equitable and inclusive legal reform is needed so that increasingly equal gender roles are reflected in court decisions. Although regulations have changed, challenges in their implementation still

<sup>31</sup> J. Sendall and N. Westmarland, "Review: Violence Against Women in South Asian Communities: Issues for Policy and Practice," edited by Ravi K. Thiara and Aisha K. Gill (London: Jessica Kingsley Publishers, 2010), 255 pp., *Race & Class* 52, no. 2 (2010): 105–108, <https://doi.org/10.1177/03063968100520020902>.

<sup>32</sup> Rackley, Erika. "What a Difference Difference Makes: Gendered Harms and Judicial Diversity." *International Journal of the Legal Profession* 15, no. 1–2 (2008): 37–56; Conaghan, Joanne. *Law and Gender*. Oxford: Oxford University Press, 2013; Diduck, Alison, and Katherine O'Donovan. *Feminist Perspectives on Family Law*. Abingdon: Routledge-Cavendish, 2006.

exist. Ongoing legal reform and further research are needed to ensure that the policies implemented are truly effective in creating a family law system that is fairer and responsive to social change.

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