



The Impact of Changing Gender Roles on the Dynamics of Family Law in the Modern Era

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Abstract

The role of gender in society has undergone significant changes in recent decades. Social transformation, economic advancements, and the increasing advocacy for gender equality have influenced the dynamics of family law. This research aims to analyze the impact of changing gender roles on family law dynamics in the context of the modern era. In this case study, the researcher will examine how changes in gender roles affect child custody, roles in marriage and divorce, and other legal implications using a qualitative approach by collecting data from various sources, such as literature reviews, documentation, and analysis of related legal cases. Data analysis will be conducted using a comparative descriptive approach to identify changes occurring in family law and its relation to changing gender roles. The results of this study indicate that changes in gender roles within family law have significant impacts in the modern era. These changes include the expected roles of husbands and wives in marriage, child custody after divorce, as well as legal protection against gender discrimination and access to fair legal services. Although challenges still exist, it is important for society and the legal system to support these changes and address existing barriers. Thus, marital and divorce relationships can become more balanced, fair, and consider the best interests of the couples and children involved.

Peran gender dalam masyarakat telah mengalami perubahan signifikan dalam beberapa dekade terakhir. Transformasi sosial, kemajuan ekonomi, dan kesetaraan gender yang semakin diperjuangkan telah memengaruhi dinamika hukum keluarga. Penelitian ini bertujuan untuk menganalisis dampak

perubahan peran gender terhadap dinamika hukum keluarga dalam konteks era modern. Dalam studi kasus ini, peneliti akan melihat bagaimana perubahan peran gender mempengaruhi hak asuh anak, peran dalam pernikahan dan perceraian, serta implikasi hukum lainnya menggunakan pendekatan kualitatif dengan mengumpulkan data dari berbagai sumber, seperti studi literatur, dokumentasi, dan analisis kasus hukum terkait. Analisis data akan dilakukan dengan menggunakan pendekatan deskriptif komparatif untuk mengidentifikasi perubahan yang terjadi dalam hukum keluarga dan hubungannya dengan perubahan peran gender. Hasil penelitian ini menunjukkan bahwa perubahan peran gender dalam hukum keluarga memiliki dampak signifikan dalam era modern. Perubahan ini mencakup peran yang diharapkan dari suami dan istri dalam pernikahan, hak asuh anak setelah perceraian, serta perlindungan hukum terhadap diskriminasi gender dan akses terhadap layanan hukum yang adil. Meskipun tantangan masih ada, penting bagi masyarakat dan sistem hukum untuk mendukung perubahan ini dan mengatasi hambatan yang ada. Dengan demikian, hubungan perkawinan dan perceraian dapat menjadi lebih seimbang, adil, dan mempertimbangkan kepentingan terbaik pasangan dan anak-anak.

Introduction

The influence of changing gender roles on the dynamics of family law is an important concern in the social, economic, and political context of the modern era. These changes are the result of the social transformations that have taken place over the past few decades, where traditional notions of gender roles in the family have been eroded and faced with new challenges. Gender roles refer to the expectations, duties, and responsibilities assigned to individuals based on their gender. In a rapidly changing society, gender roles have undergone a significant evolution, affecting the way families interact, share responsibilities, and participate in family law (Collier, R, 2018: 42).

In the modern era, this change can be seen from the shift in the division of domestic roles and the economic role in the family. The tradition of establishing women as housekeepers and men as the main breadwinners has undergone changes. Many women are now involved in the workforce 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 (Finch, J., and Mason, J, 2017: 225).

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 joint property. Changes in gender roles can affect the rules and regulations governing these things. These changes reflect the need to accommodate the new dynamics in the modern family, in line with the growing demand for gender equality and individual rights (Inglehart, R, 2018: 2757).

One of the impacts of changing gender roles in family law dynamics is a change in child custody. Previously, the main role in childcare was given to mothers as the main caregivers. However, with more and more fathers actively involved in child care, this pattern is shifting. Fathers now play a greater role in childcare and participate in important child-related decision-making. This affects legal arrangements regarding custody and necessitates a change in the perspective and practice of family law (Jensen, R., and Oster, E., 2017: 1094).

In addition, changes in gender roles also have an impact on marriage and divorce. Social changes, including shifting gender roles, have affected marital relationship patterns and divorce rates. Women are increasingly gaining economic independence and freedom in making decisions about marriage and divorce. Marriage is considered a more equal bond, where both spouses have the same responsibilities and obligations. This affects legal arrangements in terms of the division of joint property, financial responsibility, and division of responsibilities in marriage and divorce (Rimmerman, A., and Ashkenazi, A., 2019: 1485).

Changes in gender roles also give rise to new issues in family law, such as domestic violence. Although domestic violence can happen to anyone, both men and women, changing gender roles can affect the perception and dynamics of violence in the family context. Women are still the main victims of domestic violence, and changing gender roles can affect their rights and the legal protections provided.

On the other hand, changes in gender roles in the family can reduce injustice in the division of rights and obligations between husband and wife. Women who have successful careers can obtain more balanced rights in the division of rights and obligations between husband and wife. In addition, changes in gender roles in the family can also affect people's views on gender roles in the family and strengthen the principles of equality and justice in family law (Suryani, S., 2022).

Case studies in the modern era show that changes in gender roles in the family have affected the dynamics of family law. A case study conducted in Jambusari Village, Jeruklegi District, Cilacap Regency shows that changes in the role of wives

in the family can affect family harmony (Intan Rahmah Sugesti., 2019). In this case study, the change in the role of wives in the family occurred due to changes in social values and norms that affected people's views on gender roles in the family.

Another relevant case study conducted in Pasar Tejo Agung, East Metro District, Metro City shows that the role of women in the family according to Islamic family law can have a positive impact on family life. In this case study, the role of women in the family is not only limited to housekeepers and caregivers, but also includes the role of family income earners (Bayu Supriyono., 2019).

To comprehensively understand the impact of changing gender roles on the dynamics of family law in the modern era, case study research is an effective method. By analyzing real cases and collecting data from a variety of sources, research can reveal relevant and complex aspects of changing gender roles in family law. This will provide deeper insights into how family dynamics and family law change as gender roles change.

Research Methods

This research method uses a qualitative approach with literature study as the main method to analyze the impact of gender role changes on the dynamics of family law in the context of the modern era. This method was chosen because it allows researchers to understand the phenomenon in depth and contextually. The data collected comes from secondary data through literature studies and analysis of legal cases. Furthermore, it will be analyzed using a descriptive approach. The results of the analysis will be presented in a narrative and thematic manner by connecting the findings and the theoretical framework that has been developed. In addition, this research is expected to provide a deep understanding of the impact of gender role changes on the dynamics of family law in the modern era. The findings of this study are expected to contribute to a more inclusive and fair theoretical understanding, policy development, and legal practice in the context of family law.

Changing Gender Roles in the Family

Changes in gender roles in the family occur due to shifts in values and social norms that affect people's views on gender roles in the family. In the past, gender roles in the family were very limited, where the husband was considered the head of the family who was responsible for family life, while the wife was considered the housekeeper and caregiver of the children (Daud, F. K., & Rosadi, A., 2021).

However, in this modern era, gender roles in the family have undergone significant changes. Women are no longer only considered housekeepers and caregivers of children, but also have a more active role in family and community life. Women are also increasingly working outside the home and having successful careers (Latief, M. N. H., & Wates, P. A., 2016).

This change also affects the public's view of the role of gender in the family. The community is increasingly open to different gender roles in the family and increasingly appreciates the contributions made by husbands and wives in family life (Setiawan, E., 2014). On the other hand, in the dynamics of family law, especially in terms of the division of rights and obligations between husband and wife. In Islamic family law, the division of rights and obligations between husband and wife is based on the principles of equality and justice (Abidin, Z., 2017).

However, in practice, the division of rights and obligations between husband and wife is often unbalanced. The husband is often considered the head of the family who is responsible for the family life, while the wife is considered the housekeeper and caregiver of the children. This often results in injustice in the division of rights and obligations between husband and wife.

These changes can reduce injustice in the division of rights and obligations between husband and wife and strengthen the principles of equality and justice in family law. Case studies in the modern era show that changes in gender roles in the family can positively affect family harmony and family life.

The impact of gender role changes on child custody

The change in gender roles in modern society has presented new dynamics in the context of family law, including in terms of child custody. The tradition that governs that mothers are the primary caregivers of children has shifted with more and more fathers actively involved in the care and upbringing of children. In this sub-theme, we will explore the impact of changing gender roles on child custody and its legal implications. This analysis will discuss the social changes that support fathers' participation in the role of caregivers, shifting family law paradigms, and implications for children and parents.

In modern society, gender roles are increasingly related to the concept of equality and the division of responsibilities in the family. More and more fathers are realizing the importance of their involvement in child care and taking an active

part in parenting. Research shows that greater participation of fathers in parenting has a positive impact on children's development, including in terms of cognitive, emotional, and social (Lamb, 2010: 26). Actively involved fathers can also help reduce the risk of behavioral and mental health problems in children (Sarkadi et al., 2008: 153).

This social shift has also prompted a change in the family law paradigm related to child custody. Traditionally, parenting is governed by the assumption that the mother is the primary caregiver, while the role of the father tends to be perceived as a financial supporter. However, as gender roles change, many countries have adopted a more inclusive approach and emphasized the importance of fathers' involvement in childcare (Cashmore, J., and Parkinson, P, 2019: 25).

For example, some countries have adopted the principle of "best interests of the child" as a guide in determining child custody. This principle emphasizes that decisions regarding parenting should be based on the needs and interests of the child himself, not on gender or traditional assumptions (Cashmore and Parkinson, 2011). This approach allows the court to consider the father's active role and contribution in parenting, with the aim of providing a fair opportunity for the child to establish a healthy and constructive relationship with both parents.

Changes in the legal approach to child custody that recognize the active role of fathers have a significant impact on children and parents. Children who grow up with both parents who are actively involved in parenting often experience better psychological, social, and emotional benefits (Amato, 2010). They have wider access to resources and attention from both their parents, which can help meet their developmental needs holistically.

For parents, this shift also brings changes in family dynamics. Fathers who are actively involved in parenting can feel emotional satisfaction and gain a closer connection with their children (Cabrera et al., 2000). At the same time, practical challenges and changes in traditional roles can require adjustments for both parents.

Changes in gender roles in modern society have had a significant impact on the dynamics of family law, including in terms of child custody. The social shift in favor of fathers' participation in childcare has prompted a paradigm shift in family law, recognizing the importance of fathers' involvement in child custody. The implications of this change are better benefits for children and a more balanced relationship between the two parents.

However, despite the positive changes, challenges still exist in implementing these changes widely and consistently. Some cultures and legal systems are still tied to strong gender role traditions and stereotypes. Therefore, further efforts are needed to fight for awareness of the importance of fathers' involvement in childcare and encourage changes in family law that are more inclusive and fair.

Impact of changing gender roles in marriage and divorce

Changes in gender roles in society have significantly changed the dynamics of marriage and divorce. These changes include a shift in the traditional roles expected of husbands and wives, as well as in an understanding of responsibilities and obligations in marital relationships. This study will analyze the impact of changing gender roles in marriage and divorce, as well as the legal and social implications that arise as a result. Through this research, it is hoped that a better understanding of how these changes affect the dynamics of family law can be obtained, as well as their impact on individuals, couples, and society as a whole.

Significance in Changing gender roles has brought a new color in marriage relationships. In the modern era, there has been an increase in women's participation in professional life and equality in education. This means that wives are no longer expected to be just housewives or depend on their husbands financially. Women are now more likely to have thriving careers and play a more active role in family decision-making. This creates a new dynamic in the marriage relationship, where couples share responsibilities and obligations with each other, as well as negotiate in decision-making related to family life (Amato, 2010).

Not only that, the change in gender roles also has an impact on the legal implications in the division of joint property in divorce. In more traditional family law, women tend to be the ones who suffer financial losses in divorce, especially if they don't have an established career. However, with the change in gender roles and the increase in women's participation in professional life, courts tend to consider the financial and non-financial contributions of both parties in the marriage (Brinig & Buckley, 2001). This allows for fairer recognition of the wife's contribution and involvement in the marital relationship, which in turn affects the division of joint property in divorce.

Although gender role changes have a significant impact on children's lives in the context of divorce. In the modern era, many fathers are increasingly involved

in parenting and have a desire to play an active role in their child's life after divorce (Lamb, 2012). This creates new demands in terms of time sharing and responsibility in childcare. Many countries have adopted a more inclusive approach in determining child custody, which considers the best interests of the child and promotes the involvement of both parents in the child's life (Maccoby & Mnookin, 1992). This change recognizes the importance of the active role of both parents in the development of children after divorce.

Furthermore, there are changes in gender roles in marriage and divorce, there are still several challenges in the implementation of these changes. First, existing social norms and gender stereotypes can affect perceptions and expectations of the role of husband and wife in marriage. This can lead to conflict and difficulty in adjusting the roles and responsibilities of each couple (Sullivan & Coltrane, 2008). Second, the consistent implementation of changing gender roles in family law also depends on a judicial system that is sensitive to gender issues and can provide fair and balanced decisions for both parties. Lack of resources, lack of training, and stereotypes that exist in the justice system can be obstacles to the implementation of these changes.

Changes in gender roles in society have had a significant impact on marriage and divorce. These changes include changes in the roles expected of husbands and wives, as well as the legal implications associated with marriage and divorce. These changes also affect the dynamics of marital relationships, the division of joint property, and the involvement of parents in the child's life after divorce. However, the implementation of these changes is still faced with social and legal challenges. Therefore, it is important for society and the legal system to support gender change in marriage and divorce, as well as to address barriers and stereotypes that remain. Thus, marriage and divorce relationships can become more balanced, fair, and consider the best interests of the spouse and children.

Other legal implications of changing gender roles

The shift in gender roles in society has resulted in significant implications in various aspects of life, including in the domain of law. These changes include a shift in the traditional roles expected of men and women, as well as in the understanding of their rights and obligations in the legal context. This research will explore other legal implications of changing gender roles, such as in the field of work, legal protection

against gender discrimination, and access to fair legal services. Through a better understanding of the implications of this law, it is hoped that the community can continue to fight for gender equality in the legal realm.

The implications of changing gender roles have a significant influence on the world of work. Today, women have equal access to opportunities and opportunities in terms of both education and employment, and are increasingly playing an active role in the professional world. However, other problems often arise such as the salary gap between men and women, sexual harassment in the workplace, and difficulties in achieving a balance between work and personal life (Ely et al., 2011). The legal implications in this regard involve the protection of the rights of women workers, the enforcement of anti-discrimination laws, and policies that promote equal employment opportunities.

To a broader extent, gender role changes also affect legal protection against gender discrimination. More and more countries are adopting laws that prohibit discrimination based on sex in various contexts, such as in the workplace, education, and public services. Its legal implications involve monitoring and enforcing the law, as well as providing mechanisms for individuals who are victims of discrimination to protect their rights and obtain fair compensation (Archer et al., 2018). In addition, legal protection also includes efforts to address structural discrimination and encourage gender inclusion in all aspects of life.

Changes in gender roles also affect access to fair legal services. Historically, women have often experienced barriers to gaining access to the justice system, especially in cases related to domestic violence or violations of family rights (Thiara & Gill, 2010). However, changing gender roles have prompted changes in laws and policies aimed at providing better protection for women and encouraging their participation in legal proceedings. This 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.

Not only that, this change includes legal recognition of different gender identities. Several countries have adopted laws that recognize the right of individuals to identify themselves according to their own gender identity, including in terms of name changes and recognition in official documents (Yogyakarta Principles, 2017). The legal implications in this regard involve protecting the rights of transgender individuals, ensuring protection against discrimination, and creating an inclusive and welcoming legal environment for all individuals.

This implication has significance in a variety of things, including the protection of workers' rights, legal protection against gender discrimination, access to fair legal services, and legal recognition of different gender identities. Societies and legal systems need to continue to fight for gender equality in the legal realm, including through the enforcement of laws that protect individual rights, promote equality of opportunity, and create a justice system that is sensitive to gender issues. Thus, society can achieve a fairer, inclusive, and equal legal environment for all individuals.

Conclusion

The findings suggest that gender role changes have had significant implications in family law. First, there is a change in the expected roles of husband and wife in marriage. Women are increasingly involved in the workforce and have greater access to educational and career opportunities. This affects the dynamics of marital relationships, the demands for both partners to contribute financially and emotionally in the family, as well as the balance between domestic and professional roles.

In addition, changing gender roles also has implications in the context of divorce. Child custody is an important issue that needs to be addressed. Changes in perceptions of parental roles after divorce have influenced court decisions regarding child custody. Many countries are adopting a more inclusive approach, considering the child's best interests and promoting the involvement of both parents in childcare. However, despite these changes, there are still challenges in the implementation of gender role changes in family law. Social norms and gender stereotypes that still exist can affect perceptions and expectations of the role of husband and wife. Consistent implementation also depends on a justice system that is sensitive to gender issues and can provide fair and balanced decisions for both parties. While challenges remain, it is important for communities and legal systems to support these changes and overcome existing barriers. Thus, marriage and divorce relationships can become more balanced, fair, and consider the best interests of the spouse and children. In order to obtain more information and delve deeper into this topic, it is recommended to refer to the sources that have been used in this study, such as articles from scientific journals that discuss changing gender roles in family law, research on child custody, and laws related to legal protection against gender discrimination.

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