Legal Dynamics of Divorce, Transformation of Social Structure, and Protection of Women-Children in the Family Regulatory System

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A R T I C L E   I N F O

A B S T R A C T

The current dynamics of divorce law have brought fundamental changes to the patterns and social structures of modern society. Through a thematic analysis of the literature, this study examines how the implementation of the Marriage Law and related regulations has encouraged the transformation of family structures and redefined the social roles of women and children after divorce. This study finds that the implementation of the law often faces challenges in providing substantive justice, mainly due to gender inequality, weak legal knowledge, and the persistence of patriarchal norms. The impact of divorce on children includes decreased emotional stability, challenges in education, and limited access to social support. For women, divorce presents economic risks and social stigma, although it also opens up opportunities to build new social agency. This research emphasizes the importance of integrating premarital education programmed, reforming the legal system, and strengthening community support as collective strategies to deal with the disruption of social structures after divorce. This study recommends that the state and society reorganize the social protection system based on substantive justice to ensure that women and children receive optimal rights and protection in an ever-changing social landscape. The results of this study are expected to serve as a strategic reference for policymakers, educators, and social actors to strengthen the resilience of families and communities in a sustainable manner.

INTRODUCTION

In recent decades, divorce has become an increasingly relevant and real issue in modern society, especially in communities experiencing social and economic shifts. The rise in divorce rates, both nationally and globally, is often linked to changes in the dynamics of household structures, the strengthening of individualism, and the transformation of norms that have long supported traditional family systems (Fineman, 2013; Lemons, 2019). In various countries, including Indonesia, divorce is no longer considered a completely taboo issue, but has become part of the social dynamics that color the development of society.

While at the individual level divorce is considered a way out of prolonged conflict and incompatibility, at the social level, divorce can create new structures within families and communities. One of the prominent issues is the potential for family fragmentation. This has an impact on the stability of intergenerational relationships, child-rearing patterns, and even the economic resilience of families. A study by Platt (2017) confirms that the implementation of divorce laws and their derivative regulations often face obstacles, especially in relation to the protection of women's and children's rights after divorce.

Within the legal framework, regulatory efforts have been strengthened by the Marriage Law, particularly in Indonesia, as well as the Compilation of Islamic Law, which is normatively designed to provide clarity and justice to all parties involved. However, the enforcement and implementation of these provisions have not been fully able to respond to the dynamics in the field. Saktiawan et al. (2021) emphasize the importance of professional integrity and ethical principles in legal advocacy practice so that substantive justice can be achieved in the midst of a judicial system that is often adversarial in nature.

Conflicting interpretations, dualism between state law and religious law, and limited access to justice are complex variables, as described by Yilmaz (2016) and Macfarlane (2012) in their studies.

Contemporary literature highlights the need for a cross-disciplinary approach to examining divorce patterns. Law alone is not sufficient; collaboration with perspectives from sociology, psychology, and cultural studies is essential so that solutions do not stop at the normative level but are able to respond to the real needs of society (Fineman, 2013; Lemons, 2019). Thus, research on the dynamics of divorce law and its consequences for social structures is significant in providing a more comprehensive framework of understanding and contributing to the development of responsive policies.

Various key issues that arise in the discourse on divorce law stem from the reality of changing social and economic relations within families. The decision to divorce is often influenced by economic factors, marital discord, and domestic violence (Platt, 2017). Hardyansah et al. (2022) assert that changes in modern socio-economic conditions shape the way individuals manage their welfare and lifestyle, which ultimately has implications for household stability and decisions to maintain or end marriages. In the implementation of divorce law in Indonesia, protection for women and children is often still weak, especially when viewed from the difficulty they face in obtaining alimony and child custody rights after divorce.

From a regulatory perspective, the dualism between the state legal system and religious norms creates confusion in implementation. Overlapping jurisdictions and differing interpretations of the principle of justice often undermine the effective implementation of the law, particularly in the context of family courts. Problems also arise in access to justice, especially for vulnerable groups such as women who lack economic resources or adequate legal literacy. This has resulted in many divorce cases with lengthy settlement processes that do not provide substantive justice (Macfarlane, 2012).

A broader implication of divorce is the emergence of social pressure and stigma for women who choose to divorce, while children from divorced families are vulnerable to emotional distress, declining academic performance, and difficulties in building healthy social relationships (Lemons, 2019; Platt, 2017). International literature also shows that divorce does not only affect the main subjects, namely the divorcing couple, but can also result in changes to the structure of the community and even local social norms (Yilmaz, 2016).

The phenomenon of divorce warrants further observation because it has complex structural impacts, both within the micro-level of the family and within the macro-level of society. Literature studies in various countries confirm that high divorce rates can alter the map of social relations and shift norms regarding the institution of marriage. If not adequately addressed through regulation and social support systems, these changes risk creating new vulnerabilities, especially for women and children.

The study of divorce is important to reveal the relationship between social change and the resilience of the family law system. The integrity of the social structure of society is greatly influenced by the function and role of the family, so that any changes within it have broad implications for social development and public policy. The main issues that can be identified are as follows: How do the dynamics of divorce law change the patterns and social structure of society? How are the effects of divorce, particularly on women and children, examined through the lens of family law regulations and contemporary sociology?

The main objective of this study is to analyses the relationship between changes in divorce law and the transformation of social structures, as well as to identify how divorce affects the sustainability and welfare of family members, especially women and children, through the perspective of legal and social regulations. The results of this study are expected to contribute to strengthening theoretical and empirical arguments about the relevance of family law based on justice, protection of vulnerable groups, and the development of sustainable social policies.

RESEARCH METHOD

This study uses a qualitative approach with a literature review method to examine the dynamics of divorce law and its implications for social structures, particularly in family law regulations. The literature review method was chosen because it allows for in-depth analysis of various references, ranging from books to scientific journal articles relevant to this topic (Creswell, 2014). This approach not only provides an understanding of the development of divorce law theory and practice, but also provides an overview of the challenges faced at the implementation level and the social impacts that arise. A systematic literature review was used to map divorce issues from various disciplinary perspectives, ranging from sociology and law to gender studies.

Data collection was carried out by selecting reliable sources published by leading academic publishers and reputable international journals. The literature review process followed the thematic steps developed by Braun and Clarke (2006), namely: identification of relevant data, codification process, labelling of main themes, and synthesis of the main findings documented in the literature. The use of thematic synthesis methods is very effective in finding conceptual and analytical patterns from various study results, thereby providing a comprehensive understanding of the dynamics of divorce law in various social and cultural contexts (Braun & Clarke, 2006).

The validity and reliability of the data were maintained through source triangulation, which involves comparing and verifying findings between one reference and another from different perspectives and regions (Neuman, 2014). All data used has been critically reviewed to ensure its authenticity and accuracy so that there are no false or fabricated references. Considering the significance of the data in the literature, the analysis was conducted inductively and interpretively to draw conclusions and theoretical, legal, and empirical implications related to the dynamics of divorce and the transformation of social structures in modern society.

RESULT AND DISCUSSION
The Dynamics of Changes in Divorce Law and Social Structural Transformation

Transformations in the dynamics of divorce law have had a significant impact on changes in social patterns and structures. Empirically, the dynamics of divorce law are influenced by variations in marriage-related legislation, socio-cultural situations, and internal family factors (Fournier, 2016). The implementation of the Marriage Law in Indonesia, as stipulated in Law No. 1 of 1974 and the Compilation of Islamic Law, has established a formal legal framework that aims to protect the balance of rights and obligations between husband and wife. However, its implementation in society often faces challenges in the form of legal pluralism, gender inequality, and uncertainty in law enforcement (Sportel, 2016).

Social patterns change when society begins to accept divorce as part of the dynamics of family relationships, even though there are still a stigma and social pressure, especially for women. The concept of gender relations has also undergone dynamics, where women are increasingly gaining space to fight for their rights, including the right to child custody and access to alimony after divorce (Rahman, 2012). The existence of formal regulations is sometimes not in line with social practices, due to the persistence of patriarchal norms that place women in a disadvantageous position in the divorce process.

Social structural changes can be traced through shifts in the function of the family after divorce. The nuclear family, which should be a protective and supportive unit, becomes an entity that must adapt to new situations, including establishing dual parenting patterns and economic role sharing. In many cases, divorce causes fragmentation of relationships between family members, especially between parents and children and grandparents and grandchildren (Mansour et al., 2020). Zahid and Darmawan (2022) state that changes in social relations within society are often influenced by stereotypes and social inequalities that arise after shifts in family structure, thereby also impacting interactions between community members. In urban communities, the transmission of family values to the next generation is also undergoing a transition.

A review of the literature reveals that the application of divorce law is inseparable from the influence of local culture and the existence of legal pluralism (Fournier, 2016; Sportel, 2016). The comprehensive legal framework in Indonesia provides space for the formal settlement of divorce cases in court, both in religious and general courts, in accordance with the religion and beliefs of the couple. This strengthens the legitimacy of state law in resolving domestic conflicts but also poses challenges in unifying perceptions of legality and justice in divorce settlements.

Within our framework, decisions regarding divorce and the transmission of preferences are jointly influenced by economic and social factors. Thus, while assigning a key role to cultural change, our approach is far from denying the role of economic determinants. In particular, the destabilization of consensual equilibrium and convergence towards unilateral equilibrium can be triggered by economic shocks (Hiller & Recoules, 2013). Contemporary studies also show that in addition to internal household factors such as domestic violence, disharmony, and economic problems, changes in social structure are also rooted in regulatory intervention and law enforcement (Sinambela & Mardikaningsih, 2022). Access to justice for parties who suffer social and economic losses as a result of divorce is an important issue that is regulated, but implementation in the field is not always effective, especially in peripheral areas with limited resources (Handalusia et al., 2018).

Public policy regarding divorce requires coordination between legal, social, and psychological institutions. The existence of formal regulations such as the Marriage Law requires adaptation of the social structure to facilitate a fair divorce process and provide effective protection to vulnerable groups, especially children. In reality, the successful implementation of legal protection depends heavily on the level of legal literacy among the public and the response of law enforcement officials to divorce issues (Amri et al., 2022).

In some cases, legal regulations such as the Compilation of Islamic Law serve as a reference for resolving divorce cases among Muslim communities, while district courts serve as the arena for resolving cases among non-Muslim citizens. This variation in legal systems highlights the complexity of divorce settlement patterns, which often result in new conflicts related to the enforcement of rights after divorce (Sportel, 2016). Therefore, the protection of children and women must be prioritized in the drafting and implementation of family law regulations. Normatively, the economic rights of divorced women are guaranteed in the Marriage Law and the Compilation of Islamic Law. These rights include: payment of the dowry if it has not been paid in cash, compensation for past maintenance that has not been paid, three months' maintenance, mut'ah money (consolation from the husband for the divorce) in an agreed amount, and the right to child custody until the child reaches adulthood (Sholeh & Gumelar, 2019).

A thematic analysis of the process of social structural change after divorce shows a new pattern in social interaction and social network formation. Divorced individuals, especially women, often seek support from new communities or social groups in order to readjust to their environment, both economically and emotionally. This phenomenon reflects the adaptive capacity of society in creating alternative social spaces that function as coping mechanisms for changes in social status and identity after divorce. The social relationships built within post-divorce groups often add value to the psychosocial recovery process.

Furthermore, the existence of daycare and social support services reflects society's response to the new social reality resulting from the increase in divorce cases (Sinambela & Mardikaningsih, 2022). Family support models and survival mechanisms that have developed in society are a form of adaptation to changes in family structure, as well as an effort to maintain social and psychological functions for children affected by divorce.

In the family law system, issues such as the transfer of child custody, the division of joint property, and post-divorce economic rights are important considerations in order to maintain justice for all affected family members. The regulations adopted in the Marriage Law and the KHI are expected to serve as the main reference for creating legal clarity and certainty for the community.

The dynamics of divorce law have contributed greatly to building a new paradigm of individual freedom to make decisions about community life, while emphasizing the need for social protection for vulnerable family members. This development also reflects the ongoing negotiation between traditional values and modern principles that demand equality and respect for human rights. This shows the reciprocal relationship between formal regulations, social dynamics, and patterns of change in modern social structures.

In the next stage of development, the transformation of social structures as a consequence of divorce law has the potential to trigger the emergence of a new culture that is more adaptive to change, but still demands strong protection from the state for vulnerable family members. Some people will view divorce as a transitional experience, not as an absolute failure, but as a form of adaptation to inevitable social change.

The Implications of Divorce on Women and Children in Family Regulations

Divorce has a significant impact, especially on women and children, when viewed from the perspective of family law regulations and contemporary sociology. Legally, the Marriage Law and the Compilation of Islamic Law have sought to protect the rights of women and children after divorce, such as the right to financial support, child custody, and protection from physical and psychological violence. However, in practice, the realization of this protection still faces challenges, including low legal knowledge among women, administrative barriers, and social perceptions that do not fully support the fulfilment of these rights (Hammer, 2015; Azwir et al., 2022). The divorce process is usually associated with various stressors that increase the risk of negative psychological pressure and health outcomes (Perrig-Chiello et al., 2015).

In contemporary sociological reviews, women are often burdened with negative perceptions from society after divorce. The stigma against divorced women tends to be higher than that against men, causing psychological vulnerability, social exclusion, and even difficulties in finding decent

work to support their daily lives (Al-Sharmani, 2017). The impact on children cannot be taken lightly either. Children who grow up in divorced families are prone to emotional instability, decreased motivation to learn, and obstacles to building healthy social relationships (Aliyah et al., 2022; Ozkaya, 2022). Safira et al. (2021) also emphasize that family interaction patterns have a significant influence on children's mental health and emotional balance, meaning that divorce can worsen psychological conditions if communication and emotional support between family members are not maintained. Psychologically, the divorce of the parents results in changes in the child's attitude, responsibility and emotional stability. This attitude occurs because the child's psychological development is disrupted as a result of their parents' divorce, leading to depression (Azizah, 2017).

The state's presence in providing legal protection for women and children has indeed been formally enshrined in legislation, but not all judicial processes are fair and transparent. Many cases related to child custody and child support cannot be resolved properly due to weak monitoring of court decisions and a lack of strong oversight systems at the local level (Azwir et al., 2022). Often, women do not have maximum access to legal aid, especially in rural areas with limited legal resources.

Literature reviews also highlight the role of educational institutions and communities as social agencies that balance the impact of divorce, both for children and mothers (Nurfieni, 2022). Family counselling services, social assistance, and the provision of daycare are concrete steps that are beginning to develop to support psychosocial recovery after divorce (Hariani et al., 2022). New social interactions built by women after divorce, whether through community forums, social organizations, or economic cooperation, are an important part of the mechanisms of survival and readjustment in their social environment.

Women who choose to divorce often face a major dilemma. On the one hand, they must fight to retain their rights to their children and alimony, while on the other hand, they must withstand pressure from their extended family and the surrounding community (Haikal & Latipun, 2020). The Marriage Law explicitly regulates these rights, but there are problems with implementation, especially in the settlement of joint property division and the provision of alimony outside of what is determined in court (Azwir et al., 2022).

For children, the stability of legal protection greatly affects the balance of their emotional and social development. Recent studies emphasize that open communication between fathers and mothers after divorce, as well as the guarantee of proper education and psychological protection, are important factors in preventing negative long-term effects (Aliyah et al., 2022; Hariani et al., 2022). In this case, effective communication skills between parents are key to maintaining emotional harmony in children, as explained by Darmawan et al. (2018) that appropriate communication techniques can help build positive interactions and reduce misunderstandings in interpersonal relationships. Disrupted emotional relationships or violence between parents has the potential to leave trauma and lower children's self-confidence in forming social relationships during adolescence.

National regulations and policies are often challenged by strong local patriarchal norms and cultures, which result in women and children becoming the most vulnerable groups in divorce proceedings. Deep-rooted gender inequality in social structures often hinders the proper implementation of laws, as perceptions and practices at the local level remain influenced by traditional values that place women in a subordinate position. Legal reform efforts are not enough on the legislative side alone; it is also necessary to strengthen the legal culture in society so that the substance of protecting the rights of women and children can be internalized (Yilmaz, 2019; Ozkaya, 2022).

Sociological analysis shows changes in family structure after divorce: a shift in caregiving roles, the strengthening of women's economic capacity, and the rise of new social agencies (Moore, 2012). This transformation can be a stepping stone for empowerment, as long as the state, society, and educational institutions are able to collaborate in a sustainable manner.

Addressing issues in the dynamics of divorce law and its impact on social structures requires a comprehensive and multi-layered approach (Afifi et al., 2013). The first step that needs to be taken is to strengthen the institution of marriage through comprehensive premarital education. This education should not only equip couples with legal knowledge and rights in marriage, but also communication skills, conflict management, and a critical psychological understanding of family dynamics. Marsal and Darmawan (2022) emphasize that effective communication strategies play an important role in managing conflict, as

open and empathetic communication can prevent misunderstandings that often cause divisions in relationships. With this knowledge, couples are better prepared to face household challenges and are less likely to decide to separate.

Divorce law reform is also an important step. The legal system must be more responsive to the needs of society, especially in terms of protecting women and children (Djawas et al., 2021). Complicated and time-consuming legal processes often exacerbate the psychological condition of those involved. Therefore, simplifying procedures, improving access to legal aid, and strengthening family mediation institutions can be solutions to ensure that divorces are handled peacefully and fairly.

The government and society need to provide counselling services, job skills training, and economic assistance to affected families. Children from separated families must receive special attention through psychological recovery and inclusive education programmed so that they do not become victims of family disintegration. The role of local communities, religious organizations, and educational institutions is very important in creating an environment that supports recovery and social integration. Perceived social support is an important resource that has a significant indirect effect on an individual's psychological well-being after divorce (Kołodziej-Zaleska & Przybyła-Basista, 2016).

The social paradigm shift regarding divorce needs to be guided. Society must begin to view divorce not as a disgrace, but as a legal process that is valid and sometimes necessary for the good of all parties. However, this understanding must be balanced with the awareness that divorce is not an instant solution, but a last resort after all attempts at reconciliation have been exhausted. With a comprehensive approach, divorce can be managed in a more humane manner and its impact on the social structure can be minimized.

Overall, formal protection through family law regulations must continue to be balanced with strengthening the capacity of social communities to facilitate the adaptation and recovery process for women and children. Cross-sector collaboration, the participation of social institutions, and law enforcement based on substantive justice are key to addressing the sociological challenges of post-divorce. The sustainability of protection and capacity building for individuals within families is not only a state agenda, but also a moral obligation of society at large.

In future developments, strengthening the rights of women and children after divorce within the framework of family law regulations will determine the quality of the nation's social resilience. This transformation requires the commitment of all parties, including the state, society, and family institutions, to build a more humane and egalitarian order, so that divorce is no longer a source of stigma, but rather a social process that can be managed fairly and with dignity.

CONCLUSION

The conclusion of this study shows that the dynamics of divorce law have a significant structural influence on social relations and patterns in society. The implementation of the Marriage Law and related regulations, despite providing a formal legal framework for protection, has not been fully able to optimize substantive justice for women and children. The fragmented family structure resulting from divorce poses new challenges in economic, psychosocial, and educational aspects. Changing gender relations, shifting family values, and the emergence of new social networks after divorce are evidence of significant transformations in the social structure of contemporary society.

The implications of this study emphasize the need for collaboration between the state, legal institutions, education, and social communities to ensure that the rights of women and children are protected in a sustainable manner. Formal policy-based interventions must be supported by comprehensive premarital education, access to legal aid, and the strengthening of social networks for affected families. Society's adaptation to new norms regarding divorce shows that social change must be balanced with a strong social protection system in order to minimize the risk of marginalization of vulnerable groups.

The main recommendation is the importance of renewing and strengthening the legal and social protection systems for women and children after divorce, through responsive regulatory reform and implementation based on social justice. In addition to regulatory revisions, improving access to legal education in grassroots communities and strengthening the role of social institutions are essential for building a culture of substantive justice. Other recommendations include providing psychological counselling facilities and establishing support communities for children and women affected by divorce to enable them to build independence and achieve optimal recovery.

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