

The Importance of Legal Instruments, Culture, and Women's Participation in Establishing a Fair and Gender-Responsive Family System

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ABSTRACT

This study maps the implementation of women's rights protection in the family law system in Indonesia through normative legal analysis, focusing on the influence of social norms and women's participation in the legislative process and law enforcement. National legal instruments, such as the Marriage Law, the Compilation of Islamic Law, and the Law on the Elimination of Domestic Violence, have become the formal pillars of women's rights protection. However, social resistance, patriarchal values, and limited access to information and justice often hinder the actualization of women's legally guaranteed rights. Legal education and gender literacy strengthen women's position in the family and encourage the creation of a more equitable and gender-responsive family system through knowledge, critical skills, and social value change. Women's representation in parliament and judicial institutions has a significant influence on shaping more equitable legal regulations and practices, although the number of women in key positions is still limited. Women's participation, both through formal channels and civil society advocacy networks, strengthens the process of social transformation that is more responsive to gender justice. This study emphasizes the importance of synergy between legal regulations, the recognition of new social norms, and consistent policy advocacy based on women's experiences. These findings provide a basis for policymakers, academics, and the public to understand the challenges and opportunities for reforming the protection of women's rights in the family sphere. The combination of legal and social empowerment approaches is a key prerequisite for achieving comprehensive and sustainable protection of women's rights, so that Indonesia's family law system truly belongs to all levels of society without exception.

INTRODUCTION

The debate surrounding women's rights in family law has emerged as an important issue in academic and public discourse, especially in Muslim-majority countries such as Indonesia. The dynamics of the relationship between religious norms, state regulations, and cultural constructs shape a reality in which women often find themselves limited in obtaining proportional legal protection and social justice (Htun & Weldon, 2011). Contemporary analyses of these dynamics emphasize the importance of examining the structural roots of such inequality. Assayuthi et al. (2023) explicitly examine how social constructions of gender and bias in modern family law regulations can actually perpetuate inequality of rights, explaining why formal recognition often fails to materialize in

practice amid strong patriarchal values.

Changes in modern family structures, the pressures of globalization, and the influence of local traditions further enrich the complexity of this issue. The clash between formal recognition of women's rights and their practical implementation is becoming increasingly acute, especially when patriarchal values are still strongly held within the social system. This tension not only reflects normative conflicts, but also reveals the mismatch between progressive legal developments and socio-cultural realities that change more slowly, thus requiring a multidimensional and contextual approach to reform.

Recent literature studies reveal that family law systems in various countries, including Indonesia, have made legal breakthroughs such as the Marriage

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Law and the Compilation of Islamic Law, which aim to guarantee women their rights (Brenner, 2011). However, a number of critical studies show the reality, in which women continue to experience structural discrimination in household decision-making and the distribution of economic rights and child custody rights. This situation is ambiguous: legal instruments that are supposed to be protective are often used to strengthen the position of men in the family structure, creating a contradiction between normative idealism and empirical reality.

The main factor reinforcing this polarization of inequality is the preservation of traditional values and norms by society. The internalization of norms such as women as domestic guardians and men as family authority figures is still deeply rooted in social interactions in various regions (Bulbul, 2013; Hammer, 2015). This same gender bias also has an impact on women's participation outside the domestic sphere, including in the world of careers. The findings of Putra et al. (2022) on the work engagement of career women indicate that women's commitment and optimal contribution in the workplace are greatly influenced by social support and recognition, which are often hampered by stigma and traditional norms that perceive their dual roles as a deviation. Women who voice their rights or pursue independence are often considered deviant from custom, even seen as disrupting the household order. Social attitudes such as stigma towards working women or divorcees hinder efforts for change, resulting in social constraints that are difficult to overcome by legal policies alone.

Many women still face limited access to legal education and gender literacy, making them vulnerable to injustice and discrimination in family life. Lack of knowledge about rights and legal protection mechanisms often prevents women from fighting for their interests and aspirations, whether in role sharing, decision making, or family conflict resolution. However, when these literacy barriers are overcome, opportunities for broader empowerment open up. As studied by Issalillah et al. (2022), women's emancipation and their active role in community development are the result of an empowerment process that allows them to transcend traditional domestic roles and contribute to social life. This condition is a challenge that hinders the realization of fair and gender-responsive families, making efforts to improve legal education and gender literacy very important in order to change social and cultural structures that are still gender biased.

The influence of traditional norms is exacerbated

by community behavior that is resistant to gender equality regulations. Many communities still reject change on the grounds of cultural or religious preservation. Women who are victims of domestic violence often choose to remain silent, fearing intimidation or abandonment, while access to legal aid institutions and knowledge of legal rights remains limited, especially for those living in rural areas or with economic limitations (Ahmad, 2012; Abu-Lughod, 2015). Similarly, the limited representation of women in legislative, judicial and executive institutions has resulted in regulations being drafted and implemented in ways that do not fully accommodate women's experiences and aspirations (Hussain, 2011; Solanki, 2011).

The main issues that arise in the study of women's rights in family law can be observed from several critical aspects. First, although adequate legal instruments are available at the normative level, implementation at the social level remains very weak. This is acknowledged by Htun and Weldon (2011), who identify a gap between legal documents and actualization in the field, resulting in a grey area that allows injustice to take root. Second, resistance to change occurs at the community level, both through social pressure on women who demand their rights and through indifference towards the implementation of fair laws. Abu-Lughod (2015) highlights this narrative of resistance as a form of hegemony of patriarchal values within the family and legal instruments.

Thirdly, structural problems in the representation of women in policy-making and law enforcement institutions exacerbate the limitations of the substantive implementation of rights protection. As Brenner (2011) explains, without meaningful female representation in the legislative and policy-making processes, the law tends to fail to adopt the gender perspective needed to achieve justice. Fourth, the literature also touches on how the legislative and law enforcement processes are still influenced by traditional mindsets that marginalize women, resulting in unequal access and weakening women's bargaining power (Özkaya, 2022).

The impact of this legal injustice is also evident in the gap between women's rights in legal norms and women's actual access to justice after divorce, the distribution of economic rights, or decisions relating to children's lives. Analysis of this gap requires an understanding of the transformative dynamics in the family regulation system. Sayuti et al. (2023) emphasize that the dynamics of divorce law and efforts to protect women and children must be viewed within the framework of social structural

transformation, where the law should function as an instrument to bridge the gap between written norms and access to substantive justice for vulnerable groups. This gap in post-divorce economic access is often intertwined with structural inequality in the labor market. Khayru et al. (2022), in a different context, show that gender significantly affects the duration of job searches among graduates, indicating that systematic gender bias is embedded early in careers and can exacerbate women's economic vulnerability, including when they have to rebuild their lives after divorce. Bulbul (2013) shows how the principles of inheritance law and child custody are still dominated by male interests. Similarly, in the experiences of women in various Muslim communities, as described by Hammer (2015), challenges in accessing justice are most apparent when women face customary practices influenced by conservative interpretations of religion.

The tension between local values and state regulations has also become a concern. Solanki (2011) argues that legal pluralism and variations in cultural interpretations complicate efforts to formulate policies that are responsive to gender equality. Abu-Lughod (2015) adds that women's position as legal subjects is always caught between the private and public spheres, which are fraught with political and religious nuances. Recent empirical studies emphasize the importance of a thematic approach in literature studies to formulate a map of challenges and opportunities for the protection of women's rights.

The focus of observation on the issue of protecting women's rights in family law needs to be sharpened, given that regulations such as the Marriage Law and the Compilation of Islamic Law have not been able to overcome gender inequality in a tangible way. The conflict between norms, regulations, and social practices is a fundamental problem. Literature studies conclude that precision is needed to measure shifts in values, social practices, and legislative reforms using a thematic synthesis approach.

There is a link between legal structures, culture, and community behavior in perpetuating or challenging the status quo regarding women's rights in the family. Detailed observation of patterns of social resistance, marginalization of women, and the relationship between traditional norms and law enforcement is the basis for understanding the challenges and complexities faced in achieving gender equality. Objective examination must also be directed at the strategic dimensions of minimally biased law enforcement and legislative procedures

that are responsive to the needs of women as subjects of law.

The problem formulation in this study is how the application of legal instruments on women's rights in the family system is influenced by social norms and community behavior? What is the role of legal education and gender literacy for women in strengthening the effectiveness of the implementation of legal instruments and encouraging cultural change towards a more equitable and gender-responsive family system? Furthermore, how does the representation and participation of women in the legislative process and family law enforcement shape the legal position of women in the family?

The problem formulation in this study is how is the character of legal protection for the elderly by the family in an intergenerational perspective and the dynamics of social change? In addition, what are the new regulatory responses and the direction of social and cultural services for the protection of the elderly in the modern family based on intergenerational analysis?

This study aims to describe and analyses the relationship between legal instruments, social norms, and community practices in the implementation of women's rights in the family sphere. It also aims to determine the role of legal education and gender literacy for women in strengthening the effectiveness of the implementation of legal instruments and encouraging cultural change towards a more equitable and gender-responsive family system. The research seeks to provide a systematic understanding of the role of local culture, social pressures, and the influence of women's representation in legislative and law enforcement institutions, with the hope of encouraging the formulation of policies based on justice and responsiveness to the needs of women today. The results of the study are expected to make a real contribution to the development of strategies for family law reform, inclusive social development, and the enrichment of academic discourse in the fields of family law and sociology.

RESEARCH METHOD

This research was conducted using a systematic qualitative literature study approach to obtain a critical and comprehensive understanding of the protection of women's rights in family law and the legislative and implementation processes in society. The choice of qualitative literature study was considered because this approach provides space to explore a variety of theoretical and empirical perspectives while exploring narratives that develop

in legal texts, scientific publications, and state policy documents (Creswell & Poth, 2018). Thus, literature analysis is not merely a collection of secondary data, but also facilitates the identification of patterns, trends, and links between national regulations and socio-cultural dynamics in the community.

The data collection process focused on primary literature published in the last two decades from various reputable academic journals, reference books on family law, sociology, and gender studies, as well as official state legislation. The inclusion criteria included documents that explicitly discussed women's rights in the family law system in Muslim countries, research results on socio-cultural practices, and empirical case studies related to the implementation of women's rights in the family and the challenges faced. Data analysis in this study used a thematic synthesis method, in which each piece of literature that passed the selection process was mapped into main themes and then analyzed for relationships between themes to find new conclusions that had not been widely discussed in similar studies (Pope et al., 2007).

Literature studies with thematic synthesis are beneficial for formulating a structured problem map, especially for understanding social constructs and the role of legal institutions in shaping gender relations within the family. Data validity is ensured by cross-verifying academic studies and state legal policy documents, as well as considering the empirical dynamics reflected in various family law cases across different regions. By maintaining objectivity and accuracy, this approach is believed to produce high-quality theoretical and practical insights (Bowen, 2009).

RESULT AND DISCUSSION

Implementation of Women's Rights in the Family Law System

The family law framework in Indonesia demonstrates the existence of normative instruments that seek to uphold gender equality. Family law plays an important role in the lives of women in modern countries because the rights established in family law shape women's capabilities and autonomy and provide access to basic resources such as land, income, and education, which determine economic independence and the ability to take advantage of life opportunities (Htun & Weldon, 2013). Within the framework of family law in Indonesia, there are fairly progressive normative foundations to guarantee the protection of women's rights, such as Law No. 1 of 1974 on Marriage, the Compilation of Islamic Law (KHI), and Law No. 23

of 2004 on the Elimination of Domestic Violence (PKDRT). Juridically, these instruments provide specific regulations on women's rights in marriage, divorce, child custody, and protection from violence. However, the implementation of women's rights within this framework is greatly influenced by prevailing social norms, where the interpretation and implementation of laws are often not in line with the spirit of justice and gender equality outlined in the regulations. The effectiveness of the protection of women's rights depends on the consistent application of regulations in line with the principle of social justice.

The discrepancy between legal norms and social practices is often a major obstacle to the fulfilment of women's rights. The application of family law is often overshadowed by the interpretative bias of law enforcement officials, who latently adopt patriarchal views in their decision-making practices. Women's rights in divorce, child custody (*hadhanah*), and rights to alimony or joint property are often ignored with reference to socio-cultural interpretations that place men as the dominant head of the family (Brenner, 2011). As a result, it is not uncommon for women to have to fight extra hard to assert and obtain their rights in court, amid social pressures that often undermine their position. Without a paradigm shift among officials and society, it will remain difficult to achieve fair legal protection for women.

Marriage laws in Indonesia often clash with social practices that perpetuate patriarchal dominance. Law No. 1 of 1974 stipulates the principle of monogamy and restrictions on polygamy, but in practice, polygamy is still found to be detrimental to women psychologically, socially and economically. Regulations regarding the role of the husband as head of the family and the wife as housewife are still reinforced by religious and traditional cultural interpretations, which ultimately limit women's space to make important decisions in the family (Bulbul, 2013; Santoso & Nasrudin, 2021). This situation is further complicated by the presence of judges and court officials who tend to reinforce social consensus rather than promoting gender equality in accordance with the law. Without a change in interpretation and courage on the part of law enforcement officials, the principle of gender equality in the family is difficult to realize in practice.

The regulation of women's economic rights in divorce reflects legal efforts to uphold the principle of equality. Women's rights to joint property/property division in divorce are also legally guaranteed in Article 37 of Law No. 1 of 1974 and the KHI. Article 30 of Law No. 1 of 1974 on

Marriage states that husbands and wives have equal rights and obligations (Puspendari et al., 2020). However, the implementation of this division in the religious court system is sometimes still influenced by social values that priorities the interests of men, especially in societies with strong patriarchal traditions (Hammer, 2015). Many women choose not to sue for their economic rights after divorce due to social pressure or fear of being labelled greedy, thereby undermining the substance of the regulations. Without women's courage to demand their rights and the consistency of officials in enforcing regulations, legal protection of joint property will continue to lack substantive meaning.

The effectiveness of protecting women from domestic violence is largely determined by their courage to report incidents and the response of the authorities. One of the central aspects of legal protection for women is protection from domestic violence through Law No. 23 of 2004. Systemically, this law offers legal mechanisms and institutions that are accessible to women victims of violence. However, empirical data and field studies show that many women are reluctant to report because of pressure from their surroundings or the perception that reporting their husbands will embarrass their families. Stigma and discriminatory treatment from law enforcement officials still often occur when women seek justice, as critically reviewed by Afrouz et al. (2020). Without changes in legal culture and the elimination of stigma, the available protection mechanisms will not be optimal for victims.

The normative framework of Islam and the KHI emphasizes the protection of women's rights within the family. In Islam, the Qur'an positions women in a position of honor, protects their rights, explains their roles and obligations, and glorifies their status (Hidayanti & Wulandari, 2019). The Compilation of Islamic Law, which serves as a guideline for Indonesian Muslims in family matters, contains more detailed rules on women's rights, ranging from a wife's right to financial support and custody to the prohibition of coercion in marriage. However, the process of formalizing the law into practice often clashes with cultural expectations regarding gender roles. Women who demand their rights are often placed in the wrong position, despite the existence of clear legal regulations (Shaham, 2010; Hammer, 2015). This discrepancy shows the wide gap between legal documents and empirical reality in local communities.

Access to justice is an important dimension that determines the extent to which women's rights can be upheld. This reality emphasizes that the

effectiveness of legal protection depends on the community's ability to bridge the gap between regulatory texts and social practices. The next layer stems from the factor of access to justice. Although religious courts have introduced free legal services for the poor, many women from villages or weak economic backgrounds still find it difficult to access the courts due to geographical, informational, and cultural barriers. Mir-Hosseini (2011) study shows that such structural and cultural barriers reinforce the injustice of women's access to rights in family law. These structural and cultural barriers demonstrate that legal protection is only meaningful if it is accompanied by guaranteed equal access for all women.

Legal reforms in the field of family law often face narratives of tradition that perpetuate old patterns. In addition, public resistance to legal reform efforts, especially when dealing with gender and family issues, arises through narratives of preserving tradition and religion. Rinaldo (2014) observes that social actors, from religious leaders to traditional leaders, often put forward regressive religious interpretations, leaving women in a dilemma between obeying social norms or demanding their rights through formal legal channels. This resistance is a major obstacle to the actualization of women's rights through existing legal instruments. This phenomenon shows that the success of strengthening women's rights is highly dependent on the transformation of legal culture at the community level.

Legislative efforts in the field of family law demonstrate a formal commitment to the principle of gender equality. Family law legislation in Indonesia has indeed sought to adopt the principles of gender equality, as seen in regulatory changes and institutional strengthening. However, women's position remains highly vulnerable due to weak implementation at the practical level, especially when social norms dictate decision-making more than the law itself (Badran, 2013). This condition is caused by weak integration between the legal education system, the socialization of new norms, and the participation of women's protection institutions at the grassroots level. The connection between regulations, legal education, and institutional support is a determining factor for the realization of effective protection for women.

Transnational feminism and legal sociology approaches help explain the dynamics of the relationship between regulations and culture. Transnational feminism and legal sociology theories are relevant analytical tools for examining the reality

in Indonesia. Feminist theory is an academic study that aims to encourage change, where efforts are made to fight injustice and oppression (Ferguson, 2017). The frameworks of Lapidus (2014) and Farris (2017) regarding the conflict between positive law, religious interpretation, and local social norms show that the position of women in law will depend on negotiations between the forces of the state and local cultural forces. Progressive laws will lose their power if social practices are dominated by old rituals, while social change can only be achieved if legal actors and society move in tandem. Harmony between legal actors and society is a key requirement for the realization of equitable social transformation.

The managerial dimension in family law emphasizes the importance of synergy between regulation and socialization strategies. The managerial implications in the implementation of family law show that there needs to be consistency between the normative substance of the law and the pattern of socialization of the law to the community. Women's access to and courage to demand their rights are greatly influenced by the existence of advocacy actors who are able to bridge the formal legal system and the mindset of the community. In addition, strengthening agents of change through legal literacy and increasing the capacity of legal service institutions is an urgent need in efforts to promote justice and gender equality in family law. Strengthening advocacy and legal literacy capacities is key to creating a more just and equitable family system.

The reconstruction of the family law paradigm requires the involvement of officials and the community in interpreting the law in a more humanistic manner. In the next stage, the transformation of family law requires the reconstruction of the paradigm of law enforcement officials and the community, where the interpretation of the law is not merely based on legalistic texts, but also accommodates developments in humanity and substantive justice. The enforcement of the principle of non-discrimination and access to inclusive legal aid services must be improved to ensure the implementation of legal instruments in the daily practices of Indonesian households. Improving access and applying the principle of non-discrimination will be the foundation for creating substantive justice in family life.

The conflict between formal law and social customs is a fundamental challenge in family law reform. The main challenge remains rooted in the conflict between formal legal rules and long-standing

social customs. Therefore, any new policy in the field of family law should consider the dynamic social dimension so that there is synchronization between legal norms and the daily behavior of the community. A model of change based on substantive justice and favoring vulnerable groups will encourage collective awareness to jointly uphold women's rights in the family. The existence of legal instruments without the courage of society to break the shackles of old norms will continue to keep women in a cycle of injustice. Collective awareness that favors vulnerable groups will be the driving force for the creation of gender justice in the family.

The implementation of women's rights in family law requires integration between regulation and social practice. On a practical level, women's rights in Indonesian family law have been given priority in legal documents, but their implementation still requires consistency and tangible support. Gender-sensitive law enforcement and public education are key to bridging the gap between norms and practices. The convergence of state policy and cultural adjustment are prerequisites for women to truly experience the justice promised by existing family regulations. The alignment of state policy and community culture will determine the extent to which gender justice can be felt in real terms.

The Role of Legal Education and Gender Literacy for Women

Gender-based legal literacy is a strategic instrument in strengthening women's position in the family sphere. Legal education and gender literacy play an important role in strengthening the implementation of legal instruments and encouraging cultural transformation towards a fair and gender-responsive family system. According to Htun & Weldon (2011), legal knowledge is not only about understanding the text of the law, but also equipping women with the critical ability to interpret norms, identify inequalities, and fight for their rights in both private and public spaces. Gender-based legal education also opens up space for women to take on strategic roles in advocacy and family policy reform, so that the resulting policies are more accommodating to women's needs. With the increase in women's critical capacity, family policies can develop to be more inclusive and responsive to real needs.

A change in mindset within traditional families is key to shifting unequal power relations. In traditional family cultures, gender literacy is an effective medium for challenging patriarchal norms and opening dialogue about power relations within the household. Özkaya (2022) highlights how the

modernization of family structures requires the adaptation of a more egalitarian mindset. Gender literacy can break down stereotypes that domestic tasks belong entirely to women and emphasize the importance of role equity and the distribution of rights within the family. This is the main foundation for building a family system that is inclusive of the diverse needs and aspirations of women. With the presence of gender literacy, the family system can develop into a more egalitarian and inclusive space.

Understanding Sharia inheritance law provides space for women to strengthen their economic position. Knowledge of Sharia inheritance law, for example, as stated by Bulbul (2013), can be a strategic instrument for women to ensure that their economic rights are protected and family conflicts are minimized. Legal literacy related to the distribution of inheritance opens women's understanding that the law can be fair if it is implemented properly. Efforts in legal education and gender literacy can dismantle stigma and elevate women's bargaining position in family decision-making. With increased legal literacy, women can be more empowered in ensuring justice within the family.

The implementation of women's rights in the Indonesian context cannot be separated from the interaction between law and culture. In Indonesian society, the challenges of implementing women's rights are not only legal and formal obstacles, but also moral pressures and local cultural values that tend to oppress women (Brenner, 2011). Through gender literacy, women can balance their religious identity, social roles, and the demands of modernity, and are better able to transform the private sphere without losing their religious values. This process is part of the democratization of the family and realizes the domestic sphere as a space for ethical dialogue, not merely the reproduction of old norms. The democratization of the family through gender literacy opens up opportunities for the creation of a more just and reflective domestic space.

The modern legal education paradigm positions women as active actors in the process of social transformation. Abu-Lughod (2015) emphasizes that the art of legal education does not position women as objects that must be 'saved,' but rather as subjects who are empowered through knowledge. With an understanding of rights and legal instruments, women can negotiate their interests in the family and society more effectively, without having to lose their voice in their collective identity. Gender-based legal literacy becomes a tool for self-representation to define women's roles, aspirations, and ideals amid social change. Through gender-based legal literacy,

women gain space to formulate their identity and strengthen their position in society.

The development of the discourse on women's rights has been enriched by the contributions of both formal and informal education. The emergence of modern discourse on women's rights, as reviewed by Ahmad (2012), has not only been influenced by regulatory changes but also by education and increased knowledge of gender issues within the community. Women's participation in formal and informal education provides social capital to challenge discriminatory family decisions. This education also provides the ability to be actively involved in legislative and civil society forums, fighting for family justice. With increased social capital from education, women have greater opportunities to fight for family justice in the public sphere.

Legal pluralism in Indonesia requires women to understand and utilize various regulatory channels. According to Solanki (2011), the diversity of legal systems in Indonesia requires legal literacy across pluralism, including religious, customary, and state law. Educated women are able to negotiate and choose the most favorable legal path, whether to deal with family conflicts, inheritance, or domestic violence. Gender literacy related to legal plurality also accelerates the creation of a more adaptive and progressive family system over time. With adequate gender literacy, the family system can develop towards a more progressive and responsive order.

The paradigm shift in family law affirms the active role of women as equal partners. According to Hussain (2011), legal education and gender awareness enable a paradigm shift, in which women are no longer passive but become equal partners in decision-making in the family sphere. This transformation is evident in Muslim communities in America, as noted by Hammer (2015), where women who have access to legal education are better able to voice their rights regarding marriage, divorce, and protection from violence. This emphasizes the importance of critical capacity to interpret and use legal instruments effectively. Critical ability in interpreting the law is the foundation for strengthening the position of women in the family sphere.

Gender literacy plays an important role in changing patterns of seeking help in cases of domestic violence. Knowledge and gender literacy also change patterns of seeking help in cases of violence, as discussed by Afrouz et al. (2020). When women have an understanding of the law, they are more courageous in reporting, seeking support, and

involving state institutions. As a result, the victim protection system becomes much more effective, and the culture of silence or denial of violent practices gradually fades away, forming a healthy and transparent family system. With women becoming more courageous in reporting, the family system can develop in a healthier and more transparent manner.

Gender literacy and legal education are important foundations for the reconstruction of a just legal culture. As emphasized by Lapidus (2014), gender literacy and legal education play a role in correcting social structures and strengthening a culture of justice. Changes in family values are not an instant process, but rather the result of consistent education and advocacy that touches on daily mindsets and interactions.

Investing in legal education and gender literacy means planting the seeds of social change at the grassroots level. This investment is a strategic foundation for building critical awareness that can deconstruct biases and unfair norms in the family system, while empowering every member of society especially women with knowledge about their legal rights. Thus, society can be brought into an era of family systems that are equal, fair, and more responsive to the dynamics of the times, in line with the ideals of social justice. Through continuous investment in legal education, communities are not only moving towards equal and fair family systems, but also building social resilience to cope with change and prevent the recurrence of inequality in the future.

Women's Representation in Legislation and Family Law Enforcement

Women's involvement in legislation and family law enforcement is an important indicator of the direction of national policy. The role of women in the legislative process and family law enforcement in Indonesia is a crucial factor that determines the configuration and direction of policies protecting women's rights within the family structure. National regulations, such as Law No. 2 of 2008 on Political Parties and Law No. 7 of 2017 on General Elections, explicitly require a minimum of thirty per cent female representation in the compilation of legislative candidate lists. In the realm of family law, the Compilation of Islamic Law (KHI) mentions the importance of fair and equal treatment of women and men in family matters, while Law No. 23 of 2004 on the Elimination of Domestic Violence provides a legal basis for the protection of women from domestic violence (Charrad, 2011; Cammack & Feener, 2012). With regulations that emphasize

representation and protection, the position of women in the family has gained greater legal legitimacy.

The involvement of women in the legislative and judicial spheres is an important factor in the creation of regulations that promote justice. In practice, women's involvement in the legislative process is crucial in determining the construction of laws that are responsive to the real needs of women. A study by Rinaldo (2014) found that the role of women legislators encourages the strengthening of gender nuances in regulations so that they are more inclusive of substantive justice, for example in proposed revisions to divorce laws, inheritance rights, and protection for victims of domestic violence. In religious and general courts, the representation of women as judges, court clerks, or advocates strengthens an empathetic and comprehensive perspective of justice in cases related to the fate of women and children (Lazreg, 2018). However, the number and authority of women in strategic forums is still far below the ideal threshold, so their voices do not yet fully determine policy direction or norm enforcement. Without an increase in numbers and authority, women's contributions have not been able to fully guide family law policy.

Structural barriers in legal institutions show that gender justice cannot be achieved through quotas alone. The dominance of patriarchal structures in legislative and judicial institutions remains a major obstacle to achieving gender justice (Charrad, 2011). Formal representation enforced through quotas does not automatically result in policies that consider women's aspirations and needs if social relations within internal forums remain male-centric. Salvatore (2016) emphasizes that the presence of women in legal institutions must be accompanied by capacity building, access to resources, and a work environment that supports a change in mindset. A similar principle regarding the importance of a supportive environment for full participation is also found in other contexts. Infante and Darmawan (2022) show that gender equality and the effective involvement of women in Human Resource Management practices are highly dependent on the creation of inclusive organizational systems and cultures, which is relevant as a lesson for creating an empowering work environment in legal institutions. Women's empowerment is a very important part of every society, country, or region because women play a dominant role in the basic life of a child, so it can be said that women are an important part of society (Bhat, 2015). In Indonesia, the existence of the National Commission on Violence Against Women and gender advocacy institutions acts as strategic

facilitators, but the success of social transformation in the field of family law still requires the active involvement of women in every stage of the legislative process and implementation of the law. Without the active involvement and empowerment of women, the transformation of family law will find it difficult to achieve substantive justice.

Gender-sensitive regulatory changes demonstrate the tangible impact of women's participation in parliament. Women's participation in legislative bodies has influenced several gender-sensitive regulatory changes. For example, revisions to the Marriage Law regarding the minimum age for marriage, initiated by women's groups in parliament, have resulted in stronger measures to prevent early marriage. In addition, advocacy by women's organizations has contributed to the creation of specific regulations on the protection of victims of violence and provisions on the division of joint property after divorce (An-Na'im, 2021). However, women's struggles in legislative forums often face deep-rooted gender bias. Discrimination, marginalization of women's voices, and resistance from conservative groups have resulted in compromises that are less than optimal for women's interests, so that the outcomes are often half-hearted in terms of substantive protection. As long as gender bias remains entrenched, the results of legislation tend not to fully guarantee substantive protection for women.

The presence of female judges in family courts brings a more sensitive perspective to gender issues. In the judiciary, the appointment of female judges has increased gender sensitivity in the handling of family cases, particularly those related to child custody, domestic violence, and the distribution of joint property. Female judges often have a better understanding of the psychological and sociological complexities faced by victims (Santoso & Nasrudin, 2021). However, the proportion of female judges is still small, so expanding the role of women in this sphere is a highly strategic agenda for changing patterns of gender-equitable law enforcement (Caeiro, 2017). Expanding the representation of women in the judiciary is an important step towards equitable law enforcement.

The optimization of women's roles in public policy is still hampered by masculine bureaucratic structures. Legal analysis also confirms that women's involvement in public policy-making is not yet fully optimal. Structural barriers in the form of a masculine bureaucratic culture, as well as a lack of political and legal education for female legislative candidates, often marginalize aspirations based on

women's experiences. Charrad (2011) emphasizes that substantive representation can only be achieved through a transformation of values within institutions, rather than merely fulfilling formal quotas. Institutional value transformation is a key requirement for achieving substantive representation of women in family law.

The representation of women in legal institutions must be viewed in terms of the substance of their contribution, not merely as a statistical figure. The number of women in legislative and law enforcement institutions must be interpreted in terms of the quality of their roles. Women's representation is only meaningful when their voices, experiences and perspectives are truly present and accommodated in legal decisions and public policy. Salvatore (2016) argues that women's participation in the public sector is an important indicator of progress in the democratization of a family law system that is responsive to social change. Quality participation will strengthen the democratization of family law and ensure more inclusive justice.

The role of civil society organizations is an important complement to women's involvement in the formal sphere. Women's participation in civil society organizations has complemented the weaknesses of participation in the formal sphere to ensure that women's rights are effectively guaranteed. Women's advocacy groups continue to develop legal consultation networks, assistance for victims of violence, and community-based legal education. These efforts have strengthened women's bargaining position in family matters and accelerated social transformation through informal and non-state channels (Rinaldo, 2014). Through these informal channels, women are increasingly able to strengthen their bargaining position and promote equitable social change.

Recognition of the importance of preventing discrimination marks a step forward in gender-responsive public policy. The tangible influence of women's representation is evident in the increasing recognition of the importance of preventing discrimination through the reformulation of public policy and the establishment of special oversight institutions for the protection of women. The importance of these preventive efforts is increasingly urgent given the widespread impact of discrimination. As explained by Udjari et al. (2021) and Pakpahan et al. (2022), discrimination in society not only creates structural injustice but also has complex social dynamics and directly damages the psychological well-being of individuals, which is the root of many latent barriers. However, latent barriers

in the form of social pressure, stereotypes, and unequal access to social capital still require real breakthroughs in gender mainstreaming strategies in all aspects of state life (Lazreg, 2018; An-Na'im, 2021). Without strategic breakthroughs in gender mainstreaming, latent barriers will continue to reduce the effectiveness of women's protection.

Family law reform requires the active involvement of women in legal politics as a condition for substantive justice. In achieving substantive justice, family law reform must be followed by an increase in women's capacity and courage to actively participate in the legal political process. Good practices in other countries show that cross-institutional collaboration, the participation of women leaders in public discourse, and the consolidation of a common agenda across organizations are factors that accelerate change (Yilmaz, 2016). Cross-institutional collaboration and the consolidation of a common agenda are key to accelerating the transformation of family law towards justice.

Expanding women's participation in public policy is an important prerequisite for achieving family justice. When women are given more space in policy deliberation and law enforcement, the resulting policies will better reflect the social realities and actual needs of women in the family. This change will then build a more just and inclusive legal system. With broader involvement, the legal system can evolve towards inclusiveness and substantive justice.

Continuous change in the legal bureaucracy is a strategic key to overcoming structurally entrenched gender bias. This transformation cannot be incidental or partial, but must be carried out gradually and consistently through continuous evaluation and improvement of procedures, organizational culture, and the capacity of officials at every level of the judicial bureaucracy and legal services. Only with a persistent systemic approach can hidden biases in working mechanisms be identified and corrected.

Ultimately, consistent transformation of social structures and legal bureaucracy is expected to break through the gender bias schemes that have been the main obstacle to the full protection of women's rights in the family system in Indonesia. A long-term commitment to this reform will create a more responsive legal ecosystem, where norms of equality are not only written into regulations but also internalized in every bureaucratic action and decision. Thus, the protection of women's rights in the family system can be realized in a more substantive manner.

CONCLUSION

Achieving justice for women in family law in Indonesia has actually gained a strong normative basis through various relevant regulations and legal instruments. However, implementation in the field is often hampered by social realities that are still rife with patriarchal norms and gender bias. Legal education and gender literacy play a crucial role in strengthening the implementation of legal instruments and encouraging cultural transformation towards a more equitable and gender-responsive family system, by equipping women with knowledge, critical skills, and bargaining power to negotiate their rights, dismantle patriarchal stereotypes, and encourage changes in social values and practices within the family and community. Although women's involvement in legislation and law enforcement has begun to show positive effects, the dominance of traditional social and cultural structures means that the realization of women's rights in the family sphere is often less than optimal. Strengthening women's position and participation in legislative bodies, the judiciary, and civil society organizations is an element that continues to be tested in the ongoing dynamics of social change.

This condition underlines that substantive justice for women cannot be achieved through legal aspects alone. Efforts to strengthen women's representation and participation, both in the drafting of laws and in the law enforcement process, provide opportunities for the creation of regulations that are responsive to the real needs of society. A transformation in the mindset of society, increased legal literacy, and the existence of gender-sensitive advocacy actors are prerequisites for the creation of more equitable and inclusive family laws. Aligning regulations, social structures, and collective behavior is a major challenge and an opportunity to achieve a more gender-just family law system.

Based on this description, consistency and commitment are needed from all stakeholders, including the government, legislative bodies, judicial institutions, and the community, to strengthen gender mainstreaming in family law. The sustainability of legal reform needs to be accompanied by public education programmers, community involvement, and support for women's access to justice, especially those from marginalized groups. Strategic steps need to be directed at increasing the quality and quantity of women's participation at every level of decision-making. Further research can focus on measuring the effectiveness of advocacy interventions and strengthening women's capacity in the contemporary family law system.

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