

The Transformation of Gender Roles within the Family: A Socio-Legal Study on the Responsibilities of Husbands and Wives

Wiwin Wiwin, Sunardi Purwanda, Muhammad Sabir

Faculty of Law, Andi Sapada Institute of Social and Business Sciences

Corresponding Email: wwn07121997@gmail.com

Abstract

Social, economic, and cultural developments in Indonesia have significantly transformed family structures and relationships, particularly in the distribution of responsibilities between husbands and wives. Although Indonesian positive law primarily through Law No. 1 of 1974 on Marriage as amended by Law No. 16 of 2019, and the Compilation of Islamic Law (KHI) continues to affirm the husband as the head of the household and the wife as the homemaker, social realities indicate a shift toward more egalitarian family relations. The central issue of this study concerns how Indonesian family law accommodates social change and the transformation of gender roles without undermining the principles of justice and equality within the family. This research employs a normative legal approach combined with statutory and socio-legal perspectives, analyzed using a qualitative descriptive-analytical method. The findings reveal that Indonesian family law remains grounded in a patriarchal paradigm that positions men as dominant figures in the household. However, from a socio-legal and feminist legal perspective, there has been a noticeable shift in values and social practices toward gender equality in familial roles. This phenomenon has created a legal gap between normative frameworks and social realities, necessitating reinterpretation and reform of family law to ensure its responsiveness to substantive justice and gender equality principles. Therefore, family law in Indonesia should be reoriented toward an egalitarian and relational partnership paradigm that recognizes husbands and wives as equal legal subjects in rights, duties, and familial responsibilities.

Keywords : Socio-Legal Study of Family Law; Gender Roles; Equality; Marriage Law

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Introduction

The dynamic social and cultural development in Indonesia has significantly reshaped family structures and roles, particularly in the relationship between husbands and wives.¹ Historically, the division of roles within families has been rooted in a patriarchal construction that positions the husband as the head of the household and the wife as the homemaker. However, advances in education, economic participation, and gender equality have contributed to a shift in roles, influencing legal understandings and responsibilities within marriage. Phenomena such as wives participating as income earners, husbands taking part in domestic affairs, and

more egalitarian distributions of household duties have become social realities that often diverge from existing legal norms.² The central legal issue that emerges is how marriage law can accommodate these social transformations without undermining the principles of justice and equality within the family.

Normatively, Indonesian positive law, as codified in Law No. 1 of 1974 on Marriage in conjunction with Law No. 16 of 2019, affirms that the husband is the head of the household and the wife is the homemaker. This provision is reinforced by the Compilation of Islamic Law (KHI), which places the husband as the primary

¹ Agma, A. R. (2025). Transformasi Nilai-Nilai Sosial dalam Kehidupan Keluarga Modern di Indonesia. *Jurnal Ilmu Sosial (JIS)*, 1(1), 29-35.

² Jaidani, R. A., & Moulida, Z. S. (2024). Stereotype Peran dan Tanggung Jawab Laki-Laki dalam Keluarga. *Sagoe Cendikia*, 1(2), 100-119.

provider of financial support, while the wife is responsible for managing domestic affairs and childrearing.³ These provisions reflect a normative legal framework that emphasizes a balance of rights and obligations between husband and wife, grounded in their respective natural and social functions. In this sense, marriage law constructs a hierarchical family structure while maintaining a moral and social sense of mutual responsibility among family members.

However, in social reality (*das sein*), this legal construction does not always align with contemporary family practices. Empirical observations show that many modern families now adopt egalitarian models, wherein economic responsibilities and domestic tasks are flexibly shared between spouses. In modern society, gender roles within the family have become increasingly fluid, women are no longer confined to the domestic sphere but actively participate in public life, and in some cases, serve as the primary breadwinners. This shift has redefined the concepts of “head of the household” and “homemaker” in practice.⁴ The incongruity between legal norms (*das sollen*) and social realities (*das sein*) has therefore become a key concern in socio-legal scholarship.

The divergence between normative prescriptions and social practices creates a significant legal gap in the implementation of family law in Indonesia. While the law continues to reflect traditional paradigms, society has evolved toward more egalitarian relationships.⁵ Consequently, interpretative and practical challenges arise in cases such as divorce, division of marital property, and financial responsibility, which can no longer be understood solely through gendered

assumptions. This legal gap raises a critical question: to what extent can family law adapt to social change without losing its legitimacy and regulatory function within family life?

In light of these dynamics, this study is essential in examining the transformation of gender roles within families through a socio-legal perspective. It aims to explore how shifts in social, cultural, and economic values influence the understanding of marital responsibilities and how law responds to these changes. By analyzing the interaction between legal norms and social realities, this research seeks to contribute to the development of a more adaptive, responsive, and gender-equitable sociology of family law. Moreover, this study is relevant to advancing the reform of family law in Indonesia in a manner that aligns with the principles of equality while preserving the moral, religious, and cultural values inherent in Indonesian society.

Research Methodology

This study employs a normative legal research approach, combining the statutory approach and the sociological approach to law. The primary objective is to examine the positive legal provisions governing the responsibilities of husbands and wives as stipulated in Law No. 1 of 1974 on Marriage, as well as the Compilation of Islamic Law (KHI). Through the integration of these two approaches, the research seeks to bridge the relationship between *das sollen* (law as it ought to be) and *das sein* (law as it is in practice), thereby assessing the extent to which family law norms can adapt to social change and the transformation of gender roles within the household.⁶

The legal materials used in this

³ Romadhoni, P. U., Pramesti, N. P., & Sofian, M. (2025). Dinamika Pembagian Peran Gender dan Kewajiban Nafkah dalam Keluarga Muslim Modern. *Prosiding Hukum Keluarga Islam*, 14-26.

⁴ Nisa'i, R. A. (2025). Istri sebagai Pencari Nafkah Utama Keluarga Perspektif Sosiologi Hukum Islam: Studi Kasus di Kecamatan Tenganan Kabupaten Semarang. *Jurnal Riset Rumpun Ilmu Sosial, Politik dan Humaniora*, 4(3), 896-911.

⁵ Wiwin, W., & Saharuddin, S. (2025). Kedudukan Hukum Uang Panai'dalam Perkawinan Masyarakat Bugis-Makassar. *Jurnal Litigasi Amsir*, 12(2), 182-187.

⁶ Qamar, N., Syarif, M., Busthami, D. S., Hidjaz, M. K., Aswari, A., Djanggih, H., & Rezah, F. S. (2017). *Metode Penelitian Hukum (Legal Research Methods)*. CV. Social Politic Genius (SIGn).

research consist of primary legal materials, including statutory regulations and other relevant legal instruments; secondary legal materials, such as scholarly literature, journals, and expert opinions in the field of family law and sociology of law; and tertiary legal materials that serve as supporting references. Data were collected through library research and analyzed using a qualitative descriptive-analytical method. This analysis aims to identify the correspondence or disparity between legal norms and social realities and to provide a scholarly understanding of the effectiveness of family law in realizing gender equality and the equitable distribution of responsibilities between husbands and wives.

Analysis and Discussion

Normative Analysis of the Regulation of Spousal Responsibilities in Indonesian Positive Law

Within Indonesia's family law system, the regulation of spousal responsibilities is rooted in Law No. 1 of 1974 on Marriage, and further reinforced by the Compilation of Islamic Law (KHI) for Muslim citizens. Normatively, Article 31 paragraph (3) of the Marriage Law stipulates that "the husband is the head of the family and the wife is the homemaker".⁷ This formulation reflects a hierarchical and patriarchal division of roles, positioning the husband as the primary leader and bearer of responsibility for the family's welfare, while the wife assumes roles related to domestic affairs and childcare. Such a role division embodies the social and cultural values prevailing during the formation of the law, when the ideal family structure was perceived as one founded on male authority.

However, this normative construction carries significant implications for the principles of gender equality and justice, which have become increasingly recognized

within contemporary Indonesian society and its legal system. Although the Marriage Law does not explicitly reject equality, the textual formulation of several provisions still reveals a gender-based differentiation of roles. For instance, Article 34 stipulates that the husband is obliged to protect his wife and provide for the family according to his means, while the wife is responsible for managing household affairs to the best of her ability.⁸ Such provisions reinforce the traditional gendered division of labor, situating the husband in the public (economic) sphere and the wife in the domestic domain.

The Compilation of Islamic Law (KHI), as a source of positive law for Muslims, adopts a similar stance. Article 80 paragraph (4) of the KHI specifies that the husband is responsible for providing sustenance, protection, and education for the children, whereas Article 83 paragraph (1) requires the wife to manage household affairs properly.⁹ These provisions illustrate the continuity of patriarchal values within Indonesia's family law framework, grounded in the notion of inherent, "natural" role differentiation between men and women. From a sociology of law perspective, these norms must be understood dynamically as reflections of the social order at the time the law was enacted rather than as immutable truths immune to social change.

In line with contemporary developments, the discourse on gender equality and women's participation across various sectors calls for a reinterpretation of family law norms. Within this context, the principle of equal rights and status between husband and wife, as articulated in Article 31 paragraphs (1) and (2) of the Marriage Law, serves as a juridical foundation for affirming a balanced distribution of roles within the

⁷ Adib, M., Salwa, D., & Khairiyah, M. (2024). *Tukar Peran Suami dan Istri dalam Rumah Tangga Perspektif Hukum Keluarga dan Gender*. *Journal of Islamic and Law Studies*, 8(1), 92-114.

⁸ Bahri, S. (2024). *Kewajiban Nafkah Dalam Keluarga (Studi Komparatif Hukum Islam Dan Undang-*

Undang Di Indonesia Terhadap Istri Yang Mencari Nafkah). *YUSTISI*, 11(1), 63-80.

⁹ Saputra, I. (2024). *Hak Kewajiban Suami Istri Menurut Kompilasi Hukum Islam*. *Journal of Islamic Economics and Finance*, 1(2), 125-134.

household.¹⁰ This principle opens space for relational equality between spouses in determining the direction of family life, including decision-making, economic responsibilities, and social roles. Consequently, this normative analysis reveals that Indonesia's family law system embodies a dual character on one hand preserving traditional patriarchal values, while on the other hand allowing the evolution toward more egalitarian marital relations in accordance with social progress and modern notions of justice.

The Transformation of Gender Roles in Family Social Reality and Its Implications for Law

In recent decades, the transformation of Indonesia's social structure has revealed a significant shift in gender roles within families. Modernization, the increasing level of women's education, and their active participation in the public sphere have reshaped the traditional construction of spousal roles.¹¹ From a sociology of family law perspective, this phenomenon illustrates the dynamic interaction between *living law* and *written law*, where the social norms that govern daily life often evolve more rapidly than the formal legal provisions that remain static. Consequently, a normative tension arises between patriarchal legal values embedded in positive law and the growing social practices that demand greater equality in familial relationships.

In modern family life, economic responsibility is no longer the exclusive domain of husbands. Many wives now act as co-breadwinners or even as the primary income earners for their households.¹² Similarly, in matters of childcare and domestic

decision-making, women's roles have become increasingly participatory and influential.¹³ Sociologically, this reflects a redistribution of power within the family, moving from a hierarchical pattern toward a more relational and egalitarian model. This transformation aligns with the principle of equality before the law and the notion of substantive justice enshrined in the Indonesian Constitution and national policies on gender equality.

The implications for family law are profound. The provisions governing spousal responsibilities in the Marriage Law and the Compilation of Islamic Law (KHI) must be interpreted progressively to align with contemporary social realities. The sociology of law approach plays a crucial role in reinterpreting these legal norms not merely based on statutory texts but also in light of evolving values, needs, and social structures. The transformation of gender roles within the family calls for a paradigm shift in Indonesian family law from one oriented around "natural" gender roles to one grounded in equality and partnership, recognizing both husband and wife as autonomous and equal legal subjects in building family life.

From a feminist legal theory perspective, law is not inherently neutral; rather, it often reflects patriarchal power structures that perpetuate women's subordination.¹⁴ In the context of Indonesian family law, this is evident in normative provisions that affirm the husband's dominance as "head of the family" and the wife's role as "homemaker," as stipulated in Article 31(3) and Article 34(2) of Law No. 1 of 1974 on Marriage. Such formulations embody gender bias, as

¹⁰ Djaoe, A. N. M. (2025). Hak dan Kewajiban dalam Perkawinan. *Hukum Keluarga: Perspektif Kontemporer*, 38.

¹¹ Dewi, C. (2024). Gender dan Kekuatan Sosial: Analisis Antropologi Terhadap Peran Wanita Dalam Masyarakat Tradisional Minangkabau: Gender and Social Power: Anthropological Analysis of the Role of Women in Traditional Minangkabau Society. *DEMOS: Journal of Demography, Ethnography and Social Transformation*, 4(2), 94-105.

¹² Thung, J. L. (2015). Perempuan Dan Modernisasi Women and Modernization. *Jurnal Masyarakat Dan Budaya*, 17(1), 17-28.

¹³ Nurjanah, S., & Hermanto, A. (2022). Hukum perkawinan Islam progresif di Indonesia.

¹⁴ Ardan, A., Kusuma, R. B., Solechan, S., Sari, A. A., & Prasetyono, B. (2025). Reformasi Hukum Indonesia Melalui Lensa Feminist Legal Theory: Menyusun Keadilan Gender. *Yustitia*, 11(1), 54-69.

they assume a natural division of roles that disregards women's evolving social capacities and autonomy as legal subjects. Feminist legal theory seeks to challenge and correct this structural bias by advocating for substantive reinterpretation of the law consistent with the principles of gender justice and equality within the household.

In social reality, the transformation of gender roles demonstrates that women are no longer confined to the domestic sphere.¹⁵ They now play active roles in the family economy, child education, and household decision-making. This shift represents a form of resistance to patriarchal structures and the emergence of new, more egalitarian relational patterns between spouses. From a socio-legal standpoint, this signifies that the *living law* in society has evolved toward gender equality, while the *written law* has lagged behind in accommodating such transformations. Consequently, a legal gap persists between normative law and social reality, wherein practices of equality within families have yet to receive full normative recognition and legitimacy within the national legal system.

The feminist legal approach views that the reform of family law should be directed toward a transformation of the legal paradigm from patriarchal to egalitarian. This means that law should not merely serve as a normative instrument regulating behavior, but also as a means to deconstruct unequal power relations between men and women within the household.¹⁶ Therefore, the principle of partnership in family life as stipulated in Article 79 of the Compilation of Islamic Law (KHI) and the principle of equality as guaranteed in Article 28D paragraphs (1) and (2) of the 1945 Constitution of the Republic of Indonesia must serve as the basis for reinterpreting the legal norms governing the responsibilities of husband and wife. Thus, the feminist legal approach does not aim to negate the

biological differences between men and women, but rather to affirm the equality of value, rights, and responsibilities of both within the family as a manifestation of substantive justice in modern society.

Conclusion

Normatively, the Indonesian family law system, as reflected in Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (KHI), still exhibits a patriarchal orientation through the division of roles between the husband as the head of the family and the wife as the caretaker of the household. This legal construction is rooted in traditional social and cultural values that position men as dominant figures within the family structure. However, these provisions are not entirely consistent with the principle of equality of rights and status between husband and wife as stipulated in Article 31 paragraphs (1) and (2) of the Marriage Law. Therefore, the results of the normative analysis reveal a duality in the character of Indonesian family law on one hand, it preserves traditional values, but on the other, it opens the possibility for progressive interpretation emphasizing balance and partnership within the household.

Meanwhile, from the perspective of sociology of law and feminist legal theory, social transformation within Indonesian society has shifted gender roles in the family from a hierarchical model toward more egalitarian relationships. Women now play active roles in economic, social, and family decision-making spheres, indicating an evolution of the *living law* that is increasingly adaptive to the principle of equality. However, positive law remains lagging in accommodating these changes, creating a legal gap between normative prescriptions and social reality. The feminist legal approach underscores the need for a reinterpretation of family law, so that law

¹⁵ Natalis, A. (2020). Reformasi Hukum Dalam Rangka Mewujudkan Keadilan Bagi Perempuan: Telaah Feminist Jurisprudence. *Crepido*, 2(1), 11-23.

¹⁶ elysa Wardhani, N., Judijanto, L., Asmarani, N., Reumi, F., Yase, I. K. K., & Kusumawardhani, D. L. L.

H. N. (2025). *Perempuan dan Hukum: Perlindungan Hak dalam Perspektif Gender*. PT. Sonpedia Publishing Indonesia.

functions not merely as a normative instrument, but also as a tool of emancipation from patriarchal domination. Accordingly, family law reform should be directed toward an egalitarian paradigm that positions husbands and wives as equal partners in rights, duties, and responsibilities consistent with the principles of substantive justice and gender equality in modern society.

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Conflict of Interest Statement:

The author declares that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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