

## Legal Policy on Women's Protection in the National Family Law System

Hijriatu Sakinah<sup>1\*</sup>, Ahmad Syaiful<sup>2</sup>, Abdel Malik<sup>3</sup>, Nurhayati<sup>4</sup>, Asif Hossain<sup>5</sup>

<sup>1</sup> Universitas Sunan Gresik, Gresik, Indonesia

<sup>2</sup> Universiti Islam Sultan Sharif Ali, Bandar Seri Begawan, Brunei Darussalam

<sup>3</sup> Marmara University, Istanbul, Türkiye

<sup>4</sup> Al-Azhar University, Cairo, Egypt

<sup>5</sup> International Islamic University Islamabad, Islamabad, Pakistan

\*Corresponding author email: [h.sakinah@lecturer.usg.ac.id](mailto:h.sakinah@lecturer.usg.ac.id)

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### Abstract

The Indonesian family law system, which normatively promises protection for women, often negotiates with patriarchal structures, religious authorities, and social practices. This study seeks to develop a conceptual framework that integrates a legal-political perspective with an approach to protecting women's rights in the family law system. This study uses a normative juridical approach with a qualitative-analytical study design based on an analysis of the construction of legal norms, the direction of legislative policy, and the political dynamics of law that shape the protection of women in family law regulations and practices. The results show that the national family law system is in fact in a structural paradox, because the state normatively produces regulations that promise protection and equality. Still, in practice, legal politics formed through compromises between state ideology, religious authority, and patriarchal social structures often reproduce power relations that maintain women's vulnerability in the family and the courts. The main problem does not lie solely in the lack of legal norms, but in the configuration of power and legal culture that constructs how the law is interpreted and implemented. This study offers a new reading that combines the perspectives of legal politics, legal pluralism, and legal feminism to show that the protection of women will only be effective if legal reform moves from merely establishing regulations to transforming institutional structures, judicial paradigms, and the way the state mediates the relationship between state law, religious law, and social practices.

**Keywords:** *Legal policy, Religious law, Social practice, State law, Women's protection*



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## INTRODUCTION

The construction of family law in Indonesia cannot be separated from the plurality of legal systems that exist and develop within society, namely customary law, Islamic law, and state law. The interaction among these three legal systems has resulted in a complex family law configuration that often gives rise to normative tensions, particularly regarding the position and protection of women. Law No. 1 of 1974 on Marriage, which was later amended by Law No. 16 of 2019, is one of the main legal instruments governing marriage and family relations in Indonesia. Although this law aims to create order and protection in family life, various studies show that some of its provisions still raise issues related to gender equality and the protection of women, for example, in the areas of polygamy, the division of roles in the household, and the protection of women in divorce situations (Sugitanata & Karimullah, 2023b).

Legal policy refers to the direction, policies, and strategies of the state in developing a legal system to achieve goals considered important for the life of the nation and state. In the context of women's protection, legal policy is an instrument that determines the extent to which the state is committed to eliminating discrimination and ensuring the fulfilment of women's rights in various areas of life, including in the family sphere. The Indonesian state's commitment to protecting women has been affirmed through various national and international legal instruments, such as the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by Law No. 7 of 1984. This ratification affirms that the state has an obligation to eliminate all forms of discrimination against women, including discrimination that may occur within the family institution.

Empirically, various reports and studies show that women are still in a vulnerable position in various family issues, such as domestic violence, injustice in divorce proceedings, and limited access to economic rights after divorce (Malik et al., 2025; Ottakkam Thodukayil et al., 2026). Data from women's protection agencies show that cases of domestic violence are still quite high, indicating that the family institution is not yet a completely safe space for women. Although Law No. 23 of 2004 on the Elimination of Domestic Violence has provided a fairly progressive legal framework for protecting victims of domestic violence, its implementation in practice still faces various obstacles, such as a lack of understanding among law enforcement officials, social stigma against victims, and limited effective protection mechanisms.

In the context of academic studies, the issue of women's protection in family law has become a concern for researchers from various disciplines, including law, sociology, and gender studies. Several previous studies have highlighted various aspects related to the protection of women in family law in Indonesia (Pradikta et al., 2024; Wahyuni & Kusrin, 2025). For example, research conducted by several legal academics shows that the marriage law still contains several provisions that have the potential to cause gender inequality, especially in relation to the concept of the head of the family, which implicitly places men as the dominant party in the family structure (Fathony et al., 2024; Karimullah, 2023b). Other studies also show that judicial practices in family cases, particularly in religious courts, are often influenced by religious and cultural

interpretations that do not always favour women's interests. In addition, several studies have also examined the effectiveness of the law on the elimination of domestic violence in protecting women, finding that although the law is quite progressive in substance, its implementation still faces various structural and cultural obstacles (Bazaanah & Ngcobo, 2024; Calvino & Matadi, 2023).

More recent studies have also begun to highlight the importance of a legal-political approach in understanding the dynamics of women's protection in the family law system. This approach emphasises that the formation and amendment of laws cannot be separated from the configuration of power, ideology, and interests that develop within society and the state. Using a legal-political perspective, several studies show that the development of family law in Indonesia is often the result of compromises between various interests, including those of the state, religious groups, and civil society groups (Al Hamid et al., 2025; Aziz, 2024). In this context, the protection of women is often in an ambivalent position, as it must contend with various values and norms that are sometimes contradictory, such as the principle of gender equality versus certain interpretations of religious teachings or cultural traditions (Sugitanata & Karimullah, 2023a).

Although these studies have made important contributions to understanding women's protection in family law in Indonesia, there remain several knowledge gaps that have not been fully addressed. Most previous studies have tended to focus their analysis on the normative aspects of legislation or on judicial practice in specific cases, without examining in depth how the country's political-legal configuration shapes the direction of women's protection in the family law system as a whole. Furthermore, studies that integrate analysis of the development of legislation, judicial practice, and the social and political dynamics that shape the formation of family law remain relatively limited. This condition indicates a research gap that needs to be filled through studies that can comprehensively examine how the state's legal politics influence the construction and implementation of women's protection in the national family law system.

Another research gap lies in the lack of studies that systematically link Indonesia's international commitments to the protection of women with national legal policies in the field of family law. Although Indonesia has ratified various international instruments that emphasise the importance of gender equality and the protection of women, there have been few studies that analyse in depth the extent to which these commitments have been translated into national legal policy, particularly in the formation and reform of family law. In addition, some studies still view family law in a sectoral manner, without linking it to the broader national legal policy framework.

Based on the identification of various limitations in previous studies, this research offers a novelty in the analytical approach used to understand the protection of women in the national family law system. This study will not only analyse the legal norms governing family and marriage. Still, it will also critically examine the direction of the state's legal policy in forming, maintaining, and reforming these norms. The main objective of this study is to comprehensively analyse the legal policy of women's

protection in Indonesia's national family law system, both in terms of the formation of legal norms, implementation in judicial practice, and its relationship with international commitments to the protection of women's rights.

## **METHODS**

This study uses a normative juridical approach with a qualitative-analytical design chosen because the focus of the study is on analysing the construction of legal norms, the direction of legislative policy, and the dynamics of legal politics that shape the protection of women in family law regulations and practices, so that law is understood not only as written norms but also as a product of policy influenced by socio-political configurations. The focus of this study includes state legal politics, the protection of women, and the national family law system, which is operationally defined as the overall policy direction for the formulation and implementation of laws and regulations governing family relations, particularly the marriage law, regulations related to the protection of women, and family court practices in guaranteeing the rights, status, and legal protection of women.

The study instruments consist of document analysis guidelines and a concept categorisation matrix developed by constructing analytical indicators based on legal political theory, legal protection theory, and a gender equality perspective, with data validity tested through source triangulation, interpretative consistency, and external and internal criticism of legal documents. Data collection was carried out in stages through systematic literature reviews, legal database searches, an inventory of regulations and court decisions, and a thematic classification of relevant documents (Chung & Kim, 2023). The data was then analysed using qualitative techniques, with an interpretative and constructive approach, through the stages of data reduction, conceptual categorisation, normative interpretation, and argumentative conclusions, based on a political law framework.

## **RESULTS AND DISCUSSION**

### **Tension Between the Ideology of Women's Protection and Patriarchal Structures in National Family Law Policy**

Conceptually, family law policy can be understood as the direction of state policy in formulating, shaping, and implementing legal norms that regulate family relationships, including the relationship between husband and wife, rights and obligations in the household, and mechanisms for resolving family conflicts. This legal policy is not only influenced by juridical considerations, but also by social and ideological values that develop within society.

In the Indonesian context, the plurality of legal sources, consisting of state law, religious law, and customary law, contributes to the complex configuration of family law (Muttaqin et al., 2025). On the one hand, this plurality reflects the multicultural character of Indonesian society. Still, on the other hand, it also creates challenges in efforts to realise the principle of gender equality in the family law system. This is because interpretations of religious values and traditions are often used as a basis for

legitimising patriarchal structures that place men as the dominant party in family relationships, while women are positioned as subordinate.

In the study of legal sociology, patriarchal structures are understood as social relationship systems that place men at the centre of authority in various areas of life, including within the family institution (Farias et al., 2023). In a patriarchal system, the division of roles between men and women is often determined hierarchically, with men associated with public roles, leadership, and authority. In contrast, women are associated with domestic roles, caregiving, and obedience to male authority. This pattern of relations is reproduced not only through social and cultural practices but also through legal constructs that regulate family life.

In the context of national family law, this patriarchal structure is evident in several provisions that normatively place men as the head of the family and women as those who carry out domestic functions. Such provisions essentially reflect the ideological assumption that the family is an institution that must be governed based on the principle of male leadership, which is considered the main responsibility in the family structure (Dahlström, 2023). However, the development of modern legal thinking, influenced by the paradigm of human rights and gender equality, has led to demands for reforming family law to be more responsive to the protection needs of women (Karimullah, Ruchiat Nugraha, et al., 2023).

From a legal feminism perspective, the law is seen not merely as a neutral system of norms, but as a social institution that can reproduce gender inequality if it is not designed to be sensitive to women's experiences and interests (Karimullah, Nugraha, et al., 2023). Legal feminism highlights how many traditional legal systems are built on a masculine perspective that tends to ignore the social realities experienced by women, especially in the context of family relationships, which are often fraught with power imbalances.

In the Indonesian context, efforts to incorporate the perspective of women's protection into family law can be seen in various legislative policies enacted in recent decades. The enactment of the marriage law in 1974, for example, was initially intended as an effort to create uniformity in marriage law while protecting women within the family institution. This law introduced various provisions to regulate marital relationships in a more orderly manner, including minimum age requirements for marriage, restrictions on polygamy, and regulations on the rights and obligations of husbands and wives (Karimullah, 2024).

In subsequent developments, various other policies were also adopted to strengthen the protection of women in the domestic sphere, such as the enactment of the Law on the Elimination of Domestic Violence, which provides a legal basis for the protection of victims of domestic violence, most of whom are women. However, the existence of these regulations does not necessarily eliminate the tension between the ideology of women's protection and the patriarchal structure of family law.

One source of this tension lies in the fact that many family law norms still contain patriarchal assumptions that place women in a subordinate position (Karimullah, Basuki, et al., 2024). The concept of the head of the family, which is exclusively

associated with men, for example, not only reflects the traditional division of roles in the family but also has implications for the distribution of power in family decision-making. In practice, this concept is often used to legitimise male dominance in various aspects of family life, including household economic management, decision-making regarding children's education, and decisions related to family social life (Karimullah & Sugitanata, 2024; Parhi et al., 2025).

This tension is even more apparent in family court practices, where the interpretation of legal norms is often influenced by social and religious values that have developed within society. Judges, as the main actors in the judicial process, are not entirely free from the influence of social ideologies that exist in society (Puleo & Coman, 2024). In many divorce cases, for example, women often face various obstacles in obtaining their economic rights after divorce, such as *iddah* alimony, *mut'ah*, or rights to joint property (Hesti et al., 2025). Although normatively the law provides space for women to demand these rights, in practice, implementation is often not optimal due to various factors, including conservative legal interpretations, women's limited access to legal aid, and the social stigma attached to women involved in divorce proceedings.

The debate over the direction of family law reform ultimately reveals two different schools of thought on how family law should be designed. The religious normative approach, espoused by some, argues that family law must maintain its traditional structure, which is considered to be in line with religious teachings and moral values of society. From this perspective, family stability is seen as a key value that the law must uphold, and it is feared that overly radical legal changes could disrupt the social and moral balance in society (De Munck, 2024). The protection of women in this framework is understood more as an effort to ensure that women are treated well within the traditional family structure, rather than as an effort to change the existing power relations.

Conversely, approaches based on legal feminism and human rights perspectives argue that maintaining hierarchical family structures will only reinforce the reproduction of gender inequality (Purba et al., 2025). According to this perspective, family law must be reformed more fundamentally to eliminate various norms that implicitly support male dominance in family relations. Such reform would not only involve changes to the text of legislation, but also changes to the way legal institutions interpret and apply family law norms. Within this framework, the protection of women would not only be understood as moral protection within the family, but as protection of women's rights as legal subjects equal to men in all aspects of family life.

The tension between these two approaches reflects the complexity of family law politics in Indonesia, where the state must navigate various ideological interests that are often contradictory. On the one hand, the state has a constitutional obligation to guarantee the protection of human rights and equality before the law (Ibrahim et al., 2024). Still, it must also consider the social and religious sensitivities that have developed in society. This situation often results in compromising legal policies, where gender equality principles are accommodated to a limited extent without completely changing the patriarchal structure that has long been rooted in the family law system.

From a legal policy perspective, this ambivalence shows that family law not only functions as an instrument of social regulation but also as an ideological arena that reflects the battle of values in society. Family law becomes a space where various interests, including those of the state, religious groups, women's movements, and the wider community, negotiate how family relations should be regulated. Therefore, understanding the dynamics of women's protection in family law requires more than just analysing legal norms textually; it also requires attention to the social and political context that shaped their emergence.

### **The Contest Between State Law, Religious Law, and Social Law in the Protection of Women**

The perspective of legal pluralism theory, developed by scholars such as John Griffiths and Sally Engle Merry, law is not understood as a single system originating solely from the state, but rather as a network of norms that exist within various social institutions (Berman, 2020; Merry, 2006). Within this framework, state law is only one form of the various normative systems that exist in society. Religious and social norms carry regulatory power that is often as strong as state law and, in many cases, can be even more effective in regulating people's behaviour (Kholili et al., 2024). In the context of protecting women in family law, this legal pluralism creates a field of contestation among various value systems with differing views on gender relations, family authority, and women's roles in domestic life. When these three legal systems have different value orientations, women often find themselves in a complex position, navigating normative demands that are not always consistent with one another.

State law is designed to provide a universal, binding regulatory framework for all citizens, regardless of religious, cultural, or social background. In many modern countries, state law also adopts constitutional principles that emphasise equality before the law, the protection of human rights and the elimination of gender-based discrimination (Hibbatulloh et al., 2025). These principles are reflected in various regulations aimed at protecting women within the family institution, such as regulations on the minimum age for marriage, restrictions on the practice of polygamy, women's rights in divorce, and protection against domestic violence (Karimullah, 2021; Sugitanata et al., 2024).

In the Indonesian context, the state's commitment to protecting women is also reflected in the ratification of various international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which obliges the state to eliminate all forms of discrimination against women in various areas of life, including within the family. However, the implementation of gender equality principles in family law often faces challenges when confronted with interpretations of religious law, which has its own normative framework for regulating family relations.

For many religious communities, religious law has very strong moral legitimacy because it is considered to originate from a divine source and contain transcendent values. Therefore, religious legal norms are often seen as the main guidelines in

regulating family life, even when these norms differ from state law provisions. In some traditional interpretations of religious law, the relationship between men and women in the family is understood within a hierarchical framework that places men as the leaders or main authorities in the household (Schraedel et al., 2025). In contrast, women are positioned in more subordinate domestic roles. Although this interpretation is not universal and there are more progressive views within religious traditions, conservative interpretations still have a significant influence on social practices and family law.

In addition to state and religious law, social practices also play an important role in shaping the reality of women's protection in family life. Social norms that develop within a society are often rooted in cultural traditions passed down through generations, giving them considerable regulatory power. In many patriarchal societies, social norms regarding gender roles place women as guardians of family harmony who are expected to prioritise family interests over personal interests (Mensah, 2023). Such norms can influence how women view their rights within the family and how society responds to issues such as divorce, domestic violence, or other family conflicts. As a result, even though state law normatively protects women, social practices often undermine this protection because women face social pressure to maintain the existing family structure.

This legal pluralism creates a situation in which women often have to navigate multiple systems of norms with different demands. In some cases, women may find that state law provides stronger protection for their rights than certain religious interpretations of the law or social practices (Cohen et al., 2024). However, in other situations, women may face pressure to follow religious or social norms that are considered more legitimate by their community, even though these norms limit their autonomy and rights. This situation shows that the protection of women does not depend solely on the existence of formal regulations, but also on the power dynamics among various normative systems in society.

The debate over which legal authority should be the primary reference in family regulation is one of the central issues in the discourse on legal pluralism and the protection of women. The first camp in this debate emphasises the supremacy of religious law as the primary source of legitimacy in family regulation. According to this view, the family is a moral and spiritual institution that cannot be separated from the religious values embraced by society. Therefore, religious law is considered the most appropriate source of authority in regulating family relations because it has a strong theological basis and is considered capable of maintaining moral stability in society. In this perspective, the state should act as a facilitator that accommodates religious norms in the national legal system, rather than as an actor that changes or reinterprets these principles based on secular or political considerations.

This view often rests on the argument that religious law has long and comprehensively regulated family life and enjoys strong legitimacy in society. Supporters of this approach also argue that efforts to reform family law based on the principle of gender equality derived from international human rights discourse can be considered a form of intervention in religious traditions that have long existed in

society. In this framework, the protection of women is understood not in terms of structural equality, but in terms of family morality that emphasises a balance of roles between men and women in accordance with religious teachings.

In contrast, the second camp in this debate emphasises the supremacy of the constitution and human rights principles as the main basis for the formation of family law. From this perspective, the state has an obligation to ensure that all citizens receive equal legal protection without discrimination, including gender-based discrimination (Karimullah, Mukhid, et al., 2024). Therefore, state law must be the main reference in regulating family life because only the state has the constitutional legitimacy to guarantee the basic rights of citizens. Supporters of this approach also argue that the interpretation of religious norms is not static and can evolve along with social changes, so that family law should not maintain a structure that is discriminatory against women simply because of tradition or a particular interpretation of religious teachings.

The human rights-based approach emphasises that the protection of women in family law must be grounded in the principle of substantive equality, which is equality measured not only by the existence of non-discriminatory formal norms but also by the real impact of these norms on women's lives. Within this framework, the state has a responsibility to ensure that family law does not reproduce structural injustices that place women in a subordinate position. This may include reforming various legal provisions that limit women's autonomy within the family, as well as strengthening protection mechanisms for women who experience violence or discrimination in their domestic lives.

Between these two positions, a third approach has emerged that seeks to offer a middle ground by reconciling state law, religious law, and the principle of gender equality. This approach is often developed by progressive legal scholars and religious thinkers who seek to reinterpret religious texts using contextual and historical approaches. Within this framework, the values of justice and equality in religious traditions are seen as fundamental principles that can form the basis for family law reforms more responsive to women's protection needs.

This interpretive approach departs from the assumption that religious texts often have meanings open to various interpretations, so that a more egalitarian interpretation of gender relations in the family does not contradict religious principles. Using hermeneutics and the *maqasid* or legal objectives approach in religious tradition, progressive thinkers seek to show that the principles of justice and benefit, which are the main objectives of religious law, can be used as a basis for supporting family law reform that is more inclusive of women. In this context, the state is not positioned as a party that opposes religious law, but rather as an actor that can facilitate dialogue between various religious interpretations to build a more just family law system.

The contestation among these legal systems shows that the protection of women in family law cannot be understood as a purely legal issue, but also as a social, political, and ideological issue involving various actors and interests. The state, religious institutions, social communities and civil society movements all play a role in shaping the direction of family law development. Therefore, efforts to strengthen the protection

of women require an approach capable of understanding the complexity of the relationships among these various normative systems.

From a legal policy perspective, legal pluralism can be seen as both a challenge and an opportunity for family law reform. On the one hand, the existence of various legal systems can slow the reform process because changes to state law must take into account social and religious sensitivities. On the other hand, legal pluralism also opens up space for various normative innovations through dialogue between existing legal traditions. By utilising the potential of such dialogue, family law reform can be carried out more inclusively and contextually, thereby integrating the principles of gender equality with the social and religious values of society.

### **The Paradox of Legal Protection and the Reality of Women's Vulnerability in Family Court Practice**

The paradox between the legal protection normatively promised by the family law system and the reality of women's vulnerability in family court practice is a crucial issue in contemporary legal discourse regarding the effectiveness of protecting women's rights in the domestic sphere. This paradox can be understood through a socio-legal approach that views law not only as a set of norms written in legislation, but also as a social practice influenced by institutional structures, legal culture, and power relations that develop within society. Within this framework, the effectiveness of the law is not solely determined by the quality of the norms formulated by legislators, but also by how these norms are interpreted, implemented, and enforced by the actors involved in the judicial system.

In family courts, institutional structures play a decisive role in shaping women's experiences in the pursuit of justice. The family court not only functions as a mechanism for resolving legal disputes but also as a social institution that interacts with cultural values, religious norms, and social practices within society (Sulaeman et al., 2025). Judges, advocates, law enforcement officials, and various other actors in the judicial system bring their own social and cultural perspectives to the process of interpreting and applying the law. As a result, interpretations of family law norms are often influenced by certain views regarding women's roles in the family, household stability, and family morality that have developed within society. In situations such as these, laws that are formally designed to protect women can lose their effectiveness because their implementation is influenced by social biases that are not always in line with the principle of gender equality.

One form of structural barrier that women often face in family court practice is gender bias in the interpretation of the law by judicial officials. This gender bias can take various forms, ranging from assumptions about the traditional role of women in the family to the view that domestic conflicts should be resolved privately to preserve family unity. In some divorce cases, for example, women who file for divorce often face questions or judgments that implicitly blame them for the breakdown of the marriage, especially if the divorce is related to issues of domestic violence or economic inequality (Insani et al., 2024). This kind of perspective can influence how judges assess evidence,

interpret facts, and ultimately make decisions in family cases. As a result, the judicial process, which should be a means of obtaining justice, can instead become a space that reinforces existing gender inequalities in society.

In addition to gender bias in legal interpretation, women also often face unequal access to the legal resources necessary to fight for their rights in the judicial process (Karimullah & Aliyah, 2023). Access to legal aid is an important factor in determining a person's ability to participate effectively in the judicial process. However, in practice, many women face economic, educational, and informational limitations that make it difficult for them to obtain adequate legal aid services (Karimullah, 2022, 2023a; Suwarni et al., 2024). This inequality is even more apparent in family cases, where men often have a stronger economic position, enabling them to access better legal services than women. In situations like this, economic inequality within the family can continue into the judicial process, ultimately influencing the outcome of the court's decision (Nurizka et al., 2025; Rembulan et al., 2025).

Another obstacle that women often face in family court proceedings is social and cultural pressure to remain in marriages that are harmful or even dangerous. In many societies, divorce is still viewed negatively, especially for women, as it is seen as a failure to fulfil their roles as wives or mothers (Kurniawan et al., 2025). This kind of social stigma can influence women's decisions to bring family matters to court, even when they experience violence or unfair treatment in the household. Such social pressure not only comes from the family or community environment, but can also arise in the judicial process itself when law enforcement officials encourage mediation or reconciliation without adequately considering the vulnerable conditions experienced by women.

The process of proving cases in family matters is also often a challenge for women, especially in cases related to domestic violence or economic inequality in marriage. The legal system of proof is generally designed to assess facts based on objectively verifiable evidence, such as documents, witnesses, or recordings of events. However, in many cases of domestic violence, such evidence is not always available because violence often occurs in private spaces that others cannot witness (Nathane et al., 2026). In addition, victims of violence often experience psychological trauma that affects their ability to provide consistent and convincing testimony in court. In situations like this, an evidence system that is insensitive to the victim's condition can make it difficult for women to prove their experiences of violence, rendering the legal protection that should be provided by the judicial system ineffective.

Controversy over the effectiveness of women's protection in the family court system often gives rise to two different views on the direction of necessary legal reform. The first view argues that the various problems faced by women in family courts have been sufficiently addressed through the establishment of new, more progressive regulations. Supporters of this view emphasise that family law reform has resulted in important advances, such as the recognition of women's economic rights, the strengthening of protection for victims of domestic violence, and improved access for women to fairer divorce mechanisms. From this perspective, the remaining challenges are considered technical implementation issues that can be resolved through capacity building for law

enforcement officials, public awareness campaigns, and strengthening legal aid institutions.

This approach also often emphasises the importance of legal stability in the family system, arguing that overly radical legal changes can create legal uncertainty and disrupt the social balance in society. In this context, family law reform must be carried out gradually and cautiously to avoid conflicting with the social and cultural values that exist in society (Wong, 2024). In contrast, the second view argues that normative reform in the form of new legislation is insufficient to address the issue of women's protection in family court practice. According to this perspective, the main problem lies not in the absence of regulation, but in institutional structures and legal culture that continue to reproduce gender inequality. Therefore, more fundamental changes are needed to ensure that the judicial system is truly responsive to women's experiences and needs. Such reforms include not only changes to legal norms but also changes to the way judicial institutions work, training for legal officials on gender perspectives, and the development of evidence mechanisms that are more sensitive to victims' conditions.

This approach, which emphasises institutional reform, is often supported by a legal feminist perspective that views the law as a social institution that is not gender neutral. Within the framework of legal feminism, the law is understood as a product of power relations that develop within society, so that legal norms and judicial practices can reflect the patriarchal values that dominate social structures (Wiranti et al., 2025). Therefore, efforts to strengthen the protection of women in the family court system must include efforts to change the legal paradigm that has been based on patriarchal assumptions about the role of women in the family. This paradigm shift can be achieved through legal education that is more sensitive to gender issues, the development of more inclusive judicial policies, and the strengthening of women's participation in legal institutions.

In addition to institutional reform, this approach also emphasises the importance of developing judicial mechanisms that are more responsive to the needs of victims, such as the provision of psychological counselling services, protection facilities for victims of domestic violence, and judicial procedures that are more women-friendly. These measures aim to ensure that women not only have the formal right to access the courts, but also have the real ability to use these legal mechanisms without facing disproportionate barriers.

The paradox between legal protection and the reality of women's vulnerability in family court practice ultimately shows that the effectiveness of the law cannot be measured solely by the existence of progressive regulations. True legal protection requires integrating normative reform, institutional change, and a broader transformation of the legal culture within society. Without changes at the level of judicial structure and practice, regulations designed to protect women risk becoming symbols of the state's commitment that have no real impact on women's lives.

## CONCLUSION

The legal policy on women's protection in the Indonesian family law system exhibits an ambivalent and complex character because it is shaped through the interaction between the ideology of women's protection, patriarchal social structures, and the plurality of normative authorities consisting of state law, religious law, and social practices, so that family law functions not only as a regulatory instrument but also as an arena for ideological contestation that reflects the negotiation between the principles of gender equality and social conservatism. This finding reinforces and expands the study of legal politics and legal feminism by showing that the paradox between the normative commitment to women's protection and the reality of vulnerability in judicial practice is not solely due to a lack of regulation, but is more deeply related to the configuration of power, legal culture, and institutional structures that still reproduce unequal gender relations. Thus, the novelty of this study lies in the integration of legal political analysis, legal pluralism, and socio-legal approaches in explaining how family law simultaneously serves as an instrument of protection and reproduction of inequality.

Theoretically, this study contributes to the development of a legal political analysis framework that is more sensitive to gender perspectives. Practically, it emphasises the importance of institutional reform and a paradigm shift in the judicial apparatus so that the protection of women does not stop at the symbolic level. In terms of policy, it implies the need for a more inclusive reconstruction of family law through the harmonisation of the constitution, human rights principles, and progressive reinterpretation of religious norms. However, this study still has limitations, mainly because it focuses on normative and conceptual analysis, so it does not fully describe the variety of empirical practices in various social and institutional contexts. Therefore, further studies are recommended to develop an interdisciplinary empirical approach that examines judicial practices, women's experiences in accessing justice, and the dynamics of religious law interpretation at the local level.

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