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Legal Analysis of Family Maintenance in Labor Dynamics: A Review of Contemporary Family Law

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ABSTRACT

Transformations in the labor market and shifts in the family law paradigm have blurred the concept of spousal support, which remains rooted in the male breadwinner paradigm. This study analyzes the dynamics of spousal support rights and obligations in the context of modern employment and identifies gaps in policy and judicial responses. Using a normative legal method with a legislative, conceptual, and case-law analysis approach covering the 2020–2025 period, the data were examined qualitatively through the harmonization of legal norms and the extraction of the ratio decidendi. The results indicate: (1) the legal framework for spousal support has not yet internalized the principle of shared responsibility or recognized the economic value of domestic labor; (2) the fragmentation of jurisprudence between Religious Courts and Industrial Relations Courts (PHI) in addressing the income volatility of non-standard workers creates legal uncertainty; and (3) labor regulations remain individualistic and disregard household resilience. The concepts of a living wage and household-centered responsibility are operationalized as parameters for adjusting obligations based on real economic capacity, childcare time allocation, and dependency ratios. The novelty of this study lies in the integration of family and labor law through a household resilience framework. Policy reforms are urgently needed to prevent the feminization of poverty and to create a gender-just labor ecosystem.

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1. INTRODUCTION

Changes in family structures and the dynamics of the contemporary labor market have shifted the landscape of private and social law in Indonesia. (Following the enactment of Law No. 16 of 2019 amending Law No. 1 of 1974 on Marriage, the normative relationship between husband and wife has shifted from a hierarchical model toward an equal partnership. (4| However, the construction of the

obligation to provide for the family remains trapped in a gender role dichotomy that positions men as the primary economic providers. On the other hand, the Fourth Industrial Revolution, digitalization, and the expansion of the platform economy have given rise to flexible, non-standard, and fluctuating forms of work. Data from the Central Statistics Agency (2024) shows that 46% of Indonesian households are supported by two breadwinners, 15% are headed by women, and more than a third of workers are in the informal sector with uncertain incomes.(Statistics, 2024) These empirical facts are not merely demographic indicators but legal evidence that the assumption of a male breadwinner in Article 34 of the Marriage Law has lost its factual basis, thereby demanding a reinterpretation aligned with the principle of substantive justice. This dissonance between static family law norms and the fluid reality of the labor market is not merely a technical issue of wages, but a strategic issue concerning household economic resilience, gender justice, and basic social protection. This study is important because the failure to harmonize these two legal spheres has the potential to widen family vulnerabilities, particularly for female workers, gig workers, and households with irregular income patterns.

Previous research has largely examined the dimensions of family and labor law separately. In the realm of family law, recent studies emphasize a paradigm shift from gender-based maintenance obligations toward shared responsibility (*shared maintenance*), and urge economic recognition of *care work*, which has long remained unmonetized.(Nasution & Rizki, 2022) Meanwhile, labor law literature focuses on the impacts of work flexibility, the fragmentation of employment relationships, and the need for wage schemes based on a living wage rather than sectoral minimum wages. (Some researchers have also highlighted the gap between discretionary family allowance regulations and the principle of equality in the ILO Convention.(Hidayat, 2022) However, studies integrating both perspectives remain limited. Most studies still employ a sectoral approach that is insufficient to explain how the characteristics of modern work affect the capacity and obligation to provide for the family. This research gap becomes increasingly evident as contemporary labor regulations, including the Job Creation Law and Government Regulation No. 35 of 2021, have not explicitly accommodated domestic responsibilities as part of the framework for workers' well-being. This article differs from previous studies because it explicitly bridges the fragmentation of family and labor laws through the lens of household resilience, and tests the coherence of legal norms with the reality of contemporary workers' income volatility.

The theoretical framework of this study integrates three pillars: (1) *the care economy* to evaluate domestic work; (2) *maqashid al-shari'ah* (specifically *hifz al-nasl* and *al-'adalah*) as the normative foundation of Islam; and (3) progressive labor law theory, which emphasizes vulnerability-based social protection. Based on the research context and gaps, this study is formulated into three research questions: 1) How can the legal framework for spousal support in Indonesian positive law be reconstructed to be responsive to the dynamics of the modern labor market? 2) How do the responses and fragmentation of jurisprudence from Religious Courts and Industrial Relations Courts manifest in handling spousal support disputes involving non-standard workers? 3) How can the harmonization of family and labor laws based on household resilience be effectively implemented ( )?

Amid these developments, there are several divergent academic hypotheses and debates. First, should the obligation to provide financial support remain the husband's primary responsibility, as mandated by Article 34 of the Marriage Law, or has it transformed into a shared obligation proportional to each spouse's economic capacity? Second, how should the wage and employment benefits system address non-standard workers: by maintaining a formalistic approach requiring a standard employment relationship, or by adopting a more inclusive model based on *the household dependency index*? Third, in judicial practice, there is a tension between the jurisprudence of Religious Courts, which has begun to consider non-monetary contributions and the actual conditions of the household, and Industrial Relations Courts, which tend to separate wage disputes from the context of domestic obligations. This debate reflects a polarization between a textual-formalist approach that prioritizes normative legal certainty, and a functional-progressive approach that emphasizes substantive justice

and responsiveness to social change. Without an analytical framework capable of bridging these two poles, wage policies and alimony determinations risk reinforcing structural inequality.

Given the context and existing research gaps, this study aims to analyze changes in the rights and obligations regarding family maintenance from the perspective of contemporary family law, highlighting their interaction with the dynamics of the modern labor market. Specifically, this study seeks to identify points of convergence and fragmentation between the concept of maintenance in family law, instruments of wage regulation and worker welfare, and judicial responses to the income instability of contemporary workers. The significance of this research is twofold. Academically, this study makes a theoretical contribution through the integration of the *care economy* perspective, adaptive jurisprudence analysis, and a policy harmonization approach that shifts the maintenance paradigm from a gender-based burden toward household responsibilities grounded in economic resilience. Practically, the research findings are designed to serve as a basis for policymakers in formulating inclusive family allowance schemes, guidelines for determining a *living wage*, and judicial guidelines responsive to the characteristics of flexible work.

2. METHODS

This study employs a normative legal method focused on analyzing the construction of legal norms, legal principles, and doctrines governing the relationship between family maintenance obligations and contemporary labor dynamics. This approach integrates three legal approaches: (1) the statutory approach, used to map provisions regarding maintenance in the Marriage Law, the Compilation of Islamic Law (KHI), the Job Creation Law, Government Regulation No. 35 of 2021, and subordinate labor regulations; (2) the *conceptual approach*, applied to reconstruct the meaning of maintenance, caregiving work, and household responsibilities from a progressive family law perspective; and (3) the *case approach*, utilized to analyze judicial responses to income instability.

Judgment analysis was conducted through content analysis using the ratio decidendi extraction technique to identify the parameters of "economic capacity" used by judges. Judgment sources were selected based on the following inclusion criteria: (1) final and binding judgments of Religious Courts and Industrial Relations Courts from 2020 to 2025; (2) involving alimony or family allowance disputes concerning non-standard workers (contract, part-time, gig/platform); and (3) available through the Supreme Court's Judgment Directory. Primary legal materials include legislation and court decisions. Secondary legal materials include textbooks, scientific journal articles, reports from official institutions (BPS, ILO, Ministry of Manpower), and academic studies.

Data collection was conducted through *library research* with systematic searches of official databases. The validity of the findings is ensured through operational triangulation: each normative claim is cross-verified against regulatory texts, the consistency of court rulings, and the latest body of literature using a structured analysis matrix. The methodological novelty of this research lies in its integrative, cross-regime approach (family law–labor law–social security) that not only maps gaps but also simulates policy harmonization through household resilience parameters. This research is non-empirical and therefore does not directly involve human subjects; however, it adheres to academic ethical principles regarding citation, attribution, and methodological transparency.

3. FINDINGS AND DISCUSSION

3.1. Reconstructing the Concept of Alimony: From Gender Obligations to Household Economic Partnership

The normative construction of spousal support in Indonesian family law remains inherently rooted in the male breadwinner logic, which historically positions the husband as the primary responsible party for meeting the household's economic needs. The primary textual basis lies in Article 34 of Law No. 1 of 1974 on Marriage, which states that the husband is obligated to protect his wife and provide for all the necessities of family life, as well as Article 105 of the Compilation of Islamic Law

(KHI), which explicitly requires the husband to provide nafkah to his wife and children. (Although Law No. 16 of 2019 on Amendments to the Marriage Law has shifted the paradigm of marital relations from a hierarchical one toward an equal and complementary partnership, the construction of the maintenance obligation has not undergone substantive revision. Consequently, a fundamental normative tension exists between the spirit of partnership embraced in contemporary family law and the textual legacy that still perpetuates gender-based role division. (Nasution & Rizki, 2022) From a socio-legal perspective, this dichotomy has lost significant empirical relevance. The reality of the modern labor market shows that household economic stability can no longer be sustained by a single source of income but requires proportional contributions from both partners. (Sari & Pratama, 2023)

Nevertheless, the *male breadwinner* approach is still upheld by some groups on the grounds of legal certainty, family role stability, and classical fiqh traditions that emphasize the husband's financial responsibility as a form of protection for the wife. This argument is not entirely flawed in the context of households with stable employment patterns, but becomes counterproductive when faced with the income volatility of platform workers, contract workers, and the informal sector. Transformations in the labor market structure have massively accelerated this shift. The proportion of dual-earner households has reached 46%, with a continuing trend of increasing female labor force participation. (Statistics, 2024) The phenomenon of women as primary breadwinners is becoming increasingly common, particularly in urban areas and female-headed households (15% nationally). (

This dynamic is exacerbated by the expansion of the platform economy and flexible work, which result in irregular income, inadequate social security, and a lack of structural recognition of the burden of caregiving. When family law still relies on the assumption that the husband is the "capable" party and the wife is the "dependent" party, the construction of spousal support becomes unresponsive to the reality where economic capacity is fluid, fluctuating, and often more stable on the part of women. The gap between these normative assumptions and empirical realities is not merely technical but fundamental, as it concerns the principle of substantive justice in the distribution of household economic burdens. (Hapsari & Wicaksono, 2023)

The transformation that has occurred is not only quantitative in terms of income composition but also qualitative in terms of how the economic value of domestic work is perceived.

The discourse *on the care economy* asserts that care work, child-rearing, and household maintenance have real economic value equivalent to productive labor in the market. (Hidayat, 2022) In practice, these contributions have long been overlooked in calculations of financial support capacity, resulting in full-time working women still being burdened with domestic responsibilities without any mechanism for compensation or a reduction in their partner's obligations. When care work is recognized as a form of indirect fulfillment of maintenance obligations (in-kind maintenance), the economic burden of the household should be distributed proportionally based on each party's capacity, time, and actual contributions. (Rahman, 2023) However, Indonesia's labor regulations have not yet internalized this principle. Wage, allowance, and employee welfare instruments are designed in an individualistic manner, separating workers' rights from the context of their domestic responsibilities. Optional and discretionary spousal and child allowance schemes actually reproduce structural biases, as they only benefit married male workers with non-working wives, while female workers, single workers supporting parents, or workers with low-income partners do not receive equal recognition. (Wulandari, 2023)

In Islamic jurisprudence, the principles *of al-'adalah* (justice), *al-ma'ruf* (reasonableness), and *hifz al-nasl* (preservation of lineage) demand an interpretation of maintenance that considers actual capacity, not static gender assumptions. The concept of *household-centered responsibility* is operationalized through three indicators: (1) the proportion of each partner's actual income contribution; (2) the valuation of time and caregiving burdens; and (3) the household dependency ratio (number of dependents, age, health conditions). This model does not eliminate the obligation of spousal support, but rather distributes it proportionally based on actual capacity and contribution.

This conceptual gap between family law and labor law widens a systemic legal gap. Family law, through the spirit of the amended Marriage Law, emphasizes the principles of partnership and shared responsibility. Conversely, labor law remains oriented toward formal employment relationships that tie rights and obligations to employment status, rather than to the worker's social function as a family provider. Consequently, when alimony disputes arise, courts often get trapped within rigid parameters such as the Minimum Wage (UMP/UMK) or static pay stubs, without considering income volatility, childcare burdens, or a spouse's non-monetary contributions. (Yet, from a progressive family law perspective, alimony is not merely a cash transfer but a mechanism for distributing well-being that must be responsive to the dynamics of each party's economic capacity and domestic burdens. Reconstructing the concept of alimony within the context of contemporary labor relations demands a paradigm shift from *gendered obligations* toward *household-centered responsibilities*. In this model, the ability to provide alimony is no longer measured by marital status, gender, or type of employment, but rather by the proportion of actual economic contributions, the allocation of time to caregiving work, and the overall resilience of the household. (Huda, 2024)

This reconstructive approach is not only aligned with the principle of distributive justice, which emphasizes the allocation of resources based on need and capacity, but is also consistent with the spirit of the CEDAW Convention (*Convention on the Elimination of All Forms of Discrimination Against Women*), which Indonesia has ratified through Law No. 7 of 1984. CEDAW explicitly requires states to eliminate gender-based economic discrimination, including within labor market structures, wage systems, and social protection schemes (Perempuan & Women, 2023) CEDAW Committee General Recommendation No. 35 on gender-based violence and economic inequality also emphasizes that states must ensure labor policies do not exacerbate women's vulnerability in bearing the double burden of productive and reproductive work. (In the Indonesian context, harmonization between family and labor laws must begin with the recognition that providing for the family is a collective household responsibility requiring structural state support, not a private burden borne unilaterally. Without this conceptual reorientation, wage policies will remain reductive, jurisprudence will continue to be trapped in inconsistency, and family resilience will become increasingly vulnerable to structural economic shocks. (Nugroho, 2022)

In the academic discourse on Indonesian family law, the debate regarding the reconstruction of nafkah has shifted from the question of "who is obligated" to "how the obligation is distributed fairly." Progressive Islamic legal scholars emphasize that the concept of *nafaqah* in classical fiqh is actually contextual and refers to the principles *of al-'adalah* (justice) and *al-ma'ruf* (reasonableness), rather than a static dogma that places the entire burden of responsibility on the husband. (The application of the principle of *mu'asyarah bil-ma'ruf* (good and fair conduct) in a modern context demands a reinterpretation of the maintenance obligation that considers actual capacity, not gender assumptions. Meanwhile, from the perspective of Western civil law that influenced the Indonesian Civil Code, the spousal maintenance obligation has also evolved into a reciprocal obligation (*wederzijdse onderhoudsplicht*) based on the principles of partnership and each party's economic capacity. (This convergence of thought indicates that the reconstruction of spousal support is not a radical innovation, but rather a normative adjustment aligned with global legal developments and substantive justice values.

The main challenge in realizing this reconstruction lies in the fragmentation of policy instruments. Indonesian labor law still adopts the logic of the standard employment relationship, which assumes that workers have a fixed income, long-term contracts, and comprehensive social security. In reality, over 60% of Indonesia's workforce is in the informal sector or works under non-standard arrangements that do not meet these criteria. (Organization, 2023) When wage and family allowance regulations are designed solely for formal-sector workers, the majority of worker households are instead trapped in uncertainty regarding livelihood security. Furthermore, the living wage scheme recommended by the ILO has not been structurally adopted in the determination of the minimum wage in Indonesia. Wage components remain minimalistic and focused on individual needs, rather than family needs that

include childcare, education, healthcare, and emergency savings. (Consequently, when religious courts determine the amount of alimony based on the UMP standard, such rulings indirectly disregard the fact that the minimum wage is often insufficient to support a household with one or two children, let alone during periods of economic fluctuation.

A conceptual reconstruction of livelihood also requires recognition of intersectionality in the labor market. Working women from lower-income backgrounds, migrant workers, and platform workers face multiple layers of vulnerability: unrecognized domestic burdens, unequal pay, limited access to parental leave, and the absence of social safety nets when income is disrupted. (Under these conditions, imposing traditional constructions of livelihood is not only unfair but also counterproductive to social stability. Instead, a household resilience-based approach offers a more inclusive framework. This model positions livelihood as a support ecosystem comprising cash contributions, care work, access to social security, and mutually reinforcing work flexibility. (Mahfud, 2021) When one pillar faces a shock (e.g., layoffs or illness), the system must be able to adjust obligations without overburdening one party. This requires the integration of policies that have long been separate: family law governs obligations, labor law governs employment rights, and social security law governs basic protections. Synergy among these three is only possible if the state acknowledges that the fulfillment of spousal support is a shared responsibility requiring structural support, not a private burden resolved solely through civil litigation.

Thus, the reconstruction of the concept of spousal support from a gender-based obligation toward a household economic partnership is not merely an academic discourse, but an urgent legal and policy imperative. This change requires the courage of legislators to revise gender-biased norms, the courage of judges to interpret the law contextually and progressively, and the courage of labor policymakers to integrate domestic variables into the design of worker wages and welfare. Only through a holistic approach that places family resilience at the center of policy can the law once again fulfill its function as an instrument of justice, rather than merely a reflection of outdated norms that have been left behind by social reality. This transformation will serve as the foundation for creating a labor ecosystem that is not only productive but also humane, equitable, and sustainable for all segments of Indonesian society.

3.2. Fragmentation of Jurisprudence and Judicial Responses to Workers' Income Volatility

Conceptual and judicial fragmentation are manifestations of systemic policy gaps. Contemporary labor regulations, particularly the Job Creation Law and Government Regulation No. 35/2021, still prioritize the market flexibility paradigm, the proliferation of fixed-term employment contracts (PKWT), and the normalization of part-time work, have fundamentally obscured the "earning capacity" parameter—which has long served as the absolute benchmark for determining family maintenance amounts in judicial proceedings. In traditional legal frameworks, economic capacity is assumed to be stable, measurable, and projectable based on fixed pay stubs or long-term contracts. However, the reality of the digital labor market gives rise to fluctuating, project-based income patterns that are highly dependent on market demand algorithms and user ratings. (This situation creates an acute judicial dilemma: how can courts determine maintenance obligations that are *result-oriented* (focused on meeting needs) when a worker's economic capacity is contingent (conditional and uncertain)? The judicial response to this phenomenon is not uniform but demonstrates significant methodological fragmentation between the Religious Courts (PA), which hold exclusive jurisdiction over alimony disputes, and the Industrial Relations Courts (PHI), which have the authority to resolve disputes regarding workers' normative rights. (Yuliani, 2024)

In a number of rulings, the PA tends to adopt a responsive substantive approach. For example, in the South Jakarta Religious Court Decision No. 842/Pdt.G/2023/PA.JS, the panel of judges no longer rigidly relied on the UMP/UMK, but instead considered the defendant's fluctuating income history as a platform worker, the burden of child-rearing, and the household's actual needs in determining the amount of alimony. This interpretation aligns with the principles *of maqashid al-syari'ah,* which prioritize substantive justice (*al-'adalah*) and the preservation of lineage (*hifz al-nasl*). (Huda, 2024) However, judicial adaptation within the Religious Courts remains case-specific and heavily dependent on the

individual judges' expertise. Without technical guidelines from the Supreme Court, rulings are prone to horizontal and vertical inconsistencies. (Conversely, some panels of judges have begun to consider *actual household expenditure*, the history of fluctuating income among gig workers, a spouse's non-monetary contributions in the form of domestic work, as well as the psychological and educational conditions of the children as determining variables for the amount of alimony. (A. K. Pratama & Sari, 2022)

Furthermore, the burden of proof placed on alimony claims is often disproportionate. Platform workers are required to prove "inability" or "reduced capacity" through financial reports they do not actually possess, while on the other hand, the spouse filing the claim struggles to access algorithmic data or digital transaction histories that constitute the actual source of income. (Consequently, although the spirit of substantive justice is beginning to emerge, judicial practice in the Family Court remains trapped in procedural uncertainty that has the potential to harm both parties.

On the other hand, the Industrial Relations Court (PHI) tends to maintain a formalistic approach that strictly separates wage and occupational welfare disputes from the context of workers' domestic obligations. In several rulings, such as the Central Jakarta District Court Decision No. 24/Pdt.Sus-PHI/2024/PN Jkt.Pst, claims for family allowances and wage adjustments for project-based contract workers were rejected on the grounds that the relationship between the parties did not meet the elements of a standard employment relationship as referred to in Article 1, point 15 of the Labor Law. (The legal logic applied by the Industrial Relations Court (PHI) is heavily oriented toward contractual certainty and the dogmatic framework of the standard employment relationship, which assumes an employment relationship as a closed bilateral relationship between the employer and the worker. This approach ignores the sociological reality that income uncertainty actually increases the burden of family livelihood, and should therefore trigger social compensation mechanisms, flexible working hours, or state- and platform-supported *income smoothing* schemes, rather than the unilateral denial of rights. (This fragmentation of judicial jurisdiction creates a paradox that undermines household resilience: on one hand, the Family Court (PA) demands the fulfillment of stable spousal support based on family needs; on the other hand, the Industrial Relations Court (PHI) asserts that non-standard employment status does not give rise to rights to allowances or wage adjustments that could support such obligations. Consequently, workers are trapped in a legal vacuum where domestic obligations remain legally recognized under family law, yet the enforcement mechanisms within labor law are effectively nullified by the structure of modern employment relationships. (Nugroho, 2022)

Theoretically, this phenomenon of jurisprudential fragmentation reflects the classic tension between *"law in books"* and *"living law*." Written law, whether in the Marriage Law or the Labor Law, was formulated in the context of the traditional industrial era, which assumed job stability, clarity of employment status, and a strict separation between the public (work) and domestic (family) spheres. However, *the living law* that has evolved in society actually demonstrates a convergence of these two spheres: direct work income determines the capacity to provide for one's family, while the burden of childcare indirectly affects productivity and the availability of work time. Family Court judges strive to bridge this gap through teleological and sociological interpretations, which in legal scholarship are known as a responsive approach to legal *interpretation*. Conversely, Labor Court (PHI) judges tend to adhere to legal positivism, which emphasizes the certainty of norms, the hierarchy of regulations, and strict jurisdictional boundaries. (This debate is not merely a difference in interpretive techniques, but a clash of paradigms regarding the function of the court: is the court merely a mechanism for applying norms (*a mouthpiece of the law*), or an institution that actively shapes substantive justice by adapting norms to changing realities? In the context of family maintenance and income volatility, the PHI's formalistic approach may excel in terms of short-term legal certainty ( ), but it sacrifices substantive justice and protection for vulnerable households. Conversely, the PA's substantive approach is more humane and contextual, yet it is prone to subjectivity and inconsistency if not framed within standardized judicial guidelines.

This fragmentation is exacerbated by the absence of judicial harmonization instruments at the national level. The Supreme Court has not yet issued specific regulations or guidelines governing how courts should assess the "ability" of workers with irregular income, how to convert domestic contributions into economic value in determining alimony, or how to address claims for adjustment of obligations during economic shocks (layoffs, illness, childcare periods). Consequently, judicial practice operates in a fragmented manner, resulting in rulings that are difficult to predict by the public, lawyers, and other judges. (Nasution & Rizki, 2022) This uncertainty not only harms those seeking justice but also weakens the court's role as a guardian of the balance of rights and obligations within the household. In Lawrence Friedman's legal system theory, a misalignment between legal structure, the substance of norms, and legal culture creates an "implementation gap," leading to public distrust in the judicial institution. (When families of platform or contract workers cannot predict whether a maintenance claim will be granted, denied, or suspended based on income fluctuations, the preventive and educational functions of family law become paralyzed.

To address this challenge, systematic and coordinated judicial intervention is required. First, the Supreme Court needs to issue a SEMA or PERMA that explicitly regulates the methodology for assessing alimony capacity for non-standard workers, including guidelines on the use of *rolling average income*, consideration of childcare burdens, and mechanisms for suspending or rescheduling alimony payments in the event of economic force majeure. Second, cross-jurisdictional judicial dialogue is needed between Family Court (PA) and Labor Court (PHI) judges through integrated training forums, the exchange of rulings, or even the establishment of a specialized chamber to handle the intersection of alimony disputes and labor rights. Third, courts must be more proactive in utilizing digital evidence and platform transaction data as an objective basis for assessing economic capacity, rather than relying on employment certificates that are often irrelevant for gig workers. (This judicial reform does not mean disregarding legal certainty, but rather transforming it from rigid *certainty* to *adaptive certainty*, where legal standards remain clear but their application is responsive to contemporary socio-economic contexts. (

Overall, the fragmentation of jurisprudence between the Family Court (PA) and the Industrial Relations Court (PHI) regarding the volatility of workers' income is not merely a technical judicial issue, but a reflection of the structural lag of the legal system in responding to labor market transformations. A case-by-case and non-standardized response will continue to widen the gap between legal norms and the lived reality of workers' families. Without coherent judicial guidelines, harmonization of judicial jurisdiction, and recognition of the economic characteristics of the platform economy, the cycle of legal uncertainty will persist, ultimately eroding household resilience and deepening gender-based economic inequality. Therefore, reconstructing the judicial approach is not merely an academic necessity but a normative prerequisite for the realization of substantive justice in fulfilling family maintenance obligations in an era of fluid and uncertain work.

3.3. Policy Gaps and the Direction of Harmonization Based on Family Resilience

The conceptual and judicial fragmentation described earlier is, in essence, a manifestation of systemic and structural policy gaps. Regulations in Indonesia's contemporary labor sector, particularly the Job Creation Law along with its implementing regulations such as Government Regulation No. 35/2021, still predominantly adopt the paradigm of market flexibility and production efficiency as the primary policy priorities. (Within this framework, aspects of family welfare and domestic responsibilities are treated as residual variables left to market mechanisms or individual workers' initiatives. The employment social security system managed by BPJS Ketenagakerjaan, which includes Old Age Insurance (JHT), Work Accident Insurance (JKK), Death Insurance (JKM), and Pension Insurance (JP), is fundamentally designed to protect workers as individual economic agents, not as the breadwinners of household units bearing multiple dependency burdens. (Consequently, when workers face structural economic shocks such as layoffs (PHK), prolonged illness, or intensive child-rearing periods, there is no explicit transitional mechanism linking labor protection to the continuity of

family support obligations. This gap not only weakens household economic resilience but also perpetuates a cycle of vulnerability that disproportionately impacts working women, children, and dependent elderly. (Chen & Park, 2023)

Addressing this gap requires a fundamental shift in the policy paradigm, from an individualistic, *worker-centric* approach toward a holistic, household-resilience-focused approach. From a contemporary social policy perspective, household resilience is not merely measured by the income stability of a single family member, but by the household unit's capacity to absorb economic shocks, distribute caregiving burdens equitably, and access integrated social safety nets. (This approach aligns with *the capability approach*, which emphasizes that public policies must be evaluated based on their ability to expand individuals' substantive freedoms to achieve valuable life functions, including maintaining a family in a dignified manner. (Based on this framework, policy harmonization between family and labor laws can no longer rely on partial adjustments but requires binding structural reforms. There are at least four urgent policy reform directions that need to be implemented to close *the policy gap* that has existed so far.

First, restructure the family allowance scheme—which is currently *discretionary* and gender-biased—into a measurable and inclusive system based on a *dependency index*. This index must be designed to objectively calculate the economic dependency burden, taking into account the number of children, elderly dependents, and persons with disabilities in the household, as well as the employment status of the spouse. This scheme must apply equally to male and female workers without requiring a rigid marital status or assuming that the wife does not work. In international labor practices, dependency-based allowance models have been adopted in several Nordic countries and Japan with significant results in reducing child poverty and increasing female labor force participation. (In Indonesia, its implementation can be integrated with the population administration and taxation systems, so that employers serve only as distribution channels, while the state is responsible for data verification and fiscal subsidies for MSMEs burdened by additional costs. This approach is not only substantively fair but also reduces labor market distortions that have long discriminated against single workers who are the family's primary breadwinners or working women caring for elderly parents. (D. A. Pratama & Wijaya, 2023)

Second, integrating the *living wage* component into the minimum wage-setting mechanism, which has so far been oriented solely toward the individual needs of workers. Regional minimum wage standards (UMP/UMK) in Indonesia still do not reflect the real costs of maintaining a decent household , particularly regarding child-rearing expenses, basic education, preventive health services, and emergency savings. ILO Recommendation No. 202 on the Social Protection Floor explicitly states that wages must be sufficient to meet the basic needs of workers and their families, not merely to ensure minimal survival. Comparative studies in Southeast Asia show that countries adopting wage calculations based on *a household expenditure basket* have experienced a significant reduction in the number of *working poor* and an increase in household economic stability. (In Indonesia, this integration can be achieved through the reformulation of the KHL (Decent Living Needs) components, which have long been criticized for their non-transparent methodology and failure to account for the burden of caregiving. Involving labor unions, academics, and independent survey institutions in the formulation of living wage components will enhance policy legitimacy while reducing tripartite tensions that often hinder wage agreements. (Hakim & Utami, 2024)

Third, institutional recognition of care work through schemes *for equal parental leave* and work flexibility that can be converted into economic rights. To date, maternity leave has been granted only to female workers for a limited duration, while paternity leave is largely symbolic and not mandatory. ILO Convention No. 183 on Maternity Protection and the ILO Guidelines on Decent Work for Care Workers emphasize that states must ensure an equal sharing of caregiving responsibilities between men and women through non-transferable leave policies with guaranteed income replacement. Empirical research in various developed countries demonstrates that equal parental leave not only enhances family psychological well-being but also reduces the "motherhood penalty" in the labor market and

promotes women's participation in leadership roles. (In Indonesia, this scheme can be implemented through a combination of BPJS Ketenagakerjaan contributions, government subsidies, and a requirement for digital platforms to provide flexible work options that do not diminish basic rights. Furthermore, domestic contributions can be recognized through a care credits mechanism factored into long-term social security schemes, so that periods of caregiving are no longer considered a career gap that undermines pension rights or career advancement. (Kusuma & Handayani, 2024)

Fourth, the issuance of official Supreme Court guidelines regulating the parameters for adjusting alimony obligations for non-standard workers, including mechanisms for suspension, rescheduling of payments, or conversion of obligations into non-cash forms during periods of income instability. These guidelines must include a dynamic formula linking the amount of alimony to *rolling average income*, household dependency burdens, and regional macroeconomic conditions. Additionally, the guidelines should establish a mandatory pre-litigation mediation mechanism involving family consultants, social workers, and labor union representatives to reach realistic and sustainable agreements. Judicial experience in Australia and Canada shows that income-based spousal support adjustment guidelines have successfully reduced support arrears by up to 40% and increased voluntary *compliance* without compromising child protection. (In Indonesia, such guidelines would not only align Religious Court rulings with labor market realities but also strengthen the court's preventive role as a facilitator of family resilience, rather than merely an arbiter of financial disputes.

Implementing these four reform directions is inevitably fraught with structural and political challenges. A major criticism that frequently arises concerns the state's fiscal burden, the financial capacity of SMEs, and employer resistance stemming from concerns over a decline in industrial competitiveness . However, contemporary public policy literature indicates that investment in household resilience actually yields long-term positive externalities, such as reduced healthcare costs, increased labor productivity, and a decrease in the burden of emergency social assistance. (Funding models can be designed in phases, starting with high-capacity formal sectors, expanded through tax incentives for companies adopting family-friendly policies, and supported by public-private partnerships in the provision of standardized childcare services. (Additionally, the cultural transformation that still separates the domestic and public spheres must be addressed through educational campaigns, the integration of gender equality into the curriculum, and exemplary leadership at both the corporate and government levels.

Implementing these reforms faces feasibility challenges, particularly regarding the state's fiscal capacity, the absorption capacity of SMEs, and employer resistance to additional costs. However, investment in household resilience yields long-term positive externalities in the form of reduced healthcare costs, increased productivity, and a decrease in the burden of emergency social assistance. Funding models can be designed in phases, starting with high-capacity formal sectors, expanded through tax incentives, and supported by public-private partnerships. (Organization, 2022) Cultural transformations that separate the domestic and public spheres must also be addressed through education and exemplary leadership. (Kusuma & Handayani, 2024)

Overall, the harmonization of policies between family and labor law is not merely a technical administrative adjustment, but a structural transformation that places household resilience at the foundation of national socio-economic policy. By integrating the principles of family partnership, distributive justice, and responsiveness to the characteristics of modern work, these two legal domains can move from a relationship of mutual neglect toward a synergy that protects human dignity amid labor market volatility. The significance of this reform lies in its ability to prevent the feminization of poverty, reduce the double burden on working women, ensure the sustainable fulfillment of children's rights, and create a labor ecosystem that is not only economically productive but also humane, inclusive, and socially sustainable. From the perspective of long-term national development, family-friendly policies are not an additional cost, but rather a strategic investment in national resilience in an era of global uncertainty.

4. CONCLUSION

Based on the analysis of the discussion, this study concludes three key findings. *First*, the legal framework for spousal support in Indonesian positive law has not fully internalized the principle of shared responsibility and the economic value of domestic labor. Gender bias and the assumption of male economic capacity remain dominant, even though the reality of the labor market is characterized by a high proportion of dual-income households and the volatility of income among flexible workers. *Second*, judicial responses reveal significant methodological fragmentation. Religious Courts tend to adopt a responsive substantive approach, while Industrial Relations Courts remain fixated on the formalism of standard employment relationships. This disparity creates legal uncertainty and weakens protective functions for vulnerable households. *Third*, regulatory gaps underscore the urgency of a paradigm shift from a worker-centric approach toward household resilience. Policy harmonization requires restructuring dependency-index-based allowances, *integrating a living wage* into wage standards, recognizing equal parental leave, and issuing Supreme Court guidelines regulating maintenance adjustment mechanisms for non-standard workers.

The practical implications of this research are specific: (1) For judges, it is recommended to adopt dynamic alimony assessment parameters, consider digital transaction evidence, and implement payment rescheduling mechanisms during income shocks; (2) For policymakers, it is recommended to revise the KHL components to include childcare costs, integrate a dependency index into family allowances, and allocate a transitional budget for an equal parental leave scheme. This study has limitations in its scope of normative-doctrinal analysis and its focus on first-instance and appellate court decisions, so the findings do not yet reflect direct empirical impacts on household well-being at the grassroots level. Further research is recommended using an empirical-juridical or socio-legal approach through longitudinal surveys, in-depth interviews with judges and workers, and comparative studies with ASEAN jurisdictions that have adopted family-friendly policies to enrich recommendations for legal harmonization in Indonesia.

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