

Normative construction of shared parenting responsibilities in Indonesian positive and Islamic law: A gender equality perspective

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Abstract:

The unequal distribution of childcare responsibilities between dual-earner parents has become a contemporary issue in family law because existing normative frameworks do not yet fully reflect balanced parental roles and gender equality. This study aims to analyze the legal framework of childcare obligations and to formulate a balanced and gender-responsive parenting model for dual-earner couples, grounded in positive law, Islamic law, gender equality, and the best interests of the child. This normative legal study employs library research and integrates statutory, conceptual, Islamic legal, and gender equality approaches. Primary and secondary legal materials were collected through document analysis, coded and examined using Schreier's qualitative content analysis, and validated through source and perspective triangulation. The findings demonstrate that gender constructions continue to produce an unequal division between domestic and public roles, placing a double burden on employed women. Although positive law and Islamic law recognize the responsibilities of both parents for children's care, education, protection, and welfare, neither provides specific provisions governing the distribution of childcare responsibilities between dual-earner parents. The study concludes that *gendered parenting* should be reformulated as *shared and proportionate parenting*, in which childcare responsibilities are allocated according to each parent's capacity, time availability, family circumstances, and the best interests of the child rather than gender. Theoretically, this study operationalizes gender equality through a model of shared and proportionate parenting. Practically, its findings provide a foundation for reformulating legal norms and family policies to clarify parental responsibilities in a flexible, equitable, and gender-responsive manner.

Keywords:

Shared Parenting;
Gender Equality;
Positive Law; Islamic Law.



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INTRODUCTION

Gender-role inequality within dual-earner families remains a significant issue in the distribution of childcare responsibilities. Working mothers often continue to bear the primary burden of domestic work and childcare, while their husbands' involvement is not always proportionate (Hasanah & Musyafak, 2018; Kiram, 2020). This situation reveals a gap between the principle of shared parental responsibility stipulated in Article 45(1) and (2) of the Indonesian Marriage Law and social practices that remain shaped by gender stereotypes. The issue concerns not only equality within the family but also child development, which requires parental involvement, relationships, and attention to support children's exploration, imitation, and social interaction (Frosch et al., 2019; Lanjekar et al., 2022). Gender constructions embedded in education and parenting may also perpetuate unequal role expectations (Breneselović & Krnjaja, 2017). Therefore, the legal framework governing childcare must be strengthened through a fair and proportionate allocation of responsibilities based on each parent's circumstances, capacities, time availability, and the best interests of the child.

Previous studies examining gender inequality within families, particularly dual-earner families, can be classified into three major strands. First, women participating in the public sphere continue to experience a double burden, resulting in an unequal division of family roles (Chen et al., 2018; Febrianto et al., 2022; Kang & Jang, 2020). Second, although gender equality is generally viewed positively, its implementation within families is frequently constrained by perceptions of natural gender roles, social norms, and religious values (Alfaizi, 2022; Febri, 2022; Mark et al., 2009). Third, women remain vulnerable to discrimination because they perform both productive and reproductive roles, while domestic responsibilities continue to be disproportionately assigned to them (Colfer et al., 2015; Londoño et al., 2021; Verniers & Vala, 2018). However, these studies have not adequately integrated gender inequality with the legal construction of childcare obligations under positive law and Islamic law. This study addresses this gap by proposing *shared and proportionate parenting* as a foundation for reformulating childcare responsibilities in a manner that is equitable, proportionate, gender-responsive, and oriented towards the best interests of the child.

This study aims to analyze and formulate a balanced and gender-responsive legal framework for childcare obligations for dual-earner couples, grounded in gender equality, the best interests of the child, positive law, and Islamic law. It addresses three research questions: (1) How do gender constructions influence childcare practices among dual-earner couples? (2) How do positive law and Islamic law regulate the responsibilities of both parents, and to what extent do these legal frameworks reflect gender equality and the best interests of the child? (3) How can the law be reformulated to establish shared parenting that is equitable, proportionate, and gender-responsive? Theoretically, this study integrates gender equality, *shared parenting*, and the best interests of the child into family law analysis. Practically, it provides a conceptual foundation for legislators, legal practitioners, judicial institutions, families, and society to recognize childcare as a shared parental responsibility. In this context, equality is understood as the proportionate allocation of responsibilities according to family circumstances, parental capacities, time availability, and children's needs.

Through *qualitative content analysis*, this study examines the gap between the normative recognition of parental obligations and the inadequate regulation of the distribution of childcare responsibilities when both spouses are employed. Drawing on the social construction of gender and the principle of marital partnership, the analysis

demonstrates that childcare should not be constructed primarily as a woman's responsibility but as a shared obligation allocated fairly and proportionately in accordance with family circumstances and the best interests of the child. Schreier's approach to *qualitative content analysis* is employed to identify discrepancies between the principle of equality and concrete legal provisions through a systematic coding framework. The study's principal contribution is the concept of *shared and proportionate parenting* as a basis for reformulating Article 45 of the Indonesian Marriage Law to make it more responsive to the realities of dual-earner couples, gender equality, and the best interests of the child. The proposed reformulation promotes parental partnership, the proportionate distribution of responsibilities, and the effective protection of children's best interests.

METODE

Research Approach

This study employs library research within a normative legal research framework to examine the normative construction of balanced childcare obligations among dual-earner couples from a gender equality perspective (Taekema, 2018). It adopts juridical and gender equality approaches. The juridical approach is used to analyze legal provisions governing the legal status of husbands and wives, parental obligations, childcare, and the protection of children's rights. The gender equality approach is employed to identify the construction of male and female roles, inequalities in the distribution of domestic responsibilities, women's *double burden*, and the need for a more balanced allocation of childcare responsibilities (Cerrato & Cifre, 2018). The analysis is further informed by legal construction theory and balance theory, which provide the theoretical foundations for formulating a proportionate and gender-responsive construction of childcare obligations.

Sources of Legal Materials

The study draws on primary and secondary legal materials. The primary legal materials include Article 27(1) of the 1945 Constitution of the Republic of Indonesia; Law No. 1 of 1974 on Marriage, as amended by Law No. 16 of 2019; Law No. 35 of 2014 on Child Protection; and other legal provisions relevant to parental obligations and marital relations. Islamic legal materials are also examined, particularly the Compilation of Islamic Law, which regulates spousal obligations and child maintenance. The secondary legal materials comprise books, journal articles, research reports, and other academic publications addressing gender construction, the division of family roles, women's *double burden*, *shared parenting*, the best interests of the child, and gender equality.

Data Collection

The materials were collected through a systematic document review. This process involved identifying, retrieving, selecting, and classifying documents relevant to the study's focus. The documents examined included legislation, the Compilation of Islamic Law, books, journal articles, and research reports concerning gender relations, marriage, parental obligations, childcare, and the distribution of family roles. The selected documents were subsequently organized by relevance to the analytical categories to facilitate systematic coding and normative interpretation.

Data Analysis

The materials were analyzed using a descriptive qualitative method and Schreier's (2012) *qualitative content analysis*. The analysis began with the development of a coding frame comprising the principal categories, coding indicators, analytical findings, and normative implications. It proceeded through several stages: data reduction, coding,

categorization, interpretation, data presentation, and verification. The coding process was designed to identify patterns relating to gender construction, the division of family roles, women's *double burden*, parental obligations, *shared parenting*, the best interests of the child, legal equality, and regulatory gaps. The coded findings were then interpreted by relating the relevant literature and legal norms to legal construction theory, balance theory, gender equality principles, and the best interests of the child. In the final stage, the findings were synthesized to formulate a normative legal framework for the balanced distribution of childcare obligations between dual-earner parents.

Analytical Trustworthiness

The trustworthiness of the analysis was ensured through source and perspective triangulation (Guion et al., 2011). Source triangulation involved comparing and corroborating information obtained from various legal and academic materials, including legislation, the Compilation of Islamic Law, books, journal articles, and research reports. Perspective triangulation was conducted by examining childcare responsibilities through the lenses of positive law, Islamic law, gender equality, legal construction theory, and the best interests of the child. Coding consistency was also assessed by comparing the categories and indicators identified across different sources. These procedures ensured that the findings did not rely on a single source or analytical perspective and that the resulting interpretations were supported by adequate normative and scholarly foundations.

RESULTS AND DISCUSSION

Results

Gender construction and the division of parenting roles

Content analysis was conducted to identify patterns of meaning related to gender construction, the division of roles within the family, and childcare responsibilities. Following Schreier's (2012) approach to *qualitative content analysis*, the data were analyzed using a coding frame comprising principal categories, coding indicators, key findings, and implications for gender equality. The analysis focused on identifying patterns that demonstrate how male and female roles are constructed within the family, how such role divisions may reproduce inequality, and the extent to which flexibility and partnership characterize the performance of family responsibilities. The coding process generated five consistently recurring analytical categories: *gender construction*, *gender role division*, *family role flexibility*, *double burden*, and *partnership*. These five categories provided the analytical foundation for examining the distribution of childcare responsibilities from a gender equality perspective.

Table 1

Coding Framework and Analytical Findings on Gender, Family Roles, and Childcare Responsibilities

No.	Main Category	Coding Indicators	Main Finding	Gender Equality Implication	References
1	Gender Construction	Social-cultural construction; socially assigned gender roles; distinction between sex and gender	Gender roles are socially and culturally constructed rather than determined exclusively by biological differences.	Gender roles are therefore potentially changeable and should not be treated as inherently fixed according to sex.	Rahayu (2012)
2	Gender Role Division	Domestic–public division;	Men are predominantly	Traditional gendered	Jasruddin & Quraisy (2015);

		breadwinning; domestic work; caregiving	associated with breadwinning and public roles, whereas women are more strongly associated with domestic work and caregiving.	divisions may reproduce unequal distributions of family responsibilities.	Rakhman (2019)
3	Family Role Flexibility	Role exchange; female breadwinning; family leadership; redistribution of family functions	Family roles can be exchanged according to family circumstances, including women assuming breadwinning and family leadership functions.	Family responsibilities should not be assigned exclusively on the basis of sex but according to shared needs and capabilities.	Rahayu (2012); Jasruddin & Quraissy (2015)
4	Double Burden	Paid work; domestic work; childcare; unequal workload	Women who participate in paid employment frequently continue to carry substantial domestic and childcare responsibilities.	Gender equality requires the redistribution of domestic work and childcare responsibilities between partners.	Afandi (2019); Rakhman (2019)
5	Partnership	Shared responsibility; cooperation; joint decision-making; balanced childcare	Gender equality is associated with cooperation and the sharing of family responsibilities between partners.	Childcare should be understood as a shared responsibility between both working partners rather than a predominantly maternal obligation.	Jasruddin & Quraissy (2015); Rakhman (2019)

Source: Author's analysis (2023).

Table 1 identifies five analytical categories that consistently emerged from the content analysis: gender construction, gender role division, family role flexibility, women's double burden, and partnership. First, gender is understood as a social and cultural construction; therefore, the roles of men and women within the family are neither fixed nor immutable but may change in response to social circumstances and family needs (Rahayu, 2012). Second, this construction is reflected in the division between domestic and public roles, with men more frequently associated with breadwinning and women with domestic work and childcare (Jasruddin & Quraissy, 2015; Rakhman, 2019). Third, family practices demonstrate a degree of flexibility and role interchangeability, including situations in which women assume the roles of breadwinner and head of the household (Rahayu, 2012; Jasruddin & Quraissy, 2015). However, such flexibility has not yet led to substantive equality, as women participating in the public sphere continue to experience a *double burden* of domestic work and childcare responsibilities (Afandi, 2019; Rakhman, 2019).

Taken together, the five categories indicate a gradual shift from the traditional gender-based division of roles towards a more flexible and partnership-oriented arrangement. Nevertheless, inequality persists when domestic and childcare responsibilities remain disproportionately assigned to women. This finding demonstrates that gender equality cannot be achieved merely through women's participation in the public sphere; it also

requires the redistribution of domestic and childcare responsibilities between partners. In this context, childcare should be understood as the shared responsibility of both parents, particularly in dual-earner families, rather than as a normatively assigned obligation primarily to women. These findings provide a foundation for examining the extent to which the legal construction of childcare obligations under the existing legal framework reflects the principles of gender equality, shared parental responsibility, and partnership within the family.

Parenting patterns under positive law and Islamic law

Content analysis was conducted to identify the construction of childcare obligations under positive law and Islamic law and to assess their relevance to the principle of gender equality. Following Schreier's (2012) model of *qualitative content analysis*, the data were classified using a coding frame comprising principal categories, coding indicators, normative findings, and implications for gender equality. The analysis covered legal provisions concerning parental obligations, children's rights and welfare, parenting practices, moral and religious responsibilities, and marital partnership within the family. The findings revealed five normative categories that provide the basis for examining the legal construction of childcare responsibilities and their relevance to the distribution of such responsibilities between dual-earner parents.

Table 2

Coding Framework and Findings on Childcare Obligations in Law and Islam

No.	Main Category	Coding Indicators	Content Analysis Finding	Gender Equality Implication	References
1	Parental Obligations	Care; protection; education; livelihood	Parents are responsible for the care, protection, education, and basic needs of children.	Parenting responsibility is recognized as a parental obligation and should not be understood as exclusively attached to mothers.	Law No. 1/1974; Law No. 35/2014
2	Children's Rights and Welfare	Health; nutrition; identity; education; protection	Children have rights to care, health, livelihood, education, and protection.	Fulfillment of children's rights requires active responsibility from both parents.	Hariani et al. (2021); Syafiuddin (2022); Law No. 35/2014
3	Parenting Practices	<i>Hadhanah</i> ; parenting approaches; responsive care	Parenting encompasses physical, emotional, educational, and developmental dimensions of child care and may be expressed through different parenting approaches.	Both parents should participate in supportive, responsive childcare that meets the child's needs and supports their development.	Kemneterian Agama RI (2019); Pradipta et al. (2021); Wijayanto (2020)
4	Moral and Religious Formation	Character; religious education; parental example	Parents have responsibilities in developing children's character, morality, and religious values.	Moral and religious formation should be supported through the involvement of both parents.	Robi'ah & Hidayat (2023); Al-Mahally et al.
5	Shared Parenting	Marital partnership;	Positive law and Islamic legal	Provides a normative basis for developing	KHI, Art. 77; Law No. 1/1974; Law

Responsibility	shared childcare; balanced obligations	principles recognize parental responsibility, while the specific allocation of childcare responsibilities between working spouses remains insufficiently regulated.	balanced and gender-responsive childcare obligations.	No. 35/2014
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Source: Author's analysis (2023).

Table 2 presents five normative categories illustrating the construction of childcare obligations under positive and Islamic law. In general, both legal frameworks recognize parental responsibilities encompassing care, protection, education, the fulfillment of basic needs, and children's physical, intellectual, moral, and religious development. Positive law emphasizes parental responsibility for safeguarding children's rights and welfare, while Islamic law conceptualizes childcare through *hadith*, financial maintenance, care, and education. The Compilation of Islamic Law also affirms the responsibilities of both husbands and wives for the care and development of their children. These findings demonstrate a normative convergence between the two legal frameworks in positioning children's welfare and parental responsibility as the foundations of family obligations.

Analytically, both legal frameworks establish who bears responsibility, namely the parents, but do not adequately clarify how childcare responsibilities should be distributed between spouses, particularly when both are employed. The normative problem, therefore, lies not in the absence of parental obligations but in the limited regulation of their equitable distribution. This regulatory limitation may perpetuate traditional gender roles in which domestic work and childcare are disproportionately assigned to women. These findings provide a foundation for constructing shared and gender-responsive childcare obligations. Childcare should be understood as the joint responsibility of both parents and allocated according to their respective circumstances, capacities, time availability, and the best interests of the child, rather than as an obligation primarily attached to mothers. Accordingly, dual-earner couples require a clearer legal framework to ensure a balanced distribution of childcare responsibilities that reflects the principles of gender equality, shared parental responsibility, and marital partnership.

Normative construction of balanced parenting roles among dual-earner couples

Using Schreier's (2012) qualitative content analysis, the study identified normative patterns concerning changing gender roles, family inequality, women's double burden, and the equitable distribution of childcare responsibilities. The coding frame covered women's growing participation in paid work, unequal domestic roles, their disproportionate childcare burden, equality and legal protection, and marital partnership. The analysis generated five recurring categories that underpin a normative framework for balancing parenting roles and responsibilities between partners in dual-earner families in a gender-responsive, equitable, and child-centred manner.

Table 3

Normative Analysis of Balanced Childcare Responsibilities among Working Couples

No.	Main Category	Coding Indicators	Analytical Finding	Normative Implication	References
1	Gender Role	Women's	Women's increasing	Family norms should	BPS (2021)

	Transformation	employment; family transformation	participation in employment challenges traditional patterns of family roles.	accommodate the sharing of economic and domestic responsibilities between partners.	
2	Domestic Role Inequality	<i>Double burden</i> ; domestic work; childcare	Working women continue to bear disproportionate domestic and childcare responsibilities.	Domestic and childcare responsibilities should be redistributed between working partners.	Ismail et al. (2020)
3	Gendered Parenting	Maternal dominance; limited paternal involvement	Childcare remains predominantly associated with women, while paternal involvement is comparatively limited.	Childcare should be constructed as a shared parental responsibility.	Ismail et al. (2020)
4	Legal Equality and Protection	Rights; justice; legal protection	Gender equality requires normative recognition and protection of equal rights and responsibilities.	Legal norms should strengthen equal rights, responsibilities, and protection for both parents in fulfilling childcare obligations.	Khamzina et al. (2022); O'Rourke (2019)
5	Partnership and Shared Responsibility	Mutual support; role sharing; <i>shared parenting</i>	Family justice requires cooperation and balanced parental responsibilities.	<i>Shared parenting</i> provides a normative basis for balanced and gender-responsive childcare responsibilities.	Ismail et al. (2020)

Source: Author's analysis (2023).

Table 3 presents five analytical categories that illustrate the normative construction of balanced parenting roles among dual-earner couples. Women's increasing participation in paid employment reflects a transformation of gender roles that challenges conventional family arrangements. However, this transformation has not fully eliminated inequality, as employed women continue to experience a *double burden* arising from the combined demands of paid work, domestic labour, and childcare (Ismail et al., 2020). Childcare also continues to be framed primarily as women's responsibility, while men's involvement remains comparatively limited. This condition demonstrates that gender equality requires recognition of both parents' rights and responsibilities, as well as stronger marital partnerships in the distribution of family roles.

Analytically, the five categories reveal a gap between social transformation and the distribution of family responsibilities. Although women are increasingly engaged in paid employment and contribute to family economic welfare, this change has not been accompanied by a corresponding redistribution of domestic and childcare responsibilities. Women continue to assume primary responsibility for childcare; consequently, their participation in paid employment may intensify their *double burden*. From a normative perspective, this condition indicates the need to shift from *gendered parenting* to shared parenting, which positions both parents as equal partners in fulfilling their responsibilities towards their children. *Shared parenting* does not require an identical division of tasks; rather, it entails a fair and proportionate allocation of responsibilities that considers each parent's circumstances, capacities, time availability, and the best interests of the child.

These findings highlight the need to clarify the legal construction governing the distribution of childcare obligations between dual-earner parents. The law should not only recognize the equal rights of men and women but also provide a clearer normative foundation for the allocation of childcare responsibilities between both parents. Childcare should therefore not be normatively assigned primarily to women but positioned as the joint obligation of both parents. A legal construction based on *shared parenting* can ultimately provide a foundation for a more balanced and gender-responsive distribution of parental roles oriented towards the best interests of the child.

Legal construction of the obligation to balance childcare roles

Content analysis was conducted to identify the normative construction of the obligation for dual-earner parents to balance childcare roles. Following Schreier's (2012) model of *qualitative content analysis*, the data were coded using a coding frame that integrated gender equality, the best interests of the child, parental obligations, regulatory gaps, and the need for legal reformulation. The analysis examined the relationship between philosophical values, legal principles, positive-law provisions, and the need for more specific regulations governing the distribution of childcare responsibilities. The coding process generated five analytical categories that define the normative foundations and direction of a legal framework for balanced childcare responsibilities.

Table 4

Coding Frame and Analytical Findings on the Legal Construction of Balanced Parenting Obligations

No.	Main Category	Coding Indicators	Analytical Finding	Normative Implication	References
1	Gender Equality and Partnership	<i>Equilibrium</i> ; equal rights; partnership	Gender equality requires partnership and balanced roles between spouses.	Parenting should be recognized as a shared responsibility of working partners.	Rakhman (2019)
2	Child's Best Interests	Child development; parental involvement; welfare	Balanced parental involvement supports children's development, education, and well-being.	Parenting obligations should prioritize the best interests of the child.	Adonteng-Kissi (2020)
3	Legal Equality of Spouses	Equal status; parental duties; legal rights	Articles 31 and 45 of Law No. 1/1974 provide a normative basis for equal spousal status and parental responsibilities toward children.	Existing provisions provide a legal foundation for developing balanced parenting obligations.	Law No. 1/1974
4	Regulatory Gap	Limited regulation; <i>double burden</i> ; gender inequality	Existing laws do not specifically regulate the distribution of childcare responsibilities between working spouses.	Legal reform is needed to reduce unequal parenting burdens and strengthen shared responsibility.	Law No. 1/1974; Ismail et al. (2020)
5	Normative Reformulation	Legal amendment; Pancasila values; <i>shared parenting</i>	Balanced parenting can be incorporated into parental obligations through more explicit legal provisions.	Article 45 could explicitly recognize balanced and shared parenting responsibilities for working spouses.	Prasetyo & Mohammed (2023); Law No. 1/1974

Source: Author's analysis (2023).

Table 4 presents five analytical categories illustrating the legal construction of balanced parenting roles among dual-earner couples. First, the principles of gender equality and partnership position husbands and wives as equal parties who share responsibilities within the family. Second, the best interests of the child emphasize the importance of parental involvement in supporting children's development, education, and welfare. Third, positive law provides a normative foundation by recognizing the equal legal status of husbands and wives and their obligations towards their children. Fourth, a regulatory gap remains because the distribution of childcare responsibilities between dual-earner parents has not been specifically regulated. Fifth, this gap provides an opportunity to reformulate existing legal norms by strengthening the concept of *shared parenting* within the framework of parental obligations.

Analytically, the findings demonstrate that the principal problem lies not in the absence of legal equality as a governing principle, but in the failure to translate this principle into concrete, operational provisions regarding childcare obligations. Articles 31 and 45 of Law No. 1 of 1974 provide a normative foundation for the equal legal status of husbands and wives, as well as their parental responsibilities towards children. However, these provisions do not specifically regulate how childcare responsibilities should be distributed when both parents are employed. This regulatory gap may perpetuate traditional gender roles and women's *double burden*. Therefore, the principle of equality must be developed beyond equal legal status towards shared and proportionate parenting responsibility, under which childcare responsibilities are jointly undertaken and equitably allocated according to each parent's circumstances, capacities, time availability, and the best interests of the child.

From the perspectives of gender equality, the best interests of the child, and Pancasila values, legal reformulation should strengthen the provision on *shared parenting* under Article 45. The proposed reformulation is not intended to require an identical division of tasks between husbands and wives. Instead, it affirms that the maintenance, care, education, protection, and guidance of children constitute the shared responsibility of both parents, to be fulfilled in a balanced and proportionate manner. Accordingly, the proposed legal construction positions childcare as a joint obligation of dual-earner parents while providing a normative foundation for preventing the disproportionate allocation of childcare responsibilities to either parent, particularly women.

Discussion

The findings demonstrate that gender is a social construction that produces an unequal division between domestic and public roles, with men predominantly associated with breadwinning and women with domestic work and childcare. Consequently, employed women are particularly vulnerable to experiencing a *double burden*. Both positive law and Islamic law recognize parental obligations concerning children's maintenance, education, protection, and welfare; however, neither specifically regulates the distribution of childcare responsibilities between spouses who are both employed. This condition reveals a gap between the principle of parental equality and the concrete regulation of childcare responsibilities. A transition is therefore required from *gendered parenting* to *shared and proportionate parenting*, under which children's maintenance, care, education, and guidance are recognized as shared parental responsibilities and allocated equitably and proportionately according to each parent's circumstances, capacities, time availability, and the best interests of the child. This construction provides a foundation for strengthening and reformulating legal norms to make them more balanced, gender-responsive, and oriented towards children's best interests.

These findings are particularly relevant given women's increasing participation in paid employment. Statistics Indonesia (2022), drawing on the August 2021 National Labour Force Survey, reported that 51.79 million women aged 15 years and over were employed, accounting for 39.52% of the total employed population in this age group. This development underscores the importance of redistributing family responsibilities when both spouses are employed. Nevertheless, prevailing social norms continue to associate childcare primarily with motherhood, thereby exposing employed women to a *double burden* comprising paid work, domestic labour, and childcare responsibilities (Samtleben & Müller, 2022). Patriarchal cultures that assign men a more dominant position may also perpetuate inequalities in the distribution of family roles and diminish recognition of women's contributions (Ismail et al., 2020; Murtiningsih & Advenita, 2017). Thus, women's increasing participation in paid employment has not necessarily been accompanied by an equitable redistribution of childcare responsibilities. A more balanced parenting arrangement is essential to ensure that responsibilities towards children are fairly distributed and that children's rights and welfare are adequately protected (Wada et al., 2014).

Theoretically, these findings confirm that parenting roles are not determined solely by biological differences but are also shaped by social constructs that may vary across familial and societal contexts (Friedemann & Buckwalter, 2014). Balance theory provides a relevant framework because it emphasizes partnership and harmony between men and women, free from discrimination (Abidin et al., 2020; Jasruddin & Quraissy, 2015). From this perspective, the distribution of childcare responsibilities should not be understood as an identical division of tasks but as a fair and proportionate allocation that considers family circumstances, parental capacities, time availability, and family needs (Keizer et al., 2020). When childcare is normatively assigned primarily to one parent, particularly the mother, unequal role structures are likely to persist. These findings therefore indicate that the principle of gender equality must be translated into more concrete provisions governing childcare responsibilities. The obligation to balance parenting roles can operationalize gender equality within the domestic sphere by shifting family relations from *gendered parenting* towards partnership and *shared parenting* (Verniers et al., 2022).

A deeper interpretation of the findings indicates that childcare is a parental responsibility encompassing not only the fulfillment of children's material needs but also parental presence, attention, motivation, education, and character development (Adonteng-Kissi, 2020; Vijayalakshmi et al., 2007). In dual-earner families, an awareness of the need to share parental roles constitutes both a moral responsibility and a means of fulfilling parental obligations towards children. From an Islamic perspective, the family also constitutes a crucial environment for children's early character development. Although mothers serve as important role models, this does not diminish fathers' responsibilities for education and childcare (Robi'ah & Hidayat, 2023). Children's rights to care, education, financial support, and affection can be better fulfilled when husbands and wives establish equitable, mutually supportive relationships (Hariani et al., 2021; Syafiuddin, 2022). Accordingly, strengthening legal norms regarding balanced childcare must be accompanied by changes in familial awareness, ensuring that *shared parenting* is understood not merely as a normative obligation but also as the practical fulfillment of a joint responsibility to protect the child's best interests.

Compared with previous studies, this research reinforces the view that childcare requires both parents' involvement while extending the discussion to the distribution of responsibilities within dual-earner families. Pradipta et al. (2021) and Wijayanto (2020) classified parenting styles as authoritative, indulgent, authoritarian, and neglectful but did

not relate these classifications to the double burden experienced within dual-earner families. Hariani et al. (2021) and Syafiuddin (2022) examined children's rights to care, financial support, and education, but addressed parental obligations only in general terms. Studies of *hadhanah* under Islamic law similarly emphasize parental responsibility for childcare, although its implementation remains influenced by social constructions and patriarchal culture (Hanif & Salsabila, 2022; Pertiwi & Sa'adah, 2022). These studies share the understanding that parenting is essential to children's growth, development, and welfare. However, the present study differs in that it connects childcare with unequal roles among dual-earner couples and identifies the need for a normative legal framework for balanced childcare obligations under Article 45 of Law No. 1 of 1974.

The implications of this study point to the need to strengthen and reformulate the norms governing childcare responsibilities under Article 45 of Law No. 1 of 1974 so that they more explicitly accommodate balanced parenting roles between spouses who are both employed. Such reformulation should position children's maintenance, care, education, and guidance as shared parental responsibilities to be fulfilled fairly and proportionately according to each parent's circumstances, capacities, time availability, and the best interests of the child. At the policy level, this principle could be supported by measures that enable dual-earner couples to distribute childcare responsibilities more flexibly, including policies that promote fathers' involvement in childcare and the provision of affordable childcare services. At the family and societal levels, greater awareness of equality in domestic roles is required to prevent childcare from continuing to be regarded primarily as women's responsibility. Legal reform and changes in social practices should therefore proceed concurrently to strengthen the protection of children's rights and establish a more balanced, gender-responsive, and child-centered distribution of childcare responsibilities.

CONCLUSION

The principal findings demonstrate that childcare continues to be shaped by gender constructions that assign women greater responsibility for domestic work and childcare, while men remain predominantly associated with the breadwinner role. In dual-earner families, this arrangement may create a *double burden* for women and indicates that childcare responsibilities have not been optimally redistributed. Although positive law and Islamic law recognize parental obligations concerning children's maintenance, education, protection, and welfare, neither specifically regulates the distribution of childcare responsibilities between employed spouses. A shift is therefore required from *gendered parenting* to *shared and proportionate parenting*, under which responsibilities are allocated equitably according to each parent's circumstances, capacities, time availability, and the best interests of the child. Such legal reformulation is essential to achieving equality in parenting within the family.

Theoretically, this study extends scholarship on gender and parenting by conceptualizing balanced parental roles as a concrete operationalization of gender equality within the family. Childcare is understood not as a responsibility biologically attached to mothers but as a shared parental obligation that can be distributed fairly and proportionately. In practical terms, the findings provide a foundation for strengthening legal norms governing childcare responsibilities, particularly in dual-earner families. The proposed reformulation may help policymakers clarify the obligations of both parents regarding children's maintenance, education, protection, and guidance. At the family level, this approach promotes a more flexible and equitable division of roles that is responsive to children's needs and family circumstances.

This study has several limitations. First, the analysis primarily focuses on normative constructions under positive law and Islamic law and therefore does not provide an in-depth account of how childcare responsibilities are distributed in families' everyday lives. Second, the study does not incorporate primary empirical data from dual-earner couples; consequently, their experiences, strategies, and challenges have not been fully identified. Third, the analysis does not compare the implementation of childcare policies across regions or social groups with different cultural characteristics. Future research should employ empirical approaches, including interviews, observations, or surveys of dual-earner families, to identify patterns in the distribution of childcare responsibilities. Comparative studies are also required to examine the application of *shared and proportionate parenting* across diverse legal, cultural, and family contexts.

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AUTHOR CONTRIBUTION STATEMENT

Irma Nur Rahmy: Conceptualization; Data Curation; Formal Analysis; Methodology; Writing Original Draft; Visualization; Writing Original Draft. **Yudi Hamsah:** Conceptualization; Data Curation; Formal Analysis; Validation; Visualization; Writing Original Draft.

REFERENCES

- Abidin, A., Ratnawati, D., Taufiqurrohm, T., & Aziz, T. (2020). Gender equality on Nahdlatul Ulama and Muhammadiyah perspective. *PALASTREN Jurnal Studi Gender*, 13(2), 383–400. <https://doi.org/10.21043/palastren.v13i2.7160>
- Adonteng-Kissi, O. (2020). Potential conflict between the rights of the child and parental expectations in traditional child-rearing patterns: Resolving the tension. *Children and Youth Services Review*, 109, 104752. <https://doi.org/10.1016/j.childyouth.2020.104752>
- Afandi, A. (2019). Bentuk-bentuk perilaku bias gender. *Lentera: Journal of Gender and Children Studies*, 1(1), 1–18. <https://doi.org/10.26740/lentera.v1i1.6819>
- Alfaizi, M. Q. (2022). Membangun kesetaraan gender dalam kehidupan keluarga perspektif hukum Islam. *Jurnal Restorasi Hukum*, 5(1), 87–104. <https://doi.org/10.14421/jrh.v5i1.2383>
- Al-Mahalli, J., & Al-Suyuti, J. (n.d.). *Tafsir Jalalain*. Dar Ibn Kathir.
- Badan Pusat Statistik. (2022). *Indikator pekerjaan layak di Indonesia 2021*. <https://www.bps.go.id/id/publication/2022/04/08/1ea92e310421c90fcc82a84e/indikator-pekerjaan-layak-di-indonesia->
- Breneselović, D. P., & Krnjaja, Ž. (2017). Discourses on gender in early childhood education and care (ECEC) setting: Equally discriminated against. *Journal of Pedagogy*, 7(2), 51–77. <https://doi.org/10.1515/jped-2016-0011>
- Cerrato, J., & Cifre, E. (2018). Gender inequality in household chores and work-family conflict. *Frontiers in Psychology*, 9, 1330. <https://doi.org/10.3389/fpsyg.2018.01330>

- Chen, F., Bao, L., Lin, Z., Zimmer, Z., Gultiano, S., & Borja, J. B. (2018). Double burden for women in mid- and later life: Evidence from time-use profiles in Cebu, the Philippines. *Ageing & Society*, 38(11), 2325–2355. <https://doi.org/10.1017/S0144686X17000599>
- Colfer, C. J. P., Achdiawan, R., Roshetko, J. M., Mulyoutami, E., Yuliani, E. L., Mulyana, A., Moeliono, M., Adnan, H., & Erni. (2015). The balance of power in household decision-making: Encouraging news on gender in Southern Sulawesi. *World Development*, 76, 147–164. <https://doi.org/10.1016/j.worlddev.2015.06.008>
- Febri, H. (2022). Persepsi masyarakat terhadap kesetaraan gender dalam keluarga di Desa Krandegan Madiun. *IJouGS: Indonesian Journal of Gender Studies*, 3(2), 11–24. <https://doi.org/10.21154/ijougs.v3i2.4366>
- Febrianto, P. T., Megasari, L. A., & Mas'udah, S. (2022). Female teachers' double burden during the pandemic: Overcoming challenges and dilemma between career and family. *Sociologia, Problemas e Práticas*, (100), 87–105. <https://doi.org/10.7458/SPP202210025246>
- Friedemann, M. L., & Buckwalter, K. C. (2014). Family caregiver role and burden related to gender and family relationships. *Journal of Family Nursing*, 20(3), 313–336. <https://doi.org/10.1177/1074840714532715>
- Frosch, C. A., Schoppe-Sullivan, S. J., & O'Banion, D. D. (2019). Parenting and child development: A relational health perspective. *American Journal of Lifestyle Medicine*, 15(1), 45–59. <https://doi.org/10.1177/1559827619849028>
- Guion, L. A., Diehl, D. C., & McDonald, D. (2011). Triangulation: Establishing the validity of qualitative studies. *EDIS*, 2011(8), 3. <https://doi.org/10.32473/edis-fy394-2011>
- Hanif, H. A., & Salsabila, A. N. (2022). Konsep hadhanah pasca perceraian dalam perdata Islam. *Maslahah: Journal of Islamic Studies*, 1(2), 83–94. <https://jurnalsains.id/index.php/maslahah/article/view/38>
- Hariani, M., Aliyah, N. D., & Issalillah, F. (2021). Legal guarantee of children's rights in education and health. *Journal of Social Science Studies*, 1(2), 177–180. <https://jos3journals.id/index.php/jos3/article/view/119>
- Hasanah, U., & Musyafak, N. (2018). Gender and politics: Keterlibatan perempuan dalam pembangunan politik. *Sawwa: Jurnal Studi Gender*, 12(3), 409–432. <https://doi.org/10.21580/sa.v12i3.2080>
- Ismail, Z., Lestari, M. P., Rahayu, P., & Eleanora, F. N. (2020). Kesetaraan gender ditinjau dari sudut pandang normatif dan sosiologis. *SASI*, 26(2), 158–169. <https://doi.org/10.47268/sasi.v26i2.224>
- Jasruddin, J., & Quraisy, H. (2015). Kesetaraan gender masyarakat transmigrasi etnis Jawa. *Equilibrium: Jurnal Pendidikan*, 3(1), 87–95. <https://doi.org/10.26618/equilibrium.v3i1.516>
- Kang, J. W., & Jang, S. N. (2020). Effects of women's work-family multiple roles and role combination on depressive symptoms in Korea. *International Journal of Environmental Research and Public Health*, 17(4), 1249. <https://doi.org/10.3390/ijerph17041249>
- Keizer, R., Van Lissa, C. J., Tiemeier, H., & Lucassen, N. (2020). The influence of fathers and mothers equally sharing childcare responsibilities on children's cognitive development from early childhood to school age: An overlooked mechanism in the intergenerational transmission of (dis)advantages? *European Sociological Review*, 36(1), 1–15. <https://doi.org/10.1093/esr/jcz046>
- Kementerian Agama Republik Indonesia. (2019). *Al-Qur'an dan terjemahannya*. Kementerian Agama Republik Indonesia.

- Khamzina, Z., Buribayev, Y., Taitorina, B., Yessengazieva, A., & Kuttygalieva, A. (2022). Towards nondiscrimination and gender equality: The role of international labor standards. *Sustainability*, 14(9), 5349. <https://doi.org/10.3390/su14095349>
- Kiram, M. Z. (2020). Is our child too young to learn about gender equality? An interpretation of gender education in Aceh families. *Gender Equality: International Journal of Child and Gender Studies*, 6(2), 33–40. <https://doi.org/10.22373/equality.v6i2.7719>
- Lanjekar, P. D., Joshi, S. H., Lanjekar, P. D., & Wagh, V. (2022). The effect of parenting and the parent-child relationship on a child's cognitive development: A literature review. *Cureus*, 14(10), e30574. <https://doi.org/10.7759/cureus.30574>
- Londoño, P. A. V., Nateras González, M. E., Bruno Solera, C., & Paz, P. S. (2021). The exacerbation of violence against women as a form of discrimination in the period of the COVID-19 pandemic. *Heliyon*, 7(3), e06491. <https://doi.org/10.1016/j.heliyon.2021.e06491>
- Marks, J., Bun, L. C., & McHale, S. M. (2009). Family patterns of gender role attitudes. *Sex Roles*, 61(3–4), 221–234. <https://doi.org/10.1007/s11199-009-9619-3>
- Murtiningsih, B. S. E., & Advenita, M. (2017). Representation of patriarchal culture in new media: A case study of news and advertisement on Tribunnews.com. *Mediterranean Journal of Social Sciences*, 8(3), 143–150. <https://doi.org/10.5901/mjss.2017.v8n3p143>
- O'Rourke, C. (2019). International gender equality norms and their fragmented protection in conflict. *Feminists@law*, 9(1). <https://doi.org/10.22024/UniKent/03/fal.750>
- Pertiwi, N. L., & Sa'adah, C. N. (2022). Hadhanah dan kewajiban orang tua dalam perspektif hukum Islam. *Syakhshiyah: Jurnal Hukum Keluarga Islam*, 2(1), 49–60. <https://doi.org/10.32332/syakhshiyah.v2i1.4997>
- Pradipta, D., Mulyadi, S., & Rahman, T. (2021). Pola asuh orang tua terhadap kecerdasan emosional anak usia dini. *Jurnal PAUD Agapedia*, 5(2), 211–218. <https://doi.org/10.17509/jpa.v5i2.40744>
- Prasetyo, B., & Mohammed, H. A. M. B. (2023). The legal protection of children's rights due to parental divorce in Islamic family law in predominantly Muslim countries. *Jurnal Akta*, 10(1), 61–75. <https://doi.org/10.30659/akta.v10i1.29822>
- Rahayu, N. (2012). Kesetaraan gender dalam aturan hukum dan implementasinya di Indonesia [Gender equality in the rule of law in Indonesia and implementation]. *Jurnal Legislasi Indonesia*, 9(1), 15–32. <https://doi.org/10.54629/jli.v9i1.375>
- Rakhman, I. A. (2019). Islam dan egalitarianisme: Ruang terbuka kesetaraan gender. *At-Ta'wil: Jurnal Pengkajian Al-Qur'an dan at-Turats*, 1(1), 62–73. <https://doi.org/10.62490/tawil.v1i01.28>
- Robi'ah, S., & Hidayat, N. (2023). Maternal roles in children's character formation: Religious education, developmental strategies, and role modeling in Islam. *An-Nisa' Journal of Gender Studies*, 16(1), 1-12. <https://doi.org/10.35719/annisa.v16i1.123>
- Samtleben, C., & Müller, K.-U. (2022). Care and careers: Gender (in)equality in unpaid care, housework and employment. *Research in Social Stratification and Mobility*, 77, 100659. <https://doi.org/10.1016/j.rssm.2021.100659>
- Schreier, M. (2012). *Qualitative content analysis in practice*. SAGE Publications. <https://doi.org/10.4135/9781529682571>
- Syafiuddin, M. N. (2022). Accentuation of the best interest of children in livelihood decision as an effort to guarantee children's human rights. *Jurnal HAM*, 13(2), 235–252. <https://doi.org/10.30641/ham.2022.13.235-252>
- Taekema, S. (2018). Theoretical and normative frameworks for legal research: Putting theory into practice. *Law and Method*. <https://doi.org/10.5553/REM/.000031>

- Verniers, C., & Vala, J. (2018). Justifying gender discrimination in the workplace: The mediating role of motherhood myths. *PLoS ONE*, 13(1), e0190657. <https://doi.org/10.1371/journal.pone.0190657>
- Verniers, C., Bonnot, V., & Assilaméhou-Kunz, Y. (2022). Intensive mothering and the perpetuation of gender inequality: Evidence from a mixed methods research. *Acta Psychologica*, 227, 103614. <https://doi.org/10.1016/j.actpsy.2022.103614>
- Vijayalakshmi, K., Kumar, C. V., Rajamanickam, H., & Cherian, A. (2007). Child rearing practices and psychological problems of children. *Nursing & Midwifery Research Journal*, 3(2), 49–56. <https://doi.org/10.1177/0974150X20070201>
- Wada, M., Backman, C. L., Forwell, S. J., Roth, W. M., & Ponzetti, J. J. (2014). Balance in everyday life: Dual-income parents' collective and individual conceptions. *Journal of Occupational Science*, 21(3), 259–276. <https://doi.org/10.1080/14427591.2014.913331>
- Wijayanto, A. (2020). Peran orang tua dalam mengembangkan kecerdasan emosional anak usia dini. *Diklus: Jurnal Pendidikan Luar Sekolah*, 4(1), 55–65. <https://doi.org/10.21831/diklus.v4i1.30263>