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CONCEPTUAL RECONFIGURATION OF THE FAMILY IN POSTMODERN LAW: A LOOK AT THE COLOMBIAN CASE

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ABSTRACT

Over the past three centuries, Colombia's concept of family has reflected the formation and transformation of social narratives related to the formation of emotional bonds based on male dominance, sexual determinism, gender diversity, and relationships with non-human animals. This paper analyzes the conceptual and constitutional evolution of the family in Colombia under postmodern law, identifying the dismantling of universal narratives that, from the 18th to the 20th century, sustained the idea of the sexed family. Additionally, jurisprudential analysis is employed to trace the factual patterns that pressure conceptual and legal changes in the configuration of the family in constitutional rulings issued by the Constitutional Court of Colombia. The paper seeks to determine the elements that give versatility to the notion of family, as well as the moments of rupture that pressure legal changes in the recognition of rights derived from the reconfiguration of the family. It also analyzes the practical aspects that have influenced and continue to influence the transformation of this institution.

KEYWORDS: Nuclear Family, Multispecies Family, Sexuality, Postmodern Law.

1. INTRODUCTION

The dynamics of individuals' relationships with the entities and things of the world have not gone unnoticed. Their conceptual and legal repercussions on the reconfiguration of the family have become evident in the Colombian context. The main aim of this text is to analyze the conceptual and constitutional reconfiguration of the family in Colombia within the framework of postmodern law, identifying the replacement of the universal narratives that sustained the idea of the nuclear family in Colombia between the 18th and 20th centuries.

This archaeological-conceptual study highlights the Constitutional Court's interpretation of the social concept of family. This emphasizes the legislative and social challenges the Colombian state faces in recognizing and protecting various forms of family formation in the contemporary world, which begin with a sexualized concept of family.

The study employs a qualitative approach, with documentary analysis as the central method enabling the application of genealogical archaeology to the Foucauldian method. This approach allowed us to trace the documentary archive, associated laws, national jurisprudence, and legal doctrine to identify statements showing how the social event shaped the concept of family between the 18th and 20th centuries. The epistemology evident in the statements of legal norms defines how the family should be conceived and the effects generated for individuals in relationships that consolidate the notion of family in Colombia. A search was conducted in the archives of the Congress of the Republic of Colombia, the Luis Ángel Arango Library, and the General Archive of the Nation to obtain the complete texts of the regulations that were the focus of the research. Then, a cross-analysis of the different norms addressing the issue of family in Colombia was conducted to identify social practices, subjects, and contexts in which changes in intersubjective relations appear, allowing us to identify the progressive transformations that the concept of family has undergone over time in Colombia. Finally, the underlying conceptual line in Colombia's Political Constitution and internal norms that define the contours of the notion of family is identified.

The work covers three stages. First, it examines how the institution of the family was configured in the eighteenth and nineteenth centuries as a space for confining sexuality and for exclusive procreation. In this period, the concept of family was supported by modernity. Second, it explores the reconfiguration of

the family institution as relations between humans and non-human animals, which are defined by desexualized attachment bonds. Lastly, it demonstrates how these factual and conceptual configurations of the family have impacted Colombian law from the eighteenth to the twenty-first century.

2. CONCEPTUAL EVOLUTION OF THE FAMILY IN COLOMBIA. BETWEEN MODERNITY AND POSTMODERNITY

The social world is configured from a discursive framework that organizes perception, reality, representation, and institutions. This framework makes way for rationalities to define the specific ways in which social agents' relations are coupled with the things that emerge in the social world. This section explores the conceptual evolution of the family institution from modernity to postmodernity, highlighting the changes and continuities that have characterized various family organizations during these periods.

Deleuze and Guattari (1999) affirm that every concept contains the success of the event it enunciates. It marks the moments of emergence and rupture of phenomena that give meaning to the statement and keep it alive in the social world. A concept is not merely a contextual use of a term; it is the pure event, which is not confused with the situation in which it is embodied (p. 27). However, the matter does not remain in the mere incarnation of the event; the concept contains the problematized becoming of the event. This incorporates a multiplicity of components that can, in turn, be taken as concepts. As they are constituted, they can reach infinity. However, concepts never arise from nothing; they refer to a problem or problems without which the concept would not make sense. Thus, concepts are created by virtue of problems that deserve treatment or a solution when they are poorly posed.

Therefore, concepts are not immutable or eternal; they change as events and their problems change. "New concepts must be related to our problems, our history, and, above all, our becoming" (Deleuze & Guattari, 1999, p. 33). In this case, Deleuze and Guattari argue that a concept replaces a previous one because it allows us to hear new variations and "unknown resonances," makes unusual distributions, and provides an event that transcends us.

Thus, it can be said that the conceptual dynamics of the family institution undergo a process of becoming that shapes the events involving the closest intersubjective relationships. In this case, the history

of the family is shaped by a succession of forces that drive the transformation of this event.

First and foremost, the institution is established as a regulatory instance of sexuality and individual drives. It organizes the psychic life of subjects, defines representations in the social world, and organizes itself under the logic of the social, economic, legal, and political (Kaës, 1998). As an organizer of sexuality, the institution of the family was taken in the eighteenth century as an instance of control. Foucault (1991) called this the technology of sex. It served to confine all sexuality within the family, making it the only authorized place for sexual practices. Thus, the family served as a means of controlling public sexuality and the unbridled practice of sexuality. Similarly, Christian technology of the flesh was incorporated into a politics of sexual control, wherein enjoyment of bodily pleasures was controlled by political, legal, medical, and religious institutions. Subjects could only experience sexual pleasure within the family for procreation, not recreation (Foucault, 2000). (Foucault, 2000).

The concept of the family emerged in the eighteenth century because of the bourgeois class controlling sexuality. The bourgeois class made its own sexuality the most important and sacred. It was something secret that only the aristocracy deserved to know. It was then that women became the first sexualized subjects. "She was, as should not be forgotten, the 'idle' woman, on the limits of the 'mundane,' where she was always valued, and of the family, where she was assigned new conjugal and maternal obligations" (Foucault, 2000, p. 147). This gave meaning to the institution as an exclusive place for the bourgeoisie, ensuring the enjoyment of sexuality under hygienic and health conditions that guaranteed the procreation of healthy offspring within a privileged class, ensuring the continuity of the caste and the race. Thus, under endogamous family relationships, mating and the formation of families were determined by blood to preserve purity and economic capital.

The family is thus administered as a category marked by sexuality, procreation, and the control of subjects' libidinal drives. As an instance of the administration of sexual practices, the family is marked by the legality of sexual relations, the exclusivity of sex within a married couple, and the prohibition of sexual relations for minors. This function of administering sexuality elevated the family to a political, legal, and medical level, making it an institution that was entrusted with policies for controlling sexuality and procreation. These policies were designed to fulfill a eugenic function that

favored the offspring of the bourgeoisie. In its therapeutic function, the family prevents the spread of sexually transmitted diseases while limiting sexual practices to the private space of the marital bedroom.

These forms of sexual administration and confinement to marriage were transposed to the overseas territories controlled by the Spanish Crown. In the Viceroyalty of New Granada, family structures were defined by social, economic, political, and religious paradigms that shaped the institution's role in controlling and administering sexuality and the bodies of the Spanish bourgeoisie. The law played a key role in shaping family structures, providing meaning and scope to these relationships based on the administration of meat and sex.

The laws of the Indies founded the notion of family on patriarchy, based on religious rites and the domination of men over women. Thus, marital relations were regulated and controlled by the husband's authority. Marriage between different "castes" was outlawed to maintain social and racial stratification, and parental consent was required for children under 25. Thus, the "legally constituted" family was prioritized for the colonizers, and marriages outside of this system were illegal.

Historically, the family has been recognized in the social sphere as the central axis of society. It is considered the nucleus from which all dynamics that give rise to social phenomena and shape the institutions of the state and nation emerge. The family plays an essential role in the organization and social reproduction in economic, political, and religious dynamics and in almost all institutional forms in which intersubjective relations are organized within the imaginary and territorial spaces (Castoriadis, 1975).

Donati (1998) emphasizes the importance of viewing the family as the focal point of sociological analysis. It is not only the fundamental unit of socialization but also an agent that reproduces the values, norms, and structures that bind society together. Furthermore, Donati (1998) argues that this institution should be understood as a dynamic system whose meaning and function vary according to the social, cultural, and economic conditions of each historical context. The family reflects the social history (Castoriadis, 1975) of the rationalities instituted and the meanings put into circulation in collective relations.

The family is also the primary source of constructing the subject's identity. From the moment of birth, it transfers the meanings housed in values, customs, practices, norms, and relationships, thereby guiding the beliefs, attitudes, and behaviors of

society's members. In this sense, the family becomes a key space for identity formation, playing a central role in learning the principles that guide social interaction. Over time, family structures and the norms and values that underpin them have evolved, demonstrating the family's ability to adapt to social needs and demands.

From a perspective of social institutionality, the family understands its role within society. This is why it is relevant for the field of law to analyze the transformations of new sociocultural realities from an academic perspective, harmonizing them with the epistemic rules of thought at certain times (Foucault, 1997). By observing the social and historical dimensions of the family, it is possible to reflect on the interdisciplinary relationship between law and history because the evolution of the family cannot be approached solely from a legal perspective. Zamudio (1998) concludes that socioeconomic tensions led to the reconstruction of traditional family structures. Successive unions that arose in contexts of transition or change challenged and continue to challenge the normative postulates that regulate family stability. This opened the space for debate about the rights versus guarantees of individuals who are part of new forms of coexistence. These unions represent one of the responses to the crisis of conventional family models.

The transition to the 20th century evidenced an exponential advance in the conception of the family regarding the plurality of coexistence forms reflected in the cultural, political, and economic changes of the time (Gutiérrez, 1996). Thus, the family ceased to be a homogeneous structure and became a dynamic, plural, and transformative space that reflects the rationalities of an era in which attachment relationships are prioritized over blood relationships, the desire for animal companionship replaces the desire for human companionship, and procreation is no longer the purpose of family formation, contrary to the religious doctrine of the "holy family."

This transformation requires modifying the legal norms that regulate family relations and reinterpreting rights in light of emerging dynamics from more symmetrical relationships between men and women, where sex is no longer the fundamental element defining family structure.

Studies by Donati (1998), Zamudio Cárdenas (1998), and Gutiérrez de Pineda (1996) show that new family configurations reflect changes in values and social principles and the law's ability to adapt to these new structures.

In the Colombian context, the family is seen not only as a space for coexistence or socialization but

also as a political unit that contributes to the configuration of power relations and the definition of public policies, particularly those related to education, social welfare, and citizen participation. The 1886 Constitution reflected a strong link between the state and the Catholic Church, opening the door for social and political organizations to be profoundly influenced by religious principles and solidifying their existence in Christian dogma. This dogma privileged heterosexual bonds and formal religious rites, conditioning unions until death. For nearly 100 years, the 1886 Charter regulated family relations by Catholic dogma principles that defined marriage, legitimacy of children, and hierarchies within the home. These principles discriminated against those bound by religious rights and those in free unions lacking the Church's blessing.

However, as *de facto* marital unions proliferated, the pressure the Church exerted on the configuration of the family institution weakened. The religious services that sealed the marriage bond were significantly reduced thanks to the freedom imposed on the constitution of the couple's bond. More people opted for free cohabitation without the mediation of a priest or the "blessing" of the Church. This left couples completely free to end their relationship at any time, without the complexities of an ecclesiastical annulment process or divorce by legal means.

A significant legal change in the institution of the family occurred at the end of the 20th century with the promulgation of the new Political Constitution in 1991. The rights framework established in the charter completely dismantled the remains of a tradition based on religious dogmas that gave marriage a fundamental role in establishing the family institution. Freedom of religion and individual freedoms opened the way for a transformation in the formation of family bonds that did not depend on the sexuality of the individuals involved. The idea of a union between a man and a woman as the paradigm for family formation was no longer relevant.

Starting with the 1991 Charter, the Constitutional Court redefined the structure of the family by interpreting the scope of the fundamental rights contained in the Constitution. Thus, the 1991 constitutional text marks a turning point since its preamble ceases to invoke God as the supreme source of authority and instead mentions the sovereign power of the people. This allows for new forms of institutional configuration based on the power of the people without religious mediation. Although divine protection is still mentioned, the Constitutional Court has ruled that this reference must be interpreted consistently with the

Constitution's fundamental principles, including pluralism. This principle implies that the state must recognize, respect, and promote the diversity of beliefs and identities within society, ensuring religious freedom and the equality of all citizens under the law.

The family is not only an institution that gives shape and meaning to society by forming affective bonds; it also reinforces dominant political structures (Gutiérrez, 1968). In addition to reproducing cultural values and norms, the family has been closely linked to politics in traditional contexts because family relationships and the roles within them are crucial to the organization of power and distribution of resources. According to Gutiérrez (1968), the family was established as a socialization space where dominant political structures were reinforced, and whose dynamics facilitated the transmission of power within them. This was a fundamental aspect for the long-term reproduction of a patriarchal political order that was transferred to political institutions.

Benítez (2017) argues that family dynamics have ceased to merely reproduce traditional social and political norms and have become a terrain for discussion and questioning in the face of new social and political structures. This makes the family appear as a space for socialization and a political field in which gender roles, power relations, and social expectations are renegotiated. This change implies a reconfiguration of the family's political role: it shifts from being a rigid structure that reproduces the established order to becoming a space where social and political norms are disputed. This phenomenon is particularly evident in contemporary societies undergoing processes of modernization, where conceptions of family and the distribution of family power are challenged by new forms of coexistence, individual rights, and freedoms.

According to Reuben (2001), the family should be understood as a key actor in social policy because public policies affecting the family, such as access to health care, education, and housing, affect family structures. At the same time, tensions and political negotiations around the social welfare of the family are reflected. According to Reuben, family policies are not neutral; they are laden with political decisions that directly influence the daily lives of individuals and families, shaping the relationships between family members and the state. Therefore, the family institution should not be perceived as a passive recipient of social policies; it also plays an active role in defining them. Theories or political ideologies that influence the family often extend the most widely

discussed political debates about the role of the state in codifying private life. As families become involved in transformations of social ideological policies, they become scenarios in which principles, values, rights, and responsibilities are exchanged. These exchanges undoubtedly impact the structuring of social policies exponentially.

The contributions of Gutiérrez (1968), Benítez (2017), and Reuben (2001) lead us to conclude that the family is an essential social institution and a setting for political ideology. Its influence extends beyond traditional functions because the family is perceived as a setting that transforms the principles and values of social policy in relation to structural changes. This reflects the fact that families are not closed entities but are deeply anchored in processes of social transformation.

3. THE FAMILY AS A POSTMODERN INSTITUTION

Over time, the family has undergone significant transformation until the point at which evidence of a change in epistemology emerged, marking the transition to the postmodern era. Díaz (2009) defines the family as a constantly changing space whose dynamics are marked by shifts in collective relationships, economic dynamics, and cultural transformations that characterize the transition from modernity to postmodernity. According to Díaz (2009), today's families are influenced by technological advances and the processes of individualization and gender role reconfiguration. This is in contrast to the traditional family, which was shaped by religious ideas and sexual boundaries. The contemporary family is configured as a space of negotiation and redefinition, where kinship ties and family values lose their rigid character and give way to a multitude of family forms and models.

Rodríguez (2010), for his part, highlights the relationship between identity and family in a modern context. In this context, the concept of identity challenges and questions the traditional concept of family. This concept clashes with the large number of transformations in technique, technology, the economy, human relations, and the rationalities about the vision of the world. These rationalities include the progressivity of fundamental rights and economic, social, and cultural rights. These rights begin to give new variants in the configuration of the family institution. Rodríguez argues that in modernity, the family ceases to be a normative reference and becomes a space for constructing identity. Modernity has allowed people, especially women, to redefine their roles within families and

societies. This has meant greater freedom but also greater questioning of traditional structures. In this sense, Jiménez (2024) argues that the family has abandoned the conservative paradigm of the nuclear form and embraced more liberal formation models, leaving behind the restrictions that limited its constitution to human relationships determined by the administration of sexuality and the assurance of procreation through heterosexual couples.

Under the conservative paradigm, Colombia's legal protection of the family was linked to a restricted and customary vision, limiting the ability of family policies to adapt to progressive changes. Despite contemporary changes, the author suggests that Colombian family legislation maintains structures that do not respond to the diversities and complexities that characterize contemporary families. However, growing social pressure for greater equity and recognition of different family models has prompted a reevaluation that could lead to legislative modernization. This modernization would protect not only the traditional nuclear family but also a wide range of family models and structures.

Today's families are not homogeneous; they are places of constant challenges and changes. As globalization and social change advance, families adapt and are redefined, challenging traditional models and social expectations. In this sense, contemporary families, like the societies in which they are embedded, are characterized by greater plurality, flexibility, and openness to diversity.

For these reasons, the family in a modern context is not a static institution because it is constantly changing and adapting. Evolutions in social structure, political ideologies, and modern identity configurations have given rise to the pluralization of family models, including various forms of coexistence and interpersonal relationships. Within today's social challenges, the modern family is presented as a field of negotiation and redefinition where traditional customs confront the dynamics of modernity. This demands continuous reflection on the family's roles, functions, and protection in contemporary society.

4. THE EVOLUTION OF THE CONCEPT OF FAMILY

For Leclercq, the family is a natural institution with an irrational, sporadic, and instinctive origin. Its formation follows an identical pattern in nature: "Composed of a father, a mother, and their children, the family is based on natural feelings that are sensibly identical among civilized and primitive

peoples. It does not evolve and is the foundation of civil society" (1961, p. 33). Thus, it is argued that human behavior remains constant, even in the face of a changing culture, and does not evolve along with society. In this sense, the family functions similarly to other natural structures with the sole purpose of procreation, independent of feelings or attraction between a man and a woman.

Conversely, Burgos proposes an opposing view, arguing that the family is a product of human nature, originating from people's reason and will. From theological and social perspectives, the family's purpose is marriage and procreation; however, its essence lies in the mutual affection and attraction between individuals. According to Burgos, "they are the product of decisions made in specific sociological contexts and are therefore always mediated by individual intelligence, will, and culture" (2005, p. 365). Thus, families are constantly evolving, explaining the existence of different family structures, such as monogamy and polygamy, which "are widespread and diverse" (p. 366).

Although marriage has historically been one of the traditional forms of family formation, driven by an apparent emotional bond between the contracting parties and reproductive interest, the Constitutional Court of Colombia has established that procreation is not necessarily one of the essential purposes of the marital union, but rather, affection, solidarity, mutual respect, and the vocation of permanence are. In practice, however, procreation continues to be the predominant purpose in most cases (Judgment C-577, 2011).

The study of the earliest forms of family organization refers to primitive human groups, such as the horde, whose primary function was to preserve and reproduce the species. In these groups, polygamy and polyandry were evident mechanisms that configured family structures based on procreation at the time. According to Varsi (2011), the only identifiable relationship in these primitive groups is that established through uterine, umbilical, or maternal kinship. This type of kinship is considered the first primordial bond in the evolution of the family. The maternal bond was the only identifiable relationship in these groups because sexual practices made it difficult to accurately identify the male parent. Thus, identification of the family was found in consanguineous filiation, specifically uterine, while paternal filiation became uncertain or irrelevant.

The Roman family configuration was characterized by the absolute authority of the paterfamilias. In this context, he had indisputable

power over the members of the family nucleus, including not only his descendants, but also the women under his authority. Thus, when women married, they transitioned from the subordination of their consanguineous paterfamilias to that of their husband's paterfamilias. The latter was not only the oldest figure, but also held unquestioned authority, consolidating a hierarchical structure of control and subordination. This structure not only standardized emotional ties between family members but also guaranteed the family patrimony. The paterfamilias ensured the transmission of assets to his legitimate descendants, attempting to guarantee the perpetuity of property within a family lineage, regardless of emotional or affective legacy. It is evident that Roman law has exerted a significant influence on the development of Colombian civil law. For example, marriage is perceived as a solemn contract between a man and a woman in Article 113 of our Civil Code. However, these concepts must be adapted to current social standards. In Judgment SU-214 of 2016, the Constitutional Court declared homoparental civil marriage valid, expanding the concept of family and guaranteeing equality and dignity for these individuals.

This ruling proves how social reality influences constitutional law to ensure family inclusivity and protect sexual and gender identity rights. Within this framework, the 1991 Constitution establishes that all people are equal before the law. This implies recognizing each person's right to gender identity and their freedom to express it, despite persistent social stereotypes.

In ancient Greece, the family was one of the most important institutions in society. The father was the central figure, responsible for continuing his lineage. Women were seen exclusively for reproductive purposes and had a secondary role compared to men (Vergara, 2013, p. 16). This archaic family prototype has perpetuated contemporary social structures. This shows how women have been immersed in gender-based violence since the beginning of time, even within their own families. Although there have been socio-legal efforts to protect their rights, challenges persist in the search for real equality.

In the Middle Ages, religious marriage was established as the fundamental family bond, considered an institution guided by religious values. This strict moral conception of marriage led to a distinction between legitimate and illegitimate children; the latter were considered the fruits of sin. Varsi (2011, p. 33) points out that only children born within a God-blessed relationship were recognized as legitimate. This vision strengthened marriage as

an indissoluble sacrament based on the principle that "what God has joined together, no man will be able to separate."

In Colombia, Articles 51, 52, and 212 of Law 84 of 1873 reflected a similar classification of legitimate (born in wedlock) and illegitimate (born out of wedlock) children. However, jurisprudential developments have declared this classification unconstitutional, establishing that, legally, all children are either marital or extramarital, regardless of their moment of conception. This interpretation has led to equality of rights, guarantees, and obligations within the family unit regardless of the origin of filiation—whether consanguineous, adoptive, or through assisted reproduction, thus promoting material equality in constitutional terms. The rights of children born out of wedlock were formalized in Law 29 of 1982, which grants them equal inheritance rights. This allows the gross inheritance to be equitably distributed among children without distinctions based on filiation. Regarding concubinage, Colombia has made exponential progress in relation to its initial procreative purpose and the mere fact of forming a stable public relationship over time.

In this sense and due to the same social dynamics, today there are various parental or family identities, which is why the postmodern concept of polyamory arises, which is understood as

...the ability to maintain more than one intimate, simultaneous, loving and sexual relationship, although not necessarily lasting, with the full consent and knowledge of all those involved (González, 2012, p. 110).

These situations or social experimental phenomena account for the emotional, feeling, and carnal desire inquiries of us "thinking individuals" in society. The application of an apparent family configuration is undertaken with the objective of surmounting the historical proclivities inherent in the human condition, thereby facilitating an evolutionary progression characterized by the capacity and aptitude to reason and to challenge tradition. According to Burgos, this manifests in people's decision to form a family, motivated by affection and mutual attraction.

Jurisprudence, especially Law 54 of 1990, established *de facto* marital unions and granted them patrimonial effects derived from *de facto* partnerships. Judgment C-075 of 2007 marked a milestone by recognizing property rights for *de facto* marital unions between same-sex couples. This culminated in Judgment SU-214 on April 28, 2016, which established equal legal and patrimonial rights

for civil marriages between same-sex couples.

Although the Constitutional Court has recognized new forms of family formation, it has not yet explicitly recognized or adapted a legal conceptualization that protects all current forms of family in their different expressions. This includes nuclear, single parent, foster, homoparental, polyamorous, and multispecies families.

While this process of recognition is ongoing, people are moving towards a deeper normative outcome that will guarantee protection for various forms of postmodern family formation. This will ensure that the social rule of law protects personal and, above all, patrimonial matters necessary for current normative development. This is a fundamental pillar in the origin of societies and challenges traditional forms of family organization.

4.1. The Regulations and the Law of Families

The institution of the family has undoubtedly sparked debate among social science scholars in modern Latin American constitutions, as evidenced by the work of scholars such as Gómez (2008), Guio (2009), and Zúñiga & Turner (2013). This debate highlights the evolution of modern legal systems in response to social transformations and demands for equality and pluralism that directly impact the family. Colombian legislation has been a pioneer in reaffirming the historical evolution of non-traditional family formations, overcoming archaic patriarchal conceptions. The Honorable Constitutional Court of Colombia has played a central role in this process by redefining the scope of the family concept to include blended families and other configurations not necessarily linked by traditional marriage. Therefore, jurisprudence is key in this process of expansion. This approach is particularly relevant in protecting the fundamental rights of individuals in these new family configurations and in ensuring their access to benefits derived from family legislation, such as social security and inheritance rights.

This comparative panorama reveals a region in transition, where Latin American constitutions are beginning to explicitly reflect principles of equality and non-discrimination, allowing for broader recognition of different family forms. However, progress is not uniform, and some countries still resist change due to more conservative interpretations of the family. Zúñiga & Turner's comparative systematization underscores the importance of jurisprudence in interpreting and applying these principles. Despite being more inclusive, national constitutions still face the influence of traditional values in judicial practice.

Gómez's work (2008) adds another layer of complexity to the normative analysis of the family by focusing on gender issues within family regulations. In times of postmodernity, the family must be redefined not only in social terms but also in ideological, political, and, above all, legal terms. This allows for a flexible or progressive interpretation of the regulations that permit adaptation to contemporary realities. In Colombia, the 1991 Constitution signaled a shift in the development of the new concept of family, incorporating different ways a bond of social or emotional affection can be formed with living entities of the same species, i.e., emotions or feelings not limited exclusively to humans.

Today, the concept of family is not subject to a single, static definition because it is a dynamic social reality in constant transformation. Thus, it acquires multiple semantic interpretations that vary according to the social dynamism added to an examined interpretation. For this reason, Donati (1998) proposes studying the family adequately from internal and relational perspectives. According to Donati, this is fundamental to understanding the origin of meaning. For his part, Lévi-Strauss (2010) views the family as a kind of "social law," to which society must adapt entirely. According to the author, just as humans legitimize laws, society must adapt to family realities. In consideration of familial structures, it is evident that society is undergoing significant transformations. However, this situation is not new, as the family institution has been in crisis and in a state of evolution since before the French Revolution. Donati highlights this fact and affirms the family nucleus's remarkable capacity for adaptation. Over the centuries, it has harmoniously integrated interpersonal relationships that guarantee its structure. Margaret Archer calls these adaptations "family morphogenesis" situations that do not alter the family's fundamental essence. The family is approached through reciprocal relationships based on care, authority, emotions, and love, which act as a generalized symbolic means.

Donati agrees, reaffirming that modern family transformations give rise to new organizational structures while keeping their essence intact. Niklas Luhmann also sees the family as an autonomous communicational system with an implicit obligation to communicate. According to Luhmann (1996), everything must be based on communication; even silence must be interpreted as a form of communication. The family revolves around this communicative system, which becomes increasingly personalized in interpersonal relationships. This

results in high communicative density and significant psychological tension in modern families.

Donati proposes a model in which the family is recognized as a pillar institution, like other relevant social institutions. It is configured according to its own principles and generates unique social symbolism in its relationships. The family continues to play a fundamental role in social subsystems such as education, the economy, politics, and health.

From a microsociological perspective, the family continues to fulfill its role as a mediator on three levels: between genders, between generations, and within the family system itself. Although social organization has changed since traditional societies, the family remains a key actor. While social organization used to be built around the family, today, society conditions the way people live within the family. For this reason, it is necessary to recognize the family as a central institution in the process of civilizing society. Thus, Donati provides a framework for understanding the paradoxes of contemporary society by prioritizing the family in order to understand and address the challenges of the modern world.

5. CONCLUSIONS, FINDINGS OR RESEARCH RESULTS

Colombia must be based on constitutional principles to recognize today's families without rigid or homogeneous prejudices. The family is an institution based on human rights, equality, dignity, and non-discrimination. Regardless of its structure, the family is a flexible institution. For this reason, it must be a dynamic scenario that reflects social changes and transformations, as well as new forms of relationships between individuals who think for themselves. These relationships should be based on principles of solidarity and mutual respect, regardless of a traditional or formal configuration. From these evaluations of facts and laws, it can be concluded that current notions of family institutions are constantly changing in relation to new socio-cultural realities. Beyond jurisprudential recognition, these notions seek a constitutional or legal approach to law that reflects a plural guarantee in a participatory and inclusive democratic society. Although this recognition process is ongoing, people are moving towards a deeper normative outcome that guarantees protection for various forms of postmodern family formation. Thus, the social rule of

law protects personal and, above all, patrimonial matters necessary for current normative development. This challenges traditional forms of family organization and is a fundamental pillar in the origin of societies.

This research shows that, from a socio-political perspective, families are a fundamental pillar in the redefinition of public policies and the consolidation of social agreements, as they reflect social dynamics, the economy, and the plurality and diversity of coexistence forms that characterize contemporary societies. The family becomes a key institution in constructing new power structures in the current political context. It should be understood as a flexible institution capable of adapting to sociocultural changes with an inclusive approach. This approach recognizes configurations different from traditional ones, such as multispecies, homoparental, single-parent, extended, or foster families.

The family as an institution is a dynamic structure that influences the construction of individuals' identities and reflects broader societal transformations. The Secular State, for its part, is an autonomous state that exclusively represents the interests of the people without being subordinated to a particular religious confession. Today, it is society that conditions the way people live within families.

The Constitutional Court of Colombia has played a fundamental role in expanding the concept of family. Through its jurisprudence, the court has interpreted the constitution progressively, adapting it to the changing realities of society. This dynamic interpretation has allowed family law to become more flexible and expanded the rights of various family configurations. In 2007, the Court extended the rights associated with the "de facto marital union" to same-sex couples, marking a milestone in recognizing new forms of family. In 2011, a pivotal ruling recognized same-sex marriage as having the same legal effects as heterosexual marriage. This ruling reinforced the principles of equality and non-discrimination, confirming that the concept of family is not confined to a single model of coexistence. Similarly, the Constitutional Court has recognized that the principles of solidarity and mutual support are more important than a family's formal structure. These rulings have provided greater legal protection for various family structures and promoted legal recognition of diversity in Colombian society. However, the patrimonial effects of these new families must be addressed.

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