Neutrosophic Analysis of Legal Fissures in Family Protection

Mónica Isabel Mora Verdezoto [1], Carlos Ramiro Hurtado Lomas [2], Eugenio Javier Escobar Gonzales [3] and Carmen Marina Méndez Cabrita [4]

[1] Universidad Regional Autónoma de Los Andes, Matriz Ambato. Ecuador. Email: ua.monicamora@uniandes.edu.ec
[2] Universidad Regional Autónoma de Los Andes, Sede Ibarra. Ecuador. Email: ui.carloshurtado@uniandes.edu.ec
[3] Universidad Regional Autónoma de Los Andes, Sede Riobamba. Ecuador. Email: ur.eugenioescobar@uniandes.edu.ec
[4] Universidad Regional Autónoma de Los Andes, Sede Tulcán. Ecuador. Email: ut.carmenmmc56@uniandes.edu.ec

Abstract. The family is a social construction, whose structure and functions change according to the political, social, and economic moment and geographical region in which it develops. It is the natural and fundamental element of society and therefore has the right to protection by society and the State. The family today is not the same as in previous centuries, the so-called globalization, which represents this continuous movement of knowledge and customs, ideologies, and policies in all areas, allows reflection on the changes that have arisen against the concept of family and its diversity, as well as its protection. The objective of this work is to determine the factors that affect the protection of the family and the effects caused by legal fissures. Through the use of the neutrosophic topsis method, the result is to propose the implementation of a family code that recognizes and regulates the different family structures, as well as their protection.

Keywords: Family, customs, diversity, protection.

1 Introduction

The family is the institution that best fulfills the essential functions for the development of every human being. In international legal agreements, the family unit is not clearly defined, and therefore in many countries, the emergence of new family forms that occur in the current era is not considered. Therefore, when evaluating the protection of families, they find gaps that must be filled by regulations, mainly civil and family.

For legal science, the integral protection of the members of each family structure, as well as of the human group itself, represents a permanent challenge, which must be faced in order to be consistent with its main regulatory purposes. This translates into the protection and legal guarantee that is granted to individuals in society and the situations that in practice are verified day by day.

The protection of the family consists mainly in establishing a bond where there are values such as love, respect, solidarity, and mutual help, but especially where the rights and duties of each of the members that comprise it are respected and responsibly fulfilled [1]. Also, the protection of the state, the right to constitute it, the recognition of marriage, the correlative duty of health assistance, education, food, and the rights of women as heads of the family are established.

In Ecuador, the right to live with a family is defined in article 45 of the Constitution [2] which indicates that children and adolescents have the right to have a family and enjoy family and community life; to social participation; respect for their freedom and dignity; to be consulted on matters that affect them. Article 45 also takes into account the perspective and cultural context of their peoples and nationalities, among other relevant aspects, such as the right to receive information about their parents or absent relatives [3].

The family is not a static institution. Indeed, it is a very dynamic entity since it goes through cycles caused by the departure or arrival of some of its members, and these cycles or stages, depending on the magnitude, can give rise to its reorganization. The breakup of the parents and the subsequent integration of a new spouse in the family unit would be the main causes of an important family change, at least in relation to the non-common children who were minors [4].

The protection of the family is entrusted to the entire society, which through its representatives and by virtue of family law, intends to protect interests other than the individual of the members of each family, and which are related to the interests of the group. During childhood, the figure of parents is very important and vital for children. Throughout the different stages of development, they need to receive the support, affection, and protection of their

parents, since they are the closest people to them, both physically and emotionally, so it is recommended that parents protect the mental and emotional health of their children [5].

One of the main obligations of the family is the protection of children. Therefore, the state must promote responsible motherhood and fatherhood, through the comprehensive development and protection of the rights of sons and daughters. This is precisely the notion promoted by the state regarding the right of children to have a family. On the other hand, an obligation is established, in terms of protecting and caring for the elderly, legally sanctioned in cases of abandonment of older adults [6], [18].

Fear of abandonment	General mistrust	Low self-esteem	Lack of social skills
• Not having had a healthy attachment during their childhood, where they have felt safe and confident that their parents will not leave them, the fear of being abandoned in the future by their partners, friends or family may appear.	• Not having had someone close to trust during childhood, it can cause the person to have difficulty trusting other people. This distrust can trigger problems in the interaction with other people in the future.	• These are children who from their earliest ages have not received affection or constant and healthy love, directly and negatively affecting their self-esteem. These people may think that, in the future, they will never be able to receive love or that there will be no one who loves them..	• If the interactions and relationship dynamics between parents and children are often damaged and tend to be negative, children may have difficulties in understanding social relationships and putting them into practice, since it is what they have seen and what they have been taught since they were kids.

Figure 1. Some consequences of the lack of family affection. Source: own elaboration.

In family structures, parents or guardians are those who are legally and socially recognized as the authority and model to direct, protect, educate, train, and organize the lives of children up to a certain age, in which they can look after themselves. It should be emphasized that the intervention of parents or guardians in the lives of minors will be affected and will influence depending on the socio-historical context in which the family develops. In addition, the people who are in charge of supporting the family have the right to fair remuneration for their work, this remuneration must cover the needs of the family.

The Latin American Constitutions have had great advances in terms of the elaboration of new laws and codes that seek the well-being of the family, as an important nucleus of society, which establishes it in an egalitarian, pluralistic, democratic, and fair manner, qualities that are reflected in the relationship between spouses within the family and, on the other hand, the relationship between parents and children. The Constitution of Ecuador considers the family as a fundamental nucleus of society and although there is no independent body of norms that regulate everything related to the family, provisions can be found that try to protect the family as an institution.

The international instruments for the protection of rights deduce the obligation of the states to protect and assist the family as the natural and fundamental element of society so that it becomes responsible for the education and upbringing of children. An inconvenience arises when talking about the protection of the different forms of the family since the Ecuadorian legislation does not have a Family Code, and since this is the most important institution in society, the legal norms need to be ordered, unified, and coded.

As one of the different forms of family, there is the reconstituted family, this is probably the most frequent today due to the growing tendency to separation and divorce. In these new families, there is a more complex network of relationships, given that not only do the father, the mother and the children interact in the family setting, but one of the parents lives outside that nucleus, but that does not stop him from exerting their influence as well. The members generate rights and obligations and the normative ignorance of the rights of these relatives, united among themselves by affection, objectives, and deployment of family roles, is unequal and inequitable.

The permanence of the marital or extramarital union as a regulated source of the so-called assembled family must be an element to be considered by the legislative body, to regulate what is appropriate and thus recognize successor rights to fathers, mothers, and related children. Maintaining legal ignorance of a growing social situation like this turns the law into a judge of moral situations and not a regulatory system of natural human behavior.

The main role of the states is to grant a guarantee of protection to human rights, compliance with their Constitutions, and the various international instruments, which still do not fully recognize the evolution that the structure of families has undergone in the postmodern context. Therefore, it is verified that these must be modified to be consistent with reality, and as a consequence, they must distinguish and seek adequate protection and the various forms of existing families.

For the analysis of the factors that affect the protection of the family, it is defined, as a problem situation: the legal fissures and the lack of regulations regarding the various forms of family. The main objective is to define the main factors that affect the protection of the family. Specific objectives: Determine the factors that affect the analyzed variable, measure and model the variable, and finally define the potential alternatives based on eradicating the variables that affect compliance with the protection of the family, as a principle of the Right to the family.

2 Materials and Methods

2.1 Neutrosophic Statistics

Neutrosophic probabilities and statistics are a generalization of classical and imprecise probabilities and statistics. The Neutrosophic Probability of event E is the probability that event E will occur, the probability that event E will not occur, and the probability of indeterminacy (not knowing whether event E will occur or not). In classical probability nsup≤1, while in neutrosophic probability nsup≤3+.

The function that models the neutrosophic probability of a random variable x is called the neutrosophic distribution: $NP(x) = (T(x), I(x), F(x)$, where T(x) represents the probability that value x occurs, F(x) represents the probability that value x does not occur, and I(x) represents the undetermined or unknown probability of value x. Neutrosophic Statistics is the analysis of neutrosophic events and deals with neutrosophic numbers, the neutrosophic probability distribution [7], neutrosophic estimation, neutrosophic regression, etc.

It refers to a set of data, which is formed totally or partially by data with some degree of indeterminacy and to the methods to analyze them. Neutrosophic statistical methods allow neutrosophic data (data that may be ambiguous, vague, imprecise, incomplete, or even unknown) to be interpreted and organized to reveal underlying patterns [8].

Neutrosophic logic [9], neutrosophic sets, and neutrosophic probabilities and statistics have a wide application in various research fields and constitute a novel study reference in full development. Neutrosophic Descriptive Statistics comprises all the techniques for summarizing and describing the characteristics of neutrosophic numerical data [10].

Neutrosophic Numbers are numbers of the form $N = a + bI$ where a and b are real or complex numbers 11], while "I" is the indeterminate part of the neutrosophic number N.

Here, $I_N \in [I_L, I_U]$ & $X_N \in [X_L, X_U]$ is a neutrosophic random variable of size $n_N \in [n_L, n_U]$. The variable $X_{iN} \in [X_{iL}, X_{iU}]$ has two parts: the lower value X_{iL} a classical part, and the upper-value $X_{iU}I_N$ an indeterminate part having an interval of indeterminacy $I_N \in [I_L, I_U]$ [12].

Similarly, the mean neutrosophic $X_N \in [X_L, X_U]$ is defined as follows:

$$X_N = X_l + X_u I_N; \; I_N \in [I_l, I_u] \tag{1}$$

$$\tag{2}$$

Where $X_U = \sum_{i=1}^{nL}(X_{il}/nl)$ and $X_L = \sum_{i=1}^{n_U}(X_{iu/} n_u)$

is a neutrosophic random sample. However, for the calculation of neutral squares (NNS) it can be calculated as follows:

$$\sum_{i=1}^n N(X_i - \bar{X}_{iN})^2 = \sum_{i=1}^n N \begin{bmatrix} \min\begin{pmatrix} (a_i + b_i I_L)(\bar{a} + \bar{b}I_L), (a_i + b_i I_L)(\bar{a} + \bar{b}I_U) \\ (a_i + b_i I_U)(\bar{a} + \bar{b}I_L), (a_i + b_i I_U)(\bar{a} + \bar{b}I_U) \end{pmatrix} \\ \max\begin{pmatrix} (a_i + b_i I_L)(\bar{a} + \bar{b}I_L), (a_i + b_i I_L)(\bar{a} + \bar{b}I_U) \\ (a_i + b_i I_U)(\bar{a} + \bar{b}I_L), (a_i + b_i I_U)(\bar{a} + \bar{b}I_U) \end{pmatrix} \end{bmatrix}, I \in [I_L, I_U] \tag{3}$$

Where $a_i = X_l b_i = X_u$. The variance of the neutrosophic sample can be calculated by

$$S_N^2 = \frac{\sum_{i=1}^{n_N}(X_i - \bar{X}_{iN})^2}{n_N}; \; S_N^2 \in [S_L^2, S_U^2] \tag{4}$$

The neutrosophic coefficient (NCV) measures the consistency of the variable. The lower the value of the NCV, the more consistent the performance of the factor is than that of the other factors. The NCV can be calculated as follows.

$$\tag{5}$$

$$CV_N = \frac{\sqrt{s_N^2}}{\bar{X}_N} \times 100; \; CV_N \in [CV_L, CV_U]$$

2.2 TOPSIS method

TOPSIS *(Technique for Order Preference by Similarity to Ideal Solution)*. This technique is characterized by its effectiveness and the simplicity of its principle in solving multi-criteria decision problems. In the case of TOPSIS, the selection is based on finding the alternative that is closest to the ideal solution and, in turn, is further away from the worst solution. It allows combining several heterogeneous attributes in a single dimensionless index, and this is because the attributes under evaluation are very possibly expressed in different units or scales [13], [14], [16], [22], [23], [24], [25].

TOPSIS is based on the concept that the selected alternative must have the smallest Euclidean distance to an ideal solution and the largest Euclidean distance to an anti-ideal solution. So, the order of preference of the alternatives can be determined through a series of comparisons of these distances. Both solutions, the ideal and the anti-ideal, are fictitious. [15], [17], [19], [20], [21]

The ideal solution is a solution for which all attribute values correspond to the optimal values of each attribute contained in the alternatives; the anti-ideal solution is the solution for which all attribute values correspond to the least desired values of each attribute contained in the alternatives. In this way, TOPSIS provides a solution that is not only the closest to a hypothetically better solution but also the farthest from the hypothetically worse one. The process is described below, [26]:

1. Determine the objective and identify the attributes to be evaluated.
2. Prepare a matrix based on the information available on the attributes. Each row corresponds to an alternative and each column to an attribute. The element of the array represents the non-normalized value of the attribute j_{th} for the alternative i_{th}.
3. Calculate the normalized decision matrix R_{ij}. This is obtained by dividing each attribute value by the square root of the sum of the squares of each attribute value X_J. This is represented mathematically by equation (6):

$$Rij = \frac{x_{ij}}{\sqrt{\sum_{m=1}^{k} x_{mj}^2}} \tag{6}$$

4. Determine the relative importance or weight of each attribute with respect to the objective. This gives rise to a set of weights such that $\sum w_j = 1$. The weights are generally based on expert judgment and should reflect the relative importance assigned to the attributes of evaluated performance. The range of possible values of w_j will only be limited by the ability of the elements of the decision group to distinguish the relative importance of the analyzed performance attributes. w_j
5. Obtain the normalized and weighted matrix V_{ij}. This is done by multiplying each element in the columns of the matrix R_{ij} by its corresponding weight w_j. Therefore, the elements of the normalized and weighted matrix are expressed by equation 7:

$$V_{ij} = w_j * R_{ij} \tag{7}$$

6. Obtain the ideal and anti-ideal solution: The ideal solution can be expressed as (8) and the anti-ideal as (9). V_j^+ indicates the ideal value of the attribute considered among the values of the attributes for the different alternatives, while V_j^- indicates the worst value of the attribute considered among the values of the attributes for the different alternatives.
7.

$$V^+ = \{V_1^+, V_2^+, V_3^+, \ldots, V_j^+\} \tag{8}$$
$$V^- = \{V_1^-, V_2^-, V_3^-, \ldots, V_j^-\} \tag{9}$$

8. Calculate the Euclidean distances of each alternative to the ideal and anti-ideal solutions using the following equations:

$$D_i^+ = \sqrt{\sum_{j=1}^{j} (V_{ij} - V_j^+)^2} \tag{10}$$

$$D_i^- = \sqrt{\sum_{j=1}^{j} (V_{ij} - V_j^-)^2} \tag{11}$$

9. The relative closeness Pi of a particular alternative to the ideal solution is expressed by (12):

$$P_i = \frac{D_i^-}{(D_i^+ + D_i^-)} \tag{12}$$

10. In this step, a set of alternatives is generated in descending order according to the value of Pi, having as the best alternative the one with the highest value of Pi.
11. In this article, linguistic terms will be associated with SVNN, so that the experts can carry out their evaluations according to the corresponding scale (Table 1).

Linguistic term	SVNN
Very Weak (VW)	(0.10, 0.75, 0.85)
Weak (W)	(0.25, 0.60, 0.80)
Medium Weak (MW)	(0.40, 0.70, 0.50)
Medium (M)	(0.50, 0.40, 0.60)
Medium Strong (MS)	(0.65, 0.30, 0.45)
Strong (S)	(0.80, 0.10, 0.30)
Very Strong (VS)	(0.95, 0.05, 0.05)

Table 1. Linguistic terms according to the strength of the weight in the alternatives. Source: own elaboration.

3 Results

The techniques described above are applied as follows. For the protection of the family and due to the complexity and indeterminacy of the data, it was decided to apply neutrosophic statistics for the modeling of the analyzed variable.

From the processing of the information and the consensus of the experts, the factors that most affect the protection of the family (Table 2) and the variable to be modeled were determined.

Variable analyzed: family protection, for a sample of n=150 for each factor (f)

Code	Factors Affecting Family Protection
a	Absence of a legal status
b	Violation of human rights
c	Insufficient economic remuneration
d	Impact of emotional support
e	Lack of regulation of social coexistence.

Table 2. Determining factors in the protection of the family. Source: own elaboration

For the development of the statistical study, the neutrosophic frequencies of the determining factors in the protection of the family, of all the members that make up the family nucleus, are analyzed. For each factor, an affectation is analyzed in days that make up the set of affectations to ensure that education is for everyone.

Days	Neutrosophic frequencies				
	a	b	c	d	e
0-150	[83 ; 159]	[73 ; 140]	[72 ; 147]	[75 ; 155]	[83 ; 150]

Table 3. Factors that affect compliance with the protection of the family. Source: own elaboration

The effects of factors on compliance with family protection are studied in Table 3, for 150 days, with an occurrence level of [0;2] for each factor per day. There is a total indeterminacy level of a=76, b=67, c=75, d=80, e=67, with a representativeness level of [44.66%; 51.61%], on days when 2 affectations per factor were recorded. A greater incidence of 50% is observed in the factors of insufficient economic remuneration and violation of human rights. As a result of the existing indeterminacy, the use of neutrosophic statistics is necessary for its greater understanding.

4 Neutrosophic Statistical Analysis

For the modeling of the data of the affectations that have an impact on the protection of the whole family, it will be possible to understand what factor implies a representative mean $\bar{x} = \in [\bar{x}_L; \bar{x}_U]$, the values of the neutrosophic averages are calculated, and for the study of the variations of the affectations, the values of the neutrosophic standard deviation $S_N \in [S_L; S_U]$. To determine which affectation requires a greater incidence in the analyzed variable, the values $CV_N \in [CV_L ; CV_U]$ are calculated (figure 2).
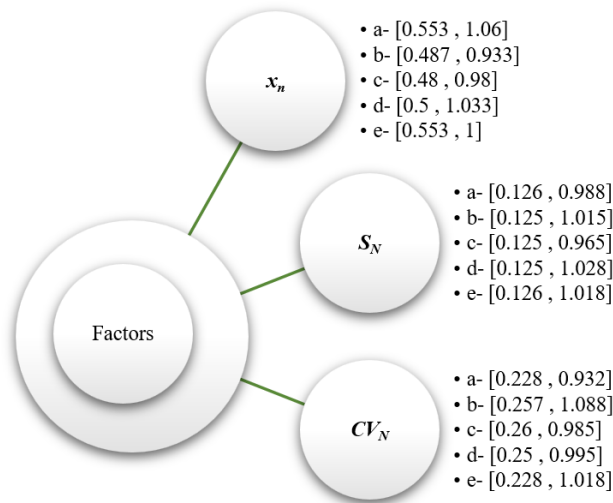
Figure 2. Neutrosophic statistical analysis of incidences in the protection of the family. Source: own elaboration.

It is observed that the non-existence of legal status has higher incidence values than the other factors. This means that this factor is, on average, the one that most affects compliance with the protection of the family. In affirmation, the value of CV_{No} this factor is lower compared to the rest. This means that the result of factor a has a negative and more significant impact than the other factors on the variable being analyzed (Table 4).

5 Comparative analysis

To determine the associated referent uncertainty measure for $\bar{x} = \in [\bar{x}_L; \bar{x}_U]$, $S_N \in [S_L; S_U]$ and $CV_N \in [CV_L; CV_U]$ to the form of neutrosophic numbers (Table 5), it is observed that the CV_N values range from 0.228 to 0.932, with a measure of indeterminacy of 75.5. This generates a negative impact to comply with the reforms to the legal frameworks for better fulfillment of family law as an unavoidable necessity for the development of people as a community, as well as its influence on other affectations. It is required that the governing bodies focus on a higher level of monitoring of the regulations and policies for the formation of new modalities and family structures.

Factors	$\bar{x}_N$	Y_N	CV_N
a	$0.553 + 1.06$ I;I $\in [0; 47.8]$	$0.126 + 0.988$ I;I $\in [0; 87.2]$	$0.228 + 0.932$ I;I $\in [0; 75.5]$
b	$0.487 + 0.933$ I;I $\in [0; 47.8]$	$0.125 + 1.015$ I;I $\in [0; 87.7]$	$0.257 + 1.088$ I;I $\in [0; 76.4]$
c	$0.48 + 0.98$ I;I $\in [0; 51.0]$	$0.125 + 0.965$ I;I $\in [0; 87.0]$	$0.26 + 0.985$ I;I $\in [0; 73.6]$
d	$0.5 + 1.033$ I;I $\in [0; 51.6]$	$0.125 + 1.028$ I;I $\in [0; 87.8]$	$0.25 + 0.995$ I;I $\in [0; 74.9]$
e	$0.553 + 1$I;I $\in [0; 44.7]$	$0.126 + 1.018$ I;I $\in [0; 87.6]$	$0.228 + 1.018$ I;I $\in [0; 77.6]$

Table 5. Neutrosophic forms with measure of indeterminacy. Source: own elaboration.

6 TOPSIS Analysis

TOPSIS modeling is used to determine the possible alternatives based on the use of the regulations and policies for the formation of the different families. The strategies to be evaluated are focused on monitoring the norms and policies for the formation of the different families and promoting the following parameters:

- ✓ There are no economic policies in support of different family structures
- ✓ There is no family code to recognize and regulate the different family structures
- ✓ It prevents a better understanding of the socio-economic and family environment in which they live and develop day by day
- ✓ Generates intra- and extra-family violence
- ✓ Encourages the culture of conflict of power of the strongest over the weakest
- ✓ Lack of basic principles of family coexistence.

A1- Economic policy
A2-Lack of regulations

A3- Social environment
A4-Violence
A5- Power struggle
A6- Family coexistence

The results are shown in the following tables:

Alternatives	Submit economic policies	Submit a code for current families	Regulate social relations	Present policies to eradicate all types of violence	Regulate the fundamental bases of organization	Ensuring compliance with human rights
A1	(0.95, 0.05, 0.05)	(0.95, 0.05, 0.05)	(0.25, 0.60, 0.80)	(0.95, 0.05, 0.05)	(0.95, 0.05, 0.05)	(0.80, 0.10, 0.30)
A2	(0.65, 0.30, 0.45)	(0.80, 0.10, 0.30)	(0.50, 0.40, 0.60)	(0.65, 0.30, 0.45)	(0.65, 0.30, 0.45)	(0.65, 0.30, 0.45)
A3	(0.95, 0.05, 0.05)	(0.25, 0.60, 0.80)	(0.25, 0.60, 0.80)	(0.95, 0.05, 0.05)	(0.95, 0.05, 0.05)	(0.95, 0.05, 0.05)
A4	(0.65, 0.30, 0.45)	(0.10, 0.75, 0.85)	(0.10, 0.75, 0.85)	(0.80, 0.10, 0.30)	(0.10, 0.75, 0.85)	(0.10, 0.75, 0.85)
A5	(0.95, 0.05, 0.05)	(0.80, 0.10, 0.30)	(0.25, 0.60, 0.80)	(0.10, 0.75, 0.85)	(0.10, 0.75, 0.85)	(0.10, 0.75, 0.85)
A6	(0.95, 0.05, 0.05)	(0.65, 0.30, 0.45)	(0.50, 0.40, 0.60)	(0.10, 0.75, 0.85)	(0.10, 0.75, 0.85)	(0.10, 0.75, 0.85)

Table 6. Table of the weights assigned by the experts to each criterion. Source: own elaboration

Alternatives	Submit economic policies	Submit a code for current families	Regulate social relations	Present policies to eradicate all types of violence	Regulate the fundamental bases of organization	Ensuring compliance with human rights
A1	0.12909	0.03907	0.08025	0.01111	0.01252	0.12867
A2	0.19466	0.04639	0.04494	0.01676	0.01888	0.16339
A3	0.19466	0.01367	0.04494	0.01676	0.01888	0.19402
A4	0.12909	0.00781	0.02568	0.01411	0.00318	0.03268
A5	0.19466	0.03907	0.04494	0.00282	0.00318	0.03268
A6	0.19466	0.03077	0.08025	0.00282	0.00318	0.03268

Table 7. Weighted normalized matrix. Source: own elaboration.

Alternative	d-	d+	Ri	Order
Economic policy	0.05099	0.06597	0.43595	5
Lack of regulations	0.11550	0	1	1
social environment	0.11198	0.03272	0.77387	4
Violence	0.04739	0.07607	0.38385	6
Power fight	0.11391	0.00732	0.93957	2
family life	0.11265	0.01562	0.87818	3

Table 8. Matrix of the distances and calculation of the Ri for each alternative. Source: own elaboration.

As a result, it is preferred to promote alternative 1, related to the lack of regulations, depending on the deficiency to be eradicated. The family has evolved, therefore, the law has to adjust to it, just as the constitutional norm cannot stop accepting these new forms of family coexistence. It must take to the constitutional text, the fundamental bases of the organization of the family in a special chapter in which the systematization, the order, the evolution, the respect, and the idiosyncrasy are taken care of.

- Propose to the governing bodies and the state a family code that relates the open recognition of the existence of mixed, reconstituted, or complex families and expressly establish rights and obligations among its members, without moralism or unlawful criteria incompatible with respect for human rights.
- Propose an amendment to the constitution without failing to consider other regulations of a secondary nature to recognize the basic principles of coexistence, which translate into human rights.

Conclusion

The family is commonly defined as a group of people united among themselves by ties of marriage or by kinship, either by blood or affinity, who live under the same roof and with common interests and rights, and duties

between them, assisting each other in the care of their lives. That is why each person cannot invent the family, since it is not only a legal institution to which man must adapt and protect, but it is a natural institution in which the state intervenes in its regulation for the common good.

The analysis of the answers of the experts on the legal fissures in the protection of the family defined in six variables allows visualizing the need to implement a new code from the evaluation of neutrosophic criteria. The result of the modeling of the neutrosophic TOPSIS method has been defined as a variable to promote the proposal of a code that protects and regulates the formation of different families thus eliminating any type of violence that is generated by the lack of regulations. The objective of a new family code will facilitate not only the protection of the family but also the coexistence and psychosocial development of the members of the family nucleus.

It is a challenge for the law to regulate this new form of socio-family interaction, not to continue ignoring it as before, since this has only brought about situations of imbalance, as a specialized branch. It is family law that today has the challenge of reshaping its approach to new forms or family models. It is, therefore, in the light of the law as a social tool, and in compliance with its principles, to contemplate in its normative body this special situation of a family nature that, in a different time from the one initially regulated, requires in an equal manner the objective standardization of their rights, without discriminatory prejudices of character or moral origin.

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