Assessing state commitment to gender equality: A feminist legal perspective on legislative processes in Indonesia and beyond

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**Abstract** This study determines how feminism evaluates the State's understanding of and commitment to gender equality in the legislative process. The sociolegal research method was utilised, and the primary theoretical framework that guided this investigation was feminist legal theory. Although this research is focused on the experiences of Indonesia, the findings of this study can also serve as a reflection of those of other countries. Even though gender equality is strongly linked to discrimination based on gender, the public often views it as inconsequential. The establishment of the CEDAW, a milestone in the fight against gender inequality, especially for women, pushes the State or government to ratify the Convention by making it a national law. CEDAW does not guarantee that a country is free from all forms of discrimination against women; more measures are needed, such as establishing a law to eliminate gender discrimination and realising and preserving the right. Legislation, as intended, is inadequate for guaranteeing that gender discrimination has been eliminated from a country; a solid commitment to attaining gender equality, in short, respecting the law and its execution, is essential. Law enforcement, removing discrimination, and protecting human rights are closely related. This study will show how law and its enforcement affect gender equality in Indonesia. Dedication to gender equality can be used as a reference for legal relations and gender equality enforcement, which can be used as a resource for legal change and the recognition that gender equality is not a small matter and demands state commitment.

**Keywords:** gender equality, feminist legal theory, gender representation, gender mainstreaming rationale, gender strategy and action, legislation, Indonesia

1. Introduction

Equality between the sexes is one of the fundamental pillars around which the process of democratisation is built. This is because achieving gender parity removes barriers to participation and opens up chances for all members of society. One of the signs that democracy fails is when it engages in discrimination, particularly when carried out structurally and culturally (Piscopo, 2016). This discriminatory treatment is a logical consequence of prejudiced attitudes and unequal positions in social connections, both of which have the potential to generate losses and diminish welfare for parties that are marginalised and subservient to others (Cook & Cusack, 2011). Even though gender discrimination is still practised on a large scale, 1998 became one of the significant markers for constructing a more democratic state in Indonesia (Blackburn, 2004). This was highlighted by massive mass demonstrations and revisions to a more democratic constitution. Discrimination based on gender creates barriers that prevent men and women from having equal access to and control of resources, the economy, power, and political engagement (Vracheva & Stoyneva, 2020). In this setting, the likelihood of women being subjected to discriminatory treatment is greater than that of men being subjected to such treatment; however, men can be discriminated against (Ernesto et al., 2014).

According to data made public by the Ministry of Women's Empowerment and Child Protection of the Republic of Indonesia, the gender gap in several crucial areas in Indonesia is decreasing (Yunita & Hadi, 2022). This finding is based on the fact that the reality of gender equality in Indonesia today is based on information made public by the Ministry. Health and education are two of the essential topics in this discussion, together with opportunities, voices and institutions, and the legislative tools required for gender mainstreaming in development (Cornwall & Rivas, 2015). Although there has been a recent trend toward narrowing the gender gap, this does not indicate that gender equality has been achieved in Indonesia; instead, it demonstrates that many issues still need to be resolved (Aspinall et al., 2021). Women are more likely to experience the harmful effects of gender issues, and patriarchal culture is considered the basis of these problems. Gender difficulties can be broken down into subcategories (Leal Filho et al., 2021). By defining roles in which "phallocentric" goals and values are perceived as norms of decency and are more in favour of men, patriarchal culture is promoted. As a result, patriarchal culture is believed to be one of the impediments to fulfilling gender equality (Prasad et al., 2021).
Like other social categories such as race, ethnicity, religion, and class, gender has the potential to influence an individual's life in a variety of ways, including the degree to which that individual participates in the political, social, and economic vitality of society, the nation, and the State (Bécares & Priest, 2015). Women may be prevented from benefiting from the expansion and improvement of human civilisation if the culture in which they live upholds deeply patriarchal ideals. In this sense, equality refers to having equal access to legal possibilities, such as receiving equal pay for equal effort in developing human resources and other productive resources. Equality also refers to having the same rights under the law (Pellegrini-Masini et al., 2020). The powerful effect of the perception and construction of a patriarchal society is the root reason for the inability of legal instruments to offer justice for women. Undoubtedly, culture and tradition must serve as the foundation upon which legal terminology and public policy are constructed (MacKinnon, 1989).

Although further ratification is followed by other laws that guarantee the protection of the rights of all citizens, gender equality cannot be achieved by simply ratifying the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Ngaba, 1995). However, in the absence of specific laws governing gender equality, women can be subjected to gender-based discriminatory treatments (Natalis, 2020). Even though the State has ratified CEDAW and has a Manpower Law, there are still many discriminatory treatments experienced by women in the workplace, such as in countries with laws against violence (Merry, 2003). This places women in a disadvantaged position, including in terms of human rights. For example, even though the State has a Manpower Law and has ratified CEDAW, there are still many discriminatory treatments experienced by women in the workplace. There are still many cases of sexual harassment and violence against women. Even at a certain level where the law regulates domestic violence, violence can still be found in the household; what about fields not explicitly regulated by law? There are still many cases of sexual harassment and violence against women. According to this line of reasoning, it is essential to have legislation that regulates gender equality since such a statute can shield against discriminatory activities, particularly those based on gender (Szcesny et al., 2016). These phenomena deserve to be considered as an indication that a particular law is needed that regulates gender equality because gender equality should be widely presented in various fields of human life, particularly for women (Inghoerl et al., 2003). This is because gender equality commonly occurs in multiple areas of human life, especially for women (Paula et al., 2020). However, a Gender Equality Law is still required to ensure access, participation, and control for all parties, ultimately benefiting all human beings regardless of gender (Makama, 2013). Although it is indisputable that the Law on Human Rights can be used as a legal umbrella for the protection of human rights in a broad sense, this does not negate the fact that a Gender Equality Law is still required (Kauffman et al., 2011).

There is a substantial negative correlation between the patriarchal culture of a community, such as that of a country, and gender equality (McDonald, 2000). Even though numerous legal frameworks regulate the protection of human rights, discriminatory actions in the workplace, and other related topics in Indonesia, it is still challenging to achieve gender equality (Asikin, 2017). This is because Indonesia still very firmly adheres to patriarchal culture. Even though the law mandating gender equality has not been developed or even started, Indonesia has not made any progress toward achieving gender equality since the ratification of the CEDAW was carried out there (Bintari, 2022). This is not easy to accomplish, given the pervasive patriarchal culture that exists in Indonesia. For instance, a law that explicitly regulates sexual violence can be passed only after a protracted process that includes arguments that are rife with gender discrimination (Armstrong et al., 2018). These arguments suggest that men are responsible for women and should protect women. Until there is concern that the existence of such legislation will put men's roles in the social order at risk, the status quo will not change.

The CEDAW is an international legal instrument that addresses women's rights and gender equality in the most fundamental and all-encompassing manner possible (Zwingel, 2005). The Universal Declaration of Human Rights (UDHR) inspires the principles that underpin the CEDAW: respect, fulfilment, and protection of human rights and equality, regardless of gender and other identities. On July 24, 1984, Indonesia passed Law no. 7 of 1984, which gave the country the authority to ratify the CEDAW (Rhoads, 2012). This was done to promote and safeguard human rights linked to the interests of women in Indonesia. Khamzina, Buribayev, and Yermukanov (2020) make an effort to investigate the problem of gender inequality in the workplace in Kazakhstan. This country is currently experiencing a period of economic, social, and political upheaval that encourages the implementation of gender equality on a robust legal basis (both nationally and internationally), which is desperately needed. Even though the scope of the research is still restricted to the issue of gender equality in the context of the workplace, the law must be utilised in this investigation as a platform from which to advance the principles of gender equality.

On the other hand, Alonso and Lombardo (2018) make an effort in their study to establish a connection between the democratic process and gender equality in Spain. According to them, democracy is both a variable and a vector in achieving gender equality. In this context, democracy must have a robust legal basis because gender equality and democracy share equal values that prioritise benefits, participation, and control in every policy and law of a country. This is because gender equality and democracy have equal values that prioritise benefits, participation, and control. Alonso and Lombardo are attempting to address the issue of gender equality in politics. Political contestation is one of the main signs and impetuses of establishing gender equality in Spain, and it is clear that Alonso and Lombardo are attempting to address this issue. This study analyses and links how state commitments play an essential role in realising gender equality. Therefore, countries need
to be committed to realising gender equality. The previous two studies did not address the dimensions of government commitment, particularly those carried out by setting laws that promote gender equality. Should have a law requiring gender equality. The State’s understanding of gender equality and its commitment to achieving it will be evaluated in this article from the viewpoint of state law on human rights and several issues included in it, such as sexual violence and employment issues from a feminist legal perspective. This will be done by analysing the State’s laws on human rights.

2. Research Methods

The law, the legal process, and the legal system identified in the study are approached using the sociolegal technique. This method is not restricted by law, as it is written but somewhat ties it to the legal environment that applies in society (Hendry et al., 2020). This sociolegal approach is an attempt to investigate further and, at the same time, investigate a problem by not only simply studying the pertinent legal norms or doctrines but also seeing the full context of the norms and how they are applied (Schiff, 1976). This sociolegal approach is an attempt to investigate further and, at the same time, investigate the problem. It is anticipated that taking such a combinative approach will improve attempts to search for the truth, analyse problems, and discover solutions so that efforts can be more creative and liberated. When viewed through such a concept, the sociolegal approach might be characterised as an approach that promotes individual autonomy (Tamanaha, 2001). A sociolegal approach is taken to obtain a deeper understanding of a situation involving the application of law that is more thorough (Ashford, 2010). The sociolegal method and feminist legal theory are included in this research.

Along with the development of Critical Legal Studies as a school of thought in the 1970s, Feminist Legal Theory made its debut during that same decade (Tushnet, 1991). These schools of thought attempted to make a breakthrough in the fight against the law’s enactment against women and the discrimination that women received from the law. Because of the emergence of feminist legal theory, inequity brought about by the law, which has been jargonised as a bearer of justice for all, neutral, objective, and equal for anybody, including men and women, has been broken (Sulistyawan, 2018). Feminists believe that laws are a direct reflection of the prevailing political philosophy in a given society. In a patriarchal society, the law is only ever interpreted from men’s point of view because men are the ones who draft the legislation and ensure that their interests are represented. This point is driven home by Anthony Synott, who asserts that “men have justified their hegemony and the disparity of men and women, in several ways and across all fields” (Synott, 2002). According to MacKinnon (1991), who highlighted that to achieve equality, reform is needed, not only in legal systems but also in social life. It was argued that the theory should reject the concept of legal neutrality and attempt to incorporate women’s perspectives into legislation and its application and enforcement. Access, involvement, control, and advantages to or from the law are the parameters to consider in this circumstance.

3. Results

3.1. The Ratification of the CEDAW Convention Marks a Crucial Turning Point in the Fight for Gender Equality

According to Article 2 (la) of the Vienna Convention on the Law of Treaties, ratification is a so-called international act in each instance. The meaning of “ratification” can be affirmed or ratified through the process of approval (valid by approving) (Ko Swan et al., 1997). If an international treaty has already been signed, an agreement must be reached with the ratifying body for the pact to have continuing legal force. A state is established in the international sphere of consent to be bound by the treaty. This provision is included in the Vienna Convention on the Law of Treaties. Because the ratification of the UN human rights convention serves as a standard for cultural indicators of a nation, it also serves as an arena for confrontation between the State and nongovernmental organisations (NGOs) (Wotipka & Tsutsui, 2008). The State is charged with ensuring the protection and prevention of abuses of human rights to safeguard, prevent, and promote human rights issues for its population through the many rules it enacts (Sarkin, 2001). In particular, through the United Nations, humanity recognised health, education, knowledge, and even social development as human rights; during that time, the State took control of the world’s economic power and political authority (Merry, 2006).

The word “ratification” originates from the Latin word “raticare,” which can be broken down into the components “one hundred,” “permanent,” and “facto,” which can be translated as “made” or “formed” (Goodman & Jinks, 2003). As a result, ratification can either be self-ratified or achieved through the government’s authorisation. After signing an international treaty, it is necessary to have a legally valid force through an agreement established with the ratification institution for the treaty to be considered in effect. According to Article 2 (la) of the Vienna Convention on the Law of Treaties, ratification is a so-called international act in each instance. A state is established in the global sphere of consent to be bound by the treaty. This provision is included in the Vienna Convention on the Law of Treaties. According to Allan McChesney (1980), the ratification of a United Nations convention on human rights is a measurement of the cultural indicators of a nation. As a result, ratifying a human rights convention becomes an arena of struggle between the State and NGOs. Specifically, the United Nations acknowledged health, education, information, and even social development as human rights; during that time, the State seized economic power and worldwide political authority (Lauren, 2013). Through the many different regulations that it creates, the State’s job is to safeguard and prevent human rights violations. The aim is to
protect, control, and promote human rights issues for residents. This is the function that the State is required to play (Nolan, 2009).

As seen in the mandate, the legal basis for the Law on the Ratification of CEDAW is not another law. Instead, it comes directly from Article 27, paragraph (1) of the Constitution of 1945 and People's Consultative Assembly Decree No. II/MPR/1983 on Outlines of State Policy (Tri dewiyanti et al., 2011). These two documents serve as the legal basis for the law. It is mentioned in the dictum that all types of discrimination must be eradicated because they were not eradicated by Pancasila or the Constitution of 1945. In the context of globalisation, there is an excellent desire to achieve the existence of a nation and state that portrays equality as the norm. This urge is directed toward the State, which is seen as the party that is most responsible for ensuring the safety of its residents. This incentive cannot be divorced from the fact that the CEDAW Convention exists, which, as is well known, places emphasis on gender equality in and of itself. The responsibility for carelessness and obligations of state administrators, as alluded to in the articles of the Convention, apply to the articles that follow, up to and include Article 16.

The CEDAW defines the responsibility of states as consisting of two parts: the obligation to take steps and the commitment to bear the consequences of such actions (Hakimi, 2010). The CEDAW has several fundamental principles, all of which function as obligations placed on the state, and the list is as follows: The state guarantees and realises rights both de jure and de facto; the state must regulate them in the public sector and against the actions of people or institutions; the state must guarantee women's rights through laws and policies and guarantee results (duties of marks); the state ensures the practical implementation of these rights through particular actions or rules that are conducive to or increase the ability to access existing opportunities and opportunities; the state guarantees and realises rights both de jure and de facto; the state must regulate them in the public sector and against; the state is responsible for both the legal and practical realisation of citizens' rights; and the state is responsible for realising and guaranteeing these rights (Raday, 2012).

A naive approach cannot achieve gender equality, so the State must also provide a solid commitment to realising this equality. Of course, it is not enough to do this by ratifying the CEDAW through laws; this is an effort to equalise human rights between men and women as intended by the CEDAW as gender equality. The CEDAW in Indonesia was designed to equalise human rights between men and women, as intended by the CEDAW, as gender equality. In a practical sense, the accomplishment of gender equality requires more than just the making of laws or other legal elements; relatively, the culture and structure of the legal system itself cannot be ignored. Therefore, the commitment of the State is judged not only by the presence or absence of a law that supports equality but also by how the State enforces the law and how the policies they take reflect equality, which are more significant factors than just the existence or absence of the law itself.

The actualisation of gender equality and the rejection of discrimination against human rights, particularly against women, is a manifestation of the international accord that was included in Human Rights Law Number 39 of 1999, which is as follows: Article 46 of the Human Rights Law, which essentially stipulates that the general election system, political parties, and the government (executive and legislative) must guarantee the representation of women in positions of power at least 30 percent of the time, is one of the articles that regulates women's rights in the political sphere. Other articles in the Human Rights Law also regulate women's rights in the political sphere. According to the first paragraph of Article 49, women have the legal right to be appointed to professional posts by legislative requirements. This demonstrates that the act contains provisions to protect women's political rights. Article 48, which essentially states that women and men have the same opportunities to obtain education by means of laws and regulations, regulates women's rights in education. This ensures that women have the same rights to education as men do. Article 49, paragraphs 2 and 3 regulate women's rights in economics and work. These paragraphs stipulate that women have the right to protection in doing work that threatens their safety and reproductive health, as guaranteed by law. This right to protection is a fundamental component of women's rights. Article 47, which essentially states that Indonesian women who marry foreign men have the right to maintain or relinquish their Indonesian citizenship status, is one of the many articles that regulate women's rights both during marriage and after marriage. Other articles also regulate women's rights before and during marriage. In addition, it is also regulated in Article 50, which states that women who have reached the age of maturity have the right to take legal action as capable legal subjects, so long as they are permitted to do so by the religious laws of their respective countries, which include the right to marry. This provision is included in the Constitution. Article 51 of the Human Rights Law also regulates women's rights in marriage. This article states that a wife has the same rights and obligations as her husband, both about children and the right to ownership and management of joint assets. Additionally, this article states that a wife has the same rights and obligations as her husband in managing common assets. When a marriage comes to an end, women are entitled to the rights that have been outlined in the law, such as the right to own property and the responsibility of raising their children on their own (Yoel, 2021).

Therefore, gender equality in Indonesia has been normatively implemented in various fields of social life. This has been done in the political field through Law no. 22 of 2007 concerning election organisations, which regulates the composition of election organisers to pay attention to the representation of women at least 30 percent; in the economic field through Law no. 13 of 2013 concerning manpower; and in other areas of social life, most importantly, equality before the law (Erlina & Normadilla, 2020).

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Then, how would you characterise gender equality in Indonesia? It is possible to measure the degree of gender equality based on the number of women elected to political office and the number of women serving in parliament. A minimum quota for women’s representation of 30 percent through Law no. 22 of 2007 concerning election organisations can be interpreted as a temporary treatment to provide “more space” for women in the Indonesian parliament. This interpretation is possible because Law no. 22 of 2007 concerned election organisations. In the last four elections, it has been shown that the percentage of women’s representation in parliament is growing. For example, in the 2004 election, 21.09 percent or 27 seats in the House of Representatives of Indonesia were occupied by women; in the 2009 election, 26.52 percent or 35 seats in the House of Representatives of Indonesia were occupied by women; however, in the 2014 election, this value fell to 25.76 percent or 34 seats in the House of Representative. This indicates the percentage of women’s representation. Ironically, it takes twelve years to reach the target of thirty percent completion. It is naive to claim that “the Indonesian government has a strong commitment to realising gender equality in politics,” especially for the first time. A woman was elected as chairperson of the Indonesian House of Representatives for 2019-2024. This is especially true given that a female candidate won the election (Wardani & Subekti, 2021).

Countries committed to achieving gender equality are needed, as a foundation for their argument, to have a legal basis in their laws that rejects discrimination based on gender, religion, race, caste, or any other reason. From this vantage point, Indonesia promises that there will be no discrimination against rights for any cause through the products of its legal system. In Indonesia, legal products such as laws and regulations are formed by referring to Law no. 12 of 2011 concerning the establishment of laws and regulations. Law no. 12 of 2011 states in Article 6 paragraph (1) that the material principles of the content of laws and regulations include the following: shelter, humanity, nationality, kinship, archipelago, unity in Diversity, justice, equal position in law and government, order and legal certainty, balance, accord, and harmony. This law was enacted to establish laws and regulations. The article in the law can be interpreted as a commitment to protect fundamental human rights, which is added to the basis of localisation values, as Indonesia is known as Pancasila and its motto Bhinneka Tunggal Ika. The overall precepts of Pancasila mean equal rights to protection, justice, and equality before the law and government and order and legal certainty, as indicated by balance, harmony, and harmony. The article in the law can be interpreted as a commitment to protect fundamental human rights. When you take a closer look, you will notice that Article 6 of the Indonesian Constitution aligns with what justice and equality are outlined in the document. This approach is essential for achieving gender equality since it mandates access to and preservation of fundamental human rights (Kusumawardhana & Abbas, 2018).

The “principle of justice” is the concept that every single Content Material of the Laws and Regulations shall represent the proportionally just treatment of every citizen, without exception (Ariffin & Yuniar, 2021). In contrast to what is meant by the phrase “principle of equality of position in law and government,” which refers to any Content Material of Legislative Regulations, the invitation may not contain things that are distinguishable based on background factors such as religion, ethnicity, race, class, gender, or social status. This access should be strengthened by the stipulation that each content material of the Laws and Regulations must not contain anything that gives or results in differentiating based on background, such as religion, ethnicity, race, class, gender, or social status. This access should be strengthened with the stipulation that each content material of the Laws and Regulations must not contain anything that is given or that results in differentiation based on background. At this point, the legislative framework that the Indonesian State has in place already provides a solid foundation for gender equality.

A nation’s commitment to achieving gender equality can be inferred, at the very least, from the fact that its legal system has laws designed to ensure equal treatment of men and women. From this perspective, it is possible to conclude that Indonesia is committed to ensuring that gender equality is reflected in all newly enacted laws.

3.2. An Analysis of CEDAW from a Feminist Point of View in Indonesia

Since Indonesia passed Law Number 7 of 1984 regarding the ratification of the CEDAW, the CEDAW has been enacted as a positive law in the country for the past 22 years. It is not certain that the ratification of these articles will increase the protection of women’s human rights and the achievement of gender equality in Indonesia. Because the national legal system itself has at least three elements, namely, legal substance, which is realised through legislation; legal structure, which is manifested as a law enforcement agency and its apparatus; and legal culture, which describes the legal culture of the community and law enforcement officers, guaranteed equality of rights in the law does not mean that equality of rights is “lasting” in a country because the national legal system itself has at least three elements, namely, legal substance, which is realised through legislation and legal structure (Friedman, 1975).

The gender prejudice present in each of the three components of a country’s legal system will lead to the structural and cultural discrimination that Indonesian women continue to face. There are still concerns about gaps between the law as it is written on books and the law as it is practised, and this is something that is acknowledged in regard to the issue of discrimination against women. Various national and international data show that the struggle to uphold human rights for women is still a battle that must be fought against an uphill battle. Because the problems not only involve legal issues but also involve political, economic, sociocultural, and educational issues, implementation of these practices still requires
continuous struggle because the problems occur not only through legal matters. Instead, they are so that exploitation, subordination, and discrimination against Indonesian women no longer occur. Consider the realm of politics, for instance. Even if the 30 percent quota has been met, this does not necessarily mean that gender equality has been achieved in Indonesia's political arena. According to the demographic data of the Indonesian population, which consists of 692,24 thousand people, 330.1 thousand people (47.69%) are women, while the remaining 362,13 thousand people (52.31%) are men; therefore, logically, there should be at least one representation of women in parliament. It stands at 42 seats, down from its previous position of 65, giving it 47.69 percent or 65 seats. From a statistical standpoint, it was evident that the 42 seats held by women do not yet satisfy what is considered "equal," and this process is also one factor that determines equality itself.

In the framework of criminal law, the equality of rights or gender equality in Indonesia is still a long way from what is intended to be achieved through the CEDAW agreement, particularly sexual assault against women and children. This is notably the case with the death penalty. The definition of rape in the Criminal Code ignores women's human rights as victims, even with the enactment of the Act on the Crime of Sexual Violence, which defines rape. Discrimination is frequently received by victims of sexual violence, such as revictimisation, particularly in the legal context. There are forms of discrimination that occur from generation to generation through the Criminal Code. One example of this is the definition of rape in the Criminal Code. Revictimisation is another form of discrimination. In addition, little effort has been made to satisfy victims' rights. In addition, the Draft Criminal Code includes the possibility of overcriminalising the implementation of the law against vulnerable groups. These groups include children, women, people with disabilities, communities governed by customary law, and believers. In this scenario, children and women in particular are treated inconsistently with the commitment to realise gender equality.

The potential for discrimination can be found in Articles 414-416, which discuss the use of pregnancy prevention devices and abortion devices. The explanation in this article can impede community initiatives and participation in reproductive health education in community and family planning programs. Additionally, the lack of clarity on who is meant by "volunteers and authorised officials" can criminalise parties who conduct education on reproductive health and prevent sexually transmitted infections (STIs) and HIV/AIDS. Articles 470-472 concerning abortion can criminalise parties who conduct education on reproductive health. Prevention in Article 470 does not comply with the Law on Health or the Sustainable Development Goals' objective of lowering the maternal death rate caused by pregnancy because unintended pregnancies are responsible for approximately 70% of all maternal deaths. In this scenario, the protection of rape victims in the Criminal Law Bill and Law Number 36 of 2009 concerning health needs to be brought into sync with one another to be adequate. Even women who are victims of sexual violence or other women who terminate a pregnancy for a medical emergency will be breaking the law if they do so under Article 472 of the Constitution. Whereas Article 31 of Government Regulation 61 of 2014 concerning Reproductive Health justifies the act of abortion carried out based on indications of a medical emergency or pregnancy due to rape, Article 467 of the same regulation concerning the prohibition of a mother taking the life of a newborn child states that it is illegal for a mother to take the life of a newborn child (Infanticide). Because it presumes that only mothers who are terrified of the birth of a child becoming known by people are concerned about this topic, the construction of this article is sexist and discriminatory against women (in the context of the birth of a child out of wedlock). In fact, in society, men who cause pregnancy also experience fear. As a direct result of these biased presumptions, women may be criminalised.

Furthermore, several articles in Book II of the Draft Criminal Code discriminate against women, such as Article 484 paragraph (1) letter e, Article 488, Article 490 paragraph (2), and Article 498 paragraph (2). One of these articles, known as the adultery article, is a new formulation that goes against the principles of criminal law and criminalises women. One principle in criminal law states "no victim, no crime." Therefore, the formulation of Article 484 paragraph (1) letter e is manifest against the public or community interest and against the principles of criminal law and attacks a person's right to personal protection from fabricated criminalisation. The wording of paragraph one, letter e, of article 484 is incompatible with human rights, particularly the right to equality before the law, the right to be free from discrimination, and the right to personal protection, all of which are guaranteed in the Constitution of the Republic of Indonesia from 1945. Article 27 paragraph (1), Article 28I paragraph (2), and Article 28G paragraph (1). In practice, adultery provisions are often directed at women and girls, violating their right to dignity and privacy and leading to discrimination and violence against women. This is based on the Report of the United Nations (UN) Working Group on Discrimination against Women in Law and in practice in 2012, which states that even though the article is gender free and can be applied to both men and women, the provisions of adultery in the rule are often directed at women and girls.

One indication that women in parliament have not fully represented women is the passage of discriminatory articles of the Criminal Code Bill. In this case, 30 percent is meaningless because discussions about laws that still present discrimination and distance Indonesia from gender equality can still be carried out in parliament. This means that women have not been fully represented in parliament. The provision of "seats", equal to as much as thirty percent of the total number of members of parliament, can, according to this theory, represent the voices of women and children regarding the demands and needs for equal and nondiscriminatory activities. In this situation, according to feminist legal theory, the law
should not provide gender-based discrimination or discrimination for any other reason. The law must ensure the equality of human rights for all human beings. It does not end there; laws that are not inherently discriminatory can still result in discrimination when implemented, such as the manpower law.

These prohibitions on discriminatory treatment in the workplace are regulated by the manpower law, which regulates various other prohibitions on discriminatory treatment in the workplace. Article 5 and Article 6 of Law no. 13 of 2003 concerning manpower recognise that every worker has the same opportunity without discrimination to get a job and that workers have the right to receive equal treatment without discrimination from their employers. Again, Article 88A paragraphs (1) and (2) of Law no. 13 of 2003 join. Law no. 11 of 2000 concerns job creation, and Article 2 paragraphs (2) and (3) of Government Regulation no. 36 of 2021 concern wages. Every worker has the right to receive equal treatment in the application of a wage system without discrimination and is entitled to receive the same wages for work of equal value. This is stated in both of these laws. The CEDAW, which was ratified in Law no. 7 of 1984 and regulates steps to eliminate discrimination against women at work, is actually in line with what is stated in the Manpower Law. The manpower law is in line with what is stated in the CEDAW.

On the other hand, there are still numerous discriminatory practices in the sphere of labour at the implementation level. One example of this is the practice of paying men and women differently for the same work even though they both do the same amount of work. There is an average difference in salary of 11–20 percent between men and women who hold the same position. In addition, men tend to be more occupied by men, as men occupy 4 out of 5 commissioner positions, and in some cases, all of these positions are occupied by men. This is true even in cases where women hold the same position as men. The opportunity for women to occupy strategic positions or positions, in particular, is relatively lower than that for men; this can be illustrated by the number of women occupying managerial positions in Indonesia, which is still less than 40 percent or only 33.08 percent. Strategic positions or positions, in particular, tend to be close to those of the female gender, or the opportunity for women to occupy these positions is relatively lower than that for those who are male.

Women’s fields, civil or otherwise, regardless of their marital status based on equality between men and women. According to the CEDAW, any distinction, exclusion, or restriction made based on sex that results in or aims to reduce or eliminate the recognition, enjoyment, or exercise of human rights and fundamental freedoms in the political, economic, social, or cultural fields by women, regardless of their marital status based on equality between men and women, is considered to be gender-based discrimination. One piece of evidence that gender-based discriminatory practices are still prevalent in the sphere of work in Indonesia is the low number of women who hold strategic or managerial roles in their places of employment.

The concept of gender equality refers to situations in which women have equal access to the equal application of human rights and equal opportunities and outcomes. The idea of gender equality is opposed to that of gender discrimination. The CEDAW emphasises that the State must enact or alter laws, eliminate discriminatory stereotypes and habits, and take extraordinary actions or steps necessary to ensure equality. In this regard, the Convention acknowledges that the nature of discrimination against women is both historical and systemic; consequently, its goal is directed toward achieving equality in de facto conditions by constitutionally guaranteeing women’s rights, statutorily regulating those rights, and taking a variety of other steps, including extraordinary measures such as affirmative action (Clayton, 2015; Gibelman, 2000; Jovani, 2020; Sayuti, 2013).

Enforced and ensures that justice was served for everyone. A legalistic perspective holds that the law is an impartial and value-free institution and should be treated before the courts (Vieille, 2012). There is not the slightest bit of reason to discredit this assertion, particularly in a society that possesses a condition known as a sine qua non, which is a structure that is not layered, in which everyone has access to sources of welfare that are relatively equivalent to one another, and in which the judicial bureaucracy is relatively free from corruption. On the other hand, there are many different social stratifications; as a result, the application of equality before the law is called into question. This is because different treatment from parties seen as others can be found in explicit formulations of various beneficial legal products and daily practices. The legalistic approach does nothing except validate and promote sexist laws, which can be defined as laws that only serve the interests of particular gender categories. The inequalities that are the root cause of widespread dehumanisation are made worse only by these sexist laws. The advent of feminist scholars, over time, posed a challenge to the legalistic method described above. The field of feminist legal studies investigates this topic. Over the past two decades, the analysis that has evolved can view the law as a component of power in a broad sense and reflect the values that underpin that power. According to feminist legal studies, law is not the result of impartial, objective, or unfettered political objectives. On the other hand, they maintain that the law contains ideological content and that this ideological content expresses the interests of the dominant group about the gender norms that are prevalent in a community (Cislaghi & Heise, 2020; West, 1971).

CEDAW outlines approximately 37 requirements for states, categorising them as legal, political, social, economic, and cultural obligations to ensure that women can exercise the rights to which they are entitled fully (Damayanti, 2017; Maryam, 2012). The framework of state obligations, in general, is discussed in the first section, and the development of the articles is covered in the second part. Articles 2, 3, 4, and 5 provide the frameworks for these obligations, which are as follows: putting into practice the principle of nondiscrimination against women by ensuring the implementation of anti-discrimination against
women, protecting women from all forms of discrimination, and fulfilling all of the fundamental rights that women have as human beings.

As was said before, the Convention stipulates that states must fulfil the following obligations regarding political and civil rights: This obligation emphasises that gender should not be a limitation for women to obtain political and social rights as obtained by men, mainly through policies or law. Make appropriate regulations to eliminate discrimination against women in political life and social life equal to men. This approach is used to explain and offer guarantees for women to participate in various forums at various levels, particularly international forums. It ensures that women will have opportunities to represent the government and work at the international level if appropriate arrangements are made. This arises because there is a tendency for women's nationality as wives or children to be determined by men and women as human beings who have equal rights with men having the same rights in terms of nationality; this is why men are given the same rights to acquire, change, or retain their nationality. It is certain that entering into a marriage with a foreign nation will not change citizenship status or the loss of citizenship. Men and women were given the same rights to decide the nationality of their children as they did while they were pregnant. In the meantime, the obligations of the State in the EcoSob domain include the following:

- the State's obligations in the field of education, such as making appropriate regulations to eliminate discrimination against women to guarantee the same rights as men in the field of education
- the elimination of stereotyped concepts about the roles of men and women in education, including textbooks, programs, and learning methods
- reduction in dropout rates for girls

Another example of these obligations is the State's obligations in education. For instance, this is a form of equality between husbands and wives in regard to determining the citizenship of their children because men, in their roles as husbands, have more authority in determining the citizenship of their children. Nevertheless, women also have equal rights in this area.

Based on the equality between men and women, the State's responsibility in employment is to adopt relevant legislation to eliminate discrimination against women in the workplace. In addition to this responsibility, the State must also enact the necessary legislation to eradicate discrimination against women in all relevant contexts. Marriage ensures the fulfilment of these rights by establishing kinship relationships on the basis of the foundation of equality between men and women. In addition, the State is obligated to take the necessary procedures, which include amending the law to establish a legal minimum age for marriage and mandating that marriages be registered at official Civil Registry offices.

Article 28 I, paragraph (4) of the Constitution of the Republic of Indonesia from 1945 states that "the protection, promotion, enforcement, and fulfilment of human rights are the responsibility of the state, especially the government." This paragraph also outlines the responsibilities of the State regarding human rights and states that the State must fulfil these responsibilities. Article 28, I paragraph 5 states that "the implementation of human rights is guaranteed, regulated, and stated in-laws and regulations to uphold and safeguard human rights with a democratic rule of law." Human rights are guaranteed, regulated, and stipulated in in-laws and regulations. As represented by the government, people are responsible for preserving, promoting, enforcing, and fulfilling human rights. As a result, given that women are human beings who possess human dignity and dignity, their human existence must be upheld, recognised and respected, protected, and fulfilled by the State by the guidelines outlined in the Constitution of the Republic of Indonesia from 1945. Women are described as rights that a woman owns, either because she is a human being or a woman who possesses human dignity and Worth. Women's human rights are protected by the Constitution, written in 1945 and called the Constitution of the Republic of Indonesia. The phrase "everyone" clarifies that these rights apply to women, which means that the Constitution both guarantees and protects women's rights. The CEDAW was approved by the government by Law Number 7 of 1984, titled "Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women." The State must respect, safeguard, and fulfil these women's human rights under regulations governing women's human rights. The regulations assign these obligations (Leal Filho et al., 2021).

This particular temporary measure has been used in Law no. 10 of 2008 concerning General Elections; specifically, women receive a 30 percent quota to increase the number of women represented in the legislature. This step can be considered affirmative action against women in parliament; however, gender-based discriminatory behaviour has taken root in Indonesia; consequently, further action is required along with other affirmatives that guarantee gender equality, particularly those that favour women. The CEDAW places an express obligation on the State to improve its legal policies and take whatever necessary steps to improve women's conditions. This is done to address the issues that women face today. The current tendency in community activism is to strive for change against women through responsive and pro-justice legislation. Despite the motivation expressed above, our society continues to struggle against many roadblocks in its attempts to carry out these endeavors. There will never be a complete alignment between the law and the social reality.

Some nations even have many laws that control discrimination to bring the legal system closer in line with the social reality of their societies. Like in Australia, in China, one law regulates human rights commissions through the 1986 Australian Human Rights Commission Act. Additionally, Australia has four laws that regulate discrimination: the Age Discrimination Act 2004, the Disability Discrimination Act 1992, the Racial Discrimination Act, and the Sex Discrimination Act 1984. The
Department for Women and Gender in Canada, similar to its counterpart in Australia, is responsible for enforcing specialised laws and departments to ensure gender equality. Equality Act, Chapter 27, Section 661 of the Statutes of Canada, 2018; this act is complemented by the Federal Employment Equity Act (1995), the Federal Pay Equity Act (2018), and the Canadian Gender Budgeting Act (2018). Both nations follow the same approach; that is, they incorporate laws and constitutions that address issues relating to gender equality within their respective legal systems. In this instance, Australia took a step forward by establishing a human rights commission by the Australian Human Rights Commission Act 1986.

On the other hand, Canada took an additional step forward by establishing the Women and Gender Equality Department. Both nations have the common promotion of gender equality within the abovementioned laws. Even though Indonesia has taken actions comparable to the founding of the National Commission on Human Rights and the National Commission for Women and Children, none of Indonesia's laws expressly encourage gender equality. In this particular scenario, gender equality can be evaluated based on access, participation, control, and benefits. Because there is no robust legal foundation that can serve as the foundation for any efforts to fight for gender equality, the absence of a law that controls gender equality would undoubtedly restrict the bounds of gender equality. Both human rights and gender equality are, in a substantive sense, related to the hegemony of one gender over another. This is especially true of those aspects that restrict access, participation, control, and benefits that can be received or owned by a particular gender because of the existence of a specific gender. Human rights and gender equality are related to the hegemony of one gender in different dimensions, predominantly one gender over another. In this context, the governments of Australia and Canada are in a position to identify the critical need to urgently regulate gender equality in the legal systems of their respective countries, which are not governed in terms of legislation about human rights.

4. Discussion

Women are a part of a group vulnerable to various human rights violations, injustice in war, and armed conflict. Not the least common of these are the biggest victims of human rights violations, such as rape, refugees, the slave trade, prostitution, and forced labour (Dartnall & Jewkes, 2013). In certain circumstances, women are a part of a group vulnerable to various human rights violations, injustice in war, and armed conflict. Women still have a long way to go before achieving important positions in government and politics. They need to be able to share their roles and responsibilities to live fulfilling lives. Another challenge that women frequently face is the lack of justice regarding holding positions in government and politics. Therefore, due to the United Nations General Declaration of Human Rights, women’s fights to realise gender equality and justice have become more complex. Movements of resistance occur in every region of the world, including Indonesia. This fight starts with the problem of gender inequality that exists worldwide. As a result, the issue of justice and the equality of the sexes has developed into a worldwide need or need and is currently on every nation's agenda. Awareness and a shared will to realise gender equality and justice need to be initiated and pursued with the full support of the governments of every country in the world, which must be manifested in the form of legal guarantees and must include Indonesia. This approach is necessary to make progress toward these goals (Prihatini, 2019).

The fight for gender equality and justice has captured people's attention worldwide, particularly after the conclusion of the Cold War between the Western Bloc and the Eastern Bloc. This shift aligns with the development paradigm shift from a security and stability approach to a prosperity and justice approach (prosperity) or a production-centric development approach to a more democratic and open humanity (people-centric development) approach. This change is in line with the development paradigm shift atmosphere.

The protection of women's rights and gender justice are now official government policies. Article 27 of the Constitution of 1945 states that "All citizens are equal before the law and government and are required to uphold the law and government with no exceptions." Equality between women and men was controlled: "All citizens are equal before the law and government." This provision serves as the foundation for ensuring equal access, participation, and control for women and men in economics, society, and politics. In addition, as a result, Indonesia became a party to several international conventions aimed at reducing instances of discrimination and enhancing the position of women. However, implementing these laws and programs has not been particularly successful. In an ideal world, the law was established to impose order on life and safeguard society.

There is a growing need for information regarding women's challenges in their quest for equality with men. Women are aware that they are not on equal footing with males in many facets of life. The idea of liberation (equality) between women and men was developed in the 1950s and 1960s to catch up, and it is still being explored and championed today. Law no. 7 of 1984 about the Ratification of the CEDAW, which came from this Act, was born earlier, in the form of acceptance of government policies that should be positively acknowledged as a form of approving acceptance of government policies. This demonstrates that the government's dedication to the fate and future of women was relatively high, even though the date the law went into effect was less than three years ago, on September 3, 1981. All forms of discrimination against women must be eradicated since they are not eradicated by Pancasila or the 1945 Constitution of the Republic of Indonesia. The preamble of this law makes it abundantly apparent that all citizens hold the same position in law and government.
The 1945 Constitution of the Republic of Indonesia guarantees human rights, including women's rights. This is stated in Chapter XI concerning Human Rights, Articles 28A to 28J. The Constitution of the Republic of Indonesia guarantees human rights, including women's rights. This provides normative juridical certainty that the sentence "everyone has the right..." further emphasises that women and men have the same constitutional rights. This line of thought gives the impression that human rights, particularly women's rights, are respected and protected. The government is making continued efforts to protect women's rights and promote gender justice. In 2000, the government issued presidential instruction no. 9 of 2000 concerning gender mainstreaming in national development. This instruction encourages the actualisation of women's interests within the context of development policies, both at the central and regional levels.

Alongside the fight for the upholding of human rights as a follow-up to the World Statement on Human Rights, which was proclaimed on December 10, 1948, a battle for the protection of women's rights in the context of gender justice has been fought for approximately sixty years now. This battle has been occurring concurrently with the fight for human rights. At the international level, enacting regulations serves as overarching legislation to carry out actions to fulfil human rights, particularly the rights of women and gender justice. Women's rights are regulated by various policies, such as those established at the 1975 United Nations Women's Year International Conference in Mexico City, which resulted in a declaration of equality between women and men in terms of education and employment; prioritising development for women; expanding women's participation in development; providing data and information on women's participation; and implementing an analysis of differences in roles based on gender. The availability of data and information on women's participation and the implementation of the study of differences in equal rights for women and men, as well as the achievement of equal standing for women and men, are essential components of the outcomes of the United Nations World Conference, which took place during the International Year of Women. The conference was held in accordance with the rights agreed upon during the United Nations World Conference (Tait et al., 2019).

The goals outlined in the Sustainable Development Goals (SDGs) and the National Midterm Development Plan for 2015-2019 have been almost entirely synchronised thanks to the efforts of the Indonesian government. With the aims jointly stated in the SDGs connected to goal 5, including gender equality and empowering women and girls, it is envisaged that every country will be able to implement all of the policies and advancements. It is envisaged that consideration will be given to gender equality and women's empowerment. Indonesia, represented at the signing of the SDGs agreement by Vice President Jusuf Kalla, stated that the points contained in the SDGs might be linked with the National Development Plan and Goals. This was done during the signing ceremony. While the SDGs are international commitments to improve quality of life from one generation to the next, Indonesia's 2015-2019 Medium Term Development Plan (MTDP) outlines the country's development priorities. This plan serves as the direction for carrying out the country's development. For this reason, the SDGs need to be harmonised with the objectives of the National Development Program (NDP) so that the SDGs may also serve as a standard reference in putting the NDP agenda and plans into action, both centrally and regionally.

This matter is important because of the formulation of the Development Plan. Although the National Midterm Development Plan was compiled in 2014, many of the Sustainable Development Goals and targets have been listed in the National Medium-Term Development Plan. These medium-term national development priorities were listed in the 2015-2019 National Medium-Term Development Plan. Many of the targets included in the agenda of the National Mid-Term Development Plan will be realised as part of the SDGs. These targets include economic pillars (covering targets 7, 8, 9, 10, and 17). There are 54 global 30 targets for the National Mid-Term Development Plan. Implementing a free and active foreign policy is one of the nation's top priorities, achieving energy sovereignty, accelerating national economic growth, enhancing labour competitiveness, achieving equitable development among regions, and more. The Global Social Pillar has set its sights on 47 goals, while the National Mid-Term Development Plan has set it on 27. Among Indonesia's national priorities are the reduction of poverty, the improvement of community welfare, the increase in food sovereignty, the implementation of wise Indonesian and healthy Indonesian programmes, and the protection of marginalised girls and groups. The Environmental Pillar and Sustainable Development Goals target 56, and the National Mid-Term Development Plan targets 31 national priorities, including carbon emission reduction, natural resource conservation, environment and disaster management, action plans, and Indonesia’s biodiversity strategy. Water security, housing and settlement development, climate change management, and climate and disaster information are also included in this list. The Pillars of Law and Governance have set their global target at 12, which is also the goal of the National Mid-Term Development Plan.

Regarding Presidential Regulation Number 2 of 2015 Concerning the National Medium-Term Development Plan of 2015-2019, Presidential Regulation Number 59 of 2017 Has Been Ratified Regarding the Implementation of the Achievement of Sustainable Development Goals. This statement is related to the 5 SDGs, which were confirmed in the 2017 Attachment of Presidential Decree Number to Achieve Gender Equality and Women's Empowerment as one of the global goals of the SDGs. The global goals that need to be achieved are as follows:

a. End all forms of discrimination against women everywhere;

b. All forms of violence against women in public and private spaces, including human trafficking and sexual exploitation, as well as a variety of other forms of exploitation, should be eliminated;

c. Eradicate all harmful practices, such as child marriage, early and forced marriage, and female circumcision; and
d. **Promote gender equality and women’s empowerment.**

The accomplishment of gender equality and women’s empowerment is one of the five global targets. The National Development Plan, as defined in the 2015-2019 National Mid-Term Development Plan, is in harmony with these goals. A reduction in the frequency of acts of violence committed against girls improves the scope of assistance available to victims of violence against women. This has resulted in a rise in the median age of women when they first marry (adult age at first marriage). This will increase the gross enrollment rate for junior high school, high school, and the comparable Islamic high school in 2019. A more significant number of women hold seats in the People’s Representative Assembly; a decrease in the number of people who use family planning services; an increase in awareness and comprehension of the various modern methods of contraception; and the existence of regulations that make it possible for women to receive services, information, and education concerning family planning and reproductive health.

Concerning the execution of the National Targets, the government involves all agencies, both central and regional, such as the Coordinating Ministry for Human Development and Culture, the Ministry of National Development Planning, the Ministry of Finance, the Ministry of Women’s Empowerment and Child Protection, the Ministry of Home Affairs, the Ministry of Empowerment State Apparatus and Bureaucratic Reform, the Ministry of Manpower, the Ministry of Cooperatives and Small and Medium Enterprises, and the Ministry of Cooperatives and Small and Medium Enterprises. The Government of No. has aligned and aligned the course of National Development with the mutually agreed global commitments regarding the achievement of gender equality and women’s empowerment with a variety of instruments and efforts to make it happen, even though the SDGs Agenda is only up to 2030. This is because the Government of No. is committed to ensuring that gender equality and women’s empowerment are achieved by 2030.

Look at the laws and regulations that are currently in place. We can see that laws and regulations are gender biased, favouring one gender over another; gender neutral, meaning that they do not favour either gender; or there are no laws or regulations. In particular, CEDAW obligates the State to modify existing laws and regulations in the following ways:

- Invitations that consider female guests’ interests. He incorporates the principle of equality between men and women into the Constitution of every participant.
- We establish appropriate laws and regulations and other laws and regulations, including sanctions where appropriate, prohibiting discrimination.
- We enforce legal protection through competent national courts.

CEDAW was adopted in 1979 and came into force in 1994. To ensure that government officials and state agencies will behave according to the commitments to which they have committed themselves, create the necessary legal frameworks and rules to put an end to discriminatory behaviour on the part of any individual, group, or business, establish relevant regulations, which may include the introduction of new legislation to alter and eliminate discriminatory laws, regulations, and practices, and revise all discriminatory national criminal provisions.

The Convention on the Elimination of All Forms of Discrimination Against Women recognises that women face indirect discrimination in laws, rules, policies, and activity programmes formulated based on gender-neutral factors that hurt women. Following the ratification of the CEDAW, numerous efforts have been undertaken to reform preexisting laws and regulations, regardless of whether they are specifically connected to women. The following are examples of some of these laws and regulations (Table 1).

Let us look at the laws and regulations in place right now. If this is the case, then several laws and regulations imply adjustments to other laws and regulations to be in line with the spirit of the amended Law. One example of this is the replacement of Law Number 62 of 1958 concerning Citizenship with Law Number 12 of 2006, in which children are born to fathers and the Indonesian mother herself is an Indonesian citizen. This was done so that children are born to fathers, and the Indonesian mother herself is an Indonesian citizen (or can have dual citizenship if the child is born after this Law comes into effect). The father’s citizenship is still considered when registering a birth at the Civil Registry Office. This is because Law 23 of 2006 concerning population administration still refers to Law 62 of 1958. Additionally, according to Government Regulation Number 19 of 2007 concerning Non-Taxpayer State Income, mothers who wish to intermarry and obtain Indonesian citizenship for their child must pay a registration fee for the child's citizenship. 500,000- (five hundred thousand rupiah) for each child. However, if the father is an Indonesian citizen, the child will automatically become Indonesian without paying any additional fees. In addition, women who have mixed-race children from their marriages have more challenging times integrating their families into Indonesian society. According to Regulation Number M.01-12.01.10 of 2007 issued by the Minister of Law and Human Rights of the Republic of Indonesia, Indonesian women are permitted to sponsor the granting of residence permits for their foreign husbands and children. They wish to live with them in Indonesia. However, their foreign husbands and children are not permitted to work in Indonesia unless they have specific skills that Indonesian women do not have. By the inhabitants of Indonesia in general. In this scenario, the right of the husband to contribute to the family economy is disregarded, and the responsibility of paying the family's living expenditures falls solely on the shoulders of the Indonesian woman.
Table 1 Several laws and regulations related to gender equality.

<table>
<thead>
<tr>
<th>Act</th>
<th>Article</th>
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<tbody>
<tr>
<td>Law Number 39 of 1999 concerning Human Rights</td>
<td>Article 3 paragraph (1), (2), (3); Article 44-51</td>
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<tr>
<td>Law Number 23 of 2004 concerning the Elimination of Domestic Violence</td>
<td>Article 8, Article 10, Article 12, Article 13</td>
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<tr>
<td>Law Number 12 of 2006 concerning Citizenship</td>
<td>Article 1; Article 4; Article 5; Article 6; Articles 9-18; Article 19; Section 2; Article 23; Article 26</td>
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<tr>
<td>Law Number 31 of 2014 concerning Protection of Sanctions and Victims</td>
<td>Article 5; Article 6</td>
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<tr>
<td>Law Number 21 of 2007 concerning Eradication of the Crime of</td>
<td>Article 1; Article 44; Article 47; Article 48</td>
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<td>Trafficking in Persons</td>
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<tr>
<td>Law Number 7 of 2017 concerning General Elections</td>
<td>Article 10 paragraph (7); Article 22 paragraph (1); Article 92 paragraph (1)</td>
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<tr>
<td>Law Number 44 of 2008 concerning Pornography</td>
<td>Article 4 paragraph (1); Article 6; Article 8</td>
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<tr>
<td>Law Number 11 of 2009 concerning Social Welfare</td>
<td>Article 1; Article 14</td>
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<tr>
<td>Law Number 36 of 2009 concerning Health</td>
<td>Article 71; Article 74; Article 77; Article 142</td>
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<tr>
<td>Law Number 16 of 2011 concerning Legal Aid</td>
<td>Article 1</td>
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<tr>
<td>Government Regulation Number 4 of 2006 concerning Implementation</td>
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<td>and Cooperation in the Recovery of Victims of Domestic Violence</td>
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<td>Government Regulation Number 9 of 2008 concerning Procedures and</td>
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<tr>
<td>Mechanisms for Integrated Services for Witnesses and Victims of the</td>
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<tr>
<td>Crime of Trafficking in Persons</td>
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<td>Presidential Instruction Number 9 of 2000 concerning Obligations to</td>
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<td>Implement Gender Mainstreaming in All Development Sectors at the</td>
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<td>National and Regional Levels.</td>
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It is essential to translate the CEDAW into existing laws using indicators that can be used to develop or review existing laws and regulations to prevent multiple interpretations of the meaning of discrimination and of gender itself. These indicators can help develop new laws and regulations or review existing ones. Law Number 12 of 2011 Concerning the Formation of Legislations has been implemented in Indonesia in its current iteration. This law outlines the fundamental tenets of the legislative process, such as the importance of justice and equality before the law. However, Law Number 12 of 2011 does not include any indicators to gauge CEDAW compliance in creating laws and regulations. This is the case even though CEDAW compliance is an important consideration. In Indonesia and several other regions, efforts have been made to incorporate the CEDAW principles into the legal system. CEDAW can be translated into law using many examples of best practices from other countries. UN Women are responsible for developing legal review rules based on the CEDAW applicable in every nation. Identifying gender discrimination in laws and regulations is one of the purposes of a legal review using the CEDAW framework. Other purposes include

a. Looking at the State's obligations in specific laws and regulations,

b. Revealing gaps or weaknesses in laws and regulations to achieve gender equality;

c. Showing the necessary changes in gender-responsive legislation and

d. The results can lead to recommendations for policymakers to eliminate in-law discrimination and regulations.

The National Commission on Violence Against Women has crafted anti-discriminatory rules and regulations that do not target women. The National Commission on Violence Against Women launched the Prevention+ program intending to achieve the goal of gender equality. This programme was carried out through several activities over five years. Regular community discussions were held for four groups (adult women, adult men, teenage women, and male youth) using modules with the theme of gender equality and involving men; gender- and sex-based violence counselling, including psychosocial and legal support for victims of such violence; and gender- and sex-based violence counselling for perpetrators of such violence.

The Ministry of Women's Empowerment and Child Protection and Law and Human Rights incorporated this advice into the gender equality guidelines. This was made official through a ministerial regulation that was published in 2011. These guidelines include gender equality factors such as access, participation, control, and benefit, which are evaluated at each stage of law formulation. These parameters are included in these guidelines. 19 The four indicators mentioned above are interconnected, have core values that are on par with one another in terms of importance, are not organised hierarchically, and must follow a systematic approach thoroughly. These guidelines are intended to establish gender-responsive laws and regulations, which are laws and regulations that adopt the approach and analysis of the four indicators of gender equality and integrate the principles contained in the CEDAW convention; these laws and regulations are reflected in every stage of the process of forming laws and regulations. In other words, laws and regulations that are gender responsive are laws and regulations that adopt the approach and analysis of the four indicators of gender equality and adopt the approach and analysis of the four indicators of gender equality. In addition, these recommendations serve as a reference when conducting studies, monitoring and analysing planning and implementation, and reporting the results of putting legislation into effect. Even though the formation of legislation in question is limited to regulations at the centre (laws, government regulations,
and presidential regulations) and includes regional regulations, Indonesia still needs special laws that guarantee the realisation of gender equality. Although most currently applicable laws do not contain discriminatory elements in practice, there are still many gender-based discriminatory practices, particularly in terms of women's representation.

However, some shortcomings are still not in line with the commitment to achieving gender equality. The ratification of the Law on the Crime of Sexual Violence can be interpreted as a significant step toward achieving gender equality and protecting women in particular. However, despite this interpretation, there are still some shortcomings. The Act on the Crime of Sexual Violence has not been able to accommodate social phenomena such as forced abortion, forced prostitution, forced marriage, and sexual slavery. These social phenomena stem from the formation of criminal acts or the weight of criminal acts in criminal acts of sexual violence. However, the Act on the Crime of Sexual Violence has not accommodated these social phenomena. The right of victims of cyber-based abuse to have their digital fingerprints erased and protection for those victims' rights (pornography engineering or morphing). Aside from these aspects, the Act on the Crime of Sexual Violence still has fundamental flaws, the most significant of which is the absence of amendments to the definition of rape, including criminal components. The term “rape still” refers to the Criminal Code, which states that rape must meet the following conditions: the male genitalia must enter the female genitalia, and the victim must be in a state of helplessness or unconsciousness, while rape is associated with various strong forms of sexual practice, such as oral and anal sex. which still does not explain how varied the forms of rape in real life are, rape still refers to the Criminal Code, which

By Law No. 7 of 1984, Indonesia became a party to the CEDAW convention 22 years ago. While putting CEDAW into effect in Indonesia, the government realised that discrimination against women was still prevalent in every economic growth sector. The realisation of gender justice and equality in Indonesia is jeopardised due to this prejudice. Abdurahman Wahid, who served as President of the Republic of Indonesia, issued Presidential Instruction No. 9 of 2000 on the topic of Gender Mainstreaming in Development in the year 2000. It is envisaged that a gender perspective will be incorporated into all stages of planning, preparation, implementation, monitoring, evaluation, and utilisation of national development results.

Improving the legal umbrella of gender mainstreaming because, at its core, gender discrimination in Indonesia has implications for social, political, and economic life. This is indicated by Indonesia's low Human Development Index (HDI) and Gender Development Index (GDI). To this end, the legal umbrella of Gender Mainstreaming must be strengthened. Based on this rationale, women's quality of life must be improved by promoting gender equality and justice in all facets of life. Gender equality is necessary to accommodate women's rights (significantly) when they are frequently discriminated against. These rights include the following: the right to citizenship, the right to life, the right to self-development, the right to freedom of thought and freedom of choice, the right to information, the right to work and a decent living, the right to ownership and housing, the right to health and a healthy environment, the right to have a family, the right to legal certainty and justice, the right to have children, and the

Have there not been many regulations that regulate how human rights should be treated equally? This is a fact that cannot be disputed; nonetheless, the lack of concrete legislation on gender equality leaves the door open to the possibility of covert practices that include aspects of gender-based discrimination. Now that there is a law requiring gender equality, there are some factors that, when taken together, can be construed as a form of discrimination based on a person’s gender. On this basis, it is possible to carry out legal actions against behaviours that fulfil the requirements for such actions. It is possible that the actions experienced by that person have not been regulated by existing laws, which means that law enforcement efforts cannot be carried out. If someone questions gender discrimination, it must be carried out through existing law rights, specifically those that are protected. This proposition ensures that the hegemonic genders do not get what they have become because law enforcement efforts must be carried out through existing laws.

For all parties, regardless of their gender, to obtain the maximum benefit from the gender equality law, it is essential to ensure equal access, participation, and control in establishing a law requiring gender equality. This brings up an interesting point that also needs to be considered. In particular, men make up the majority of members of parliament, which indicates that there is also the possibility of the practice of gender hegemony being practised over other genders unless the male member of parliament has a perspective that upholds gender equality and the rights they have, which is highly unlikely. Access, participation, control, and benefits are all aspects of the equation that play a significant role in determining whether or not gender equality is achieved. The equality to be completed in this circumstance is the equality of both the male and female sexes as citizens, with no one gender being privileged, elevated, or prioritised compared to the other gender. In the final analysis, this conforms to CEDAW, which was approved in 1984 by Law no. 7, and there is no slightest indication that it is at odds with that Convention.

The purpose of the law is to give citizens in general and women in particular protection and guarantees. In addition, the State's commitment to the realisation of gender equality has expanded to include new parameters. These new parameters include determining whether there is a legal umbrella that specifically regulates gender equality and is distinct from other laws and how the law is implemented and enforced. Then, can you describe the statute's structure that is in question? As indicated earlier, the legislation in question governs at least 14 rights, all of which give women priority in terms of access, participation, control, and rewards during their formulation, implementation, and enforcement (as parties who experience gender discrimination).
5. Final Considerations

The Ministry of Women’s Empowerment and Child Protection and the Ministry of Law and Human Rights have proposed ideas that are compatible with one another, particularly concerning the objectives and objectives of putting the information included in regulatory papers into practice. Even though it was explained as an example of the Gender Principles Integration Matrix in the Preparation of Regional Regulations, the explanation did not touch on the subject matter. The indicators are derived from required matters governed by Government Regulation Number 37 of 2004, which is concerned with the delegation of central matters to the regions. I realised that, despite everything, it was still necessary. Because it is crucial to highlight the leading indications that are also important, it is necessary to provide a descriptive explanation. This is because it is necessary to explain. Access, participation, control, and the benefits that can come from laws that take gender into account are some of the things that are shown here.

According to Law Number 12 of 2011, the primary consideration that should be given while drafting laws and regulations is the facilitation of gender equality. In addition to applying the indicators that were discussed earlier, this should also be done. On the other hand, under these guidelines, when the term "gender-responsive legislation" is used, it does not simply refer to the four indications that were discussed earlier; rather, it also encompasses the following provisions: incorporating the principles outlined in CEDAW into the process of carrying out the stages that comprise the process of legislation formation.

It is vital to socialise the gender indicators and criteria that are already available because they have not been utilised in any way. When attempting to use this parameter, a few obstacles need to be overcome. First, this parameter is found only in a ministerial regulation; it is not a part of or an attachment to either Law Number 12 of 2011 or the Appendix to the Implementing Regulations of Law Number 12 that are currently being prepared. Instead, the only place you can find it is in a ministerial regulation. Because of the lack of a more substantial legal basis, there are no ramifications for national or regional governments that do not employ these criteria. This is true whether the government in question is at the national or regional level. The role of the Ministry of Home Affairs in the supervision function (administrative review) of regulations that are discriminatory and gender biased and the involvement of the Supreme Court in the judicial review of regional regulations have not been maximised. This is true for administrative reviews and judicial reviews of regional regulations. As a result of this research, it is hoped that the House of Representatives of the Republic of Indonesia will be able to establish regulations that will serve to strengthen the role of judicial review in the Supreme Court as well as strengthen the role and function of the Ministry of Home Affairs to supervise the applicable regional regulations. It is also hoped that these regulations will serve. The research that will be done will allow us to achieve this goal. To reach a place where men and women have the same rights and opportunities, we need to eliminate all prejudices and forms of discrimination based on gender.

Despite the existence of multiple laws that regulate the equality of people’s rights, it is recommended that the state, through the legislative body, create an umbrella law for gender equality. This would be the solution to the problem of gender discrimination, which continues to exist despite existing laws. The general public is also provided with recommendations on how they can campaign for gender equality and continue to provide input to the government regarding matters about gender equality. Research can be expanded upon by focusing on areas of gender equality that are sometimes overlooked, such as the part that legal culture plays in achieving the goal of equality between the sexes.

This article can provide a new perspective for evaluating the government’s commitment to achieving gender equality, which can be used as a reference by both the government and the general public. This article demonstrates that ratifying the CEDAW treaty is insufficient for achieving gender equality on the part of the government; therefore, a commitment to the convention is needed. This commitment must take the form of a specialised statute regulating gender equality. This article can serve as a reference for the government on how to draft legislation on gender equality. On the other hand, the public can understand the importance of gender equality in the social, political, and economic life of the community and become the law’s supervisor.

Ethical considerations

Not applicable.

Conflict of Interest

The authors declare no conflict of interest between them.

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References


