

RESEARCH ARTICLE

Gender Inequality in Indonesia: Facts and Legal Analysis

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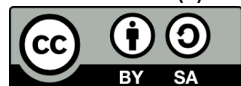
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Abstract

At the present time, the law is still considered discriminatory and not gender-just. Whereas the law should not regard gender to guarantee the fulfillment of women's rights. Women's rights are still not protected. Equality and elimination of discrimination against women are often the center of attention and a shared commitment to implement them. However, in social life, the achievement of equality of women's dignity still has not shown significant progress. So, if there is discrimination against women, it is a violation of women's rights. Women's rights violations occur because of many things, including the result of the legal system, where women become victims of the system. Many women's rights to work still have a lot of conflict about the role of women in the public sector. Today, discrimination against women is still very visible in the world of work. There are so many women who do not get the right to work. This research found that the structure of the company, rarely do we see women who get a place as a leader, in addition to the acceptance of female workers companies put many terms, such as looking attractive, not married, must stay in dormitory and so forth. Their salaries are sometimes different from male workers. Like male workers, women workers also have equal opportunities in the world of work. While there are many legislations governing the rights of women workers, it seems that many companies deliberately do not socialize it and even ignore the legislation just like that.

Keywords: *Gender Equality, Justice, Legal Protection, Women's Rights, Women's Protection*

1. INTRODUCTION

The government and the private sector have a very important role in reducing gender inequality in Indonesia. Ideally human rights do not have gender, but in fact women do not universally enjoy and practice basic human rights of freedom on the same basis as men. Article 27 paragraph (1) of the 1945 Constitution, which explains the recognition of equality for all citizens without exception. This principle of equality eliminates discrimination—therefore every citizen has the same right before the law and government regardless of religion, tribe, sex, position and class. Normatively the government has the basic authority to execute death. Among others are in Law Number 1 of 1946 About the Criminal Code, Law Number 2 PNPS in 1964 Concerning the Procedures for the Criminal Implementation Done by Courts within the General and Military Courts, enacted by Law Number 5 Year 1969, and Law Number 8 Year 1981 about *KUHAP* (Indonesian Procedural Criminal Law).

In the economic sector, women's vulnerability to exploitation is universal. Individually or massively, women are exploited by companies normally supported by the state. The take-off of Indonesia's economic dependence on industrialization is on the shoulders of women workers whose basic rights are not met (Suryadi, 2001; Todari & Smith, 2006).

Jurisdictionally, on the international and national level, Indonesian legal and regulatory instruments recognize the existence of the principle of equal rights between men and women. However, women are always left behind in the economic, educational, health, occupational, and political fields. One of the causes is the patriarchal culture that developed in indigenous Indonesian society. In a society with patriarchal culture, men are more instrumental in holding power which can automatically degrade women's role and existence. By following the

principle of the formulation of rights in all fields, both men and women have equal rights or opportunities to participate in every aspect of community life and state (Luhulima, 2014; Wibowo, 2011; Khotimah, 2009; Kania, 2015). So, if there is discrimination against women, this is a violation of women's rights.

2. METHOD

This gender perspective research development model includes the type of research and development. Research and development or Research and Development (R & D) is a very powerful project or method for improving practice. The purpose of this research is to obtain findings / theory /science and answer the need for tools /devices that can be used to improve or improve the quality of human resources. Thus, the development of this research model becomes important to do. The development of research model with gender perspective through ten stages, as stated by Borg and Gall (1983), namely:

- 1) The introductory study, by reviewing research books and journals, which are gender or general themes and relevant research results.
- 2) Initial product planning. Gender-oriented research models are designed from aspects of ontology, epistemology, and axiology, including approaches, designs or designs, methods, data-digging instruments, data analysis, objectives and users, components of a gender perspective-oriented research model and their application.
- 3) Development / design of the initial model. The design of the initial model of research is in the form of prototype model. The initial concept / prototype of the research model is gender perspective, consisting of understanding, research paradigm, theme and problem, theory study, data and data collection technique, data analysis and research report and how to apply it in the field.
- 4) Initial product testing, by means of a desk try out or desk evaluation of the research model design. This trial is expert judgment, from experts, namely: two gender

experts, two language experts, and two expert research methodologies. The analysis uses an assessment sheet and is refined through Focus Group Discussion.

- 5) Revised initial product. The prototype of the gender perspective-developed research model was refined, with the aim of developing a design specification to produce a prototype research model with good gender perspective.
- 6) Testing of products with limited scope. Design / model design is enhanced and tested with limited scope, meaning limited in terms of region that is only one city Banjarmasin and from the number of researchers—only two people.
- 7) The revision of scope test results is limited. The results of the trial with a limited scope are studied and revised / refined the design. Completion of the initial product is still done on the aspect of product material, regardless of eligibility in the context of the number and capacity of the research subject.
- 8) Testing of final product with expanded scope, it means extension in terms of research area, that is from one City expanded to Province. The number of test subjects at this stage, remains the same—only two people.
- 9) Revision of the final product. The end result of the model development in the form of a written research report is carried out the final analysis to find out the reliability / reliability of the product produced and the final revision so as to obtain the perfect product.
- 10) Dissemination and implementation. The end result of the gender perspective research model is in the form of prototype and application guidance. Furthermore, it is made in book form, to be disseminated, and widely implemented in the community.

3. RESULT AND DISCUSSION

A. Differences of Conventional Research Model with Research Model Gender Perspective

The study begins with a preliminary study, which examines some of the previous research results on gender. The result of research using conventional method compared with the result of research using research method with

gender perspective, the result is different (Huda, Rasyid, Suyata & Sumarno, 2013). This can be presented in Table 1.

Based on Table 1, it is known that gender-themed studies using conventional / non-gendered research models are different from those using gender research methods. These differences are in the presentation and analysis of data, and findings / conclusions, and problem solutions, which are not gender specific. In contrast, the results of gender-themed studies using a gender perspective-based research model are known to be presented in sex-disaggregated data and broken down in terms of participation, access, control, and benefits gained by men and women. The collected data are presented in detail, analyzed by gender analysis techniques from various aspects, then the solution to gender issues becomes clear and well targeted. It shows that the gender issues / problems that are solved through the research model have a gender perspective, the result is better and more comprehensive in finding alternative solution of gender problem.

TABLE 1. Differences of Conventional Research Model With Research Model Gender Perspective

No	Differences	Conventional Research Model	Research Model Gender Perspective
1	Research Model	Conventional Research / which does not have a gender perspective	Gendered Perspective Research
2	Theme / Title	Title may use the word gender / or no gender word	The title should have a Gender word or use the terms male and female
3	Subject	Men only, women only, or a combination of both	Consists of males and females / combined both
4	Data	Data is presented not disaggregated by gender	The data are presented in disaggregation between men and women, viewed from the aspect of opportunity, participation, control, and benefits

5	Data Analysis	Data analysis can be quantitative or qualitative or a combination of both.	Analysis of data mix of qualitative analysis and gender analysis
6	Problem Solution	Solutions are given in general and do not address the underlying factors & gender issues.	Solutions are given specifically, clearly, put forward causal factors and gender issues. Complete and proper solution.

This stage is carried out the development of gender perspective research model, especially in the data analysis section by developing gender analysis of HARMOS model that is modification / blend of Harvard Model and Moser Model (Huda, et.al., 2013; Gorman & Read, 2007). The initial prototype concept of gender perspective research model consists of:

- 1) The ontology aspects related to the nature and the material studied in the development of this gender perspective research model are the problems that occur on men's and women's relation related to socio-economic, politic, and culture in social life are analyzed critically from the aspect of gender.
- 2) The epistemological aspect is seen from how this research model works, within the limits of understanding of subjective reality, from: identifying gender issues, collecting data, investigating the causes of gender disparity problems with participant observation techniques and in-depth interviews, and contextually viewing gender gaps in role / rules, presenting, processing and analyzing data and interpreting them critically to the social system.
- 3) The axiology aspect is seen from the usefulness or benefit obtained by the community from the activity of developing the research model with the perspective of gender. Based on the paradigm and critical theory, researchers need to recognize the values adopted and criticize the gender biases that occur in the community, to find alternative solutions, so that gender issues can be eliminated.

B. Women Protection on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979

The Status of Women and Men in Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) or the Convention on the Elimination of All Forms of Discrimination Against Women in 1979 as stated in the position of women and men according to CEDAW are:

- 1) Women have the same rights as men in employment (CEDAW Convention Article 11)
- 2) Women have equal opportunities with men in employment, free to choose professions, rewards and conditions of service, skills training and equal pay for equal work (CEDAW Convention Article 11 (b, c, d))
- 3) Women have the same rights as men before the law, and in particular the same legal and legal rights (CEDAW Article 15)
- 4) Women have the same rights as men in education (Article 10) And many more.

In essence, the Convention emphasizes the principle of equality and justice between women and men, namely equal rights and opportunities and treatment in all spheres of life and all equality activities in all sectors, but equality of treatment and opportunity in the world of politics, economic, social, and others. In addition, the Convention also recognizes several matters, including:

- 1) There are biological or natural differences between women and men. These differences lead to differences in gender-based treatment resulting in harm to women. The disadvantages include the subordination of limitation of ability and opportunity in exploiting existing opportunities; The opportunity can be an opportunity to enjoy the same benefits as the men of development outcomes.
- 2) There are differences in conditions and positions between women and men, where women are in weak conditions and positions due to discrimination or to bear the consequences of discriminatory treatment or

because the environment, family and society do not support women's independence.

Furthermore, to the implementation of this Convention does not always work well, because there are still many obstacles and problems. One example of this relates to a strongly patriarchal view, this specific Convention is seen as an attempt to privilege women to make the rights between men and women unequal (Luhulima, 2014; Suryadi & Ecep, 2004; United Nations, 1979; KPPA, 2011). This condition encourages women rights advocates to make international recognition of the issue of discrimination by changing the way the public views.

C. The Role of Women in National Development: Does Law Provide Justice and Equality for Women?

Economic progress and globalization make the job market more complex. Another impact of these advances, seen from the improved status and vacancies for women. Although the rate of female labor force participation increases, not a few women work under time or work in the informal sector. This relates to the multiple roles of women as mothers responsible for domestic affairs including child rearing, as well as female workers. Women's participation today is not merely demanding equality of rights, but it also states its function has meaning for development in Indonesian society. Women's participation concerns the role of tradition and the role of transition, the role of tradition or domestic includes the role of women as wives, mothers, and household managers (Prantiasih, 2012; Prasisca & Sutikono, 2015).

While the role of transition includes the understanding of women as labor, community members and human development. The tendency of women to work has many implications such as loosening of family ties, increasing juvenile delinquency. The injustices affecting women will create the perception that women are born to do much more limited work with lower employment status with low

rewards. Women's work has been largely limited to the household sector (domestic sector), although now women are beginning to touch public sector jobs, this type of work is also an extension of other jobs that require more manual skills. In developing countries, very low levels of education with low skills, forcing women into the highly exploitative informal sector with very low wages, unstable and long hours of work, no paid leave.

Taking into account the role of women in development, since the 1971 census has begun to feel the participation gap in development between men and women. Women suffer discrimination not only in the domestic sector, the public sector of women experiences the same thing. The industrial economic system that prioritizes economic growth and consumption actually discriminates against women. Discrimination in the economic field can be seen from the wage gap that women receive compared to men. This gap can be seen in each category such as education level, working hours, and business field. The lower the level of women's education, the greater the wage gap received for men (Zulaiha & Mutaqin, 2021; Jauhola, 2010; Larasatu & Ayu, 2020).

This low level of women's education will have an impact on their position on the job and the wages they receive. The same is true of the type of business, meaning that women who do the same economic business with men earn a lower income. The lagging of women in their transitional role is further explored as it seems to stem from the sexual division of labor in communities where the primary role of women is the household environment and the primary male role outside the home as the primary breadwinner. This sexual division of labor is clearly unfair to women, because such division of labor other than confining women also places women in subordinate positions to men, so the ideal of realizing women as equal partners of men, both within the family and in society may be difficult to accomplish.

D. Gender Inequality in Education

Gender inequality in the education sector has been a major contributing factor to overall gender inequality. Suryadi and Idris (2004) disclose an unequal educational background between men and women is a contributing factor to gender inequality in all sectors such as employment, occupation, community roles, to the issue of voicing opinion. Low level of education the female population has caused women to play a bigger role in development. Increasing the level of education and the loss of discrimination gender can provide space for women to play a role in development and participate in determining policies in economic, social and politics (Suryadi, 2001).

Todaro and Smith (2006) explain why women's education is important. There is considerable empirical evidence to suggest that educational discrimination against women inhibits economic development as well as exacerbating social inequality. Narrowing the gender gap in education by expanding educational opportunities for women is economically advantageous for four reasons:

- 1) The rate of return of women's education is higher than the rate of return of men's education in most developing countries.
- 2) Enhanced women's education not only increases their productivity in agricultural land and in factories, but also increases labor participation, slower marriages, lower fertility, and improved health and nutrition of children.
- 3) Better health and nutrition of children and well-educated mothers will have a multiplier effect on the quality of the nation's children over the next generations.
- 4) As women bear the greatest burden of poverty and the scarcity of arable land covering communities in developing countries, significant improvements in the role and status of women through education can have a

significant impact on deciding the vicious cycle of poverty and inadequate education.

E. Gender Inequality in the Health Sector

Gorman and Read (2007) describes the causes of the gender gap in mortality. Where women's life expectancy is higher than men. The causes of such gaps can be classified into three categories namely, biological, social structure and behavior. The biological category explains that oestrogen helps protect women from heart disease by reducing levels of harmful cholesterol circulation while testosterone causes low lipoproteins. Furthermore, women have a better immune system because testosterone causes immunosuppression. The second category of social structure explains that the decline in maternal mortality due to increased prenatal care and midwifery. The third category, the consumption behavior of alcohol and cigarettes tend to be higher in men than women. Men also tend to experience unintentional injury, murder and suicide.

According to the Ministry of Health (2007), men and women tend to be treated differently by the health care system. Such differences may result in different access and quality of service received. Obstacles in access to health services are mainly experienced by women from poor families, due to unavailability of costs and transportation, services that are not in accordance with the culture / tradition, do not get permission from the husband or stigma as a poor person.

F. Gender Inequality in the Manpower and Employment Sector

Khotimah (2009) states that the structure of the female labor force has a low level of education. Thus, most women are still active in the informal sector or jobs that do not require quality knowledge and advanced or specific skills. Women's occupations in the informal sector are usually less likely to provide adequate legal protection and welfare

benefits, in addition to poor working conditions and low incomes.

According to the World Bank (2005), in the formal sector, there are two phenomena that indicate the occurrence of gender discrimination in the labor market, the average income of women is lower than that of men, and the work of women and men on average has been disaggregated by gender. This reflects a number of trends:

- 1) Investment of human capital is more implanted for boys than girls.
- 2) The entrepreneurs who have discriminatory preferences about who is contracted and paid handsomely.
- 3) Sexual harassment in the workplace that makes working conditions uncomfortable and dangerous, and lowers the morale and productivity of workers.
- 4) The dominant role of women in raising children and managing households.
- 5) Social and religious norms that limit the ability of women to work outside the home and to choose the type of work.
- 6) Labor laws and regulations intended to protect women against potential employment hazards that have kept them away from certain jobs.

4. CONCLUSION

The step of developing research model with gender perspective: a) developing the research model philosophy design; b) design conceptualizing the initial product of the research model; c) define the components and characteristics of the research model; d) validate concepts and empirical validation. The position of women and men according to CEDAW, for example, Women have equal rights with men in employment (CEDAW Convention Article 11), Women have equal opportunity with men in employment, free to choose profession, reward and service conditions, the same skills and wage training for work of equal value (CEDAW Convention Article 11 (b, c, d)), Women have equal rights with men before the law, and in particular the same legal

and legal rights (Convention CEDAW Article 15), Women have the same rights as men in education (Article 10). And many more. Women have two roles in national development, namely the role of tradition and the role of transition. Traditional or domestic roles include the role of women as wives, mothers and householders. While the role of transition includes the understanding of women as labor, community members and human development. Women's work has been largely limited to the household sector (domestic sector), although now women are beginning to touch public sector jobs.

5. DECLARATION OF CONFLICTING INTERESTS

The Author declares that there is no potential conflict of interest in the research, authorship, and/or publication of this article.

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