

# Potrait Legal Protection Women's Human Rights Through the Establishment of Gender Mainstreaming Local Regulations

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## Abstract

Human rights are basic rights inherent in every human being, including women. However, the stigmatization of women, which often makes the appearance of women's human rights limited, makes it difficult for them to develop themselves. Based on data from the UNDP Gender Inequality Index, Indonesia occupies the highest score in ASEAN with a gender inequality percentage of 48%. The participation of women in development is one of the reasons for the high preference for gender. The government has made various efforts to improve the dignity of women, one of which is through gender mainstreaming. In the context of decentralization, local governments need to elaborate on gender mainstreaming policies in local regulations as an effort to protect women's human rights laws in the regions. This paper aims to portray legal protection through gender mainstreaming within the framework of regional autonomy. The results of the study show that: first, local governments have the authority and responsibility in realizing gender-responsive regional development, both based on local government legal regimes and sectoral legal regimes. Regional autonomy should be able to address gender in accordance with the locality of the region. Second, gender mainstreaming is a necessity as well as a challenge for local governments, in the optics of law as a means of development, regional regulations regarding gender mainstreaming become the juridical basis for regions to ensure and realize conditions of gender equality at the regional level; increasing the contribution and role of women in the regions; and encourage gender-responsive regional development as a form of efforts to protect and fulfill women's rights.

**Keywords:** gender equality; gender mainstreaming; legal protection

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## INTRODUCTION

After the Reformation, attention to Human Rights (HAM) in Indonesia is getting higher. This condition is closely related to the experience of the Indonesian people being led by an authoritarian regime during the New Order era and is also influenced by the development of human rights in various countries around the world. The protection and fulfillment of citizens' rights is at the heart of the constitution of a rule of law state. At that moment, various parties made efforts to strengthen the guarantee of respect, protection, and fulfillment of human rights by the state for its citizens.

As a legal state that upholds the value of civilization based on Pancasila and the 1945 Constitution of the Republic of Indonesia, the Indonesian nation always places respect for human dignity in all aspects of the nation, state and society. This is based on the understanding that human rights are basic rights that are inherent in every human being without exception.

These rights cannot be reduced, restricted, hindered, let alone revoked or eliminated by anyone including the State. So that the protection and human rights of vulnerable groups is very much needed, especially for women.

The Indonesian nation as part of the international community, respects, values and upholds the principles and objectives of the United Nations Charter and the Universal Declaration of Human Rights. Various international human rights instruments have become an order or basis for the implementation, treatment and enforcement of human rights in all countries in the world, including Indonesia. Various conventions, covenants, declarations, and various forms of international agreements on human rights are a result of the implementation of human rights in Indonesia. International human rights regulations include the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The International Covenant has been ratified by Indonesia through Law Number 11 of 2005 concerning Ratification of the International Covenant on Economic, Social and Cultural Rights and Law Number 12 of 2005 concerning Ratification of the Covenant International Covenant on Civil and Political Rights.

The 1945 Constitution of the Republic of Indonesia, in particular Article 27 paragraph (1) has guaranteed equality of position between men and women, that "all citizens are equal before the law and government and are obliged to uphold the law and the government without there are exceptions." Empowerment of women is one of the efforts that must receive special attention from the government, including local governments. This is because women are a group that often gets discriminated against. This is also the basis for the government's consideration of ratifying international conventions through Law Number 7 of 1984 concerning Ratification of the Convention Regarding the Elimination of All Forms of Discrimination Against Women.

In addition to these conventions, there are also several ILO conventions that serve as references in efforts to protect and empower women. Indonesia is the first country in Asia and the fifth in the world to have ratified all of the main ILO conventions. Since becoming a member in 1950, Indonesia has ratified 17 conventions. The ILO convention that Indonesia has ratified is the convention on gender equality, namely ILO Convention no. 111 concerning Anti-Discrimination in Position and Employment which has been ratified by Indonesia with Law no. 21 of 1999, and ILO Convention No. 100 concerning Wage Equality which has been ratified by Indonesia with Law no. 80 of 1957. These regulations regulate the rights and obligations of women workers and how women workers should be treated by employers.

Women as national assets who play a role in the process of forwarding and creating a quality generation need to be guaranteed the fulfillment of their rights and protection from acts of violence and discrimination in the context of building a society, nation and state. Women are often in a weak position, so the government has made various efforts to improve the dignity of women, one of which is through gender mainstreaming.

Gender mainstreaming (PUG) is one of the strategies to create equal and balanced conditions for men and women in obtaining opportunities/opportunities, participation, control, and development benefits, so as to create a condition of justice and gender equality. Various policies have been issued by the central government in realizing these conditions, including through Presidential Instruction Number 9 of 2000 concerning Gender Mainstreaming in National Development, and Minister of Home Affairs Regulation Number 15 of 2008

concerning General Guidelines for the Implementation of Gender Mainstreaming in the Regions as amended by Regulation of the Minister of Home Affairs. State Number 67 of 2011.

The implementation of Gender Mainstreaming is needed so that human resources, both men and women, have the same rights and obligations as well as roles and responsibilities as an integral part of regional development potential so that they can be used optimally in an effort to realize gender equality and justice. The implementation of Gender Mainstreaming, which covers all government affairs, needs to be operationally integrated into the policies/programs of activities determined by the Regional Government in aspects of planning, implementation, monitoring and evaluation as well as regional development institutions.

However, laws and regulations at the national level that support gender mainstreaming should be followed by the establishment of local regulations. This is a consequence of the existence of regional autonomy which has given authority to regions to administer and manage their own regions. Law Number 23 of 2014 concerning Regional Government as last amended by Law Number 11 of 2020, has made it clear that affairs in the field of empowering women and children are mandatory government affairs as regulated in Article 12. Law Number 23 of 2014 concerning Regional Government gives space to regions to develop their own territory. Regions have been given the authority to develop regions and have the authority to make development planning policies and the laws that govern them, including gender mainstreaming.

Based on the description that has been described above, the formulation of the problems that will be answered in this paper are: first, how is the legal protection of women through the formation of gender mainstreaming regional regulations? Second, why is the formation of gender mainstreaming regional regulations important in the implementation of regional autonomy? This paper aims to photograph the legal protection of women's rights through the formation of gender mainstreaming regional regulations within the framework of regional autonomy.

## **RESEARCH METHODS**

This research is a normative legal research, which examines various laws and regulations that are used as the basis for legal provisions to analyze legal protection of women's human rights through the establishment of gender mainstreaming regional regulations. The legal research model used is a comprehensive and analytical study of primary legal materials and secondary legal materials. Considering that this research includes normative legal research, the approach in this study uses a statutory approach and a conceptual approach. The data were analyzed qualitatively by describing the data generated from the research into a systematic explanation form so that a clear picture of the problem under study could be obtained, the results of the data analysis concluded deductively.

## **RESULT AND DISCUSSION**

In this section, the author will describe the results of the research which is the answer to the formulation of the problem stated in the introduction with a description consisting of the following sub-chapters.

1. Legal Protection of Women through the Establishment of Gender Mainstreaming Regional Regulations

The Indonesian nation as part of the international community, respects, values and upholds the principles and objectives of the United Nations Charter and the Universal Declaration of Human Rights. Various international human rights instruments have become an order or basis for the implementation, treatment, and enforcement of human rights in all countries in the world, including Indonesia. The Government and Regional Governments must be responsible for respecting, protecting, promoting, and fulfilling human rights for the welfare of the family, community, nation, and state based on Pancasila.

The 1945 Constitution of the Republic of Indonesia has guaranteed every citizen, both men and women, to have the same position before the law and the government and guaranteed the right of every citizen to receive protection and be free from discriminatory treatment. Article 27 paragraph (1) has guaranteed equality between men and women, that "all citizens are equal before the law and government and are obliged to uphold the law and government without exception".

Women's Human Rights are part of human rights. Protection of women is one of the efforts that must receive special attention from the government. This is because women are a group that often gets discriminated against. This is also the basis for the government's consideration of ratifying international conventions through Law Number 7 of 1984 concerning Ratification of the Convention Regarding the Elimination of All Forms of Discrimination Against Women. In 1981, the Convention on the Discrimination Against Women (CEDAW), recognized: biological or natural differences between women and men; gender-based differences in treatment of women that result in harm to women; differences in conditions and positions between women and men are due to discrimination against women.

Law is basically a reflection of human rights, so that the law contains justice or not, is determined by the human rights contained and regulated or guaranteed by the law. The regulation in Law Number 39 of 1999 concerning Human Rights emphasizes that human rights are basic rights that are naturally inherent in humans, are universal and lasting, therefore they must be protected, respected, maintained, and should not be ignored, reduced, or stolen by anyone. The clause in the legal norm that uses the phrase "everyone" means that there is no difference between men and women, so that in this case women have the same rights as men. In fact, this law pays special attention to containing content that emphasizes several women's rights in one part of its own. The ninth part of Law Number 39 of 1999 is from Article 45 to Article 51. Article 45 explicitly stipulates that "women's rights are human rights".

Gender is an inherent trait of both men and women that is socially and culturally constructed. Changes in characteristics and traits that occur from time to time and from place to place are called the concept of gender (Fakih, 2006). Gender is used to show that the main problem is not the difference between the sexes of men and women, but the society's view of the roles and positions of men and women. Through this concept, gender shows the marginalization experienced by women, which can be seen from the gaps that occur in the positions obtained by men and women (Santoso, 2014). On the one hand, women and men are creatures that have the same potential.

Gender Mainstreaming is a political step that can be applied practically to develop gender-friendly social situations and generate gender equality. The implementation of Gender Mainstreaming is needed so that human resources, both men and women, have the same rights and obligations as well as roles and responsibilities as an integral part of regional development

potential so that they can be used optimally in an effort to realize gender equality and justice (Santoso, 2014). The implementation of Gender Mainstreaming, which covers all government affairs, needs to be operationally integrated into the policies/activity programs set by the Regional Government in aspects of planning, implementation, monitoring and evaluation as well as regional development institutions.

Legislation at the national level that supports gender mainstreaming should be followed up with the establishment of local regulations. This is a consequence of the existence of regional autonomy which has given authority to regions to administer and manage their own regions. Law Number 23 of 2014 concerning Regional Government has emphasized that the affairs of the empowerment of women and children are mandatory government affairs as regulated in Article 12. The implementation of Gender Mainstreaming is intended to provide a legal basis and guidance to Regional Governments in the administration of governance, development, and services. gender perspective society.

In the provisions of Article 17 paragraph (1) of Law 23/2014, "Regions have the right to determine Regional policies to carry out Government Affairs under the authority of the Regions." Furthermore, in Article 236 paragraph (1) of Law 23/2014, that "to implement Regional Autonomy and Co-Administration, the Region shall establish a Regional Regulation." This law regulates in general the authority of local governments. In this case, the region has the authority in Gender Mainstreaming which is included in the scope of the affairs of women's empowerment and child protection. In the sub-issue of "women's quality of life" confirms that local governments have the authority to institutionalize PUG in local government institutions. The following is in more detail the division of government affairs in the field of women's empowerment and child protection according to the Regional Government Law, which is directly related to gender mainstreaming:

Table 1. Division of Affairs in the field of Women's Empowerment and Child Protection according to Law Number 23 of 2014 related to gender mainstreaming

NO	SUB AFFAIRS	PROVINCE AREA	REGENCY/CITY AREA
1	Women's Quality of Life	a. PUG institutionalization at provincial level government institutions. b. Empowerment of women in the fields of politics, law, social and economics in community organizations at the provincial level. c. Strengthening and developing women's empowerment service providers at the provincial level.	a. PUG institutionalization at district/city level government institutions. b. Empowerment of women in the fields of politics, law, social and economics in community organizations at the district/city level. c. Strengthening and developing service providers for women's empowerment at the district/city level.
2	Women's Protection	a. Prevention of violence against women involving	a. Prevention of violence against women involving

		<p>stakeholders within the province and across districts/cities.</p> <p>b. Provision of advanced referral services for women victims of violence that requires coordination at the provincial and cross-district/city levels.</p> <p>c. Strengthening and developing women's protection service provider institutions at the provincial level.</p>	<p>stakeholders within the district/city area.</p> <p>b. Provision of services for women victims of violence that requires coordination at the district/city level.</p> <p>c. Strengthening and developing women's protection service provider institutions at the district/city level.</p>
3	Family Quality	<p>a. Improving the quality of families in realizing gender equality (KG) and children's rights at the provincial and cross-district/city levels.</p> <p>b. Strengthening and developing service providers to improve the quality of families in realizing KG and children's rights whose work areas are across districts/cities.</p> <p>c. Provision of services for families in realizing KG and children's rights whose work areas cross districts/cities.</p>	<p>a. Improving the quality of families in realizing gender equality (KG) and children's rights at the district/city level.</p> <p>b. Strengthening and developing service providers to improve the quality of families in realizing KG and children's rights whose work area is in the district/city area.</p> <p>c. Provision of services for families in realizing KG and children's rights whose work area is in the regency/city area.</p>
4	Gender and Child Data System	Collection, processing, analysis and presentation of gender and child data in data institutions at the provincial level.	Collection, processing, analysis and presentation of gender and child data in data institutions at the district/city level.

Source: Law Number 23 of 2014 concerning Regional Government

The division of the affairs of women's empowerment and child protection as shown in the table above, shows that gender mainstreaming is a mandatory government affair of local governments, both provincial and district/city governments based on the authority outlined by law.

The idea of gender mainstreaming in Indonesia itself has developed since the Indonesian Women's Congress, Yogyakarta, December 22, 1928, which was later commemorated as

Mother's Day. The issue of equality has started to surface with the existence of the Ministry of Women in 1978 in the Second Development Cabinet. Then the idea of gender mainstreaming continued in the Declaration of Joint Commitment of the State & Society for the Elimination of Violence against Women which was held in Jakarta on November 24, 1999. In 1999 in the MPR Decree Number IV/MPR/1999, "gender equality and justice" was stated in GBHN 1999. In 2004, in the Government Work Plan, programs that contain gender mainstreaming have received considerable attention, which can be seen from various development programs in 9 (nine) development sectors which already contain various activities to increase gender mainstreaming (Sadiawati, 2004).

Furthermore, in 2000, Presidential Instruction No. 9/2000 was issued concerning Gender Mainstreaming in National Development, which mandated all Ministers/Heads of non-Ministerial Institutions, Governors, and Regents/Mayors throughout Indonesia to implement Gender Mainstreaming in development. The address of this Presidential Instruction is to be able to carry out gender mainstreaming to carry out planning, preparation, implementation, monitoring, and evaluation of national development policies and programs with a gender perspective in accordance with their respective duties and functions, as well as their respective authorities.

In addition to the local government legal regime as regulated in Law no. 23 of 2014 concerning Regional Government, there are various laws and regulations that provide legal protection for women through gender mainstreaming, including:

- a) Regulation of the Minister of Home Affairs Number 15 of 2008 concerning General Guidelines for the Implementation of Gender Mainstreaming in the Regions, as Amended by Regulation of the Minister of Home Affairs Number 67 of 2011.

This Ministerial Regulation is one of the important statutory regulations for regions in the planning and implementation of PUG. Most of the provisions are intended to serve as guidelines in the planning and implementation of gender mainstreaming. This Regulation of the Minister of Home Affairs contains the stages in the implementation of Gender Mainstreaming in the regions, starting from Planning, Implementation, including the regulation of Focal Points, and of course the stages that are no less important are the Stages of Reporting, Monitoring and Evaluation, and including the Guidance. and Funding for the Implementation of Gender Mainstreaming.

Indicators to measure the implementation of PUG, are formulated from the definition of PUG contained in Permendagri No. 15 of 2008. The five indicators for the implementation of PUG in the regions are: regional policies related to Gender Justice and PUG; Planning stage (Gender Analysis); preparation stage (Gender Justice and Women's Empowerment Program); implementation stage (Formation and Activities of Pokja/PUG Focal Point); and stages of Monitoring (monitoring) and Evaluation.

The regulation in this regulation of the minister of home affairs also contains the delegation of norms to regional heads in the implementation of PUG. In the provisions of Article 7 paragraph (1) states that, "The governor is responsible for the implementation of gender mainstreaming in the province". Meanwhile, Article 12 paragraph (1) states that "Regents/mayors are responsible for the implementation of gender mainstreaming in districts/cities." The content contained in the Regulation of the Minister of Home Affairs Number 15 of 2008 in conjunction with the Regulation of the Minister of Home Affairs

No. 67 of 2011 concerning General Guidelines for Gender Mainstreaming in the Regions is an important legal basis for gender mainstreaming efforts at the regional level.

- b) Regulation of the Minister of State for Women's Empowerment and Child Protection Number 4 of 2014 concerning Guidelines for Supervision of the Implementation of Gender Responsive Planning and Budgeting for Local Governments.

Supervision of the implementation of gender-responsive planning and budgeting, compiled in a guideline to assess commitment and implementation of gender mainstreaming, especially the implementation of gender-responsive planning and budgeting in the regions. Gender Responsive Planning and Budgeting, hereinafter abbreviated as PPRG, is an instrument to overcome differences or gaps in access, participation, control, and development benefits for women and men with the aim of realizing a more equitable budget. Article 3 of this regulation stipulates that "Guidelines for Supervision of the Implementation of PPRG for Regional Governments are intended to provide a reference for supervisors, implementers, and parties related to supervision at the provincial and district/city levels to supervise the implementation of PPRG."

- c) Regulation of the Minister of Women's Empowerment and Child Protection Number 2 of 2020 concerning the Strategic Plan of the Ministry of Women's Empowerment and Child Protection for 2020-2024

The policy directions and strategies that will be taken by KemenPPPA in order to achieve the vision, objectives and targets of the Strategic Plan of the Ministry of PPPA include: Increasing gender mainstreaming and empowering women in various development fields, with the following strategies:

- a. Strengthening policies and regulations, through the preparation, review, and coordination of various policies and regulations for implementing gender mainstreaming as a reference for ministries/agencies and local governments in implementing gender mainstreaming;
- b. Accelerating the implementation of gender mainstreaming in ministries/agencies, provincial/district/city governments, and village governments through strengthening the institutionalization of gender mainstreaming, and technical assistance in the planning of gender-responsive programs, activities and budgets, as well as their monitoring and evaluation;
- c. Increase the understanding of the government, community institutions, mass media and the business world about gender equality at the national and regional levels, through the provision of learning materials based on information technology (e-learning), organizing webinars, community radio, and so on;
- d. Increasing the knowledge and understanding of women and their families about gender equality through training for female assistants of economic entrepreneurs;
- e. Increasing the role and participation of women in development, especially in education, health, economy, employment, politics, public office, and decision-making, through increased networking and coordination between the central government, local governments, community institutions, mass media, business world, educational institutions and religious institutions;
- f. Increase the commitment of the central and local governments on the importance of integrating a gender perspective into development programs by optimizing



monitoring and evaluation, to ensure that gender responsive programs are implemented and provide change at the national and local levels; and

- g. Strengthen the system for providing, updating, and utilizing gender disaggregated data for the preparation, implementation, monitoring and evaluation of development policies/programs/activities at the national and regional levels.

Some of these arrangements provide protection for women, which needs to be followed up with the formation of regional regulations. The provisions of these laws and regulations are the basis for local governments to make regional policies on gender mainstreaming through the formation of regional regulations. The regional authority in the formation of regional regulations regarding gender mainstreaming of the regional government legal regime comes from Number 23 of 2014 concerning Regional Government jo. Law Number 11 of 2020. Meanwhile, the sectoral regime comes from the Regulation of the Minister of Home Affairs Number 15 of 2008 concerning General Guidelines for the Implementation of Gender Mainstreaming in the Regions as amended by the Minister of Home Affairs Regulation Number 69 of 2011.

## 2. The Urgency of Establishing Gender Mainstreaming Regional Regulations in the Implementation of Regional Autonomy

Gender and development are two things that are interrelated. Apart from being the main issue in development programs, gender as a social construction implies that gender issues in every place or every society are different according to the context. Women should be included in the development program. However, the current condition shows that there is still a gap between women in the development process. Through disaggregated data and facts between men and women, it shows the position of the gap between women.

Based on the Gender Inequality Index (GII) data according to UNDP data published by BPS, Indonesia won the highest score in ASEAN with a value of 0.480.

Table.2 Components of the Gender Inequality Index in ASEAN Countries, 2019

Negara ASEAN	MMR <sup>*</sup>	ABR <sup>**</sup>	Perempuan di Parlemen (%)	Persentase penduduk 25+ berpendidikan Minimal SMP <sup>**</sup>		TPAK		GII	Peringkat
				Laki-laki	Perempuan	Laki-laki	Perempuan		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Singapura	8	3,5	23,0	85,1	78,1	78,3	62,0	0,065	12
Malaysia	29	13,4	15,5	76,5	72,2	77,1	50,7	0,253	59
Brunei Darussalam	31	10,3	9,1	70,7	69,5	71,0	57,8	0,255	60
Vietnam	43	30,9	26,7	78,2	66,4	82,4	72,7	0,296	65
Thailand	37	44,9	14,1	48,6	43,5	76,1	59,2	0,359	80
Filipina	121	54,2	28,0	72,4	75,6	73,3	46,1	0,430	104
Laos	185	65,4	27,5	46,2	35,1	80,2	76,7	0,459	113
Kamboja	160	50,2	19,3	28,2	15,1	88,9	76,3	0,474	117
Myanmar	250	28,5	11,6	23,5	28,7	77,4	47,5	0,478	118
Indonesia	177	47,4	17,4	55,1	46,8	81,9	53,1	0,480	121

Source: <http://hdr.undp.org/en/data>

This means that gender development in Indonesia has not been optimal, and there has been a failure to achieve human development due to gender inequality of 48%. Furthermore, for regions in Indonesia, West Nusa Tenggara is the province with the highest Gender Inequality Index (IKG). Based on the results of the BPS calculation, the province's IKG score

is 0.531 in 2020. The next highest positions are Southeast Sulawesi, Jambi, and West Kalimantan (Penyusun, 2021). IKG in this case is a reflection of how the failure to achieve human development due to gender inequality is measured from aspects of health, empowerment, and access to the labor market. Thus, efforts need to be made through various policies to catch up.

The involvement of women in central/decision-making positions in government has shown progress in efforts to empower women to trigger awareness to be able to compete with men, in fact the ideal gender mainstreaming strategy emphasizes increasing the quality of women to participate in the public sphere because initially women have lost. starting from men, it is an effort to equalize in quality which will ensure fairness because competition is seen in terms of quality, but this success can be seen from the increase in women's participation in quantity which is certainly the initial capital in realizing gender equality and justice (Firman & Rahmiati, 2020).

Basically, gender is a concept used to explain that what happens and is experienced by men and women is a social construction. Gender is used to show that the main problem is not the difference between the sexes of men and women, but the society's view of the roles and positions of men and women. Through this concept, gender shows the marginalization experienced by women, which can be seen from the gaps that occur in the positions obtained by men and women (Santoso, 2014). On the one hand, women and men are creatures that have the same potential.

Ann Oakley defines gender as a social construction or attribute imposed on humans that is built by human culture (Nugroho, 2008). Gender is not universal but varies from society to society from time to time. Even so, there are two elements of gender that are universal, namely gender is not identical with sex, and gender is the basis of the division of labor in all societies (Nugroho, 2008). Gender and gender have differences in terms of dimensions. The term gender refers to the biological dimensions of a man and a woman, while gender refers to the socio-cultural dimensions of a man and a woman (Santrock, 2002).

In its development, in social life there are still various forms of actions and conditions that discriminate against one party. For example, in the field of education there are still more women who drop out of school than men. The supporting reason for this condition is the assumption that develops in society that women do not need to receive a better education than men, because women will only work to take care of the household which is considered not to require intelligence. The perspective of society that prioritizes men over women is the cause of the emergence of several conditions that marginalize one party (Rahayu, 2016). The effect of gender discrimination is not always a symptom that is intentionally created or caused by the actions of a person or group of people but is more caused by patriarchal cultural values that tend to be embraced by the community which in many ways are still legitimized in policies, programs, rules, mechanisms. and standard procedures (Handayani & Widodo, 2014).

At this point, the strengthening of the urge to overcome the polemic of inequality experienced by women in the trade and economic sectors as an important precondition for the sustainability of the world economy, can at least be understood through the following two opinions (Kusumawardhana & Abbas, 2018). First, in the midst of the current rapid economic globalization, globalization has created equal opportunities for all actors in global politics and economics to benefit from the system (Kusumawardhana & Abbas, 2018). So, the problem of

discrimination between women and men in trade and economic activities in general finds its importance. The second opinion was expressed by Triyuni Soemartono at the national level who argued that the limitation of women's rights to express themselves and to actualize themselves was strongly influenced by the patriarchal culture that had long been embedded in the mindset of the Indonesian people. Women are excluded to get their rights in society, household, and state (Soemartono, 2014).

To eliminate discrimination against women, it requires gender equality or the view that women and men have equal access and opportunities in all fields. Gender equality does not mean that women must be equal to men, because by nature women are different from men. Gender equality means that the state takes action to provide equal opportunities and rights for men and women (Gultom, 2018).

Gender issues and problems need to be mainstreamed in policies and programs because they are related to several things, including the different needs of women and men that are still not reflected in government policies and programs. Besides sectoral programs are seen as too narrow and segmented, and even seen as not meeting the needs of women and men, and there is still a gender bias in society and decision makers and planners that can influence the formulation of policies that are sensitive to gender issues (Parawansa, 2006). It takes a seriousness to achieve the goals of development planning, by always increasing the opportunities and benefits that can be obtained by women and men through the elimination of systemic discrimination against women and men, integrating various efforts to follow up on the problems and needs of women and men directly. or indirectly, as well as increasing the role and participation of women in the development process as a human right (Parawansa, 2006).

Gender equality does not mean that women and men are considered the same, but that they have equal values, so they should get the same treatment and opportunities (Federation, 2011). The Concept of Gender Equality according to Presidential Instruction (Inpres) No. 9 of 2000 concerning Gender Mainstreaming in National Development, that what is meant by Gender Equality is equality of conditions for men and women to have opportunities to fulfill their rights as human beings, to be able to play a role in political, legal, economic, socio-cultural, education and national defense and security, as well as in enjoying the results of development. Several international institutions have their own definition of the concept of gender equality and justice.

Gender equality is the opportunities and opportunities in the social, political, and economic fields between men and women. Gender justice is a treatment that is in accordance with the rights and obligations as a dignified human being in the family and society. The manifestation of gender equality and justice in society and government, among others (Azizah, 2002):

- a. Access is equal opportunity for women and men in development, for example having equal opportunities to obtain information about education and having opportunities to improve careers for female and male civil servants.
- b. Participation, namely women and men have the right to participate in making decisions. For example, having the opportunity to take a fit and proper test to improve the career of a civil servant.

- c. Control means that women and men have equal power over development resources. For example, having independent control in determining whether civil servants want to increase their structural position to a higher level.
- d. The benefit is that development must have the same benefits for women and men. For example, training and education programs have the same benefits for female and male civil servants.

Gender equality also includes the elimination of discrimination and structural injustice, both against men and women. Gender differences result in gender inequalities, which are the most important for women. The practice of gender injustice becomes an obstacle in achieving the success of development that is just and gender equal. Supposedly, women and men have equal access and participation in development (Martiany, 2011).

Efforts are being made to eliminate gender inequality by implementing a strategy called Gender Mainstreaming. Gender Mainstreaming is a political step that can be applied practically to develop gender-friendly social situations and generate gender equality. In addition, PUG is a normative presentation that requires information from the field regarding its implementation. It is called normative because PUG is one of the social policies in Indonesia. The objective of the PUG policy is to process gender equality transformation (Santoso, 2014).

Basically, gender mainstreaming is a process in which gender issues are integrated into four main functions of government institutions, namely planning that produces clear mandates and goals for women and men; implementation that ensures that the implementation of the strategy produces a favorable impact on women and men; monitoring that measures the progress of program implementation from the perspective of participation and benefits for women and men; evaluations that ensure that the status of women and men has improved as a result of the implementation of certain programs (Fuad, 2015). By organizing gender mainstreaming, it can be identified whether men and women include:

- a. Gain equal access to development resources.
- b. Have equal control over development resources.
- c. Get the same benefits from the results of development.

Implementation of Gender Mainstreaming is a strategy in achieving Gender Equality and Justice. The government and society are responsible for realizing Gender Equality Development. It is well realized that until now there is still gender injustice experienced by women in family, community, nation, and state life. Including gender inequality in various fields of development. Whereas one of the goals of human development in Indonesia is to achieve gender equality to improve the quality of human resources, both men and women (Bappenas, 2010).

Gender mainstreaming in regional development is an effective strategy in realizing gender equality and justice in the life of society, nation, and state. In the indicator of the achievement of successful development of the quality of human life, the concept of gender is used in it. Gender Development Index (GDI) and Gender Empowerment Measurement (GEM) are measures of the quality of human life based on Gender Equality. The practice of gender injustice becomes an obstacle in achieving the success of development that is just and gender equal. Supposedly, women and men have equal access and participation in development.

The Human Development Index (HDI) does not measure progress on the level of gender equality as one of the indicators of development. The Gender Development Index (GDI) was created to show inequalities between men and women in the areas of health, education and living standards. GDI decreases when there is gender inequality, so GDI decreases when the disparity in the level of achievement of men and women increases, if equal then HDI and GDI will be the same in value. The achievement of gender equality and women's empowerment in various development fields in general can be seen from the gender development index (GDI) and the gender empowerment index (GEI).

Generally, the causes of the emergence of development problems that harm women are among others due to errors in development planning, such as (1) failing to pay attention to the productive role of women which has traditionally been played; (2) reinforce the values of a society where women's activities are restricted around routine household tasks and around taking care of children; (3) the pervasiveness of western values regarding what jobs are most suitable for modern women in developing societies (Setyawati & Anastasia, 1991).

Triyuni Soemartono in his book "The Role of Government in Empowering Women" has elaborated the problems faced in the implementation of gender mainstreaming in development, as follows (Soemartono, 2014):

- a. the low quality of life and the role of women, which is caused, among other things, by the occurrence of gender disparities in terms of access, benefits, and participation in development, as well as control over resources, especially in politics, public positions, and in the economy, both inter-provincial and inter-district/city; and the low readiness of women in anticipating the impacts of climate change, energy crises, economic crises, natural disasters and social conflicts, as well as the occurrence of diseases.
- b. the low level of protection of women from acts of violence, which is marked by the rise of cases of violence against women that have not been accompanied by an increase in the quantity and quality of services for victims of violence, there is still a discrepancy between the legal products produced, including between legal products produced issued by the central government with the regions relating to the protection of women.
- c. still weak gender mainstreaming institutions in Indonesia. The GDI (Gender-related Development Index) figure measures achievement from the same dimensions and indicators as the HDI (Human Development Index) but takes into account the achievement gap between women and men. The GDI is the HDI adjusted for the existence of a gender gap, so the smaller the difference between the GDI and the HDI indicates the smaller the gender gap.

Gender mainstreaming in every stage of development, especially in the planning process and policy formulation is very necessary. This is intended so that the interests of women and men can be accommodated, so that both can enjoy the results of development in a balanced way.

The issue of gender has long been a major problem in the development of a country. The government has made various efforts to improve the quality of life of women and strengthen institutional capacity in terms of gender mainstreaming. PUG aims to give women the opportunity and access to development processes and outcomes. The implementation of PUG

in the era of regional autonomy, resulted in greater challenges and opportunities (Martiany, 2011).

The goal of GM is to narrow and even eliminate the gender gap. Gender mainstreaming is intended so that all development programs can be implemented by considering women's opportunities and access to development programs, with control and benefits for women. This becomes more important because the implementation of regional autonomy, the challenges and opportunities are also getting bigger. Development in Provinces, Regencies, and Cities is required to be able to take advantage of this opportunity, so that it is expected to be able to place women's empowerment, gender equality and justice.

Evaluation and monitoring conducted by the National Development Planning Agency (Bappenas) in 2010 on 41 districts/cities shows that gender has not been considered in development planning and budgeting at the district/city level. Gaps can be seen in budgeting, such as in the preparation of advocacy programs, program implementation, and strategy selection (Santoso, 2014). Local governments need to encourage gender mainstreaming in the process of administering government affairs.

The low level of gender mainstreaming in the regions, can be seen from the number of regions that received the Anugerah Parahita Ekapraya (APE) award. APE is an award given to ministries/agencies and local governments who are considered committed to achieving and realizing gender equality, empowering women, and protecting children, as well as meeting the needs of children. This award is a form of acknowledgment of the commitment and role of the leaders of ministries/agencies and local governments in the effort to realize gender equality and justice in the Gender Mainstreaming Strategy.

A regional regulation on Gender Mainstreaming is needed as a construction to provide a solid legal footing for regions in the implementation of optimal gender responsive development. Regional regulations legally provide legal certainty and legal benefits for local governments and citizens. Legal certainty is the foundation of good governance by providing great benefits for the prosperity of the people. Regional regulations are legal instruments in carrying out affairs that are under the authority of regional governments, both mandatory and optional. Regional regulations have several functions, first as a policy instrument to implement regional autonomy and assistance tasks as mandated by the 1945 Constitution of the Republic of Indonesia and the Law on Regional Government. Second, to accommodate the specificity and diversity of the region, as well as to channel the aspirations of the people in the region. However, the regulation remains within the framework of the Unitary State of the Republic of Indonesia which is based on Pancasila and the 1945 Constitution. Third, it functions as a development tool in improving regional welfare. The fourth function is as an implementing regulation of higher laws and regulations (Manan, 1993).

Thus, the preparation of regional regulations regarding gender mainstreaming becomes urgent for each local government. The establishment of gender mainstreaming regional regulations in addition to being a juridical basis for regions in carrying out their respective authorities, gender mainstreaming is also important to ensure and realize the condition of gender equality at the regional level; increasing the contribution and role of women in the regions; and encourage gender-responsive regional development as a form of effort to protect and fulfill women's rights.

## CONCLUSION

Based on the description described above, it can be concluded that: first, local governments based on Law no. 23 of 2014 jo. UU no. 11 of 2020 and Regulation of the Minister of Home Affairs Number 15 of 2008 concerning General Guidelines for the Implementation of Gender Mainstreaming in the Regions as amended by Minister of Home Affairs Regulation Number 69 of 2011, have the authority and responsibility in realizing gender responsive regional development. Regional autonomy is a space to be able to overcome the gender gap in accordance with the locality of the region. Second, gender mainstreaming is a necessity as well as a demand for each regional government, in the optic of law as a means of development, the preparation of regional regulations regarding gender mainstreaming becomes a juridical basis for regions to ensure and realize conditions of gender equality at the regional level; increasing the contribution and role of women in the regions; and encourage gender-responsive regional development as a form of effort to protect and fulfill women's rights. Local governments need to form regional regulations on gender mainstreaming as a form of commitment in the effort to realize gender equality.

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