



# Women Equality in Human Rights Regulations in Indonesia

Beta Dwi Lestari<sup>(✉)</sup> and Chairunnisa Yumna Risti

Universitas Pembangunan Nasional Veteran Jakarta, Depok, Indonesia  
2110611027@mahasiswa.upnvj.ac.id

**Abstract.** The concept of equality is a fascinating one to talk about because it acknowledges the presence of justice, rights, and equal opportunity for women and men. Women are beginning to equalize with men in modern society. However, there are still people who misjudge women's potential and even attack them verbally and physically. This makes women feel uncomfortable doing anything, even dressing, no matter where they are. The right of women to gender equality is a legal right. Even now, the law is still viewed as biased against women. The law should be just to guarantee the realization of women's human rights and just to guarantee the realization of women's human rights. Laws that violate women's rights are frequently broken, making many women their victims. Therefore, it is important to influence the ideas of those who still believe that women are incapable of doing anything. Additionally, it is desired that there won't be any verbal or nonverbal violence, or prejudice towards women. Along with making laws against gender inequality and discrimination against women stronger.

**Keywords:** Equality · Women's Right

## 1 Introduction

R.A. Kartini, one of Indonesia's female heroines, has made a significant contribution to the fight for gender equality and women's rights. Women used to be stereotyped as weak, domesticated people who only belonged in the kitchen and took care of the household. Due to the low number of educated women in ancient times, there were fewer and narrower-minded women. In order to avoid being discovered by the men, R.A. Kartini started surreptitiously inviting Indonesian women to study. There is equality of rights in many areas, including economic, political, social, cultural, and others. Women's fate is comparable to an object that males are free to treat anyway they like. They believe that women are very vulnerable to harassment and mockery. They go so far as to affirm that women are najis and filth as a result of Satan's deeds. Women are as valuable to them as commodities that can be exchanged in markets. Women's rights may be violated; they are not required to be given the ability to use their own property or to receive an inheritance.

When R.A. Kartini began to advocate for women's rights, males stopped underestimating women. Over time, more and more women developed a strong interest in

learning and pursuing careers, including those typically held by men. By passing legislation protecting women's human rights, the government is progressively beginning to pay attention to the rights and equality of women and men. Law Number 39 of 1999 Concerning Human Rights, Law Number 23 of 2004 Concerning the Elimination of Domestic Violence, Law Number 12 of 2006 Concerning Citizenship, Law Number 21 of 2007 Concerning Eradication of the Crime of Trafficking in Persons, and Political Laws are a few of the laws and rules pertaining to the protection of women's human rights (Law No. 2 of 2008 and Law No. 42 of 2008). Although the law on women's human rights was passed, there are still some guys who harass and victimize women. Sexual harassment, both verbal and nonverbal, acts of domestic abuse, and the belief that women belong at home taking care of the family are all things that still frequently occur today. The government established Komnas Perempuan, a women's protection organization. Women are expected to immediately report any complaints or potential mistreatment to Komnas Perempuan for follow-up action.

As a result, Indonesia, a constitutional state, declared human rights (HAM) to be part of the state constitution in the 1945 Constitution. Human rights are a set of privileges that all people, both men and women, have the right to enjoy from the moment they are born until the end of their lives. Therefore, the state, the law, and everyone else must respect, uphold, and preserve human rights. Every person or citizen of the state is acknowledged in the preamble of the 1945 Constitution as an independent human being who may not tolerate discrimination based on anything, including gender disparities. The 1945 Constitution's fundamental protections for human rights were established in Chapter XA, Article 28 A, which was later amended in 2000 to utilize Article 28 J. (2). In addition to this language, the Republic of Indonesia's 1945 Constitution also includes guarantees for human rights in Article 29 paragraph 2 and Article 28 I (2). Both men and women have the right to life and independence without suffering any form of discrimination, and they also have the right to protection from such discrimination.

### **1.1 Formulation of the Problem**

1. What is the legal protection for women?
2. What is the perspective of human rights in Indonesia and case examples?

### **1.2 Research Purposes**

1. To know about how the legal protection for women
2. To know about the perspective of human rights in Indonesia and case examples.

## **2 Research Methods**

Utilizing a qualitative approach, this investigation. Qualitative research methods have the goal of understanding an issue experienced by the research subject in an organized manner and through verbal and written descriptions. The research also employs a methodology that makes use of the legal concepts and legal articles that govern women's equality in Indonesian human rights laws, as well as the principles and principles of legal

justice. This research's primary source is library research materials, specifically activities to gather pertinent news utilizing a topic or case that is the subject of research or the subject of a tale that is included in a literary work. Due of their stricter budgets and resources, writers of scientific publications tend to use literature research more frequently. By examining various laws and regulations relevant to the problem's subject and using sources from a variety of periodicals, books, and internet websites, data collection approaches are carried out. This research methodology is employed to enable both the researcher and the reader to comprehend the reading's subject matter clearly.

### **3 Discussion and Analysis**

#### **3.1 Legal Protection for Women**

One of the most solid tools for addressing violence against women is the law. Justice and protection for women who have been the victims of violence must be provided through the law. Despite this, information indicates that Indonesian legislation frequently violates women's rights. Regulations without a gender perspective lead to the blaming, disdain, or increased victimization of women who are victims of violence (re-victimised). The rights of women in Indonesia, both as individuals and members of society, have not been fully protected by the law. According to the government, the populace, and the current law, legal protection on the subject of violence against women has not received the utmost attention. In order to fully address the issue of violence against women, Indonesia's criminal justice system must be improved or changed in order to adopt a legal framework that takes gender equality into account. 299,911 instances of violence against women were discovered in 2020, according to the Annual Records of Violence Against Women (Catahu). The information was gathered through the district and religious courts, many Komnas Perempuan partner service organizations, and the Service and Referral Unit (UPR). The most prevalent form of violence is that which occurs in the personal or private domain, including domestic violence and intimate relationships. Of these, 3,221 incidents (49%) of violence against spouses (KTI) come in first, followed by 1,309 cases (20%) of violence in dating and 954 cases (14%) of violence against girls. The remaining cases are all related to ex-husbands, ex-girlfriends, and domestic employees. Acts that are placed on a person just because you think she's a woman that hurt or hurt someone else physically, mentally, or sexually.

This covers intimidation, compulsion, or willful denial of liberty, whether they occur in public or private life. Crimes against decency, family violence, and domestic violence are three categories for violence against women. These crimes exhibit certain traits, such as being committed at home, in private, causing physical or psychological harm or torturing the victim, being committed by individuals who have frequent and close contact with the victim. The offenders are typically men (husbands or dads), and the victims are mostly women or children, but family violence frequently refers to violence committed by a husband against his wife (wife beating). Measures to prevent crime must be taken in conjunction with efforts to safeguard society and advance social welfare. Therefore, it can be claimed that criminal politics' ultimate objective is to safeguard society's ability to prosper. Even though the victimology component of sexual violence against women (rape) is very significant, many people criticize judges for being insensitive when

assigning punishment to offenders. As a result, the criminal law policy adopted within the framework of the development of the upcoming national Criminal Code is to overhaul the legal framework, and the potential imposition of criminal penalties. The way that rape is defined in this Draft Criminal Code The formulation in the Draft Criminal Code has been a fairly advanced development considering the shift in the growth of sexual crimes.

In addition to recognizing the danger of minimal sanctions, it also broadens the definition of the crime of rape as indicated in article 285 of the Criminal Code. Establishing minimum punishments and giving criminal threats made against rape offenders in the Bill weight Given that only American civilization upholds the idea of individual freedom, the Criminal Code is a natural thing, yet rape is an issue, especially if the Having a girl or a woman as the victim commit an outrageous violation is a particularly horrible crime. Concern has been raised about the growth of crime, including violent crimes against women that involve both physical and sexual assault; as a result, prevention and mitigation must be carried out through a coordinated strategy between criminal politics and welfare politics. The criminal law code's regulations need to be updated in both form and content, particularly with regard to the protection of women from acts of violence because the victimological aspect won't be felt for a while. Additionally, counseling needs special consideration. Sexual harassment, rape, and prostitution are common forms of sexual violence in society. In the draft law on criminal law, this form of crime has evolved in terms of how threats are recognized and dealt with.

The improvement of apparatus, legal facilities, and infrastructure has not been accompanied by clear actions and the seriousness of the government and law enforcement officials when putting the regulations into practice and enforcing them. A legal crisis developed in Indonesia as a result of interference with the court process, as well as overlapping laws and legal muddle. As seen by the numerous human rights abuses, such as violent acts, discrimination, and arbitrariness, such legal conditions make it difficult to safeguard and uphold human rights in Indonesia. To retain high-caliber human resources, ongoing legal protection initiatives for women and children are required, one of which is the prevention and elimination of human trafficking. Since everyone has an equal standing before the law, protection for women and children should be of a similar standard to that of protection for adults (equality before the law). Every child has the right to protection and treatment while in the custody of parents, guardians, or any other entity responsible for the care, according to Article 13 of Law N0 23 of 2002 respecting Child Protection.

1. Every child while in the care of parents, guardians or any other party responsible for the care, has the right to receive protection and treatment:
  - a. Discrimination
  - b. Exploitation, whether economic or sexual;
  - c. Abandonment;
  - d. Cruelty, violence and persecution;
  - e. Injustice; and
  - f. Another mistreatment.

2. In the event that a parent, guardian or child caretaker performs all forms of treatment as referred to in paragraph (1), the perpetrator is subject to a heavier sentence.

Realizing the value of providing proper legal protection for women and children, especially against various forms of human trafficking (trafficking in persons), especially in light of the declining attitudes of tolerance and respect among fellow citizens. Legal protection for crime victims is a component of the protection of the populace and can take many different forms, such as the provision of restitution and compensation, medical care, and legal support. A party who suffers a loss must receive compensation that is proportionate to the harm done. Restitution differs from compensation in that it is “paid by the community or a kind of accountability of the people or the state while compensation exists based on the victim’s request” (The Responsible of the Society). The defense of women and children from all forms of illegal exploitation is fundamentally a defense of human rights as inalienable human rights that are acquired at birth and are a gift from God that cannot be diminished. The treatment of victims as mere commodities to be bought, sold, shipped, and resold constitutes a breach of human rights (HAM), children’s rights, and labor rights in all forms of trafficking in women and children.

Long-standing efforts by women to advance equality and justice have not been successful in elevating women’s status to parity with men’s in terms of dignity. There are a lot of women in government who are in critical positions. The predicted solutions to gender disparity and the underachievement of women have not been found. In every sphere of life, including the legal profession, women continue to lag behind men. Women and the government face a significant challenge in dealing with this. Law Number 39 of 1999 concerning Human Rights, Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Law Number 12 of 2006 concerning Citizenship, Law Number 21 of 2007 concerning the Eradication of the Criminal Act of Trafficking in Persons, and Political Laws are some of the laws and regulations that contain the content protecting women’s human rights (Law No. 2 of 2008 and Law No. 42 of 2008). Then came the Presidential Instruction No. 9 of 2000 about gender mainstreaming (PUG) and the Presidential Decree No. 181 of 1998 establishing the Komnas Perempuan, the national commission on violence against women, which was later updated by the Presidential Decree No. 65 of 2005.

In actuality, incidents of violence against women are still common. Although it is true that there are more violent crimes committed against males than against women, it is important to keep in mind that in some regions of the world, women’s status cannot be equal to that of men. Given the anguish that women endure both during and after acts of violence, it seems sense that a woman’s fear of crime is far greater than a man’s. This is due of the innate fragility of women (in the physical aspect). Women actually experience traumatization at a significantly higher rate than men, whether they are victims of rape, domestic violence, polygamy, or other crimes. If the perpetrators of the violence have particular motivations, this more severe trauma typically happens. Activities involving the victim. While offering legal protection to women who report or witness acts of violence, witness protection should also consider the safety and comfort of those people who may be impacted by the testimony that will be provided or has already been given in a criminal prosecution. People who know about or have experienced a crime are frequently

reporters or witnesses. In most cases, the reporter and the criminal are acquainted. The reporter's identity must be known in order for law enforcement to benefit from feedback between the officer and the reporter in order to verify the veracity of the report. To ensure that the examination of witnesses in line with the criminal procedure law proceeds smoothly, reporting witnesses in criminal activities must be protected.

### **3.2 Human Rights Perspective in Indonesia and Case Examples**

Women's rights within the context of human rights are conceived and grow out of consideration of the value of safeguarding and realizing women's rights in groups that are susceptible to breaches of men's human rights as well as to ensure gender equality. In order to improve human dignity, welfare, happiness, intellect, and justice, the Indonesian state itself acknowledges and respects human rights (HAM) and fundamental liberties as rights that are inherently inherent in people and must be preserved, respected, and enforced. This is covered under the Republic of Indonesia's 1945 Constitution as well as a number of other laws and regulations, such as Law No. 39 of 1999 on Human Rights. However, as we have seen with examples of violence against women during the Covid-19 outbreak, there are still violations that take place where women are the primary targets of violence. The COVID 19 pandemic has increased the likelihood that women may become the targets of violence. According to data from the Komnas Perempuan, the National Commission on Violence Against Women, 892 direct complaints had been filed as of May 2020. This number represents 63% of all complaints received in 2019 as a whole. One of the concerns is domestic violence (KDRT), which has an effect on women's circumstances and conditions as well as the economics, the family economy, and societal limitations. From housekeeping to making sure that kids have access to education from home, all activities that are concentrated at home place a tremendous domestic load on women. Women in this setting are more likely to get the new corona virus than other family members because they leave the house more frequently to provide for the family's food needs. When women are compelled to work outside the home and occasionally from home, their burdens also grow in this situation. Women are particularly vulnerable to domestic violence during the COVID-19 pandemic and economic depression because they are viewed as unable to perform their home duties. Domestic violence (KDRT), which is committed primarily against women by partners or members of the same family, is occasionally a topic that is never brought up.

Even while the experience of violence against women is perceived to be constant, the phenomena of domestic violence against women is linked to the nature of personal issues. From this vantage point, women are characterized as individuals who are responsible for enhancing the actual situation prescribed by social standards or nurturing covert means of tolerance. Violence is seen as an individual responsibility. The effects of domestic violence on women include physical pain, mental stress, lower self-confidence and self-esteem, a sense of powerlessness, dependence on husbands who have tortured themselves, post-traumatic stress disorder, despair, and suicidal thoughts. The Republic of Indonesia's Ministry of Women's Empowerment and Child Protection has released a protocol for dealing with cases of violence against women during pandemics. Victims of violence can contact the responding officer via phone, WhatsApp, or email to report the incident. Similar face-to-face interactions with the complaint office when carrying

out health protocols Based on this instance, it can be said that domestic violence against women during the COVID-19 epidemic not only violates human rights but also shows that awareness of women's equality has not been adequately put into practice. In that instance, the government should impose penalties on domestic violence offenders to prevent recurrence of the same incidents.

## 4 Conclusions and Recommendations

By passing legislation pertaining to women's human rights, the government is progressively beginning to pay attention to the rights and laws of men and women. Human rights are a collection of freedoms that are inherent to all people, both men and women, from the moment of birth until the moment of death. These freedoms include the right to life, liberty, and the pursuit of happiness. Law Number 39 of 1999 Concerning Human Rights and Law Number 23 of 2004 Concerning the Elimination of Domestic Violence are two laws and regulations that protect women's human rights. The outcomes of incidents of violence against women during the COVID-19 epidemic, particularly cases of domestic abuse, show that human awareness is compatible with well-achieved successes and that these cases violate human rights. In order to prevent further occurrences of incidents like these, the government in this instance ought to have acted swiftly and in compliance with the relevant laws.

**Open Access** This chapter is licensed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits any noncommercial use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

