

Empowering Women to Achieve Equality in Law Number 39 of 1999 at the DP3AP2KB of Bogor Regency

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Abstract

This study employs a qualitative method to investigate women's rights protection. Data in the form of narrative descriptions were obtained from DP3AP2KB of Bogor Regency, serving as both primary and secondary data sources in the form of documents. Data analysis was conducted interactively, including data reduction, data presentation, and drawing conclusions with validity strengthened through source and technique triangulation. This study highlights the concrete efforts of DP3AP2KB of Bogor Regency in protecting women's rights, including in the fields of employment, health, education, marriage, family, and participation in public and political life. DP3AP2KB of Bogor Regency plays a role as a monitor, knowledge center, change catalyst, negotiator, mediator, and development facilitator to promote gender equality and protect women's rights. This research also emphasizes the importance of cultural changes that support gender equality and raise public awareness of a sensitive legal enforcement on gender issues. The struggle in this study is more focused on the transformation of social systems and structures that perpetuate injustice against women. Increasing women's representation in parliament and regulations that support women's rights become key elements in maintaining and enhancing women's rights protection.

Keywords: Gender Equality, Human Rights, Women Empowerment.

1 INTRODUCTION

Indonesia recognizes and respects Human Rights (HR) and fundamental freedoms as inherent rights of every individual. These rights must be protected, respected, and enforced to enhance human dignity, well-being, happiness, intelligence, and justice (Hardiyanto & Saryono, 2023). These principles are enshrined in the 1945 Constitution of the Republic of Indonesia as well as various legislations, such as Law No. 39 of 1999 on Human Rights (39).

One of the types of rights recognized both nationally and internationally is women's rights, often referred to as women's rights (Rokhmansyah, 2016). Issues related to women's gender equality have garnered significant attention from society because they are seen as closely related to broader social justice issues (Sadli, 2010).

The Indonesian Constitution adheres to the principles of a welfare state, which require the state to provide protection to its citizens in political, economic, and socio-cultural aspects (Putra, 2021). In a welfare state system, the state's duties are not limited to governance but also include responsibility for promoting social welfare (Hadiyono, 2020). The state must consistently fulfill its role as a provider of general welfare that protects the rights of the people (Elviandri, Dimyati & Absori, 2019).

The government's participation is regulated by laws and implementing regulations executed by the state administration. The Indonesian state is committed to protecting the rights of its citizens without discrimination, as stipulated in Article 27, Paragraph 1 of the 1945 Constitution of the Republic of Indonesia, which states that everyone is equal before

the law. The principle of equality between men and women under the law has been recognized since then (Sujamardi, 2028).

Recognition and respect for women as creatures of God are inherent women's rights. This understanding is essential to provide a dignified position for women as human beings. Although women and men differ biologically and have different roles in society, they remain equal in rights and as citizens (Monib & Bahrawi, 2011).

Legally, both at the international and national levels, the principle of equal rights between men and women is recognized. However, in the state's implementation, discrimination and injustice against women often occur, especially in areas like economics, education, healthcare, employment, and politics. The patriarchal culture that still exists in Indonesian traditional communities is one of the causes. In this culture, men have power that can diminish the role of women (Kania, 2015).

By upholding the principle of equal rights in all aspects of life, both men and women have the same rights to participate in society and government. Discrimination against women is a violation of women's human rights (Krisnalita, 2018). However, to what extent do the regulations established by the Indonesian state contribute to protecting women's human rights from a human rights perspective?.

2 RESEARCH METHODS

The methodology used in this study is qualitative research. Qualitative research is an approach used to gain an in-depth understanding of phenomena, explore perceptions, behaviors, and contexts in their natural settings. Qualitative research focuses on explanations in the form of words, descriptions, and narratives, aiming to comprehend the complex relationships between the variables involved in the study. Data in qualitative research takes the form of narrative descriptions rather than numbers, and qualitative data analysis does not involve numerical quantification. The data used in this study includes an overall description of the research subject, covering its establishment, objectives, targets, framework, vision, mission, duties, and functions. The data sources in this study come from primary sources, which are data collected directly by the researcher from the first-hand source, in this case, DP3AP2KB Kabupaten Bogor. Secondary data sources involve data collected by the researcher to complement the primary source, typically in the form of documents. Qualitative data analysis is conducted interactively and continuously until the data is deemed saturated. The data analysis process involves data reduction, where the data is summarized, and key data are selected, data presentation, which entails organizing the data into an easily understandable analytical format, and drawing conclusions supported by valid and consistent evidence. Data validity is examined using triangulation, involving testing data from various sources and through various techniques. Source triangulation is done by examining data from different sources with different perspectives. Technique triangulation involves examining data from the same source using different techniques.

3 RESULT AND DISCUSSION

3.1 Archived Data

This research focuses on the situation in Kabupaten Bogor during the period from June to July 2023. It adopts a qualitative approach and descriptive qualitative methods, with the application of triangulation techniques through interviews with various relevant respondents. In the initial investigation, the author identified several issues related to women's protection. These include the low level of public awareness regarding women's rights and customs and practices that tend to hinder women from asserting their rights more assertively.

In Kabupaten Bogor, the DP3AP2KB (Agency for Women's Empowerment, Child Protection, Population Control, and Family Planning) has made consistent and systematic efforts to protect women and create a safe environment for them to exercise their rights. It is important to note that there is a significant international legal framework, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted by the United Nations in 1979. This Convention recognizes women's rights in various aspects of life, including economic, social, cultural, civil, and political rights. Indonesia ratified CEDAW in 1984, which means that the country is obliged to implement it. However, despite the official recognition of women's rights, disparities persist in the implementation and protection of these rights in Kabupaten Bogor and more broadly in Indonesia. In various fields, such as health, education, employment, and other aspects, women often face barriers to access. Additionally, violence against women and children remains a serious issue.

Cultural factors also play a role in influencing the status of women in society, especially in paternalistic and feudalistic cultures. Stereotypes that separate the roles of men as public workers and women as domestic workers still affect public perceptions. The protection of women is no longer solely the responsibility of individuals or families but has become a government responsibility. In the context of Kabupaten Bogor, the Agency for Women's Empowerment, Child Protection, Population Control, and Family Planning plays a crucial role in providing protection and comfort to women in the region.

3.2 Interview

The results of the interview with Mrs. Dra. Hj. Nurhayati, M.Si (Head of the DP3AP2KB), reflect the commitment of DP3AP2KB Kabupaten Bogor in protecting women's rights. They make efforts to provide maximum service by designing work programs based on women's needs and receiving complaints and reports from the community to be implemented in women's rights protection programs.

The protection of women's rights organized by DP3AP2KB Kabupaten Bogor covers various aspects, such as (a) Employment Rights: Every woman has an equal right to job opportunities, from selection to equal pay. They also have the right to paid leave, including maternity leave. Discrimination based on pregnancy or marital status is not allowed. (b) Health Rights: The state is obliged to ensure that women have the opportunity to be free from maternal mortality. Health services such as family planning, pregnancy, childbirth, and postnatal care must also be available. (c) Education Rights: Women have the same rights to education, from elementary to university levels. Stereotypical thinking about the roles of men and women in education should be eliminated, and equal opportunities for scholarships should be provided. (d) Rights in Marriage and Family: Women have the same rights in marriage. They have the right to choose their partners freely, without forced marriage. All marriages must be based on the consent of both parties. In the family, women also have equal rights and responsibilities, both as parents and as husbands and wives. (e) Rights in Public and Political Life: In public and political life, every woman has the right to vote and be elected. Elected women must also have the same opportunities to participate in the government policy-making process. The efforts of DP3AP2KB Kabupaten Bogor in realizing protection and equality for women are positive steps toward creating a more just and equal society.

3.3. The Role and Function of Women's Rights Protection

The roles and functions in the protection of women's rights are essential aspects of the implementation process. They are based on meeting needs, facing challenges, and overcoming obstacles that may arise. These roles and functions aim to maximize the entire process in ensuring the protection of women's rights.

The results of the interview with Mrs. Sri Tanti, SH., MM (Head of Sub-Division for Women and Children Protection) reflect the complexity of the roles and functions that institutions like DP3AP2KB Kabupaten Bogor must perform. Mrs. Sri Tanti stated, "The roles and functions of the institution must be relevant to developments and capable of

addressing various demands. We face challenges in carrying out the roles and functions of the institution to protect women and provide optimal welfare services.

The roles and functions of DP3AP2KB Kabupaten Bogor include: (a) Monitor and Reporter: DP3AP2KB serves as a monitor and reporter of gender-based human rights violations and the conditions of women's rights fulfillment. (b) Resource Center: DP3AP2KB also functions as a knowledge center on women's human rights. (c) Change Catalyst and Policy Formulator: The institution plays a role in catalyzing change and assisting in formulating relevant policies. (d) Negotiator and Mediator: DP3AP2KB acts as a negotiator and mediator between the government, victim communities, and communities advocating for women's human rights. Its primary focus is to ensure the state's fulfillment of human rights enforcement and the restoration of victims' rights. (e) Facilitator for Network Development and Strengthening: DP3AP2KB supports the development and strengthening of networks at the local, national, and regional levels. This is done to prevent violence against women, enhance handling capacity, and achieve the elimination of all forms of violence against women. The roles and functions of DP3AP2KB Kabupaten Bogor in the protection of women's rights play a vital role in ensuring protection and equality for women in the region.

3.4. Findings of Cases on Women's Rights Protection in Achieving Citizenship Equality

Article 27, paragraph (1) of the 1945 Constitution emphasizes the principle of equality for all citizens, without exception. This principle eliminates all forms of discrimination, providing equal rights for all citizens in the eyes of the law and the government, regardless of religion, ethnicity, gender, status, or group. The principle of equal rights explains that there is no difference between men and women. The recognition of this principle of equal rights in the Constitution demonstrates the deep understanding of Indonesia's founding fathers regarding the protection of human rights.

Although international and national legal instruments and regulations recognize the principle of equal rights between men and women, in practice, discrimination and injustice against women occur. Women are often left behind and marginalized in various aspects of life, including economics, education, health, employment, and politics. One of the reasons is the prevailing patriarchal culture in Indonesian society. In a patriarchal culture, men often dominate and wield power, which, in turn, can reduce the role and position of women.

The struggle of women to achieve equality and justice has been ongoing for years. While some women have attained strategic positions in government, gender inequality and women's lagging behind remain a reality that has not been fully addressed. Women continue to face marginalization and disadvantage in various aspects of life. This is a significant challenge for women and the government in achieving equality as full-fledged citizens.

In this context, the protection of women's rights is no longer the responsibility of individuals or families but is also the government's duty. The government plays a significant role in providing protection and equality for women. One of the government agencies that play a crucial role in this regard is the Department of Women's Empowerment, Child Protection, Population Control, and Family Planning of Kabupaten Bogor. Through collaborative efforts with various parties, the protection of women's rights can become a reality, and gender equality can be realized in society.

Despite various struggles and achievements, the role of women in realizing equality among citizens remains an important agenda. Further steps must be taken to address the injustices and discrimination that still exist. The roles of the government, society, and women's organizations are crucial in achieving human rights equality for all citizens, regardless of gender.

3.5 Efforts to Protect Women's Rights at DP3AP2KB Kabupaten Bogor

Data Reduction: DP3AP2KB Kabupaten Bogor implements various forms of women's rights protection, including (1) Rights in Employment; (2) Rights in Health; (3) Equal Rights in Education; (4) Rights in Marriage and Family; and (5) Rights in Public and Political Life.

Data Presentation: Forms of protection in employment include equal opportunities in the selection process, workplace facilities, benefits, and equal wages. This also includes guaranteed and paid maternity leave. In the health sector, the protection of women's rights includes efforts to prevent maternal mortality and the assurance of health services, especially related to family planning, pregnancy, childbirth, and postpartum care. In the education sector, women are provided with equal opportunities to pursue education from primary to university levels, including scholarships from both government and private sources. Protection in marriage and family includes a woman's right to choose a partner without coercion and an equal role within the family. In the public and political spheres, women are given rights and opportunities to vote, be elected, and participate in policy formulation.

Conclusion: DP3AP2KB Kabupaten Bogor actively implements women's rights protection by striving for equality in various aspects of life, including employment, health, education, marriage and family, as well as public and political life. This is realized through various forms of implementation that encompass wages, maternity leave, health services, educational opportunities, rights in marriage and family, and participation in political life.

3.6 Implementation of Achieving Gender Equality.

Data Reduction: The roles and functions of women's rights protection carried out by DP3AP2KB Kabupaten Bogor include monitoring and reporting; the establishment of a knowledge center (resource center); advocacy for change and policy formulation; acting as negotiators and mediators in relationships between the government and women's communities, as well as serving as a development facilitator.

Data Presentation: The roles and functions of women's rights protection include monitoring and reporting on gender-based human rights violations and the fulfillment of the rights of women victims; the establishment of a knowledge center (resource center) aimed at education and socialization; advocacy for change and active participation in policy formulation; acting as negotiators and mediators in the relationship between the government and women's rights advocates, with a focus on the state's responsibility in upholding human rights and restoring the rights of victims; and functioning as a development facilitator and strengthening networks at the local, national, and regional levels for the purpose of preventing and increasing the capacity to address and eliminate all forms of violence against women.

Conclusion: DP3AP2KB Kabupaten Bogor carries out various roles and functions in women's rights protection. This includes monitoring, the establishment of a knowledge center, roles as agents of change and policy makers, negotiation and mediation, as well as the function as a development facilitator. All of these roles aim to promote gender equality and protect women's rights.

3.7. Implementation of Law Number 39 of 1999 at DP3AP2KB Kabupaten Bogor Regarding Women's Rights

The struggle of women to end citizenship inequality is a fight against the systems and structures of societal injustice, not against men. The agenda to end this system includes, first, challenging the hegemony that marginalizes women through the deconstruction of ideologies that question the fate of women. Second, it involves challenging the developmentalism paradigm that incorrectly attributes the backwardness of women to their lack of participation in development.

To achieve gender equality, it is essential to update legal regulations. Increasing the representation of women in parliament can influence lawmaking. However, women's membership in parliament is still less than 30% to this day. Mechanisms are needed to enhance women's representation in the public sector.

In addition to legal aspects, there are discriminatory regulations against women, particularly those that date back to the Dutch colonial period. In this regard, regulations concerning gender-based violence in the Indonesian Penal Code (KUHP) are inadequate. Challenges also arise in law enforcement structures and legal culture, which require special attention to ensure the protection of victims of violence against women. The community needs to be informed about the legal enforcement process so that they can participate in ensuring justice for victims. Furthermore, cultural changes that support gender equality need to be revitalized. This revitalization must reflect the recognition of women's rights to be accepted by society.

3 CONCLUSION

In the context of women's rights protection, DP3AP2KB Kabupaten Bogor carries out various concrete actions that involve essential aspects of women's lives. This includes rights in employment, where efforts are made to ensure equality in the selection process, decent working conditions, fair benefits, and guaranteed and paid maternity leave. In the field of health, the protection of women's rights focuses on preventing maternal mortality and providing healthcare services that cover aspects such as family planning, pregnancy, childbirth, and postpartum care. Similarly, in the education sector, women are given equal opportunities to pursue education from elementary to university levels, including receiving scholarships from various sources. Women's rights protection also encompasses women's rights in marriage and family, involving the right to choose a partner without coercion and an equal role within the family.

In the sphere of public and political life, women are granted the right and opportunity to vote, be elected, and actively participate in policy formulation. DP3AP2KB Kabupaten Bogor actively fulfills its roles and functions as a monitor, knowledge center, change agent, negotiator, mediator, and development facilitator in the context of women's rights protection. All of these roles are designed to promote gender equality and protect women's rights. In the implementation of Law No. 39 of 1999 on Women's Rights, the struggle of women is not a fight against men but a fight against the systems and structures of social injustice. The struggle's agenda includes efforts against hegemony that marginalizes women through the deconstruction of ideologies questioning women's destiny and against the developmentalism paradigm that erroneously attributes women's backwardness to their lack of participation in development.

In addition to legal aspects that need updating to achieve equality, increasing women's representation in parliament is a key factor in the formation of laws that support women's rights. Furthermore, women's rights protection also requires a cultural shift that supports gender equality. In this context, providing information to the community about the law enforcement process is a critical step to ensure their involvement in ensuring justice for victims of violence. The community must have a better understanding of what actually happens in the law enforcement process because their knowledge is crucial in influencing fair legal outcomes for women. This also highlights the need for legislation that not only supports women's rights but also gender-sensitive law enforcement. Moreover, changes in culture that better support gender equality should be encouraged and revitalized to create a more women-friendly environment.

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