

**IMPLEMNETASI CEDAW (THE CONVENTION ON THE
ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST
WOMEN) DI INDONESIA**

Ikama Dewi Setia Triana, Eti Mul Erowati

Fakultas Hukum

Universitas Wijayakusuma Purwokerto

e-mail : trianadewi007@gmail.com ; etimul26@gmail.com

ABSTRAK

Dalam hubungan di antara kelompok sosial sering kali ketidakseimbangan kekuasaan muncul, sehingga memicu diskriminasi perbedaan gender adalah salah hingga alasan diskriminasi, bukan hanya di Indonesia, tetapi juga di dari masyarakat internasional. Perempuan sering merasa ketidakadilan karena dipandang lemah dan pembatasan memiliki hak dibandingkan dengan laki-laki meskipun hak perempuan sebenarnya juga bagian dari hak asasi manusia hak asasi manusia. hak perempuan dalam Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, namun hal ini tidak serta merta mengurangi diskriminasi di masyarakat. Berbagai kebijakan pemerintah serta usaha masyarakat Indonesia dilakukan untuk memberantas diskriminasi dan melindungi hak-hak perempuan. Salah satu usaha pemerintah Indonesia dalam melindungi hak perempuan ialah dengan meratifikasi konvensi yang berkenaan dengan kaum perempuan serta membahas penghapusan diskriminasi yakni *Convention for the Elimination of All Forms of Discrimination Against Women* (CEDAW). Konvensi ini menjadi tonggak baru bagi kebijakan pemerintah Indonesia dalam melindungi hak-hak perempuan di Indonesia.

Kata Kunci : Hak Perempuan, CEDAW, Kebijakan Pemerintah Indonesia

ABSTRACT

In relationships among social groups often an imbalance of power arises, so triggering discrimination of gender differences is wrong to the reason for discrimination, not only in Indonesia, but also in the international community. Women often feel injustice because they are seen as weak and restrictive on having rights compared to men even though women's rights are actually also part of human rights. Women's rights in the Constitution of the Republic of Indonesia year 1945, but this does not necessarily reduce discrimination in society. Various government policies and efforts of the Indonesian people are carried out to eradicate discrimination and protect women's rights. One of the Indonesian government's efforts in protecting women's rights is to ratify a convention on women and discuss the elimination of discrimination, the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW). This convention is a new milestone for the Indonesian government's policy in protecting women's rights in Indonesia.

Keywords: *Women's Rights, CEDAW, Indonesian Government Policy*

INTRODUCTION

Based on its form, the discrimination that we often encounter in public life is racism and sexism. In the big Indonesian dictionary, racism or racism is an understanding that one's own race is the most superior race compared to others. Not much different from racism, sexism too. Sexism is defined as an act of discrimination committed by men against women. In this case, the intelligence and physical strength of men are considered higher than women. This view is certainly unfair, considering that all humans have the same rights, both before God and before the law. Article 27 paragraph (1) of the 1945 Constitution states that the recognition of the principle of equality for all citizens without exception. The principle of equality indirectly opposes the existence of discrimination. The definition of discrimination itself is contained in Law no. 39 of 1999 article 1 paragraph (3) concerning Human Rights.

In the law it is explained that discrimination is any restriction, harassment or exclusion which is directly or indirectly based on human differences on the basis of religion, ethnicity, race, ethnicity, group, class, social status, economic status, gender, language, political beliefs, which result in the reduction, deviation or elimination of the recognition, implementation or use of human rights and basic freedoms in both individual and collective life in the political, economic, legal, social, cultural and other aspects of life.

The struggle of women in achieving equality and justice that has been carried out for a long time has not been able to raise the dignity of women to be equal to men. Even though the highest power in this country was once held by women, namely President Megawati Soekarno Putri in 2001 and currently Sri Mulyani and several other great women hold strategic positions in government, gender inequality and the backwardness of women have not been resolved as expected.

This study aims to find out and understand the government's efforts to protect women's rights in Indonesia, understand the forms of women's rights according to the CEDAW convention and know and understand the form of government policies towards the implementation of CEDAW in Indonesia.

Formulation of the Problem

Based on the explanation on the background, the formulation of the problem in this study is how the Government Policy on the Implementation of CEDAW in Indonesia.

RESEARCH METHOD

Based on these objectives, this study uses a normative juridical approach, namely by reviewing and testing related legal aspects and their implementation, namely how women's rights are actually according to the CEDAW convention and government policies towards the implementation of the convention on women's rights in Indonesia..

DISCUSSION

Government Efforts in Protecting Women's Rights in Indonesia

Initially, the protection of women's rights was only contained in the provisions of the 1945 Constitution. In addition to laws and regulations, the Indonesian people, especially women, also fight for their rights and dignity by establishing organizations that are specifically engaged in this matter, including the Indonesian Women's Movement (GERWANI), Poetri Mardika, the Consultative Body of Indonesian Women's Islamic Organizations (BMOIW), the Coalition Indonesian women and other organizations. Policies to overcome discrimination against women do not only come from the Indonesian government, but also from the international community. The issue of inequality in rights was responded by the United Nations (UN) through CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women). The formulation of CEDAW began with the Bill of Rights of Women or the permanent statement of women's rights as human rights at the UN General Assembly on December 18, 1979.

This formulation begins with the UN General Assembly's special attention to a draft convention on the Elimination of All Forms of Discrimination against Women. This convention was then ratified in 1981 and approved by 20 countries, the aim is to protect and introduce women's rights to the international world. This was addressed by the Commission on the Status of Women (UN Commission on the Status of Women), a body established by the United Nations in 1947 as a council of deliberations and policymakers to improve the quality and position of women. (Hans Kelsen 2001:13). CEDAW is one of the main international conventions that defend women's rights as stated in General Court resolution no. 34/180 dated 18 December 1979 drawn up for adoption and ratification by the member states of the United Nations. CEDAW contains 30 articles and was formally and legally declared an international document (entry into force) on September 3, 1981. Indonesia officially ratified CEDAW on July 24, 1984 through Law no. 7 of 1984.

In Indonesia, the elimination of discrimination against women and the protection of women's rights as well as legal changes are much more complicated than the rules of international law. The implementation of CEDAW contained problems in the political field, especially after the replacement of the New Order government with a reform era government. Political problems are added to social problems, namely differences of opinion in society regarding religion and culture. (Jimly Assiddiqie 2010:120).

Nevertheless, countries in the world as members of the United Nations have an obligation to comply with the provisions of the convention. National law is not allowed to reduce the implementation of an international agreement, if so national law must be changed. Article 7 paragraph (2) of Law Number 39 of 1999 concerning Human Rights stipulates that the provisions of international law that have been accepted by the State of Indonesia concerning Human Rights (HAM) become national law.

Government Policy on CEDAW Implementation in Indonesia

After the ratification of CEDAW, government policies have been carried out through efforts to improve existing laws and regulations, whether directly related to women or not. Several government policies in revising or making new laws and regulations must also be reported in the form of a periodic CEDAW report which must be made every 7 (seven) years. In the first 7 years there were 4 periodic reports (1984-1991), then the 5th report (1998), the 6th report (in 2005), the 7th report (in 2012) and the 8th report (in 2019).

In implementing the CEDAW Law, the government has adapted the values of women's empowerment into the National Medium-Term Development Plan (RPJMN). The aim is to focus on the content of women's empowerment:

1. The role of women in development;
2. Protection of women against violence; and
3. Institutional capacity in gender mainstreaming and women's protection.

Efforts to promote these values are important things that require the active participation of various stakeholders. Support for gender empowerment is spearheaded by a number of government agencies in collaboration with civil society organizations (CSOs), and the Ministry of Women's Empowerment and Child Protection (KPPPA) as the technical person in charge (focal point). This government policy has been reported in 2017 where Indonesia's Gender Development Index (IPG) has increased from 90.07 to 90.99 in 2018, besides the Gender Empowerment Index (IDG) has experienced a more significant increase since 2012, from 70.07 to 72.10 in 2018. This increase shows consistency efforts made by the government in a number of sectors, one of which is education. The government has included a number of programs to ensure more women and children have access to education by providing support in the form of budgets, financial assistance, and capacity building programs.

While in the political realm, women's participation has increased with 3,194 women (equivalent to 40% of the total candidates) running for legislative members in the 2019 General Election. In the economic sector, regulations have been implemented to provide more opportunities for women to contribute in the economy, such as facilitating micro-loans and capacity building to support more women entrepreneurs. Support for female workers has also been enhanced by a policy requiring employers to provide rights to maternity leave, lactation rooms and child care centers as well as flexible working hours for breastfeeding women. Various programs on women's involvement in household finances have had a significant impact on the economy by reducing the poverty rate by 0.52%, as well as the level of inequality and unemployment. Then to overcome the Maternal Mortality Rate (MMR), the Government consistently improves access to health services. The government cooperates with national human rights institutions, including the Commission for the Protection against Women's Violence (Komnas Perempuan) and the Indonesian Child Protection Commission (KPAI), which are specifically mandated to promote the rights of women and children, as well as build an environment that allows the elimination of all forms of violence against women and children in Indonesia. The government also cooperates with the Human Rights Commission (Komnas HAM), the Ombudsman, and the Witness and Victim

Protection Agency (LPSK) on various issues related to the promotion and protection of women's rights.

KPPPA as a monitoring mechanism in implementing gender mainstreaming, has issued KPPPA Regulation No. 07/2018 in lieu of No. 09/2015 on Monitoring and Evaluation Indicators on the Implementation of Women's Empowerment and Child Protection which is called the Anugrah Parahita Ekapraya award. This award is given every two years by selecting local and central governments that have shown the best efforts in promoting and mainstreaming gender equality in their respective fields and regions.

Local governments are also slowly participating in making policies with the issuance of Regional Regulations that deal with women's rights. Some of them are Maluku Provincial Regulation No.12/2012 concerning the Implementation of Protection for Women and Children Victims of Violence, which mandates the establishment of a provincial-level Women and Child Protection Agency that offers assistance to victims in the form of medical, psychosocial, and legal assistance. Similar regulations are also applied by the local governments of Semarang, Batubara Regency and Yogyakarta.

In the global sector, Law no. 12/2017 as a result of the ratification of the ASEAN convention against trafficking in persons, especially women and children. The ratification of this convention emphasizes Indonesia's commitment to combating trafficking in women and children. To date, there are 114 Regional Regulations that have been identified as discriminatory acts against women and of these 114 laws, 3 legislations have been revised, 9 legislations have been repealed. The government has also revoked Permenkes No. 1636/2010 concerning Female Circumcision by issuing the Minister of Health Regulation No. 6/2014. This new regulation prohibits all medical practitioners from performing female genital circumcision procedures.

While other legislation is still under review. Regarding case management and handling, the Indonesian government has established an integrated service center to provide mechanisms for prevention, protection, promotion, rehabilitation and reintegration for victims of violence, as well as coordination among stakeholders and the national task force on trafficking in persons. KPPPA also provides capacity building for field officers in relevant institutions on the handling and reporting of VAW, knowledge in the legal process and provision of legal assistance, provision of relevant health services, social rehabilitation, repatriation and reintegration for victims and their families to ensure cases are handled as it should be.

According to statistical data obtained from the Information System for the Protection of Women and Children/Online Information System for the Protection of Women and Children (Simfoni PPA), there were 21,428 cases of domestic violence recorded in 2018, with details of the number of adult female victims being 8,840 cases. adult male victims as many as 992 cases, and the number of child victims as many as 12,369 cases. In 2019, 949 of the projected 2000 law enforcement officers had been trained to handle cases involving women and children. Starting in 2017, 567 Women and Children Service Units and 67 Integrated Crisis Units in police hospitals have been established throughout Indonesia. In line with this, the Government has established Task Forces on Trafficking in Persons in 32 Provinces and 194 Regencies/Cities.

The government's efforts through policies made of course will not run well if it is not in line with the awareness of the people themselves. Although there are several things that are contrary to CEDAW related to beliefs and customs, at least through the ratification of the convention the Government of Indonesia has a new benchmark in creating justice which has been felt to be lacking due to discrimination against women. And based on the periodic reports made, the public should be able to assess the extent to which the government is serious about implementing the convention in Indonesia.

CONCLUSION

The government's efforts to protect women's rights are basically contained in the 1945 Constitution article 27 paragraph (1) which states that the recognition of the principle of equality for all citizens without exception. This means that there is no discrimination or difference in rights between women and men. All Indonesian people have the same rights and obligations in the nation and state. In particular, women's rights are regulated in the CEDAW Convention which has been ratified by the Government of Indonesia with the enactment of Law No. 7 of 1984 concerning related conventions, it can be seen that women's rights are in articles 7-16, including regulating women's civil and political rights, economic, health, social and cultural rights for women, equal rights between men and women before the law. and women's rights in marriage. The Government of Indonesia's policy towards the implementation of CEDAW on women's rights can be seen through changes to regulations that are felt to be ambiguous regarding gender issues, even to the creation of new regulations and the repeal of regulations that are considered to support discrimination that harms women.

And the results of the implementation are also reported in the form of periodic reports to the United Nations as the supervisor of the member countries of the CEDAW convention as a form of State responsibility in implementing the convention in order to protect women's rights in Indonesia..

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