

Legal Politics of Women's Emancipation Policy in Indonesia

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Abstract: Legal politics conducted by the Indonesian Government in the issue of female emancipation refers to the Constitution, namely the NRI year 1945, article 27 paragraph 1, which contains provisions: all citizens in conjunction with the law and government and compulsory Uphold the law and the Government with no exceptions to it. Women's emancipation is a manifestation of the struggle of women in order to be equal and his dignity can align with the men. This research is normative legal research that examines the implementation of the article in The Constitution of NRI year 1945 about the equality of citizens in front of the law and government. In addition to the normative approach is also examined from sociological reviews where women's status now in the community has been greatly changed compared to the position of women in the past especially in the field of work as a form of female emancipation. The result of this study resulted in a conclusion that the struggle of female emancipation in Indonesia is not the same as the women's emancipation fighting in Europe, the emancipation of women in Indonesia championing the alignment of rights with men but not His nature as a woman.

Keywords: Political Law, Policy, Women's Emancipation, Indonesia.

1. Introduction

The struggle of R. A. Kartini and other previous Indonesian women fighters was not in vain. Legally women have obtained the same rights and perfection as men, in accordance with the provisions of Article 27 paragraph 1 of the 1945 Constitution of the Republic of Indonesia. This is evidenced by the many jobs and important positions occupied by women both in private institutions and government agencies

Although there are many women who serve as career women and hold high positions such as ministers, governors and even presidents, in some regions in Indonesia there are still many traditions and customs and that are obstacles to women's progress. Among them the division of labor is still seen from gender identity. For women only decent domestic work in the household and men outside the home as a breadwinner for the family. If after all the woman works her function is just to help her husband to increase income. This kind of division is clearly unfair, because it places women as subordination to men. Thus women as equal partners with men in the household and outside the household have not yet been realized.

The stereotype of men is to work and pretend outside the home and for women if they are active outside the home anyway, it is suitable only in Family Welfare Education, to foster prosperous families or, farthest away, as teachers who guide the children of the nation. This stereotype affects the attitude of parents, in conditions of limited funds, parents invite their sons to continue their studies to an unlimited height, for girls will be better and safe if they are immediately found a match or domiciled as a housewife who takes care and caring for children.

Women's freedom was very restricted in the past. Patriarchal culture was very deified at the time, the position and degree of women were considered inferior to men. Therefore, they do not have the freedom that men have. be it freedom of education, freedom of work, freedom to have office and even freedom of opinion. All these things are not owned by women.

The pattern of thinking that has now changed completely, which was prioritized by parents is a boy but now there is no difference, so that the position of women is equal to men, even women now shift many positions of men as family breadwinners both as private employees and government employees. They are many women occupying important positions in private companies, as secretaries, female leader, and commissioners of the company, as well as in government, as doctors, judges, prosecutors, regents, governors, ministers and even presidents.

But in this modern age where social changes occur rapidly, it will affect the values of life, including determining the pattern of modern family life. The role and function of the mother is affected by the emancipation of women, and also driven by science and technology makes modern mothers participate with fathers to enter the workforce or join in earning a living for family life, which consequently a mother can no longer focus on family care especially children's education.

Apart from busy parents working outside or because they do not really understand the role and function of the most important as the primary and first education for children, causing children's education is not optimal given by parents. As explained by Zakiah Darajat that in everyday phenomena, children's education in the

family occurs naturally without the parents realizing it, even though the influence and effect is very large (Zakiyah Darajat, 1995: 74).

From the legal side, it is true that the position of women is in line with the position of men but with the large number of women who take part in making a living outside the home it will affect the care of children especially the problem of children's education, children will receive less attention from parents, especially mothers. On the other hand, if women do not play a role as career women as a form of women's emancipation, the family to be built will be fragile, because the husband's income will not be enough to support family life, so many women work so that family life can go well, and more- more now there are more companies that need female workers than men

To find out more about the legal side of women's emancipation in Indonesia, and how it is reality in society, the authors would like to examine more about women's emancipation in the field of work that can be held by a woman as a form of female emancipation, the authors take the title of research on the topic of Politics Law Against the Emancipation Policy of Women in Indonesia.

2. Leterature Review

Emancipation is a term used to describe a number of efforts and efforts to obtain political rights or equality for groups who get specific rights. And when combined with women, it becomes the emancipation of women who have the understanding of the release of women from low socioeconomic positions or from legal restraints that restrict women from developing more advanced or women are free from the confines of the shackles of law both state and traditional law which hampering the progress of women. Emancipation of women is carried out by the equal rights movement between men and women, especially in the field of work. The women not only work in the household as housewives who only take care of and care for children, serve their husbands, but women also have the right to occupy the job positions held by men commonly known as career women.

The sentence of a career woman can be interpreted as: a woman who is involved in professional activities (business, offices, and so on). In addition, career can be interpreted as "a series of choices and work activities that show what is done by someone to be able to live (Moekijat, 1986: 2). According to A. Hafiz Anshary AZ, career women are" women who pursue their profession or occupation and doing various activities to improve their results and achievements. "Women like this are not like women in the" Siti Nurbaya era "who only languished in the house contemplating fate, confined by walls, fences of customs and traditions. And career women are busy women, women work, which has more time outside the home than in the home (A. Hafiz Anshory AZ 2002: 11). From this, "working women" can be divided into two groups as follows: First, those who work for hobby distribution, talent development and career advancement; Second, those who work to make ends meet or because of economic pressures, in other words for social improvement.

The first group always connects employment with their talent and pleasure, while the formulation of material becomes number two for them. Whereas the second group, they connect more work with the fulfillment of material needs with the income they receive. From the description above, the terms "career woman" and "working woman" actually have a very slight difference, where the two words "career" and "work" are actually oriented together to make money, but in a career, someone tends to have more established economic status and prioritize social status or position, while at work, the main motivation is to meet and meet the economic needs (income) of the family (Hartini, 1989: 9).

3. Methodology

The research method used in producing this paper is to use a normative legal research method, which is a research method based on normative rules contained in Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, in the 1945 Constitution of the Republic of Indonesia or the Republic of Indonesia's constitution governing equality in law and governance, where there is no gender difference or discrimination between men and women, especially in employment matters. In this study also examined in a sociological analysis, with a qualitative judicial approach related to legal guarantees for career women as a form of emancipation of women that has been regulated in the constitution or constitution where men and women have equal rights in the eyes of the law. And the reality in the field is that many households that are built with wives or women participate in making a living for family life, and even many families earn a living for wives because men find it difficult to find work.

4. Results and Discussion

Development of the European Version of the Women's Emancipation Struggle

Emancipation is known to the public as a cultural resistance movement (Counter Culture) launched by feminist activists that began in the West in 1960. Feminism Movement is not a single phenomenon, on the contrary in the history of Feminism various background colors emerge. There is Liberal Feminism, Radical Feminism and Marxian Feminism.

Liberal feminism demands the freedom of women to freely determine their own destiny and identity. It turns out that this movement then manifests in the form of a pro-Choice movement that opposes marriage, refusal to be a housewife. They have the slogan "House wife is women's Slavery" housewives are slavery of women.

Meanwhile Radical Feminism declares war on the patriaki tradition, a tradition that always puts men in a more fortunate position before women. One of the figures is Schulamith Firestone in his book "The Dealectic of Lex" stating that biological differences (Gender) between men and women are the beginning of basic conflicts in all human conflicts, including the causes of class conflicts.

As the Radicals, who struggle to remove the mastery of one greater power over another weaker power, so does Radical Feminism, they want to free women from the exploitation of men, women no longer deserve to suffer for the happiness of men.

Recently, "Post-Modernist Feminism" also emerged, they sought to deconstruct established thoughts that developed in the "Modern" period. They reject the grand narrative (Grand Narrative) which is always preached by modern people, for example Post-Modern Feminism deconstructs the assumption preached by modernists, that it is a disgrace if the husband is a Lieutenant, the Wife becomes a General. Post-Modern Feminism assumes that anyone has the right to achieve the highest achievements, without any power or cultural or structural relations that can hinder.

Post-Modern Feminism also mocked the sermons of modernists who advocated that women should be willing to go outdoors so that they were not bound by work, such as washing dishes, cooking in the kitchen, making husband's coffee, and other domestic work.

Gallen in his book "The Minimal Family" commented on such sermons being too monolithic and seemed to belong only to the middle class who no longer had an economic burden. They want to shift boredom at home. With enough material they can look for alternatives that can replace to take care of activities at home (Mimbar Journal, 2001: 43)

Western emancipation is based on the values of liberalism and hedonism, which is a concept that is not in line with the cultural values of the Indonesian people who have the philosophy of Pancasila. Emancipation Women in the West demand equal rights (Equal Right) with men in all fields without generational or gender differences. What can be done by men; batteries, women can also do without considering natural factors. Feminist activists assume that life experiences unequal relations between men and women. It's good for men to be uncomfortable in women, luckily for men, bad for women, happy for men, suffering for women.

According to Prof. Dr. Dyes PhD, Women's Emancipation developed in the West will make family relationships increasingly loose, the lack of connection between children and their parents fosters the permissive views of society that are permissive. The impact of this view will lead to promiscuity behavior, the fading of marriage institutions, the breakdown of children's relationships with families, the prevalence of the spread of HIV / AID (Mimbar Journal, 2007: 35)

The Feminism Movement which has now penetrated into any hemisphere, is usually rooted in the Radical mission Feminism movement that was originally put forward by the United States Feminist Movement. These Radical Feminists have indeed urged the people of the United States, especially the masculine, to accept and treat them exactly the same as men in everything. Human discrimination based on gender (male-female), they say only marginalizes the position of women. They also struggled through various forums and opportunities to seize equality of rights, equality of fate and future equality.

Their movement in the country itself is quite successful, but still in a dilemma, no less than young Americans in pursuing certain professions are women, 71% of working women, 2 million women have joined Workforce. For several years (Mimbar Journal, 2001: 38).

This success received a warm welcome from supporters - supporters and they widen their influence more intensely both through books, radio, newspapers, bulliten, magazines, journals, etc. But do not be surprised, that the demands of the Feminists in matters that violate the "nature of women" has received a reaction from their own circles.

These Defectors do not agree with the equality mission or "Equality" which is translated absolutely the same in all respects. The facts make them aware that there are certain limits that women cannot possibly have. Camille Paglia, in promoting her book "Sex, Art and American Culture" warns of freedom or independence

giving more choices but it also carries a much greater burden of responsibility. So the Feminism Movement itself is undergoing a process of metamorphosis in the United States. There are still groups that support radical figures and there are groups that are moderate. The second group is now even getting a positive note, because they are fighting harder and wiser and do not deny their nature as women.

They also fight against wage laborers who want equal pay for men and women workers to fight for women to be free from rape and sexual harassment, so that women have the right to be armed to defend themselves and so on. The Feminism Movement was initially based on rationalism, which emphasized the intention of upholding human existence as a creature, with little or no relation to nature as a servant of God. No doubt women must be equated with men in all things, because for them every human being is the same in life and lives.

The Struggle of Women's Emancipation in Indonesian Culture

Emancipation of women in Indonesia does not mean that women demand equal rights with men without considering the nature of being a woman, or passing on the role of men. The emancipation of women here is more appropriate if it is said to be the fulfillment of the function maximally. Emancipation must be natural and natural, this means that women have their own land without having to compete with men. It can be said that women's emancipation is a proportional increase in women. If indeed the work is not suitable for women, let men do it. Many women's jobs have not been taken care of so that it is wrong if emancipation is interpreted as equal rights, because if this model is the demand for women's emancipation it will violate the nature of being a woman herself.

Actually, if we observe from Indonesian Culture, especially Javanese Culture, Women's Emancipation has existed since time immemorial, namely since our ancestors knew agriculture as a livelihood. From earthworks to production between men and women have their respective responsibilities. Jobs that require heavy energy such as hoeing, lifting rice, plowing the land are the responsibility of men. While the work is rather light without requiring heavy effort such as cleaning grass, taking cooked rice, delivering food, is the responsibility of women. From this fact it has been seen that women's Emancipation does not mean absolute equality of rights without taking into account nature.

The struggle for women's emancipation in Indonesia is not the same as the struggle for women's emancipation in Europe which fights for equal rights between men and women in all aspects of life regardless of their natural nature as women. The emancipation of women in Indonesia fights for equality and equality between men and women by not forgetting their body shape and natural nature as women. Thus the emancipation of women in Indonesia does not demand equal rights but strives for equality and equality of rights between men and women in accordance with their respective natures. Jobs that are suitable for men according to their nature, women will not demand the same as men, such as the work of truck drivers, pilots, skippers, labor, etc.

The demands of the times cause women who leave the family to work increasingly prominent. Often it is not merely to make ends meet that women have to work, but also to be driven by other factors such as to improve social status (Desiree Aurida, Jurfi Rizal, 1993: 280).

Like men who want to be respected and recognized their status and position both in the family and in society, women also have the same desire to be recognized. And the higher the position or position of a career woman in the place where she works, will further increase social status, respect and respect for society towards her.

Women's Empowerment as Realization of Women's Emancipation

Every human being wants to play a role in his life, a good citizen is a citizen who always determines the role clearly for himself so that he can be useful for himself, his family, society and nation. Determining the role is one of the conscious efforts of humans themselves by identifying themselves in the community.

The process of self-identification is a process that requires a broad understanding of self and relationships so that someone can get to know themselves carefully. A person cannot effectively develop himself if he does not or does not understand his potential. Self-understanding including understanding the potential for his reasoning, sensitivity to his feelings, the strength of his faith and philosophy. Women are the power of society which determines the progress of the nation. When a woman of a nation advances, her society will also advance, on the other hand if she resigns she will also resign.

Women have a complex and diagrammed role besides being a housewife, women are also friends with their husbands. If self-development is not done quickly and precisely then women are not only less able to play a role, but can also be misdirected in fighting for their emancipation, even now women have also enjoyed technological advances with all its implications. Among the most symptomatic at this time is the position of

women in the economic field that is increasingly equal with men. Emancipation has emerged in various aspects of life, such as Cashiers, Banking, Labor, etc.

The problem that develops in relation to the emancipation of women is how the views of women aside from being a housewife can also play a role as "Workers" for a variety of logical reasons. Taking experience from several divorce cases, it turns out that the cause is the busyness of the mother outside the home and the husband feels competed besides of course because of other causes that are very varied and complex.

It is a common symptom, many women who work outside the home, although he must realize that this is done solely to help her husband in supporting family life not to compete. Besides that, the husband must also have a high awareness that they are the main family provider. This means that mutual awareness is demanded. The responsibility of providing family support is on the shoulders of the husband, while women are merely helping, for that the problem of career women actually does not need to be contested which is important between family and career can go hand in hand in the sense that when a woman wants to succeed in a career not then ignore the family or vice versa.

However, career women also have risks, for example if the courier woman is less able to manage time with good management, usually forgetting household obligations, less affection for children, poor relationship with her husband, unable to serve food, etc. Therefore, empowering women is not enough to just be increased, but also needs to be straightened and directed to the values in accordance with their nature. The old discipline of women fought for women's position as equal to men, but alignment naturally would not be fully realized. Because at certain limits women face obstacles beyond their ability, for example pregnant women, menstruation, childbirth, etc.

Beyond that the ability of women can be relied upon to play a role in development, women are not always able to be objects, but need to be subjects. In educating children for example, men should not just throw responsibility on women or wives, it is time for the main tasks of the household to be done together.

The Politics of Women's Emancipation Law Through Alignment Partners Between Men and Women

Still remember in our minds about the behavior of the United States army at the time of the Gulf War, there were many rapes against US women soldiers by US men. In the Middle East there are many rapes committed by male employers against Indonesian migrant workers or other countries.

This shows that men are still dominant in matters of life and humanity. Indeed, we must admit that the number of men who commit acts of violence against women is far greater than the number of acts of violence committed by women against men.

Thus there is still oppression on the part of men against women. Women are forced to obey all their desires and wishes, so that there is no balance between men's and women's rights, and this condition requires the struggle for women's emancipation so that equality and partnership between men and women can run well.

The politics of women's emancipation law in Indonesia has been regulated in the 1945 Constitution of the Republic of Indonesia, and according to Prof. Dr. HM Daldiri, the emancipation of women championed by women must pay attention to the signs that must be avoided, including demands not to be the same as men. If men work as truck drivers, women do not have to drive trucks, women may work outside the home, but do not forget their obligations as housewives (Mimbar journal, 2007: 57).

Regarding rape, Daldiri argues that the main factor is indeed due to the nature of the greed of men. However, there are other factors that are enough to invite men to commit these despicable acts, for example women like to show off parts of their bodies that are stimulating for men, this is supported by clothing models that stimulate.

Another thing according to Dr. Zaitunah Subhan, which needs to be developed in society is a parallel alignment between men and women, because so far there have been mistaken assumptions about the relationship. In some of our societies there is a kind of confusion in understanding what exactly is meant by that nature. Since the beginning, Islam has eliminated discrimination based on sex. So if there is a difference due to the function and role that it entails, it does not need to cause it to degrading each other because both must help each other, protect and complement (Hatthout, Hasan, 1986: 27).

The nature of women has been used as an excuse to reduce the various roles of women in the family and society, even though there are two kinds of understanding of nature, namely in general and specifically.

In general, like God's gift in the form of reason to think, and specifically in the form of biological nature, women 's specifications in terms of reproduction, menstruation, pregnancy, childbirth and breastfeeding, to distinguish with men. There are relative and absolute differences about men and women. The relative differences obtained from society in the form of social interpretation or social construction (Abdullah, Irwan, 1997: 39).

Therefore this is non-natural, impermanent and very likely to change, and varies according to time and space. Because it is not natural, such things do not apply generally and can be replaced or exchanged.

While the absolute difference is natural, like the nature of women. However, there are still many who misunderstand this, leading to inferior assumptions about women, for example the woman's initial creation is inferior, weak in mind and so on so that she deserves to be in the domestic space. Even though these natural differences do not have any influence in determining the degree of humanity.

5. Conclusion

The struggle for the Emancipation of Women in Indonesia does not have to be the same as the struggle for the Emancipation of Women fought in the West or in the United States, this must be realized by women in Indonesia. The emancipation of women in the West, the ultimate goal is to fight for equality in everything without considering the gender differences of men and women. Such a struggle will only violate the nature of women themselves and even unwittingly will make women fall into the abyss of humiliation.

In the Indonesian constitutional system, the actual emancipation of women has been stated in the 1945 Constitution, where in the articles there are no indications or discriminatory thoughts between men and women. Even clearly stated in article 27 paragraph (1) which contains the provisions: All citizens are at the same position in law and government and must uphold the law and government with no exception.

From the meaning of the provision that the Government of Indonesia does not differentiate between men and women, and the same in the eyes of law and government, this shows that the emancipation of women in Indonesia has been guaranteed in the 1945 Constitution of the Republic of Indonesia.

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Laws and regulations

NRI 1945 Constitution

Law Number: 39 of 1999 concerning Human Rights

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