

PUBLIC POLICY MAINSTREAMING GENDER FROM A LEGAL PERSPECTIVE AS AN EFFORTS TO OVERCOME POVERTY AND AN EFFECT OF ECONOMIC DEVELOPMENT

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Abstract

The research seeks to analyze public policies regarding gender mainstreaming from a legal perspective as an effort to overcome poverty and encourage economic development. The method used in this research is a descriptive qualitative approach and a descriptive-analytical data analysis method. After the reform, the gender perspective in development in Indonesia began to develop with the issuance of Presidential Instruction No. 9 of 2000 concerning Gender Mainstreaming in National Development. This Presidential Instruction guarantees that gender equality must be considered in all national development processes. In an economic context, gender equality has a significant influence on a country's economic growth. There are various problems in the economic sector related to gender equality, such as women's lack of ownership of assets such as land, companies, etc. In addition, many women work in the informal sector and earn lower wages than men, even though they have the same abilities.

Keywords: PUG, Poverty Alleviation, Economic Development Efforts

1. INTRODUCTION

Gender is an attribute inherent in male and female individuals, which is shaped by social and cultural factors (Lubis, 2015). For example, women are often identified with motherhood, beauty, emotionality, and various other soft qualities. On the other hand, men are considered to have strength, rationality, courage, and various other masculine traits. However, these traits and traits are interchangeable between the two. A woman can have a rational and brave nature, as well as a man can have a gentle and emotional nature.

The history of gender differences between men and women occurred through a long process. These differences arise due to various factors, including influenced by the social and cultural environment, reinforced, and built collectively. The prolonged process of gender differences between men and women seems to be permanent and part of the destiny given to humans by God. In social development and dynamics, gender as a social and cultural construction is often used as a reference for specialization and categorization in the distribution of activities and production activities (Rokhmansyah, 2016). This is where the problem arises, gender differences that are understood as if they were God's provisions produce injustice, especially for women.

Gender discrimination still occurs today in various aspects of life throughout the world, despite progress in gender equality in recent decades. Gender gaps exist widely access to resources, economic opportunities, power, and political rights. Although women and girls are the most affected by this inequality, its impact will also be felt by society as a whole and ultimately harm everyone. Many efforts have been made to encourage the achievement of gender equality and justice, but these efforts have still not met expectations. Several programs and activities that have been implemented have not had a significant effect in overcoming the existing gender gap. The government as the holder of power has issued various policies to face various challenges related to gender mainstreaming in this country.

Gender Mainstreaming (PUG) is a political action that can be implemented practically to expand social conditions that support gender equality and create a gender-friendly environment. Apart from that, PUG is also a normative framework that requires data and information obtained from the field regarding its implementation. PUG is considered a social policy in Indonesia that has a normative nature. The PUG policy aims to implement gender equality transformation (Safira, 2019). Conceptually, gender is an approach that involves male and female elements. On the one hand, gender is a choice of approach and perspective, but on the other hand, there is a real need to integrate this element into activities and programs (Fakih, 2016). The approach is executed both at the state rank and at the practical level through institutional participation as an effort from civil society.

To analyze the condition of gender equality, this paper uses a gender analysis approach that considers access, participation, control, and benefits obtained by male and female community groups. These four indicators are used separately to identify and map problems in the realization of social policies in the gender sector, such as the Multiple Business Program (PUG). This article also examines the representation of women in everyday life, social rules, norms, and legal regulations. Even though there are social policies related to gender, in reality, protection for women is still limited.

2. METHOD

This research uses a qualitative approach with descriptive methods. The qualitative descriptive method means that what is analyzed and the results of the analysis are in descriptive form, not in the form of numbers or coefficients regarding variable relationships (Yusuf, 2014). The descriptive method was chosen because the research carried out is related to ongoing events and current conditions. In this research, the data collection technique used is the library technique. Furthermore, in presenting research results and discussions, descriptive-analytic data analysis is used. Apart from that, in conclusion, an inductive method is used by first explaining specific problems, and then completing with a general statement at the end.

3. RESULTS AND DISCUSSION

Gender Mainstreaming Policy

Gender is a notion used to explain that what happens and is experienced by men and women is the result of social construction (Lubis, 2015). The concept of gender is used to show that the main problem is not the gender differences between men and women, but rather society's view of the roles and positions held by men and women. By using this concept, gender expresses the marginalization experienced by women, which is reflected in the gap in the positions obtained by men and women (Alonso, 2016).

Gender and development issues are the main focus of growth programs in Third World countries, including Indonesia. Gender, as a social construction, shows that gender problems

in each place or society have differences according to the context. Apart from that, gender is also an approach that develops from a woman's perspective. By using data and facts that differentiate between men and women, it can be seen that there is a gender gap in the development process (Hasanah, 2016). The fact has become a global phenomenon that has attracted the attention of the United Nations (UN). The gender perspective in development in Indonesia began to develop after the reform period, especially during the administration of President Abdurrahman Wahid through Presidential Instruction No. 9 of 2000 concerning Gender Mainstreaming in National Development. This Presidential Instruction emphasizes that all stages of national development must pay attention to gender equality, from beginning to end (Indonesia, 2000). To strengthen the realization of this Presidential Instruction, a Minister of State was formed who has the special task of analyzing and supervising gender mainstreaming.

In the policy context, some developments initially paid attention to gender through the Women in Development (WID) approach. This approach emphasizes the importance of women's involvement in development programs, is based on data and facts regarding the marginalization experienced by women, and emphasizes the need to pay attention to women in the development process (Palulungan, 2020). However, it turns out that just paying attention is not enough, because gender inequality is still a problem throughout the world. Therefore, the weaknesses of this approach encourage the emergence of the Women and Development (WAD) approach which emphasizes that women must be thoroughly involved in development. (Safira, 2019). This development is starting to include women as a significant element, but there is still resistance to the belief that only women are important. Apart from that, facts on the ground show that this problem is related to both women and men. Evaluation of this resulted in a Gender and Development (GAD) approach, which involved both sexes, both men and women. The latest approach that has been produced is the PUG or Gender Mainstreaming approach, which aims to ensure that gender is part of policy.

Even though Indonesia has ratified CEDAW through Law No. 7 of 1984 concerning the Convention on the Elimination of All Forms of Discrimination against Women, implementation of the Gender Mainstreaming Policy (PUG) at the national level only began through Presidential Instruction 9 of 2000. This policy emphasizes the importance of including gender elements in programs and activities as a basis for achieving equality between men and women. However, evaluation and monitoring carried out by the National Development Planning Agency (Bappenas) in 2010 on 41 districts/cities showed that gender had not been adequately considered in development planning and budgeting at that level. There are gaps in budgeting, such as in preparing advocacy programs, implementing programs, and selecting strategies.

Poverty in Gender Perspective

Poverty is not only an economic problem but also involves non-economic aspects. Therefore, poverty is not only related to material wealth but also related to social welfare. In terms of material wealth, poverty can be measured quantitatively and objectively, for example through calorie consumption or expenditure which can be calculated in rupiah. However, to understand the extent to which a person's social welfare must be met, this is relative and qualitative in nature. In the context of social welfare, the main concern is not how big the level of poverty is, but rather the dimensions related to the poverty phenomenon. Poverty cannot be understood specifically only based on the conditions experienced by poor people, but must also be seen as a whole, such as the social structure, education, and policies that exist in society. In this case, every aspect of community life has the potential to create unfair social relations and contribute to the process of poverty. Therefore, poverty in this context is multidimensional and involves various sectors.

Three main dimensions of poverty need to be considered (N.A., I, & S, 2017). First, the economic or material dimension. Poverty in this dimension can be seen in basic human needs of a material nature such as food, clothing, shelter, health, education, and so on. This dimension can be measured using the rupiah currency, although its value can change from time to time. The general view of poverty is strongly influenced by the dominant economic dimension. This is due to its objective, measurable, and verbal nature. However, there are different views in formulating the roots of poverty. Some contend that economic poverty is absolute as it is impacted by an individual's disadvantaged upbringing. Conversely, others maintain that poverty results more from the inequitable economic system that currently exists.

Next, two aspects need to be considered, namely the social and cultural dimensions. Groups of people who experience economic poverty will form a unique cultural circle, known as a culture of poverty. This culture of poverty emerges as a lifestyle that allows poor groups to look for certain ways to survive. This culture of poverty is reflected in values such as non-politics, fatalism, and so on. The values that represent this culture of poverty will continue to develop into the basis for how poor groups produce social life and ensure their survival.

Third, structural or political aspects also play a role in the occurrence of poverty. This is caused by the inability of society to have balanced political facilities, access, and capacity. Several factors that cause structural inequality include corrupt practices, manipulative political recruitment, and the existence of conspiracies in the implementation of development. Poverty is the result of political policies implemented in public policy. In other words, poverty is deliberately created through the formation of political structures that do not allow people to have equal access. Ironically, this political dimension runs counter to the state's goal of promoting justice and social welfare.

Each dimension of poverty mentioned above has different social impacts in terms of levels and degrees. In reality, the group most heavily affected by poverty is women. Poverty is an additional burden for groups of women who have previously experienced marginalization in unfair social processes and structures. Consumption problems, for example, women who live in poverty have a heavier responsibility compared to men in ensuring the availability of food for their family members when there are no financial resources available. Likewise, other poverty problems place women in the most marginalized position.

In the context of a gender perspective, the actual social impact can be based on the construction of poverty which is more based on certain groups. This construction raises new problems in social relations between men and women. This construction of poverty places both of them in different positions, which ultimately hinders the realization of substantive justice for both parties. Both men and women have been victims of gender-based injustice which needs to be resolved to achieve true equality.

The Role of Gender Equality in National Development

The term "gender" comes from English which means "sex". According to Webster's New World, gender is the visible difference between men and women in terms of values and behavior (Sakshi & Kaur, 2019). In other contexts, gender also refers to the roles and responsibilities that men and women have in the family, society, and culture. Experts have various opinions regarding gender, including that gender is a difference or sex that is not biological and is not God's nature. Gender also includes differences in behavior between men and women which are not only determined by biological structures but are largely formed through social and cultural processes.

Gender equality has a close relationship with the state. Gender equality can influence several aspects of the country, such as aspects of morality and aspects of justice which have an

impact on economic aspects. In this context, the influence of gender equality in the aspect of morality is considered important because if someone experiences a decline in morals, this will cause social imbalance which will lead to an increase in crime rates and social inequality in society. On the other hand, gender equality is also related to Human Rights (HAM) where gender equality is a form of implementation of human rights. In this context, when the level of crime increases, it can be concluded that this is an act that is detrimental to other people, so it can be categorized as a violation of human rights.

Gender equality has a significant impact on a country's economic growth in economic aspects. An international study shows that when a country does not implement gender equality policies, this can lead to a decline in national income globally. Gender equality is meant to provide equal opportunities for men and women to participate in economic activities, education, and political empowerment. One method that women can use to gain recognition and self-awareness of their potential and worthiness is through political empowerment. This political empowerment includes several aspects, such as preventing unemployment among women, recognizing that women have extraordinary potential and intelligence, and helping reduce poverty rates, and so on.

Several problems arise in the economic sector related to gender equality. One of them is that many women do not have assets in their names, such as land, companies, etc. In addition, many women work in the informal sector and earn lower salaries than men who have the same abilities. In this case, there is wage protection which aims to achieve gender equality, which is regulated in Law No. 13 of 2003 concerning Employment Article 6. Apart from that, this regulation is also strengthened by Government Regulation No. 8 of 1981. Violations of discrimination based on sex have also been expressed in all instruments under the Bill of Rights, which include the Universal Declaration of Human Rights (UHDR), and the International Covenant on Civil and Political Rights (International Covenant on Civil and Political Rights), as well as the International Covenant on Economic, Social and Cultural Rights.

In the context of the legal system in Indonesia, political participation by both women and men is considered an inseparable part of human rights. In Mutia Hatta's view, one important aspect in building the future of Indonesian law is achieving gender equality. To achieve this, the country needs to guarantee equality in basic education rights and reduce the level of violence experienced by women. In this case, the state needs to apply the principle of accountability regarding the implementation of its duties, for example, among others: (Fahimah, 2017)

- a. One effort that needs to be made is to eliminate discrimination in the healthcare sector, including services related to family planning. It is necessary so that every individual, regardless of background or social status, can obtain fair and equitable access to quality health services.
- b. In the context of meeting economic needs, the State has the responsibility to regulate regulatory policies in the economic and social fields. One aspect that needs to be regulated is the right to family support, the right to loans from banks, mortgages, and various other forms of capital credit. With clear and fair regulations, it is hoped that the community can obtain adequate protection and financial support to meet their needs.

Furthermore, to improve the position, role, and quality of women, as well as achieve gender equality and justice in family, community, nation, and state life, it is considered important to implement gender mainstreaming strategies in all national development processes. Therefore, Presidential Instruction No. 9 of 2000 was issued regarding gender mainstreaming in national development. It is the government's response to the importance of gender equality

in supporting development in various fields such as economic, political, social, legal, and cultural. Gender mainstreaming in all aspects can influence the development of national development. Evidence of this commitment is the issuance of Minister of Home Affairs Regulation No. 16 of 2008 which provides general guidelines for implementing gender mainstreaming in the regions. This guideline aims to guide local governments in carrying out government, development, and community services from a gender perspective (Kartini & Maulana, 2019).

4. CONCLUSION

Public policy from a gender standpoint in expansion in Indonesia has undergone developments since reform, especially after the issuance of Presidential Instruction No. 9 of 2000 concerning Gender Mainstreaming in National Development. This Presidential Instruction emphasizes that all stages of national development must pay attention to gender equality, from beginning to end. To strengthen the implementation of this Presidential Instruction, the government established a Minister of State with special duties in analyzing and controlling gender mainstreaming. The national policy of Gender Mainstreaming (PUG) in Indonesia began with the issuance of Presidential Instruction 9 of 2000, which emphasized the importance of including gender elements in development programs and activities. This policy aims to create equality between men and women. However, evaluation and monitoring carried out by the National Development Planning Agency (Bappenas) in 2010 showed that gender was still not adequately considered in development planning and budgeting at the district/city level. There are gaps in budgeting, such as in preparing advocacy programs, implementing programs, and selecting strategies.

Poverty is the result of political policies implemented in public policy. In other words, poverty is deliberately created through political structures that do not allow people to have equal access. This is a paradox for a country that is supposed to promote justice and social welfare. Gender equality has a strong connection with a country. Gender equality can influence several aspects of the country, such as aspects of morality and aspects of justice which have an impact on economic aspects. The influence of gender equality in the aspect of morality is considered important because if someone experiences a decline in morals, this will cause social inequality which will lead to an increase in crime rates and social inequality in society. Economic problems related to gender equality also arise, including many women who do not have assets in their names, such as land ownership, companies, etc. In addition, many women work in the informal sector and earn lower salaries than men, even though they have the same abilities. In this case, wage protection in the context of gender equality is regulated in Law No. 13 of 2003 concerning Employment, Article 6.

Gender mainstreaming public policy is a strategic step in overcoming poverty and encouraging sustainable economic development. From a legal perspective, gender mainstreaming refers to the principle of equal rights and opportunities between men and women, as well as creating an environment that supports their active participation in social, economic, and political life. Through this policy, the state recognizes and protects women's rights, eliminates gender discrimination, and creates conditions that support women in accessing economic resources and opportunities. Gender mainstreaming in public policy is also directed at achieving sustainable development goals by involving all elements of society, including women, in the economic development process. By ensuring women's active participation, this policy not only creates social justice but also expands the economic base by utilizing the full potential of human resources. In addition, by giving women equal access to education, employment, and economic opportunities, this policy can reduce poverty levels and

create a more inclusive and sustainable society. Thus, mainstreaming gender in public policy is not only a legal obligation but also a smart strategy for achieving holistic development goals.

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