

THE POLICY OF GENDER MAINSTREAMING IN FISHING COMMUNITIES FOR POVERTY REDUCTION

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Abstract

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This study aims to find out the policy of gender mainstreaming for women in the fishery sector (Guzman & Kacperczyk, 2019). Women are placed at the bottom of the occupational hierarchy despite women having a significant role in this sector (Szymkowiak, 2020). This study uses qualitative analysis with secondary data which are analyzed by content analysis. The results obtained in this study are as follows. National and regional laws on the fishery sector in Indonesia related to gender mainstreaming is still partial because this is only related to the empowerment aspect. Meanwhile, the protection sphere of the fisherwoman has not been included. This restricts woman's access to several facilities namely fishing instrument (fishing boat), fishing cultivation equipment (fishing hatchery), marketing (cool chain), and packaging facility. This condition makes fisherwomen live in poverty and makes the gender gap still exist in this sector. This condition will be a vicious circle if there is no policy change in the Indonesian government. So, it is necessary for the government to review the bias gender policy in fishery regulation.

Keywords: Gender Mainstreaming, Feminist Legal Analysis, Poverty Reduction, Fisherwomen, State Regulation

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1. INTRODUCTION

Gender is the cultural expectations of men and women. It can be seen, for example, that women are known to be gentle, beautiful, emotional, and motherly. On the one hand, men are considered strong, rational, manly, and mighty (Haynes, 2012). The characteristics of these traits are traits that can be exchanged (Selasih et al., 2018). Changes in

the characteristics of these traits can occur from time to time and from place to place. On the other hand, jobs are usually done by men (fathers) (Hengki, 2021). On the other hand, one of the components of social potential in fishing communities is fisherwomen (Nurbani, Arlina, & Sitepu, 2018). The position and role of women fishers here are very important because they are part of the system of division of labor based on

a patriarchal social hierarchy, especially in coastal fishing communities (Fesanrey, Umasugi, & Umanail, 2020). Fisherwomen also experience social exclusion in roles. Their existence and activities are often ignored as an important part of stakeholders in terms of regulations and policies (Engen et al., 2021). This impacts the sustainability of their lives in marketing and production (Ameyaw, Breckwolddt, Reuter, & Aheto, 2020). This perception arises based on the culture of the division of labour system that concerns gender matters (Segovia-Pérez, Figueroa-Domecq, Fuentes-Moraleda, & Muñoz-Mazón, 2019).

Through a long socialization process, gender is finally considered God's provision (Schnabel, 2018). This unequal view of women raises a classic problem faced by women, namely the inequality of gender differences (Kugler, Reif, Kaschner, & Brodbeck, 2018). The Government's efforts to overcome poverty in the marine and fisheries sector cannot be separated from gender mainstreaming (Ginting, Nasution, Subhilhar, & Harahap, 2018). This is because women play a role as a buffer for family needs to cover uncertain and insufficient fishing income (Szymkowiak, 2020). Women take an important position in local economic activities and fulfil the socio-economic needs of their households (Sopamena & Pattiselanno, 2018).

Gender differences in selecting traits, roles, and positions are not a problem if they do not give birth to injustice (Samsuri, Mursidin, & Mujahidin, 2018). Differences are also stated in Indonesian policies that have caused various injustices (Euler, 2020). People do not understand that gender is a cultural construction of social functions and responsibilities between men and women (Hyde, Bigler, Joel, Tate, & van Anders, 2019). This results in discrimination against men and women (Guzman & Kacperczyk, 2019).

Most fishing communities are traditional fishers with low-income levels and limited socio-economic capabilities (Ameyaw et al., 2020). The problem does not stop there; other issues concern the community regarding the differentiation of rights between female and male fishers (Pramoda, Muliawan, Apriliani, Witomo, & Yulisti, 2021). It is true that the view among the community that fishers are men is still visible (Fesanrey et al., 2020). Women fishers in Indonesia also feel an urgent interest in getting recognition as fishermen. The daily activity of women fishers in Tambak Polo is to participate in the fishing process, and they must do this because it is from their livelihood that they can fulfil their daily needs. Their work as fishermen is recognized on their identity cards (Alonso-Población & Siar, 2018).

The literature that discussed fisherwomen were drawn primarily from empirical research. Research on fisherwomen in Kerala that is politically empowered yet legally less empowered (Shyam & Geetha, 2013). In Latin American countries, many fisherwomen communities have collective actions and strategies for sustainable fisheries despite the pressure from the patriarchal culture (Cairney & Oliver, 2017).

Based on the background description, the legal issues discussed in this article are as follows:

RQ1: How is gender mainstreaming in Indonesian fisherwoman policy?

RQ2: How can the gender-mainstreaming approach be used to make the poverty alleviation policy for fishery communities?

Hence, to elaborate on such, this article is further structured as follows. Section 2 reviews the relevant literature on the roots of gender inequality, gender mainstreaming in policymaking, and existing research on fisherwomen. Section 3 analyses the methodology used for the research on which this paper is based. Section 4 presents the research findings and further analysis. Section 5 discusses the results. Furthermore, Section 6 is the conclusion of the paper.

2. LITERATURE REVIEW

2.1. The roots of gender inequality

The concept of gender differences is still so strong in society's view that it results in differences in social roles between men and women (Weisberg, DeYoung, & Hirsh, 2011). Society places the status and role of men in the public sector, namely as heads of families and breadwinners. In contrast, women are placed in the domestic sector, namely as housewives and household chores (Maftuchah, 2022). The result is that women experience social exclusion, namely a process that prevents or hinders individuals and families, groups, and villages from the resources needed to participate in social, economic, and political activities in society. Through this process, individuals or groups of people are cut off for some time from the services, social networks, and development opportunities that most people enjoy. This process is primarily a consequence of poverty and low incomes but can also impact other factors such as discrimination, low levels of education, and environmental degradation (Nayak, Oliveira, & Berkes, 2014).

When social exclusion, and thus discrimination, occurs against women in politics, economy, socio-culture, defence and security are very different; there will be inequality between both genders (Pongponrat & Ishii, 2018). The consequences of gender inequality.

First is marginalisation, which is a process of marginalisation due to gender differences which results in poverty.

Second, subordination is an assumption that views women as irrational and emotional so that they cannot lead. The form of subordination to women that stands out is that all jobs categorised as reproductive are considered inferior and become subordinated to production work controlled by men (Stamarski & Son Hing, 2015).

Third, according to Koenig (2018), stereotypes have two kinds of connotations: rigidity and conformity, when associated with human attitudes and behaviour. Thus, stereotypes are rigid things that encapsulate the diversity of attitudes and behaviours into a common characteristic based on ethnicity, nationality, and gender.

Fourth is gender-based violence, which is physical and non-physical, economic and sexual, by men against women because they are considered weak creatures. The violence that arises is the result of the three previous factors and the assumption that men dominate and are the main holders of various sectors of life.

The fifth is a double burden, meaning that the workload received by one gender is more than the other gender (Crenshaw, 1991).

2.2. Gender-mainstreaming in policymaking

Most developed countries have adopted the terminology of gender equality and gender mainstreaming and are relatively consistent in their use (Moser & Moser, 2005). Among those who define gender equality, there is a consensus that it refers to recognising that women and men have different needs and priorities and that women and men must experience the same conditions to realise their human rights and have opportunities fully. Contribute to and benefit from national, political, economic, social, and cultural development. Most of the definitions of gender mainstreaming between institutions are very similar to those established by the Economic and Social Council of the United Nations: Incorporating a gender perspective is evaluating the implications for women and men of any planned action, including legislation, policy, or programme, in all areas and at all levels. It is a strategy to make the concerns and experiences of women and men an integral dimension of the design, implementation, monitoring, and evaluation of policies and programs in all political, economic, and social fields so that women and men benefit equally and are not perpetuate inequality. The ultimate goal is to achieve gender equality. In addition, two other aspects of gender mainstreaming appear in various definitions, namely: the institutionalisation of gender issues within the organisation itself (it deals with paying attention to gender equality in administration, finance, personnel, and other organisational procedures, thus contributing to long term – the term-transformative processes for organisations in terms of attitudes, “culture”, objectives and procedures); gender empowerment: promoting the participation of women in decision-making processes, as well as making their voices heard and the power to put the issues on the agenda (Odera & Mulusa, 2020).

While all of the agencies in this review have succeeded in developing explicit gender policies, the evaluation highlights the issue of instrumentalism as a limitation. Since gender policies are usually formulated in a particular organisational context, with particular pressures, mandates, and ideologies, gender policies and organisational mandates must be “appropriate” (Alami, 2018). Here the debate concerns the extent to which gender equality policies should be developed as an end in itself or, as proponents of instrumentalism argue, promoted as a means to development. In this case, poverty alleviation is most often used as a useful platform. Proponents argue that this fosters a win-win scenario, as in the *Human Development Report* phrase that development, if not produced, is in jeopardy (United Nations Development Programme [UNDP], 2013). Three main arguments are used to defend instrumentalism. First, this may be unavoidable, given the limitations of the context in which feminist advocates operate. Second, compromises and strategic alliances are part of reality in the “real” world of politics. Finally, instrumentalism can be a way to subvert neoliberal discourse. However, critics of the instrumental gender engagement strategy argue that it risks depoliticising the transformative nature of the feminist agenda and is problematic when there is a conflict between the politics of gender and other issues (Hudson, 2009).

3. RESEARCH METHODOLOGY

This is normative (doctrinal research) which conceptualise law as principles, regulation, doctrine, and principles. This research uses the statute approach which concerns analyzing the substances and the harmony among all regulations related to gender mainstreaming for fisherwomen in Indonesia. In addition, this research also uses a conceptual approach because this research is concerned with accordance with principles and regulations regarding fisherwoman protection. So that it can be also categorized as evaluative research. Based on that research design, the primary resources mean authoritative legal resources which are relevant regulations on woman's role in the fishery sector, and secondary resources, relevant articles, books, and reports. Both data are collected through literature research and then analysed by qualitative content analysis. Content analysis can be defined as any research technique for making inferences through data reduction and sense-making effort which takes a volume of qualitative material and identify those core consistencies. Content analysis can be done through the following steps:

1. *Data reduction*: In this step, data are divided into relevant and irrelevant data. This is important to make our data more manageable.

2. *Coding*: Data are categorised according to the stipulated theme. Coding can be defined as a pivotal link between data collection and the meaning of data. The function of coding is to capture the primary essence or content of the data.

3. *Interpretation*: In this step, data are analysed based on theory, concept, and principles. This is according to the character of this research as evaluative research.

4. *Displaying data* means the use of data textual representation to select segments that can illustrate the concept and interest. This can be done by reading and rereading data transcription and highlighting important passages or themes as a representation of particular concepts.

5. *Drawing conclusion based on analysis*: This is an extraction of answers related to the research issue.

4. RESULTS

Geographically, Indonesia has two-thirds of the ocean area than the land area (Ansori, Ping, & Juwita, 2019). Because it has a large sea area, Indonesia has a great opportunity to advance the Indonesian economy through marine resources. Unfortunately, despite their enormous potential, marine resources have been unable to ensure the well-being of Indonesian fishers. According to the Central Bureau of Statistics data, fishing households declined from 2,144,959 in 2003 to 965,756 in 2016 (Badan Pusat Statistik [BPS], 2016). Additionally, 115 national fish processing enterprises closed their doors due to a lack of revenue. Since illicit fishing boats promptly exported the stolen fish (Nurbani et al., 2018). The loss of anglers in the face of abundant fish supplies is a concern in and of itself due to the likelihood of existing fish resources. The welfare factor is believed to play a role in the fall in the number of families employed as fishermen. This is the primary occupation of Indonesians residing in coastal regions.

Former Minister of Maritime Affairs and Fisheries, Susi Pudjiastuti, indicated several factors that caused the decline in anglers (Wiranto, 2021):

1. The impact of illegal fishing (illegal fishing) causes fishers to lose their livelihoods. Illegal fishing also makes Indonesia's fishery export production decline.

2. Foreign vessels operating in Indonesian waters make it difficult for local fishers to get fish, so many switch professions as pedicab drivers and construction workers.

3. One of the factors that can support the welfare of fishers is a legal platform that aims to protect and empower fishers.

Law Number 31 of 2004 concerning fisheries that have been in effect is considered unable to anticipate technological developments and the development of legal needs in managing and utilising fish resource potential (Fesanrey et al., 2020).

The weakness of the law concerns several substances, both regarding aspects of management, bureaucracy, and legal aspects. Weaknesses in legal aspects include law enforcement problems, formulation of sanctions, and jurisdiction or relative competence of district courts against criminal acts in the field of fisheries that occur outside the jurisdiction of the district court (Sulaiman, Patittingi, Saleng, & Lahe, 2021; Nurbani et al., 2018). Weaknesses in the management aspect of fisheries management, among others, are the absence of a coordination mechanism between agencies related to fisheries management (Halim et al., 2020). Meanwhile, there are conflicts of interest in fisheries management in the bureaucratic element.

The issuance of Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning fisheries addresses the weaknesses in the previous law (Susanto & Masyhar, 2020). First, regarding supervision and law enforcement regarding the coordination mechanism among investigating agencies in handling criminal investigations in the field of fisheries, the application of sanctions (criminal or acceptable), procedural law, especially regarding the determination of the time limit for case examination, and facilities in law enforcement in the field of fisheries (Joni, 2020). Including the possibility of applying legal action in the form of sinking foreign vessels operating in the fishery management area of the Republic of Indonesia.

Second, fisheries management issues include fishery ports, conservation, licensing, and harbour managers (Wiber & Barnett, 2021). Third, expanding the jurisdiction of the fisheries court so that it covers the entire fishery management area of the Republic of Indonesia (Marbun, 2016). In addition, the new regulations are directed at taking sides with small fishers and tiny fish raisers, among others in the aspect of licensing, the obligation to implement provisions regarding the fishing vessel monitoring system, fishery fees, and the imposition of criminal sanctions. In addition to the various laws and regulations mentioned above, Law Number 23 of 2014 concerning Regional Government (starting now referred to as the Regional Government Law) also has a significant impact on the development of the marine and fisheries sector, which will directly or indirectly affect the lives of fishers (Robinson et al., 2021). The marine and fishery sector is an optional government affair under the regional Government's

authority as regulated in Article 12 paragraph (3) letter of the Regional Government Law. One of the important issues is the protection of woman's rights and equal treatment for them.

Article 28D paragraph (2) of the 1945 Constitution, everyone has the right to work and receive fair and proper remuneration and treatment in an employment relationship. What about the regulation in the Law and its implementing regulations? Article 5 and Article 6 of the Manpower Law state equal rights without discrimination between male and female workers in the labour market: Article 5: "Every worker has the same opportunity without discrimination to get a job". Apart from being related to wages and discrimination, female workers' main issues are social security, pregnancy protection, working at night, termination of employment, and occupational safety and health.

In order to implement this, the Ministry of Home Affairs Regulation Number 15 of 2008 concerning General Guidelines for the Implementation of Gender Mainstreaming in the Regions was made. Article 4 of this regulation explicitly stipulates that: "Local governments are obliged to formulate gender-responsive development policies, programs, and activities as outlined in the Regional Medium-Term Development Plan, Regional Work Units Strategic Plans, and Regional Work Units Work Plans".

Article 11 of this regulation stipulates that gender mainstreaming must be integrated into:

- a) statutory regulations in the region;
- b) development cycle in the region;
- c) strengthening of regional institutions;
- d) strengthening community participation in the region.

Law Number 7 of 2016 has comprehensively regulated the real problems faced by fishers. Aspects related to planning, policies, and strategies for the opportunity to provide subsidies for fishers, reflect that the Government has developed a legal approach favouring fishers (González & de los Angeles Pineiro-Antelo, 2020). However, what needs to be noted is that the scope of Law Number 7 of 2016 concerning the Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers is too broad.

One law should only regulate one substance to facilitate implementation. The legislators of Law Number 7 of 2016 seem to have forced the regulation of several matters/problems with substantially different characteristics. Anglers and fish raisers are very different types of work even though they have the same object, namely fish (Szymkowiak, 2020). Likewise, there are two types of work with other skills and problems between fishers and salt farmers. Combining the regulation of fishers, fish raisers, and salt farmers in one law violates the principles of drafting good legal norms (Joni, 2020). Good legal examples must avoid contradictions, and legal standards must be made to understand them. Some of the problems still being experienced today lie in implementing the provisions stipulated in Law Number 7 of 2016, such as documents for the protection and empowerment of fishers, which should be the responsibility of local governments. Local regulations are vital as a legal basis for local governments to establish more targeted strategies and policies for protecting and empowering fishers. With local rules, local governments can allocate funds

for various programs and activities related to the protection of anglers (Marbun, 2016).

Fishers' rights in the form of dues to facilities and privileges to guaranteed protection from risks, as stated in Law Number 7 of 2016 concerning the Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers, have not been obtained by women fishers (Hartanto, Sulistiyono, & Isharyanto, 2019). Law Number 7 of 2016 does not explicitly regulate the technical requirements and procedures to access these rights regarding the right to facilities. However, it is known that fishers need a fisherman card or a KUSUKA card as one of the absolute requirements to get the right to the facility (Sam et al., 2019).

Then, regarding access to the right to guarantee protection from risks in the form of fishery insurance and assistance in payment of contributions from the Government, based on ministerial regulation Number 18/2016, which regulates the requirements for obtaining fishery insurance, anglers need a fisherman card or KUSUKA card as one of the absolute requirements to access this right. In this case, fisherwomen are still entities that have difficulty getting a fisherman card or a KUSUKA card, so they cannot access the right to facilities or the freedom to guarantee protection from risks in the form of fishery insurance.

However, the formulation of Article 45 in Law Number 7 of 2016 concerning the Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers may have an impact on discrimination against women fishermen because Article 45 of the Law clearly states that: "Empowerment activities as referred to in Article 43 pay attention to the involvement and role of women in fishermen's households". The formulation of this article limits and places fisherwomen in the field of empowerment with a position in the domestic sphere only and does not pay attention to the public space for fisherwomen. This can impact the access of women fishers to rights outside the field of empowerment that the law has provided.

However, laws and regulations in the marine and fisheries sector are still gender-neutral or partial in gender mainstreaming. In this case, Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands is still gender-neutral and has not given more attention to increasing women's participation in the management of coastal areas and small islands. Legislation that is not yet gender-sensitive related to the management of fishery areas is Law Number 31 of 2004 concerning fisheries which does not yet regulate women fishers and their rights.

The regulation regarding gender mainstreaming in Law Number 7 of 2016 concerning the Protection and Empowerment of Fishermen, Fish Cultivators and Salt Farmers is still partial and incomplete. The will to fulfil women's rights is still partial because it only regulates empowerment and has not touched the protection of the three groups of women. The only regulation that is specific to women is Article 45, which states that:

"As referred to in Article 43, the empowerment activities pay attention to the involvement and role of women in the households of fishers, households of fish raisers, and households of salt farmers. This empowerment strategy for women fishers is implemented through:

- a) education and training;
- b) counselling and mentoring;
- c) business partnership;
- d) ease of access to science, technology, and information;
- e) institutional strengthening".

The weakness of this legislation is that it does not regulate the protection of women fishers even though if it refers to the principle of fair efficiency, which is the basis for managing coastal areas, women should be not only part of empowerment but also protection.

The partial nature of gender mainstreaming is also contained in the Central Java Provincial Regulation Draft concerning the Protection and Empowerment of Fisheries and Salt Business Actors (Humas Undip, 2022). The main step that must be taken in reading the legislation is to examine the principles of the regulation because the articles in the legislation are only the elaboration of these principles. Article 2, which regulates the principles in this regulation, does not include the principles of justice and equality even though both are important to be the basis for gender mainstreaming in this regulation.

Gender mainstreaming in gender in the Central Java Provincial Regulation Draft concerning the Protection and Empowerment of Fisheries and Salt Business Actors is still partial because the emphasis on the importance of the role of women is only found in the aspect of empowering fishers. In contrast, in the protection aspect of the Draft Central Java Provincial Regulation concerning the Protection and Empowerment of Fisheries and Salt Business Actors, there is no regulation regarding paying attention to women fishers' roles and rights.

5. DISCUSSION

5.1. Policies in the maritime affairs and fisheries sector have not mainstreamed gender

Gender equality as Goal 5 of the Sustainable Development Goals (SDGs) is certainly related to Goal 8 of the SDGs, promoting sustainable, inclusive economic growth, productive and comprehensive employment opportunities, and decent work. In target 8.3. One of the global indicators to measure the achievement of these targets is the participation of men and women in informal employment in the non-agricultural sector. The importance of gender equality in work is also emphasised in target 8.5, namely providing full, productive, and decent work for all men and women.

Women are still marginalised and left behind in all aspects of life, including law (Schnabel, 2018). The equal rights of male and female workers are guaranteed in the Constitution. Although there are equal rights between female workers and male workers, the condition of women in the field of employment, in general, is still far from expectations, both in terms of quantity and quality (Fletcher, Pande, & Moore, 2017). There is still a gender gap in employment between female and male workers. Compared to women's labor force participation rate (LFPR) in 2011, women's LFPR in 2017 relatively did not increase. Suppose the formal juridical guarantee

for the rights of women workers has been regulated in the Constitution. After 44 years of independence, Indonesia only had a human rights law in 1999, namely Law Number 39 of 1999.

The Constitution is a code that protects workers' rights in general. The Indonesian Constitution initially provided very little on human rights. With the human rights law, all laws and regulations must align with the principles of human rights protection as regulated in this law (Sikkink, 2019). Specifically, there are several provisions in the Constitution, laws, and implementing regulations regarding saving for women workers (Edwards, 2020). This means that women workers are also entitled to the same rights as men regarding proper treatment. However, these worker rights are not necessarily thought thoroughly for a female who works in the informal industry sector, such as the home industry, i.e., traditional fisheries (Herrera-Racionero, Lizcano, Miret-Pastor, & Mascarell, 2021).

The equal involvement of men and women in the workforce requires gender mainstreaming in development (Leal Filho, Azul, Brandli, L., Salvia, & Wall, 2021). In this regard, the Presidential Instruction of the Republic of Indonesia Number 9 of 2000 on Gender Mainstreaming in National Development was made (Sekretaris Kementerian Pemberdayaan Perempuan dan Perlindungan Anak [KPP & PA], 2000). In this document, the President instructs that every policy and regulation prioritises gender mainstreaming to carry out the planning, preparation, implementation, monitoring, and evaluation of national development policies and programs with a gender perspective.

The Presidential Instruction implements Law Number 7 of 1984 concerning Ratification of the Convention Concerning the Elimination of All Forms of Discrimination Against Women. The President has the authority to guarantee the implementation of national development in a non-discriminatory manner. This authority is obtained by attribution because it comes directly from the legislators.

This instruction is followed by the relevant ministries, including the Ministry of Home Affairs and the Ministry of Maritime Affairs and Fisheries, to ensure that policies and regulations in the two ministries or agencies are gender-sensitive. Referring to the Strategic Plan of the Ministry of Maritime Affairs and Fisheries, there are two strategic plans related to the Ministry of Maritime Affairs and Fisheries, namely the SDG where gender equality is one of the objectives and the gender aspect which is, of course, related to strengthening women and creating gender equality. Those descriptions emphasise the importance of gender mainstreaming in every legislation in the marine and fisheries sector, both at the national level and in regulations at the regional level.

The protection aspect is very important because this legal protection is all efforts to assist fishers, fish raisers, and salt farmers in dealing with difficulties in the fishery or salt business. Moreover, the scope of protection is very broad and will greatly help women fishers but cannot be accessed because of the absence of special arrangements, namely:

- a) provision of infrastructure for fishery business and salt business;
- b) ease of obtaining fishery business and salt business facilities;

- c) guarantee of business certainty;
- d) guarantee the risk of fishing, fish farming, and salt;
- e) elimination of high-cost economic practices;
- f) import control of fishery and salt commodities;
- g) security and safety guarantee;
- h) facilitation and legal assistance.

The absence of specific arrangements for women in accessing protection also can prevent women from accessing the above programs or strategies. Based on this, it can be stated that Law Number 7 of 2016 concerning the Protection and Empowerment of Fishermen, Fish Cultivators and Salt Farmers is still partial in fulfilling the rights of women fishers, female fish cultivators, and also female salt farmers because it only regulates empowerment and does not regulate the protection aspect for fishers, fish cultivators and salt farmers.

The absence of regulation regarding the importance of paying attention to the existence and role of women fishers can prevent women from accessing various facilities in the realm of fisherman protection, namely:

- a) fishing facilities (fishing vessels);
- b) fish farming facilities (parent and seed fish, feed, fish medicine, isolator, fertiliser, fuel and other energy sources, water pump, and windmill);
- c) processing and marketing facilities (formalin test kits, processing sanitation equipment, fishery product handling and processing equipment, cold chain system equipment, fishery product marketing equipment and product packaging and packaging tools.

The regulation, which is still partial regarding the role of women in this regional regulation, is very unresponsive to the reality of gender inequality in fisheries management and salt mining in fishing communities in Central Java. Based on empirical juridical research, female fishers in Central Java are still hampered in accessing government assistance such as fisherman insurance assistance because the meaning of the Maritime Affairs and Fisheries Service employees is still gender-biased and identifies fishers with men. As a result, no single woman can receive assistance in the Fisherman Insurance Assistance program in Kendal Regency.

The Central Java Provincial Government should analyse the reality of gender inequality to make more gender-sensitive regulations. This is by the Presidential Instruction of the Republic of Indonesia Number 9 of 2000 concerning Gender Mainstreaming in National Development (KPP & PA, 2000), which requires that every policymaking be carried out on a gender analysis which includes:

- a) identify gaps between men and women in obtaining benefits from development policies and programs in various aspects of life;
- b) identify and understand the causes of gender inequality and injustice and collect the factors that cause it;
- c) to draw up the necessary steps to achieve gender equality and justice;
- d) establish gender indicators to measure the achievements of efforts to achieve gender equality and justice.

The partial nature of gender mainstreaming in the Draft Regional Regulation is also ironic because the implementation of the protection and empowerment of fisheries and salt business actors in

the regions is coordinated by the Office through the involvement of regional apparatus/related work units that carry out government affairs in the fields of planning; industry and trade; cooperatives and micro, small and medium enterprises; law; development of regional owned enterprises; licensing; and other related government affairs. In this list of agencies involved in policymaking in the marine sector, there is no involvement of the Office for the Empowerment and Protection of Women and Children as the agency whose main tasks and functions are related to gender mainstreaming. Whereas in the regions, there are also gender mainstreaming forums that should be involved in policymaking as mandated in the Ministry of Home Affairs Regulation Number 15 of 2008 on General Guidelines for the Implementation of Gender Mainstreaming in the Regions (State Ministry of Women Empowerment, 2008).

The regulation related to gender mainstreaming reflects that the Government (the state) is carrying out the function of the welfare state. This indicates that the state is in a state of movement (*de staat in beweging*) in order to realise the implementation of gender perspective policies effectively and efficiently (*doeltreffendheid en doelmatigheid*). The presence of the state in the form of stipulating various laws and regulations is a form of state intervention (*Staatsbemoedings*) so that it becomes the basis for the position and function of Government (*bestuursfunctie*) in modern countries (*modernrechtsstaat*) in realising the welfare of the people (welfare state). The distribution of various regulations related to gender mainstreaming is understandable because gender-related issues are a new field of knowledge in Indonesia, so its growth is still a sector. This implies that the authority to make arrangements related to gender mainstreaming does not lie in one hand or one institution. Each agency is instructed to make arrangements regarding this matter. It is necessary to take action or an immediate decision in the issuance of policy regulations (*Beleidsregels*).

5.2. Gender-mainstreaming policy approach for empowering fisherwomen

Women fishers are under-represented in the economic empowerment measures of the Protection and Empowerment of Fishermen (PEF) Law for fishers. Although Article 45 of the PEF Act is not expressly designed to promote women's independence, it is believed that the empowerment initiatives for women fishers would strengthen women fishers' access to and control over economic resources in their households and fishing communities. Women's engagement in the empowerment of fishers takes many forms. One is the expansion of women's role in the discourse of economic empowerment, which is accomplished through mobilising women in the community.

Local policy actions that can be taken include increasing the participation of existing community development institutions, including strategies for increasing the involvement of women fishers and their institutions, while taking into account technical, economic, sociocultural, and resource management considerations, as well as the description of each stakeholder's role in the context of empowering the fishing community as a whole. One of them is to avert

the issue of empowerment programs that do not yet gender-responsive and inclusive of women, owing to their focus on business access owners, the majority of whom are males.

The patriarchal society that shapes males as sole breadwinners ensure that women do not get an equitable proportion of money, even when job sizes are comparable. Women's role optimisation efforts should concentrate on mobilising business access for women and socialising the industry around women's rights working in fishing enterprises to be compensated fairly.

Men and women already have equal access to control, participation, and compensation in the marine and fisheries industries. There are several social, economic, and cultural arenas in which gender mainstreaming has not yet been wholly accomplished, including the following: economic benefits (production capacity, business assets, and household income are still insignificant) (Nurlaili, Hikmah, Kurniawan, & Widihastuti, 2021). Human resources, attitude and motivation, alternative livelihoods, and labour absorption from the impoverished to the mighty have social benefits. Apart from sociocultural barriers, additional hurdles to gender equality and women empowerment in the marine and fisheries industries include infrastructure, financing, main livelihood emphasis, and marketing. The remaining concerns are not implementing a program, gender mainstreaming, or program requirements but rather the absence of beneficiary maps and essential timelines. This has failed in various initiatives due to gender-based assumptions and prejudices. Women are expected to help fishing enterprises and take care of their principal (domestic) tasks.

6. CONCLUSION

Gender mainstreaming in the marine and fisheries sector is still very weak, and it needs to be strengthened, which can be done through early program planning. A lack of planning can be inferred from the fact that the budgeting problem is still confined to tagging. It is necessary to have both the assistance of groups and the strengthening of local institutions in gender mainstreaming to improve the quality of gender mainstreaming in the fisheries sector.

Indonesian policy in the fishery sector has not mainstreamed gender policy because it is still partial. The fisherwoman only has access to empowerment but not protection aspect. Finally, this restricts woman's access to some fishery aids including insurance. This is not according with presidential direction which order every department to put ahead gender mainstreaming and CEDAW which oblige every state to prevent discrimination against woman in all fields. The efforts to do gender mainstreaming is through amendment of regulation which eliminate discriminative article toward woman especially in protection aspect.

Since there is still a barrier to achieving gender equality and women's empowerment, activities have been halted after the training program was completed. This is because strengthening the capacity and capability of implementing agencies and human resources. This is a result of the knowledge capacity of human resources and the absence of standard

operating procedure (SOP) standards within the mechanism for gender mainstreaming. Internal and external factors are categories that can categorise the various considerations that go into gender mainstreaming in the marine and fisheries industry. Internal factors originated within the institutions tasked with implementing gender mainstreaming at both the central and regional levels. The factors that originate from within can be broken down into two categories: knowledge and institutions that promote gender equality. The community's business actors in the marine and fisheries sector are the source of some external factors affecting the industry. Even though the gender-mainstreaming unit, focal point, and working group institution operate smoothly, they still require communication and cooperation to achieve synergy in planning, implementing, and monitoring the gender-mainstreaming evaluation in

the marine and fisheries sector. It is still necessary for the human resources in institutions that mainstream gender to understand gender equality and justice and programs aligned with the goals of gender equality and women's empowerment. Incorporating a gender mainstreaming strategy into the program was intended to support the advancement of gender equality and the emancipation of women in the marine and fisheries industry.

We realise that this research has a limitation on the usage of doctrinal research, which conceptualise law as a written law. So, further research is necessary to provide a more comprehensive analysis of this issue through socio-legal research. It is kindly suggested that the authors collect the data via interviews, surveys, or empirical data to investigate this topic further.

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