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Editorial Office: postgraduate at Riau Islamic University, Universitas Islam Riau, Pekanbaru, Indonesia.

Phone: +62 85234073707, +62 85329106484

E-mail: law_s3@uir.ac.id

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THE EFFORTS OF HUMAN RIGHTS IN THE HISTORY OF GENDER EQUALITY FROM THE PERSPECTIVE OF FEMINIST LAW

Martha Agustina Sinaga^a, Ellydar Chaidir^b, H. Abd. Thalib^c

^a*Program Doktor Hukum / Universitas Islam Riau*

Email : marthaagustina1008@gmail.com

^b*Law Lecturer / Universitas Islam Riau*

Email : universitasislamriau@gmail.com

^c*Law Lecturer / Universitas Islam Riau*

Email : universitasislamriau@gmail.com

ABSTRACT

The Fundamental of Human rights is the most crucial key to achieving gender equality within the feminist movement. Starting from the right to walk, the right to life, to the right to articulate the context of gender inequality that has plagued society for centuries, where women have experienced discrimination, oppression, and gender-based violence, especially women belonging to lower classes compared to men, as a result of the general stereotype of this gender inequality. Therefore, the feminist movement emerged as a response to this injustice, highlighting the gaps in rights and treatment between men and women. In their struggle, feminists realize the need for a strong legal and policy framework to protect and ensure gender equality. The United Nations (UN) and the Universal Declaration of Human Rights (UDHR) in 1945 became a significant milestone in the recognition of human rights, although the UDHR does not specifically address gender equality. Subsequently, The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979 was adopted by the UN as the most important international legal instrument in protecting women's rights and eliminating gender discrimination. The Fundamental of Human rights plays a significant role in the feminist movement by providing a principled foundation and legal protection for women's rights. HR principles such as equality, non-discrimination, freedom of expression, and reproductive rights provide a strong framework for the struggle for gender equality. Through the protection of women's rights. The Fundamental of Human rights provides equal access for women to achieve their full potential by overcoming structural barriers, gender stereotypes, and social norms that limit women.

Keywords: *The Fundamental of Human Rights; Gender Equality; Feminism.*

1. INTRODUCTION

Background

In the beginning, every human being has a moral claim, awareness, and ability to do something, which is inherent in every individual or group in a society and is a form of principle or belief that reflects behavior to obtain everything from the smallest things like speaking, walking, or engaging in daily activities to larger matters that impact the revolution of an era, even leading to the creation of movements that have strongly influenced modern times. This is referred to as a right.

“Human rights could be generally defined as those rights which are inherent in our nature and without we cannot live as human being”

Or translated as "where this right is an inherent right within human beings, without which humans cannot live as humans", is one understanding of human rights according to Jan Materson. With rights in place, every individual or group of people gains a certain freedom such as the power to express opinions, the right to worship, the right to life, freedom from torture, education rights, health rights, privacy rights, and more. However, in the history of human rights development, it is evident that even with the concept of human rights, there have been abuses of rights in various forms related to different characteristics, races, and religions, ranging from minor offenses to serious crimes. Nevertheless, all forms of crime cannot be narrowed down, especially in terms of gender equality. For instance, gender-based crimes often stem from the disregard for human rights regarding certain gender identities over time, resulting in imbalances against women caused by the majority of men dominating most sectors of industry. This is also influenced by doctrines that still uphold gender-specific obligations believed in this modern age. These doctrines negatively impact aspects of women's lives, restricting their movements and activities in society. This is what sparked the formation of the women's emancipation movement that advocates for women's rights in the industrial world, households, and legal realms.

The importance of Human Rights (HR) in achieving gender equality within the feminist movement can be understood through an understanding of the history and context of gender inequality that has plagued society. For centuries, women have faced discrimination, oppression, and gender-based violence that have been detrimental. They have been restricted in their rights, including the right to education, employment, property ownership, health, and political participation. In the 18th and 19th centuries, the feminist movement began to rise in response to widespread gender injustice. This movement highlighted the disparities in rights and treatment between men and women. However, in their struggle, feminists realized that a strong legal framework and policies were needed to protect and ensure gender equality.

In 1945, the establishment of the United Nations (UN) and the adoption of the Universal Declaration of Human Rights (UDHR) marked a significant milestone in the recognition of human rights. Although the UDHR does not specifically address gender equality, its principles of freedom, dignity, and equality for all individuals provide a strong basis for combating gender discrimination.

In 1979, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the UN. CEDAW is the most important international legal instrument in protecting women's rights and eliminating gender discrimination. The convention acknowledges that discrimination against women is a violation of human rights and urges countries to take concrete actions to achieve gender equality.

The feminist movement has also played a crucial role in advocating for women's rights to achieve gender equality. Feminism provides a theoretical and practical framework that sees gender equality as its main goal. Feminist movements criticize and challenge social and cultural structures that perpetuate gender inequality. They advocate for changes in laws, policies, and social norms that are detrimental to women. Human Rights (HR) plays a significant role in feminism by providing a principled foundation and legal protection for women's rights. HR principles such as equality, non-discrimination, freedom of speech, and reproductive rights provide a strong framework for the struggle for gender equality. HR helps identify and address discriminatory practices and gender-based violence that persist at various levels.

In the feminist movement, the importance of Human Rights (HR) in gender equality is also related to women's empowerment. By protecting women's rights, including the rights to education, health, employment, and political participation, HR provides women with equal access to reach their full potential. This involves overcoming structural barriers, gender stereotypes, and social norms that limit women.

Overall, the importance of HR in gender equality within the feminist movement lies in the protection, empowerment, and struggle against gender injustice. HR provides a crucial framework for combating discrimination, addressing gender-based violence, and changing harmful social structures for women. In the journey towards gender equality, HR becomes a powerful tool in achieving a fair, inclusive, and equal society for all individuals, regardless of their gender. Therefore, the issue highlighted above indicates that the "existence of gender equality" is still insufficiently addressed, especially considering the increasing number of educated women who can be entrusted with significant responsibilities to make critical decisions to advance various aspects related to our country. However, without easy access, their capabilities may go wasted. Therefore, strengthening the affirmation of human rights, especially regarding gender equality, needs further study to remember and reinforce aspects of human rights. This is the goal of conducting this research.

The Problem Statement

The problem statement for this research article is as follows:

1. How has the historical development of gender equality progressed within the framework of feminist movements?
2. How has the development of Human Rights (HR) contributed to efforts towards gender equality in Indonesia?

Problem Statement

The problem statement for this research article is as follows:

1. To discuss the historical development of gender equality within the framework of feminist movements.
2. To discuss the development of Human Rights (HR) in efforts to promote gender equality in Indonesia.

RESEARCH METHODS

The aim of this research methodology focuses on the approach used by utilizing legal document research, norms, policies, which are in place to analyze and understand specific legal issues. In the context of the development of human rights efforts in gender welfare within the feminist movement, where this normative research method is useful for analyzing the development of international treaty laws, principles, concepts, and theories related to human rights and feminism. In research that refers to the deepening of various legal instruments, constitutions, laws, government regulations, court decisions, and international agreements related to the history of the feminist movement, feminist manifestos through a theoretical approach to "liberality feminism" as well as the context of gender equality, gender stereotypes, gender justice, and the role of women in various legal systems.

RESULTS AND DISCUSSION

The Development of Gender Equality History in the Aspect of Feminist Movements

Feminism, where its subject is often referred to as a "feminist," is a term derived from the French language, "femme," meaning woman. According to the subject of feminism, it refers to women who rise up to defend themselves in advocating for women's rights in social classes. However, in a broader sense, feminism is a movement of women rejecting marginalization, subordination, and the lowering of status in economic, cultural, political, and even social aspects of life. The emergence of the feminist movement can be traced back to various periods in history. Initially, the term feminism was first coined by a utopian socialist activist named Charles Fourier in 1837. The first wave of feminism began in Europe and spread to the United States, as mentioned in the publication "The Subjection of Women" in 1869, which critically discusses the injustices women faced during that century. This first wave was developed to eliminate oppression and discrimination where women felt disadvantaged and overlooked in various aspects of life, including social, work, education, and politics. Especially in societies dominated by patriarchal structures, women are often placed in inferior positions and have limited access to rights and opportunities equal to men. In traditional agrarian-oriented societies, stereotypical gender roles dictate that men are the breadwinners outside the home, while women are deemed more suitable to be inside the home as mothers and household caretakers.

However, the development of Liberalism in Europe and the French Revolution in the 18th century brought significant changes in the perception of women's roles in society. The concept of equality and individual freedom advocated by liberal thinkers at that time, such as John Stuart Mill, influenced feminist thinking and strengthened the feminist movement. They demanded equal rights for women, including the right to education, political participation, and opportunities in the workforce. This development not only occurred in Europe but also spread to the United States and other countries worldwide. The impact of the First Wave feminist movement was highly significant. The struggle of feminists in achieving gender equality has brought about

changes in laws and policies. For example, women's suffrage has been recognized and guaranteed in many countries as a result of feminist activism. Education and job opportunities for women have also substantially increased.

However, there are still many aspects that have not embraced this gender equality movement, such as Mary Wollstonecraft (1759-1797), who wrote her book in response to Edmund Burke's book titled "Reflections on the French Revolution," published in late 1790. Burke saw the French Revolution as a movement that would surely fail because society needed traditional structures such as inherited positions and property ownership to strengthen it. Wollstonecraft's initial response was to write "A Vindication of the Rights of Men" (1790), a rejection of Burke's arguments advocating for parliamentary reform and stating that freedom of religion and civil liberties are inherent rights of a man, with corruption primarily caused by ignorance. These arguments about men's rights were not unique - Thomas Paine also published "Rights of Man" in 1791, which also argued against Burke - but Mary Wollstonecraft went further, and, for the first time, a book was published arguing for women's rights on par with men's rights.

"A Vindication of the Rights of Woman" was written in 1791 and published in 1792, with the second edition appearing in the same year. The book was sold as volume 1 of the work, but Wollstonecraft never wrote subsequent volumes. Before this date, there were already books arguing for the reform of women's education, often for moral reasons or to make it more suitable for women in their roles as companions to men. However, in the introduction to her book, Wollstonecraft criticized women's education as follows:

"I attribute [these problems] to a false system of education, gathered from the books written on this subject by men, who, considering females rather as women than human creatures, have been more anxious to make them alluring mistresses than affectionate wives and rational mothers ... the civilised women of this present century, with a few exceptions, are only anxious to inspire love, when they ought to cherish a nobler ambition, and by their abilities and virtues exact respect."

With the publication of Mary Wollstonecraft's book advocating for gender equality, she stated that the notion that women are weaker creatures than men is irrational and provides an opportunity for women to have the right to vote and political standing. Additionally, the First Wave feminist movement has also changed societal awareness and perspectives regarding women. They challenged gender stereotypes that confined women to traditional roles and paved the way for women to engage in various aspects of life. This movement has provided inspiration and a foundation for subsequent feminist movements, including the Second and Third Waves of feminism.

In the 1960s to the early 1970s, there was a significant second wave of feminism in the history of the gender equality movement. This wave was marked by several important events that changed the landscape of women's struggles.

One of the significant events was the publication of "The Feminine Mystique" by Betty Friedan in 1963. This book depicted women's dissatisfaction with their traditional roles as housewives and inspired many women to question and challenge social expectations that limited them. In 1966, the founding of the National Organization for Women (NOW) became a crucial milestone in the feminist movement. NOW became the largest organization advocating for women's

equality in the United States. The organization played a central role in advocating for women's rights in various aspects of life, including employment, education, and reproductive health.

In this second wave, there were two main streams in the feminist movement: liberal feminism and radical feminism. Liberal feminism tended to focus on legal and policy changes that supported gender equality, while radical feminism criticized societal structures seen as the root of gender inequality.

This feminist movement pushed for legal reform to provide legal protection against gender discrimination, such as the enactment of the Equal Pay Act in 1963, which prohibited wage discrimination based on gender. They also fought for better access to education and career opportunities for women.

Meanwhile, the radical feminist movement was more radical and challenged social structures that oppressed women. They emphasized the liberation of women from patriarchal norms and opposed sexism, capitalism, and racism, which they saw as interconnected. This movement generated the idea of building women's consciousness or "consciousness raising," where women shared their personal experiences to recognize and combat gender injustices.

The Postfeminism stage or the Third Wave of feminism emerged as a response to the social, political, and cultural changes that occurred after the second wave of feminism in the 1960s and 1970s. This stage spans from the late 20th century to the early 21st century and faces unique dynamics in the struggle for gender equality.

The changing times brought about a more open-minded society, including more inclusive thoughts about gender and women's roles in society. However, there are still new challenges faced by women in achieving equality. Many women still experience discrimination and difficulties in accessing their rights.

In this stage, there is an awareness that despite progress, there are still customs and norms that limit women. Some women even accept discriminatory treatment and see themselves through the patriarchal lens that degrades women. This has sparked a critical women's movement against views and actions that reinforce patriarchal structures.

One example of a movement that characterizes the Postfeminism stage is the Women's March. The Women's March is a feminist advocacy organization with feminist community bases in major cities in Indonesia. This movement advocates for gender equality, women's rights, and the struggle against gender discrimination. The Women's March serves as a platform to voice important issues facing women, such as violence against women, economic and political disparities, and freedom of expression.

The Women's March and similar movements in various countries also advocate for diversity and inclusivity, acknowledging that gender equality must involve and represent all women, including those with different backgrounds such as race, religion, social class, and sexual orientation.

The Postfeminism stage also reflects changes in feminist struggles, where the movement not only focuses on issues directly related to women but also expands its awareness to intersectionality

and the interconnectedness of gender equality with other issues such as racism, social class, human rights, and the environment.

In Indonesia, feminism has a long and diverse history. The feminist movement began during the colonial era with figures like R.A. Kartini advocating for education and freedom for women. After Indonesia's independence, the Indonesian Women's Organization (OWI) was established in 1950 as a platform for women's advocacy. In the 1980s, the feminist movement further developed with the emergence of new organizations focusing on women's issues. However, the feminist movement in Indonesia reached its peak during the reform era after the fall of the New Order regime in 1998. Women's organizations such as Komnas Perempuan, Solidaritas Perempuan, and Perempuan Mahardhika emerged and advocated for issues such as gender-based violence, reproductive rights, and women's political participation. Women activists in Indonesia continue to work hard to achieve gender equality. They advocate for important issues such as violence against women, women workers' rights, rights of migrant women, and legal changes that support gender equality.

Regarding legal agreements and laws concerning gender equality, some of them include:

1. The 1945 Constitution of the Republic of Indonesia: Article 27 Paragraph (1) states that "All citizens are equal before the law and government and are obliged to uphold the law and government without exception." This article reflects the principle of equality before the law.
2. Law Number 7 of 1984 concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW): This law provides a legal basis for implementing CEDAW, which aims to eliminate discrimination against women in all areas of life.
3. Law Number 39 of 1999 concerning Human Rights: This law protects human rights, including the principles of gender equality, freedom from discrimination, and protection against gender-based violence.
4. Government Regulation Number 10 of 1983 concerning the Prohibition of Discrimination in Treatment against Male and Female Workers: This regulation prohibits differential treatment in employment based on gender, except for specific and objective considerations.

The Development of Human Rights in Pursuit of Gender Equality in Indonesia.

The Universal Declaration of Human Rights (UDHR) adopted by the United Nations General Assembly on December 10, 1948, is considered the first historic milestone in the formation and universal recognition of Human Rights (HR).

The UDHR is an important document that establishes a framework defining and recognizing the fundamental rights possessed by every individual worldwide. This declaration was adopted following the horrific experiences of World War II and aimed to prevent widespread violations of human rights in the future.

The UDHR outlines rights deemed universal and inherent to all humans. It covers civil and political rights, economic and social rights, as well as cultural and collective rights. For example,

the declaration affirms the right to life, freedom of expression, freedom from torture, the right to education, the right to fair work, and much more.

It is important to note that while the UDHR is not a legally binding instrument, it serves as a strong and influential foundation in the formation of more specific human rights conventions and treaties at national, regional, and international levels.

With the adoption of the UDHR, human rights gained global attention and became widely recognized principles by nations worldwide. Since then, efforts and struggles continue to protect, promote, and advocate for human rights through various legal instruments, international organizations, national institutions, and advocacy movements.

Thus, the year 1948, when the Universal Declaration of Human Rights was adopted by the UN, is considered the beginning of the formulation and official recognition of Human Rights on a global scale.

The concept of human rights has ancient roots and is closely related to the development of moral and philosophical thinking throughout human civilization. Although there is no specific point in history where human rights were "discovered" directly, there are several significant milestones in the development of individual rights thinking.

One early example of thinking about human rights is found in ancient Greek philosophy. Philosophers such as Socrates, Plato, and Aristotle advocated the idea that individuals have inherent rights and championed principles of justice and human dignity.

In Roman culture, the concept of "ius naturale" (natural law) emerged, recognizing universal rights inherent in humans. This natural law served as the basis for developing principles of fair law in the Roman legal system.

During the Enlightenment in Europe in the 17th and 18th centuries, the concept of human rights further evolved. Thinkers like John Locke, Thomas Paine, and Jean-Jacques Rousseau formulated arguments about inherent individual rights, including the right to freedom of thought, the right to life, freedom of speech, and the right to private property. Significant events in modern history, such as the American Revolution and the French Revolution, also played roles in advocating for principles of human rights. The US Declaration of Independence in 1776 stated that "all men are created equal" and have "unalienable rights", while the Declaration of the Rights of Man and of the Citizen in France in 1789 established individual rights as universal and inseparable.

Since then, awareness of the importance of human rights has continued to grow. Various international treaties and declarations, such as the UN Universal Declaration of Human Rights in 1948, have been created to strengthen and protect universal individual rights.

In summary, the concept of human rights has ancient roots and has evolved throughout human history. Ancient Greek philosophy, Roman law, Enlightenment thinking, and significant events in modern history all contributed to shaping the understanding and recognition of individual rights.

The Development of Human Rights (HR) in Indonesia has played a crucial role in efforts to promote gender equality. Various steps and policies have been taken to promote and protect women's rights and address gender discrimination. Here are some developments in HR that have contributed to promoting gender equality in Indonesia.

Constitution as Evidence of Gender Equality Recognition

Human rights are recognized and guaranteed in the 1945 Constitution of the Republic of Indonesia. Article 27 Paragraph (1) states that "All citizens shall have equal position before the law and the government and shall be obliged to uphold the law and the government without

exception." The principle of equality before the law is an important basis for promoting gender equality.

Ratification of International Conventions and Implementation in Indonesia

Indonesia has ratified various international HR instruments relevant to gender equality. One of these is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1984. This ratification is a crucial step in protecting and promoting women's rights and eliminating gender discrimination.

Creation of Rules and Laws Protecting Gender Equality

Indonesia has several rules and laws that protect women's rights and address gender discrimination. For instance, Law No. 7 of 1984 concerning the Ratification of CEDAW provides a legal basis for implementing CEDAW domestically. Additionally, there is Government Regulation No. 10 of 1983 that prohibits differential treatment of workers based on gender in the workplace.

Empowerment of Women

Women's empowerment is a crucial effort in promoting gender equality. The Indonesian government has launched various policies and programs to enhance women's roles and participation in various fields such as education, economy, politics, and social spheres. For example, Ministerial Regulation on Women's Empowerment and Child Protection No. 9 of 2010 provides guidance for implementing women's empowerment in development.

Law Enforcement Against Gender-Based Violence

Law enforcement efforts against gender-based violence are also crucial in promoting gender equality. Indonesia enacted Law No. 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT) protecting victims of domestic violence,

including women. Additionally, various policies and programs address gender-based violence.

Education and Consciousness Campaigns

Education and awareness campaigns are crucial steps in changing mindsets and behaviors that contribute to gender discrimination. Many institutions, non-governmental organizations, and civil society groups play roles in increasing awareness of the importance of gender equality and educating the public about women's rights. The development of HR in pursuit of gender equality in Indonesia is ongoing. While there have been steps taken, challenges and obstacles remain in achieving a fairer and more inclusive gender equality goal. However, awareness of the importance of gender equality is growing in society and recognized as a fundamental HR principle.

CONCLUSION AND RECOMMENDATION

CONCLUSION

The feminist movement emerged as women's struggle against marginalization, subordination, and the lowering of their status in various aspects of life. In societies dominated by patriarchal structures, women often experience oppression and discrimination and have limited access to

rights and opportunities equal to men. The first-wave feminist movement, which began in the 19th century, aimed to eliminate these injustices and fight for women's rights, including the right to education, political participation, and opportunities in the workforce.

The second-wave feminist movement, which occurred in the 1960s and 1970s, marked a significant period in the history of gender equality movements. The book "The Feminine Mystique" by Betty Friedan and the establishment of the National Organization for Women (NOW) were catalysts for this movement. The second-wave feminist movement was divided into right-wing feminism, which focused on legal and policy changes, and left-wing feminism, which challenged the social structures that oppressed women. This movement advocated for women's rights in various aspects of life, such as employment rights, education, and reproductive health.

The postfeminist stage or third-wave feminism emerged in response to social, political, and cultural changes after the second-wave feminism. This stage reflects a more inclusive understanding of gender and women's roles in society. Despite progress, there are still challenges in achieving gender equality, and this movement criticizes norms that limit women. Additionally, it expands its focus to other interconnected issues such as racism, social class, human rights, and the environment.

Women's movements like the Women's March have become important platforms for advocating important issues faced by women and promoting gender equality. The feminist movement in Indonesia also has a long history and has evolved alongside social and political changes in the country, with various women's organizations advocating for important issues such as gender-based violence, reproductive rights, and women's political participation.

In Indonesia, the development of human rights (HAM) has also played a crucial role in efforts to promote gender equality. Indonesia's constitution recognizes the principle of equality before the law, and the country has ratified various international human rights instruments relevant to gender equality. Various regulations and laws have been enacted to protect women's rights and address gender discrimination. Additionally, the Indonesian government has launched policies and programs for women's empowerment, law enforcement against gender-based violence, as well as campaigns and education to raise awareness of the importance of gender equality.

SARAN

The feminist movement argues that human rights (HAM) should be applied uniformly regardless of gender. This means that all individuals, whether male or female, should have the same rights to live free from discrimination, violence, oppression, and unfair treatment based on gender. However, this does not mean disregarding other rights, as favoring one area is not to be taken lightly; therefore, it is important to recognize or introduce forms of mutual struggle by introducing the history of struggle for the main goal of creating a fair and equal society for all individuals, regardless of gender. Gender equality aims to eliminate discrimination, injustice, and gender-based stereotypes prevalent in society, especially in the Republic of Indonesia, which is characterized by a multitude of different races, cultures, and religions.

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