

# Gender equality as a challenge for the implementation of environmental law

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## Gender equality as a challenge for the implementation of environmental law

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**Abstract.** Women's role in the implementation of public policy law is a way in developing a gender perspective law. This study is normative research that has an objective to investigate the influence of gender equality to the environmental law, it is able to be a reference for the government in setting a policy in the environmental field. In achieving Gender Equality and Justice through environmental policies requires the experiences, aspirations, needs, and problems of women and men that put in the process of planning, implementing, monitoring, and evaluating in various fields of life and development sector. This strategy is needed to ensure that all society levels are able to access and participate in decision making, and they get benefits from the results of development based on their needs and aspirations.

### 1. Introduction

Indonesia has a forest area of 120.78 million hectares which is 654% of the existing land area. Based on its function, the area of production forest is 69 million hectares, the area of protected forest is 29.6 million hectares, and the area of conservation forest is 21.9 million hectares [1].

Generally, the people who live around forest, need assistance to be able to utilize the opportunities given by the Government in obtaining the rights of forest management through the scheme of Community Forest, Village Forest and Plantation Forest. Most community groups who utilize this opportunity are dominated by men. This happens because the society culture that still considers men as the family leader, so the women do not have the same recognitions as men. The single parents (in this case, women) are also lack of the same opportunities.

Although the formal and constitutional legal basis has guaranteed the need for active participation of women together with men in environmental management, relations in the field indicate the limited opportunities for women to actively participate in environmental management. This is the basis of this research to find out the challenges of implementing Environmental Law through the role of gender equality.

This study aims to investigate the extent to which gender equality influences environmental law, it can be a reference for the government in setting a policy in the environmental field.

### 2. Theoretical review

#### 2.1. Gender Equality

Gender is a trait that is inherit in men and women formed by social cultural factors of society, so some assumptions are born about the social and cultural roles of men and women. The social formations of



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men and women include women known as blandness and emotional creatures, while men are considered to be strong, rational, male, and mighty. It can be exchanged from time to time. It means there are strong and rational women, gentle and irrational men. These changes occur in a particular time and place. Their characteristics that can be changed and exchanged are called gender. Therefore, gender is a social concept that distinguishes status and roles are not determined on biological basis, but it is differentiated or sorted based on the position in various fields of life based on the nature that is felt to be suitable for one sex. For instance, a gentle woman is considered suitable to care for children, clean a house, cook and many others. On the other hand, a strong man is more suitable as a carpenter, a driver, a freelance [1].

Gender can be defined as behavior to differentiate roles or attributes which grow and develop in society. For example, in a society the man's role is as a family leader, woman's role is as a housewife. The nature of women is usually described as feminine, such as gentle, emotional, etc. The men's traits are described as masculine, such as strong, rational, etc. In fact, this is not always the real case, because there are women who are strong and rational; likewise, there are men who are graceful and emotional. It is called stereotype gender. Roles, responsibilities, and social relations between men and women are learned and socialized in an early age. The human behaviors are culturally assigned behavior. It is from a traditional culture that is inherited from parents. This behavior is called as local culture [2].

The concept of gender was developed by Hubies includes [3]:

- Gender difference, it is differences in character, behavior, expectation that are formulated for every sex.
- Gender Gap, it is the differences in political relationships and attitudes between men and women.
- Genderization, it is a reference to the concept of gender placement in self-identity and other's point of view.
- Gender identity, it is the behavior that a person should have according to his gender.
- Gender Role, it is the roles of women and men which are applied in tangible form based on the local culture adopted.

## 2.2. *Environment Law*

The living environment is a unity of space with all objects, power, conditions, and living things, including humans and their behavior, which affect nature itself, the survival of life, and the well-being of humans and other living creatures [6]. The environmental law is a set of regulations governing environmental protection and management. Environmental protection and management are a systematic and integrated effort undertaken to preserve environmental functions and prevent environmental pollution and/ or damage through structuring, utilization, control, maintenance, supervision, and enforcement of law

## 3. Method

This study employs the normative legal research. It examines the study of documents, such as laws and regulations, legal theory, and in form of scholars' opinions. This normative research uses qualitative analysis by explaining the existing data in form of words or statements. The first stage in normative legal research is aimed to obtain objective law (legal norm) that means conducting research on legal issues. The second stage is aimed to obtain subjective law (rights and obligations) [4]. This study is descriptive in illustrating the phenomenon in a society towards a case that is studied. It implements a qualitative approach that is a procedure in composing descriptive data.

## 4. Results and discussion

According to Van Metter and Van Horn in Agustino there are six factors that influence policy implementation [5]:

- The standard and objective of policy. The performance of policy implementation can be measured in terms of success if the standard and objective of policy are realistic with the social

culture at the level of policy implementation. When the standard policy or policy objectives are too ideal to be implemented at the community level, it is rather difficult to realize the public policy at the success level.

- The success resources of the policy implementation process depend on the ability to utilize the available resources. Humans are the most important resource in determining a successful implementation process.
- The characteristics of implementing agencies includes formal and informal organizations that will be involved in the implementation of public policy. This is very important because the performance of policy implementation will be very much influenced by the right characteristics and suitable with the implementation agencies. The wider the scope of policy implementation, the greater the agents involved.
- The attitude/ disposition of the implementers. The attitude of acceptance or rejection of the implementers will very much affect the success or failure of the policy implementation performance. This is very possible because the policy implemented are not the result of the local resident formulation who know the problems they had been faced.
- The communication between organizations and coordinator activities is a powerful mechanism in the public policy implementation. If there is a better communication between the parties involved in the implementation process, there will be very small mistakes.
- The economic, social, and political environment. The last thing to be considered in assessing the performance of policy implementation is the extent to which the external environment contributes to the success of established public policy. Therefore, a conducive economic, social, and political environment also needs to be considered in the process of policy implementation.

In determining the high and low performance of the policy implementation, the assessment of performance is the most important thing. The performance assessment is the implementation of method used by the researcher to answer the main question in the implementation studies, namely: what is the content and objective of a policy; what are the stages that must be carried out to achieve the its objective; and after the stages of implementation were carried out, whether it was able to realize the policy objectives or not so that public policy needs gender equality.

The efforts made to realize gender equality is to do Gender Mainstreaming (PUG) in all lines of society life. One of the analysis tools is Gender Analysis Pathway (GAP). GAP was issued by Bappenas to be a reference for the public agencies in developing programs and activities. GAP is one of the gender analysis methods that is used to find out gender inequalities by looking at the access, roles, benefits, and controls gained by men and women separately in development programs. GAB was developed by the Bappenas (*Badan Perencanaan Pembangunan Nasional*) started in 2000 based on *Inpres* No.9 in 2000 about PUG. GAP includes the process of analyzing gender responsive policy, formulating gender responsive policy, gender responsive action plan, implementing action plan, and monitoring evaluation [6].

The women's role in environmental management is expected to have women's participation in policy making related to the problem of environmental management. Along with the development of human right issues, democracy, environment, and gender equality, it has more or less influenced the thinking of government and non-governmental organizations in developing countries. It is used to improve the management of natural resource and environment that prioritizes the principles of justice, democracy, and sustainability. In this case the role of gender equality is needed in the implementation of environmental law in order to create a balance of environmental management and protection.

According to the review of *UU No. 32 Tahun 2009*, there is no article that mentions woman as a subject in the environment. The women's role can be shown implicitly in article 70 about the role of society, which states that:

- Societies have the same rights and opportunities for thinking to play an active role in environmental protection and management
- The role of society can be in form of:
  - a. Social supervision

- b. Giving suggestions, opinions, denials, and complaints
  - c. Delivering information and/or reports.
- The role of society is done to:
  - a. improve awareness in environmental protection and management.
  - b. increase independence, community empowerment, and partnerships
  - c. fostering capacity and pioneering of the community
  - d. fostering community responsiveness to conduct social supervision; developing and maintaining local culture and wisdom in the context of preserving environmental functions

In achieving Gender Equality and Justice through environmental policies requires the experiences, aspirations, needs, and problems of women and men that put in the process of planning, implementing, monitoring, and evaluating in various fields of life and development sector. This strategy is needed to ensure that all society levels are able to access and participate in decision making, and they get benefits from the results of development based on their needs and aspirations.

Gender inequality has come to the forefront of policy debates, not only because it deprives a basic human right, but also due to a surge in evidence that illuminates the extensive costs it incurs on society. Gender inequality, generally approximated by inequalities in employment and education opportunities, can result in low human capital, low productivity, and low economic growth [7].

## 5. Conclusion

Gender equality in the implementation of Environmental Law is important to be included because women have great potential in the success of environmental management and preservation. If the woman's potential is utilized, it will help the implementation of environmental management programs in Indonesia. In addition, the perspective of gender justice is important to be included in the study of environmental law to minimize the marginality of women. This is a result of the patriarchal system adopted by the majority of Indonesian society so that women have less opportunity to participate in environmental management.

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