

Dimensions of legal, justice and gender equality in education

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ABSTRACT Indonesia is a country based on the rule of law. As a country, with the fourth largest population in the world, the Indonesian state must always pay attention to all citizens in it, including women. The legal dimension provides firm guidance that all human beings, without distinction between women and men, because both are social beings, were created by the Almighty to develop a very important mission as "leaders on earth". Therefore, women and men are expected to work hand in hand, work together to create a just, peaceful, happy and humane society. Of course, with efforts to promote gender-equitable education throughout Indonesia, the aspirations of the nation's founding fathers, namely advancing general welfare, educating the nation's life, and social justice can soon be realized. Writing this paper takes the subject matter related to: Law, Social, and Humanities. By prioritizing the legal dimension of truth (legal truth) in realizing justice (legal justice) for women in the education sector. The purpose of this writing is to find out the legal dimensions related to gender justice, as well as the extent to which the right to educational outcomes supports the attainment of justice. For this reason, empirical research was carried out using a sociological juridical approach.

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1. INTRODUCTION

The legal dimension is one of the main pillars and an important aspect of human life. Likewise, the relationship between justice, women in education. Thus, the three closely related entities are inseparable. Thus, life without law will cause disorder in the governance of life. That is, women's equality as an important part of realizing justice in the community will be achieved if the legal order has been functioning effectively.

The law is the highest rule that must be followed in social interaction. Law develops along with the civilization of a nation which is influenced by social and philosophical conditions. Law requires renewal based on the moral and cultural values of the Indonesian people. In this context, gender justice in education becomes part of legal reform itself, because in turn whether we like it or not, it will enrich legal civilization.

Therefore, from that, to build gender justice in education, it is necessary to prepare four things in law: namely legislation, implementation of laws (apparatus), culture, and infrastructure, as well as matters related to the economy, democracy (political), social and cultural rights that are outside the law. Friedman classifies three important components of the legal dimension in the context of enforcement, namely: legal substance, legal structure and legal culture.

This paper intends to explain the opportunities and obstacles for women in efforts to uphold education in Indonesia. Why should women contribute actively? In fact, the fact is that Indonesia's population, numbering around more

than 275 million people, half of them are women. If they do not play a role as the subject of development, especially in development in the education sector, then efforts to build an Indonesian state with gender equality will proceed very slowly and it is possible that the "education of the nation's life" that the founding fathers of this country aspired to is only a dream.

In addition, a number of research results reveal that women are the group that suffers the most from conditions of inequality and injustice. It is very logical because as a group they are often seen as weak, and they are often the object of discrimination, exploitation and various forms of violence. Because of this, women must stand up and struggle to uphold educational values that are in harmony with universal human values as well as essential values in all religions, including Islam ([Nilan, 2014](#); [Kurniawati, 2017](#); [Anwar, 2019](#)).

It is on this basis that this paper is written as support for the struggle of Indonesian women to uphold gender equality and justice in all areas of life, especially in the field of education. Why is this important? This is due to the fact that in society there is still a strong notion that Islam teaches the inequality of women and men.

This erroneous assumption causes women to experience various forms of gender inequality and injustice. Among them, taking the form of marginalization which often impoverishes women, subordination, stereotypes, excessive workload and acts of violence in its various dimensions.

This can be seen clearly in society, efforts to restrain women's human rights, both as full citizens and as whole human beings who have dignity and worth. The most obvious concrete examples are various public policies that discriminate against women. For example, a legal product in the form of a regional regulation prohibiting women from going out at night. Local regulations prohibit wearing trousers, and certain regional regulations require women who are studying at the senior high school level (high school). Komnas Perempuan in its 2018 final report mentioned a total of 354 regional regulations and public policies that were discriminatory against women.

Another fact was also found, that this country (Indonesia) still frequently experiences husband-to-wife violence. Or when the husband commits domestic violence (KDRT). An example of the case that happened to the Lesti Kejora woman was carried out by her husband Rizky Billar which had gone viral on social media. Social media provides lively and massive news to the public and we even write about it in online media (OrbitIndonesia.com) with the title: Stop violence! (Friday, 14/10/2022).

Even though juridically (positive law) it has been determined that domestic violence is a violation of human rights and a crime against human dignity and is part of a form of discrimination. That is why the threat of punishment is quite severe, five years and over (vide Law No. 39/1999 on Human Rights and Law No. 23/2004 on Domestic Violence).

It is in this context that the various cases that occurred are arguably very ironic, because they occurred during the reformation era when the state was committed to building education by upholding human rights values in various dimensions of development based on Pancasila and the state constitution (1945 Constitution of the Republic of Indonesia)

2. RESULT AND DISCUSSION

2.0.1 Multiple Legal Dimensions

Gender equality as mentioned above also includes equality in education. Juridically, this equality can be seen in the provisions of Law No. 20 of 2003 concerning the National Education System: "Education is a conscious and planned effort to create a learning atmosphere and learning process so that students actively develop their potential to have religious spiritual strength, self-control, personality, intelligence, noble character and skills needed by society, nation and state (Paragraph 1).

The formulation of the aforementioned Article explicitly explains the existence of equal rights to obtain education for both male and female residents, besides that in the 1945 Constitution of the Republic of Indonesia especially in Article 31 Paragraph 1 it also states that, "Every citizen has the right to education". This explanation implies that every citizen, both male and female, has the same opportunity to obtain education, so that there is no discrimination between men and women for the sake of creating gender equality in the field of education.

Another legal dimension, can refer to human rights. Human rights are rights that are inherent in humans and are gifts from birth from God Almighty. Therefore, the notion of human rights is fundamental as a gift from God which must be guarded, protected and respected by individuals, society and the state.

In addition, human rights apply universally and regardless of ethnicity, religion, gender, political ethnicity. In Article 17 Paragraph 3 of the 1945 Constitution which is one of the legal foundations in human rights, it is explained that there is equal protection against discrimination. Thus, the position between men and women is equalized both in the field of education and in others. So, interact with other people based on the principles of mutual respect and respect for ethnic, cultural and gender diversity.

2.1 Women Empowerment And Gender Equality

The Covid-19 pandemic has had a major impact on many aspects of the world. In the midst of a pandemic, other global challenges also continue to overshadow, such as climate change, unemployment, poverty, and women's access to finance. In the midst of this crisis, women's groups felt a disproportionate impact compared to men.

So, in that context, women's empowerment and gender equality have become important cross-sectoral issues in Indonesia's G20 Presidency. Cooperation, collaboration and commitment from G20 member countries are the keys to closing the various gender gaps so far.

Moreover, the impact of the pandemic has been most felt especially in the economic and social fields, including termination of employment, reduced working hours, and increased vulnerability to discrimination and violence. In fact, many of the women have experienced school and college dropouts (education).

This multi-dimensional crisis became the main issue discussed at the G20 Ministerial Conference on women's empowerment. There were three main topics discussed at the conference, namely aspects of education, the digital gender gap, and women's economy/entrepreneurship.

In addition, policies made by government stakeholders must also support the realization of these norms. One of them is the early childhood education policy (PAUD) which is provided by the government and can be accessed by all households. For example, working parents have the right to entrust their children to the nearest PAUD. Local governments also guarantee the quality and quantity of PAUD in their respective areas. This makes the level of women's participation in economic activities can be increased.

However, it is undeniable that women are a resource that is quite large in number, even in the whole world, more than men. However, women who participate in the public sector are far below men. The low participation of women in the public sector does not only occur in Indonesia, but also throughout the world, including in developed countries. For example, to be honest, it must be admitted that in the field of education, women are still lagging behind compared to men.

The backwardness of women is reflected in the percentage of illiterates (14.47% in 2021) which is greater than men (6.87%). The data confirms that women's participation in the public sector in education is still low.

Therefore, the demand for women to enter the world of work encourages them to obtain higher education. The higher a woman's education, the higher her class and degree in society. Vice versa, uneducated women have no reason to look for a better job.

As a result, women's empowerment must be continuously optimized (improved) in order to realize justice and gender equality. This has become one of the important

points of commitment from member countries participating in the G20.

2.2 Gender Equality in Education

On every March 8, the world celebrates International Women's Day (International Women's Day IWD). This year, the IWD campaign carries the theme "breaking bias". Specifically, the theme aims to support the realization of a world free from bias, stereotypes and discrimination. A diverse, equal, just and inclusive world where equality is based on a celebration of difference. Bias in Indonesian is usually associated with deviations, turns, and ends in obscurity.

In the context of gender bias, bias arises through belief in stereotypes of certain individuals or groups based on gender that affect differences in treatment between men and women in the community.

In this regard, there are several interesting findings in the 2020 World Bank report on justice and gender equality in Indonesia. One of them is the paradox that even though Indonesian women have access to education (a high level of education participation), this does not continue with the high participation of women in economic activities. This means that despite gender participation in higher education, gender equality has not been fully achieved.

In fact, the report explains that this is closely related (correlated) with the norms and practices that apply in society regarding the roles of men and women, so that inevitably affects women's opportunities related to education, profession, and access to infrastructure.

In fact, it can be traced/traced that there are several factors that cause low levels of justice and gender equality, including the age of marriage that is too early and the distribution of responsibilities in raising children that is not balanced. The report also mentions structural factors such as many women working in the informal sector. For this reason, it is interesting to elaborate further by referring to the two inherent rights of women:

2.2.1 Equal rights in education

This rationale makes gender equality in education important. Gender equality in education can be achieved through three things, namely the right to education (right to education), the right to the educational process in an environment that supports gender equality (right within education), and the right to educational outcomes that support the attainment of justice (rights through education).

The right to education at this time may have begun to be achieved with the high participation in education by women. However, much still needs to be addressed regarding rights in the educational process. There are still many textbooks that do not provide examples and models that support gender equality. One of the studies conducted in Indonesia and other Muslim countries found the fact that even though the depiction of women and men is equal in number, the depiction is still biased (Assadullah, 2020)

Factually, this can be explained, for example in textbooks, female characters are more often depicted and placed in the context of domestic work, while male characters are in the context of professional work.

These facts provide a strong indication that in the educational process, gender stereotypes give rise to gender bias which operates through normative standards that en-

courage rejection of social sanctions. (Heilman, 2012). Gender stereotypes regarding male and female professions in textbooks give rise to gender bias and norms regarding profession selection. Women who choose "masculine professions", for example, can face social sanctions and rejection from their communities.

2.2.2 Equal rights to educational outcomes

Starting from the various existing realities, as for realizing the right to educational outcomes that support the attainment of justice, we have much more homework to do. We still have to fix the norms related to the role of women in the following matters: profession, role in society, and role in the domestic sphere including the upbringing/education of children. More than that, it is also necessary to change policies that are more friendly to women related to their roles and needs.

This is ideally like that, policies that make it easier for women to return to work after a break from caring for children, flexible work policies that accommodate domestic needs, even policies to provide childcare for working parents.

In this regard, the norms for gender equality that are expected are equal educational opportunities, equal pay according to the value of work, gender balance in the household, and balanced gender participation in the labor market. In a sense, the norms that apply in relationships within the household and at work are reconstructed in such a way based on the norms, one of which is through the learning process at school.

Thus, the realization of gender equality and justice is marked by the absence of discrimination between women and men, because they have access, opportunities to participate, and control over development and obtain equal and fair benefits as the fruit or outcome of education. That is the achievement of the education sector which will become a long-term asset or a real contribution to the realization and manifestation of the 2045 Golden Indonesia Vision.

2.3 Indonesian Women in Islam

Bung Karno in Panji Islam in 1940 wrote: "Islam is progress, Islam is progress, its teachings are in accordance with the progress of the times and the ever-changing dynamics of society." For this reason, Islam always opens opportunities for women to enjoy progress, including becoming leaders in all areas of life.

One proof of how motivated Bung Karno was by wanting progress for Indonesian women was setting December 22, 1959, the 3rd Women's Congress as a national holiday. This determination is through a Presidential Decree or Decree of the President of the Republic of Indonesia No. 316/1959. This decree is a manifestation of the appreciation of the state and government for the contribution of women in the struggle of the Indonesian nation. This holiday became known as Indonesian Women's Awakening Day (Mother's Day).

For this reason, women need guidance from friendly and cool Islamic teachings, especially Indonesian women who still have to work hard to uphold justice and gender equality. This is because, in our understanding, Islam is a religion that is rahmatan lil alamin, meaning that it is a mercy and blessing for all creatures in the universe, including women.

Islam provides clear guidance that all humans, without distinction between women and men, were created to develop a very important mission as a "khalifah fil ardh" (leader on Earth), at least a leader for himself. Therefore, women and men are expected to work together, shoulder to shoulder, work together to create a just, peaceful, happy and prosperous society (baldatun thayyibah wa rabbun ghafur). Especially in the field of education it is recommended: demand knowledge from the cradle to the grave.

In addition, what is also important to understand and underline is that Islam is very strict about the principle of human equality, including the equality of women and men. Islam rejects all forms of inequality and injustice, especially regarding gender relations. That is why Islam condemns the jahiliyah culture, patriarchal culture, feudal culture and all tyrannical, despotic and totalitarian systems.

It was at that point, the Republic of Indonesia really hoped that Indonesian women would become pioneers of progress in the field of education as demonstrated by Mrs. RA Kartini "After darkness comes light". This is in line with Islamic values which emphasize that Islam strictly places women as equal partners to men. In fact, it is very vocal in encouraging women to uphold universal human values in the field of education.

The Medina Charter contains the principles of the universality of human rights. Therefore, the Medina charter is a constitution that serves as the basis for coexistence agreed upon by the heterogeneous Medina community under the leadership of the Prophet Muhammad SAW. Principles that have relevance to the Universality of Human Rights are: the right to equality before the law, and the right to obtain justice. This, of course, shows that there is a relationship - rigging with justice and equality of women in obtaining education which are noble Islamic values that have existed since the time of the Prophet Muhammad.

3. CONCLUSION

The law is the highest rule that must be followed in social interaction. Including realizing justice / equality of women in education. Thus the relationship between women and education, two inseparable close entities. Women without education will cause setbacks and even underdevelopment in their lives. That is, the progress of women is largely determined by education. Therefore, no country has succeeded in creating prosperity for its people without strengthening its educational foundations. That is why, in the Indonesian constitution, education is a fundamental right of every citizen;

1. The struggle of Indonesian women towards achieving a better and dignified quality of life (HR) will continue to receive attention/improvement. Of course, especially in the regulatory, institutional and goodwill aspects of the government as the regulator. And other dimensions that are considered to have a correlation (relatedness) to advancing gender equality in the education sector.
2. Women's groups must have the courage to encourage and make efforts to reconstruct culture, especially changing the patriarchal culture that is very thick in society into a culture that appreciates the principles of gender equality and justice in all aspects of life, including in the field of education.

3. Women's groups must have the courage to make efforts to reinterpret religious teachings that are friendly to women that support the concept of rahmatan lil alamin, teachings that spread mercy to all beings without exception. In addition, internally women must have superior values by increasing capacity through education in a broad sense.

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