

APPROPRIATING WOMAN'S LEGAL RIGHTS THROUGH EDUCATION

A DEDICATED JOINT PAPER
TO CELEBRATE KARTINI'S DAY
AS A FORM OF GENDER EQUALITY MOVEMENT.



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Education As Priority And Provision Of Life

1.Importance of Education

In September 1903, Kartini wrote what could be regarded as her fourth public memorandum related to her quest for education. It defined the new pathway she had rationalized for achieving her goal. While this contrasted sharply to her earlier 'statement of intention' and plans outlined in her correspondence, the underlying aims remained substantially the same. Throughout these petitions, Kartini emphasized the importance of schools for girls.

In 2021, we can find that access to education is open for all gender, including for a woman. The government support education despite the pandemic situation. However, the quality of the teaching is needed to be enhanced.

A woman must provide knowledge to her children through several learning methods in each house. Each material provided by women has several basic competencies that are useful and must be mastered by their children. The method of providing basic competencies is the freedom of a woman in teaching her child, and the study material that is delivered greatly influences the child in understanding it. The way a woman knows whether her child understands what has been said is by training her children.

2. Proper Education in Indonesia

Education needs in the first place and priority to help the nation and compete with the other nation. Particularly, education for the woman enables extending the perspective, broaden the intellectual horizons, and rid the prejudices that remain and restrict in society. The Government must prepare the nobility for this, and this can only be achieved by giving the nobility a sound education, one not exclusively based on an intellectual education but one that also provides a moral education. Indonesia need inclusive education, education not only for several groups of people but for all. The quality of the standard of education should be the same. If there is a gap, then it is the work that should be done.

The various efforts have also been made by several stakeholders in Indonesia through teacher training, developing school libraries, increasing student interest and reading skills, and improving the school environment's quality. However, that action alone is not enough. Indonesia cannot move alone. Need stronger cooperation from the Government and other private parties.

3. Education Development in Indonesia

Education is a sector that is very important for the progress of a nation. Education in Indonesia is defined as a conscious and planned effort to create an atmosphere of learning and the learning process to actively develop their potential to have self-control, personality, intelligence, noble character, and skills needed by themselves, society, nation and state.

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- Sonya Tobing, S.H. -

Through the learning process, various benefits can be obtained by students. These benefits include capacity building and potential, as well as character ordering. The character formation in question is creative, competent, independent and responsible. Currently, the learning process has developed a lot, one of which is the home learning method.

Currently, the education system in Indonesia that is implemented is the National education system. This education system applies to all levels of education, from primary to higher education.

Over time, the education system in Indonesia has dynamically kept up with the times. Until now, many schools offer an education that is relevant to global needs. A good education can answer global challenges because of the current world trend interconnected from one region to another. Therefore, schools are obliged to compete to improve the quality of education by standardizing English as one of the languages in school activities.

Women To Receive A Proper Education As Part Of Human Rights

1. Human Rights Law in Indonesia

Human rights are a set of rights that are inherent in the nature and existence of humans as creatures of God Almighty. The existence of human rights must be respected, upheld and protected by the rule of law, government and everyone for the honor and protection of human dignity. Indonesia recognizes and upholds human rights and basic human freedoms as rights that is inherent in and inseparable from humans. For Indonesia itself, human rights must be protected, respected and upheld for the sake of commemorating human dignity, welfare, happiness, intelligence and justice.

Humans are gifted intelligence and conscious by the Almighty God which gives them the ability to distinguish between good and bad. At the end, this will guide and direct attitudes and behavior in living their lives. With this intelligence and conscience, humans have the freedom to decide their own behavior or actions for their life's best interest.

In addition, to balance this freedom, humans have the ability to be responsible for all the actions they do. These basic freedoms and basic rights are called human rights that are inherent in humans by nature. These rights cannot be denied. Denial of this right means denying human dignity. Therefore, any state, government, or organization has the obligation to recognize and protect the human rights of every human being without exception.

This means that human rights must always be the starting point and goals in organizing the life of the community, nation and state.

On the basis of these considerations, Indonesia without hesitation drafted and enforced Law no. 39 of 1999 concerning Human Rights ("Indonesian Human Rights Law"). One of the affirmations in this Human Rights Law is about women's rights which are guaranteed without discrimination to get education for the sake of their intellectual self-development, personal development and improving their quality of life.

2. Proper Education As Woman's Rights In Indonesia

The history of the Indonesian up to this moment has recorded various sufferings, miseries and social inequalities, caused by unfair and discriminatory behavior, one of which is on the basis of gender inequality. Such unfair and discriminatory behavior constitutes a violation of human rights, both vertical (committed by state officials against citizens or vice versa) or horizontal (between citizens themselves).

In fact, to protect, maintain and enhance human dignity, it is necessary to recognize and protect human rights, one of which is the right of women to get proper education. Because without this, humans will lose their character and dignity, so that they can encourage humans to become wolves for other humans (*homo homini lupus*).

Indonesian Human Rights Law has explicitly stipulated in Article 3 paragraph (3) that everyone, in this case including women, has the right to protection of human rights without discrimination. Furthermore, Indonesia also guarantees women's rights in fulfilling their basic needs to grow and develop properly. Women are also given the right to fight for self-development to build their society, nation and state.

Therefore, it is indisputable that the right of women to have a proper education is also a human right that should not be eliminated by anyone and under any circumstances. The right of women to get a proper education must really be respected, protected and upheld. Therefore, the government, state apparatus and other public officials have the obligation and responsibility to ensure the respect, protection and enforcement of women's rights to have proper education.

3. Legal Rights Protection Of Education for Women In Indonesia

In fact, there is still discrimination in the provision of education for women in society. According to Indonesian Human Rights Law, discrimination is any limitation, harassment, or exclusion that is directly or indirectly based, one of which is on the distinction of gender. As for the consequences of such discrimination, in the end, there is a reduction, deviation or elimination of the recognition, implementation or use of human rights and basic freedoms in the life of both individuals and collectively in the political, economic, legal, social, cultural and other aspects of life.

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Whereas Indonesian Human Rights Law has guaranteed that women also have the right to protection for their personal development, to obtain education, educate themselves, and improve their quality of life so that they become human beings who are faithful, devout, responsible, noble, happy, and prosperous in accordance with human rights. Women's rights are also guaranteed to develop and benefit from science and technology, arts and culture in accordance with human dignity for the welfare of their person, nation and humanity. In fact, Article 48 of the Indonesian Human Rights Law acknowledges that women have the right to receive education and teaching in jobs, positions and professions according to predetermined requirements.

Based on this, it can be concluded that women are entitled to education, it cannot be limited & reduced. It must be recognized, emphasized and maximally applied that the human rights of women to obtain a decent education are basic rights that are inherent in women, are universal and traditional, therefore must be protected, respected, defended, and should not be neglected, reduced, or taken by anyone.

Proper Education As Important Provision For Woman In Understanding And To Defend Their Legal Rights

Proper education will be a provision for women to become individuals who are aware of their legal rights and are able to fight in defending their legal rights. But in fact, there are still many women whose legal rights are castrated, either because of their ignorance or because they have no bravery nor powerless to defend it. Whereas with the position of women who lack knowledge, they will become easy targets for victims of criminal acts.

1. Women's Legal Rights in Building a Career

In their jobs, there is still the exploitation of women with an alibi of these women are workers so that employers have the right to employ them with illegal working hours that are contrary to the Indonesian Manpower Law. Whereas in Indonesian Human Rights Law has been guaranteed in Article 20 that slavery should not exist. Even Article 46 paragraph (2) of the Indonesian Human Rights Law guarantees protection for female workers from things that can threaten their safety and / or health with regard to the reproductive function of women.

What also cannot be missed is that there are still many women who are victims of human trafficking whose alibis are used as household assistants. Even though these acts are expressly not justified under Law no. 21 of 2007 concerning the Crime of Human Trafficking.

Apart from the exploitation of women workers, there are also many parties who ignore women's rights to occupy certain positions even though women have this ability. For example, in terms of women's representation in the executive, judiciary, legislative, political party, and even general election fields, it has been guaranteed by law in Indonesia with a passion for justice and gender equality. The law in Indonesia has guaranteed that women have the right to choose, be elected, appointed, in a job, position and profession in accordance with their abilities and requirements as well as the laws and regulations in Indonesia.

2. Women's Legal Rights in Household

There has been protection for women as wives that Indonesia has guarantees to provide special protection to women related to reproductive functions. The form of legal protection for women is to provide health services related to menstruation, pregnancy, childbirth and the opportunity to breastfeed children.

The Marriage Law in Indonesia also guarantees equality of position between husband and wife. A wife who is in a marriage bond has the same rights and responsibilities as her husband regarding her marital life, relationships with her children, and ownership and management of marital assets.

For Indonesian women who are married to foreigners, their rights are guaranteed to be able to own assets in the form of land and / or buildings in Indonesia, provided that the mixed married couple is willing to make and sign a prenuptial agreement concerning separation of marital assets in between Indonesian wives and Foreigner Husbands.

Women's Challenge In Having Proper Education

1. Gender Inequality issue

It is undeniable that until now, in the very patriarchal world in Indonesia, there is still an emphasis on men's rights over women's. Since childhood, people are accustomed to the adage "women will eventually work in the kitchen and in the bed". So that many families still prioritize education for their sons, with an alibi as a potential leader, compared to their daughters. A simple example, if the family's financial condition is not good, parents will prefer that their sons go to school as high as possible, but girls are sent to school only as a formality.

This darkness continues until it is finally considered a normal condition by society, and this is a dangerous situation for the growth and development of a country. In this regard, changes need to be made. Change is not to override the nature of women, but to defend their right to get a decent education. Changes must be made so that the rights received by women are the same as those obtained by men, especially in terms of education. The existence of this equal rights will ultimately end the gender inequality issue. With the end of the gender inequality issue, the community will get used to the position of educated women who are able to improve family conditions and educate children well.

2. The Limited Facilities and Infrastructure

The Ministry of Education and Culture of the Republic of Indonesia implements the Merdeka Belajar program to bring education development in Indonesia for the better.

This program focuses on more dynamic teaching and learning system. Later, the teacher is given the freedom to design various learning methods as creatively as possible. As such, students can feel the learning atmosphere that is effective, interactive and not boring. However, there are several fundamental challenges for education in Indonesia. The equality of access to educational resources in the rural area of Indonesia. The gaps between the cities and the rural area in the Indonesia education quality is quite broad.

One of the game-changer for access is the internet technology and English language. The internet as a service provider for the student to access the journal and the English language as the most language is spoken and study material that the student across Indonesia can learn.

Improving the quantity and quality of teachers are also imperative. This can be done by frequently conducting training for teachers, teachers who teach only those who are certified, holding more frequent UKG (Teacher Competency Examination) and more directing Indonesian teachers to be like teachers abroad.

Those two fundamental factors can decrease the barrier for the educational material and can be a solution for the facilities and infrastructure in the education sector.

3. A Progressive Woman Mindset

The fight to change mindsets must happen every day and not be a show of tokenism one day in the year. The importance of women's emancipation cannot be limited to mere tokenism on a single day. There are many forms of discrimination, from religious discrimination, ethnic discrimination and gender discrimination. Every day should be a women's day to put an end to any discrimination and achieve gender-based equality and women's emancipation.

Women need higher education, and they will pass on their refinement and education to their children: to their daughters, who will become mothers to their sons who will be called upon to help safeguard the welfare of the people. And as persons of intellectual and spiritual enlightenment, they will be of assistance to their people and their society in many different ways. The woman will be the internal support system for the education of the nation.

4. The Stigma for Woman in Society

It is undeniable that some people in our society have relatively high egos and rarely dare to approach women who have a higher education than them. Many men prefer to have partners whose education is equal to or at the level below them.

Referring to this statement will depend on the woman herself. If a woman and live in Indonesia and hope to have a mate for an Indonesian, a "higher education" will be a barrier which, although not big but quite tricky for you to conquer.

However, if the woman is independent and believes that you deserve an equal partner with you and do not care about the current conditions in Indonesia or do not care about the spouse, please pursue your dreams as high as the sky. Many men who have had their eyes open to this issue are either also pursuing higher education or do not care about their partner's educational status.

Closing Statement

All in all, education through women is a link for Government in preparing the nation's intelligence so that the country can be more advanced. However, one should not be too hard on those individuals whose moral character remains coarse and unrefined. In most cases, the fault lies not with them but with their education. Great care was taken with their intellectual development, but what had been done to train their character? Nothing! Without the inclusion of moral education, even the best of education systems could not hope to achieve the results that might be expected of it. Native society has a great need for an improvement of its moral foundations, without which the Government takes the measures, however well-intentioned they may be, will, if not fail, at best have only minimal results.

In this modern and interconnected era, the language skill for the woman is fundamental. The common language such as English will open the woman's horizon to access the rigorous study material and literature. The stakeholder should maintain the English standard to achieve equality and woman quality.

English is the most spoken language in the world. Communication across countries is a factor that shapes the world as we know it today. The spread and development of science and technology are very dependent on this communication process. Therefore, there is a need to be able to communicate and understand each other. This communication process must also be carried out by people from various countries who use different languages. This need encourages an effort to make a language that can be understood and used by all people in the world so that the ability to speak English becomes fundamental.