

Legal protection for women environmental activists in urban areas

*Tien Handayani Nafi*¹, *Ratih Lestari*^{1*}, *Inayati*², *Tirtawening*¹, *Succi Wulandhary*³, *Intan Nurul Aini*³, and *Dyah Utari*⁴

¹Faculty of Law, Universitas Indonesia, Depok, Indonesia

²Faculty of Administrative Science, Universitas Indonesia, Depok, Indonesia

³School of Environmental Science, Universitas Indonesia, Salemba, Indonesia

⁴Faculty of Health Science, Universitas Pembangunan Nasional Veteran, Jakarta, Indonesia

Abstract Men and women have equal rights, duties, and degrees in protecting and fighting for the rights of environment. However, in fact, it is men who dominate most conservation and environmental management activities. Even though, women's roles in environmental conservation activities are also no less great than men's given their high sense of empathy and care for the environment. This makes women taking more actions to protect the environment itself, but they often get so many threats, physical harass, even murder threats from those who feel threatened by their actions; and it already happened for a long time, and it still does until now. This should be overcome as soon as possible to prevent more women be the next victim. This research used SWOT analysis to determine the strategies for protecting women environmental activists in urban areas. The SWOT calculation results indicate that there is a need for progressive rules in guaranteeing women's rights so as to be able to engage in the process of environmental conservation in their respective regions.

1 Introduction

Issues about women, the last few decades to the present, many fill the discourse in the middle of the life of nation and state in addition to political and economic discourse. This issue is becoming increasingly attractive as awareness of injustice among men and women is increasingly high among our society. In addition, one of the seventeen objectives of the SDGs is gender equality, making it more interesting to continue discussions on this issue of gender equality. Especially at this time the number of women greater than the number of men. On the other hand, women have not yet filled out and occupy influential public sectors in determining the decisions and key state policies [1].

Gender equality is one of the most important aspects of sustainable development. Globally, the phenomenon of gender equality has been long-standing and this can be seen in the achievement of gender equality in some countries of the world from different continents. Until 2015, countries with the highest gender equality are dominated by countries from Continental Europe. However, there are two Asian countries that are able to achieve a very high gender equality, one of which is the ASEAN country, namely

* Corresponding author: ratihlestarini@yahoo.com

Singapore [2]. In the pursuit of gender equality, gender justice is the main foundation. Gender equity is a fair process for women and men, to ensure that the process is fair for women and men to take action to stop things that socially and historically discourage women and men from participating in and enjoying the results and the role it plays [3].

Given the value of the UNDP Gender Inequality Index (GII) with the scope of ASEAN, by 2015, gender inequality can be said to have begun to decline. For example in Singapore, gender inequality is ranked 11th in the global scope and the lowest in ASEAN. There is also a Malaysian country whose value of gender inequality lies at the bottom 2 of Singapore. Unfortunately, the value of gender inequality index in Indonesia is ranked second after Cambodia. This means that there are still gaps and gender imbalances in the country of Indonesia in various sectors of life, one of them in the environmental sector. Gender inequalities in the environment sector in Indonesia can be seen in many activities in the name of 'environmental conservation' and the management and sustainable use of the male-dominated environment [4] [5].

The strong encouragement and motivation of women to fight for environmental sustainability considering their high empathy towards the environment has to be paid with life. According to Global Witness records, by the end of 2016, there were about 200 environmental activists, including female activist, from various countries who died of assassination. Even according to Global Witness, the murder of environmental activists is more 'widespread' than 'developing', which means they must be more vigilant because for the next few years, such killing events will occur in more regions in other countries. Even the number of killings in the year 2016 alone has expanded to 24 countries, more than in 2015 which occurred in only 16 countries [8].

Surely things like this should be addressed as soon as possible so that the number of victims stops growing. Many ways can be done to protect the right of life of environmental activists, one of them by establishing a regulation of protection against them. These regulations may apply in regional and international environments. The hope, with the enactment of this regulation, is to minimize the number of victims as well as the possibility of similar events happening in the years to come so that environmental activists can still fight for rights and obligations to the environment without the need to feel threatened. Based on what had been explained before, the research questions are how is the existing condition of urban women as the environmental activists so far and how do women feel about the enforcement of legal protection which it protects women environmental activists from torture and assassination threats nowadays. The goals of this research are to explore the existing condition of urban women as the environmental activists and also to find out how women feel about the enforcement of legal protection which it protects women environmental activists from torture and assassination threats nowadays.

The term gender is used to describe the differences in roles, functions, status, and responsibilities between men and women formed from socio-cultural constructions. The concept of gender equality is a time when women and men have the same status and conditions to fully realize human rights and potential in development in all areas of life. While gender equality is a fair condition that removes barriers to play a role for women and men through cultural and policy processes [6]. Women's organizations in the field of environment and development have been active in the last fifteen years and have grown considerably over the last decade. The lesson to be learned is the importance of working in an established organization with committed and experienced women with different backgrounds [6].

Results of research by Asteria et. al (2013) indicates the important role of women in overcoming the environmental conflict. Female activists prioritize communication to create harmonious relationships with communication styles that tend to be cooperative considering women have an orientation to maintain relationships in the future and for the

welfare of society as a whole. Female activists tend to choose mediation and negotiation efforts in environmental conflicts. Female activists in Indonesia will prioritize deliberations to reach agreement on resolving environmental conflicts. It relates to the concept of a self-oriented gender femininity to sustain society sustainably in their community [9].

Not only making some negotiations and mediations to solve the environmental conflicts, women also promoting healthy lifestyle in such many ways and forms as their efforts of the environmental activists. For example, women in Europe has launched a web that promotes healthy lifestyle by giving some tips on maintaining healthy environment for children and baby. The tips are build a baby room with no toxin materials and buy some toxin-free baby and children stuffs to protect children and baby from toxin exposures. Women in developing countries, such as Burkina Faso, also maintaining and purchasing sustainable and healthy lifestyle by making environmentally friendly products with no plastics and no metals [10]. The movement of feminism is a movement of social conflict aimed at breaking down the old values protected by functional structural tradition. Ecofeminism is a movement that serves to restore human consciousness to care about environmental damage due to the disappearance of quality nurturing and maintenance (feminine quality) [9].

2 Material and method

SWOT analysis is a method of determining strategic factors in four areas: Strength (S), Weakness (W), Opportunity (O), and Threat (T) [10]. The SWOT Matrix is a tool to help develop four types of strategies: SO (Strength-Opportunity) strategies, WO (Weakness-Opportunity) strategies, ST strategies (Strength-Threats), and WT (Weakness-Threats) strategies [11]. In the SWOT analysis, the SO (Strength-Opportunity) strategy is the best and for achieving that strategy, and hence relevant factors [12] are required. SO strategies use internal strength to take advantage of external opportunities. The WO strategy aims to improve internal weakness by taking external advantage. The ST strategy uses the company's power to avoid or mitigate the impact of external threats. WT strategy serves to reduce internal weakness and avoid external threats. By using SWOT analysis, four types of strategy will be obtained through internal and external factors, namely aggressive strategy (SO), competitive strategy (ST), conservative strategy (WO), and defense strategy (WT) . The deep interview from many experts to get the judgment to the reality was conducted to support SWOT analysis.

3 Results and discussion

In the case of legal protection for women's environmental activists, there are stronger strengths, weaknesses, opportunities, and threats to be addressed as follows.

1. Strength : The magnitude of the role, caring attitude, and empathy attitude of women to conservation and environmental management activities.
2. Weakness : Limited opportunities for women to be actively involved in conservation and environmental management activities.
3. Opportunity: Women become more active in voicing their rights as citizens who are also entitled to participate in maintaining and managing the environment even seem to threaten the existence of private projects that tend to damage the environment.
4. Threat : The right to life of women environmental activists is threatened, ranging from just a threat to actually happening cases of torture even to murder.

The following table presents the SWOT on legal protection cases for women environmental activists.

Table 1. SWOT Matrix

	S (Strength) Internal power factors	W (Weakness) Internal weakness factors
O (Opportunity) External opportunity factors	SO strategy: creating a strategy for women's involvement in conservation activities	WO Strategy: creating strategies to increase women's active involvement and role in conservation activities
T (Threat) External threat factors	Strategy ST: create a strategy using the power of life to deal with threats	WT Strategy: Creating a strategy of flexibility of involvement and active participation of women in conservation activities through the granting of a right to life

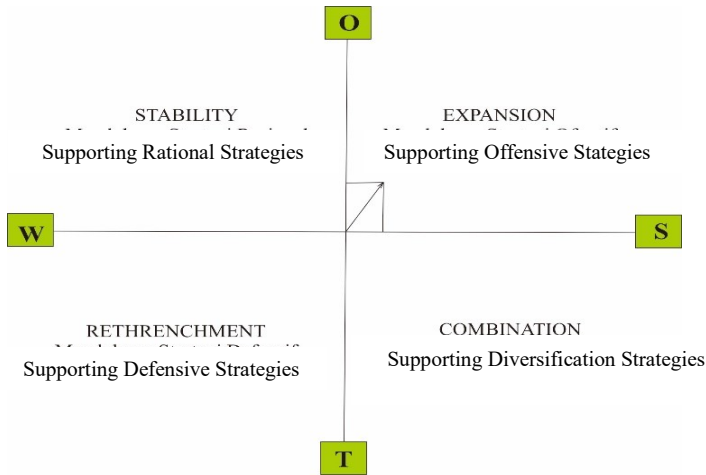


Fig. 1. Cartesian diagram of SWOT analysis

The results showed that there are still limitnesses of women’s rules in environmental protections and conservations, whereas their roles and perceptions about environment are also as big as men’s. Those limitnesses make women to more utter their rights as the environmental activists equally as men are. Unfortunately, many of women activists still feel unsafe about their whereabouts because of their actions. They often get some threats from someone who feel threatened of their actions against environmental destructions. It’s getting worse considering the regulation to protect women from those threats are still strongly unbonding and unprotecting. From here, it is very clear that there has to be some strategies to be made to decrease the limitness towards women’s rules in environmental conservations and protections.

In accordance with the results of SWOT analysis based on each strength, weakness, opportunity, and threat, then for this case SO strategy is used. In dealing with and resolving this case, it is necessary to create a strategy for women's involvement in conservation activities. The involvement of women in conservation activities has great potential to realize the main objectives in this activity. The role of women in conservation activities is essentially the same as the conservation actions undertaken by men. However, women have the nature of caring, thorough and meticulous. [13] This is what will eventually complement each other with the male roles in environmental conservation activities and

actions. Certainly it should also be supported by rights and legal protection for women to participate in conservation activities.

The need for a legal protection strategy for women's environmental activists is also important. Through this, there will be no act of women who feel their lives are threatened their due to their involvement in voicing rights and aspirations to the conservation and damage of the environment. Men's gender dominance in the environmental management sector does not necessarily indicate that men have a great empathy and concern for environmental management because, in terms of empathy, it is women who have greater empathy in the environment and the biotic components. Because of its great empathy, women tend to preserve the environment by not exploiting the existing natural resources. This is somewhat at odds with the behavior of men who tend to have a sense of 'power' or 'superiority' to their environment so that the possibility of exploitation of nature and its biotic components by men is greater [14].

However, many women still feel that their opportunities to participate actively in environmental activities are still limited or that they can participate as members of environmental groups only [15], whereas in Law Number 32 Year 2009 on Environmental Protection and Management Article 2 has stated that gender differences do not affect management activities or environmental protection because both the rights, obligations, and degrees of men and women are the same in the eyes of the law [16]. Considering the existence of deviations between the policy and its implementation in the field, the emergence of female figures who act as environmental activists aims to achieve gender equality in terms of environmental conservation as stated in the relevant legislation.

In the future, if women are given full rights to be able to contribute to environmental conservation, certainly greater and wider potential of environmental sustainability can be realized. The more elements of society that contribute to environmental conservation activities, both oversight and enforcement will certainly ensure the sustainability of the environment. There should be no more parties that restrict the rights of women to get involved in the life of nation and state. Citizens all have inherent rights and it is not justified for those to be restricted. Therefore, gender equality in the above case is very important to be realized. Legal protection for women environmental activists is also the case. Legal safeguards will provide wider space for conservation activities (both coercion and supervision) and contribute to reducing the burden on women themselves. In this context the burden in question is an impact of injustice on the law imposed on women's space. The freedom of space owned by women's environmental conservation activists has become a cornerstone of human rights and the potential for massive environmental conservation. Anticipative action is also required, for example in the aspect of community empowerment so that all agencies together to keep environmental activists. So that the future of women can help maintain and improve the welfare of society and increasing environmental awareness in all aspects of life.

4 Conclusion

Legal protection for women engaged in the effort to fight for their rights as citizens entitled to legally manage and protect the environment by channeling their aspirations as environmental activists requires clear instruments. As long as they become environmental activists, the state must be able to protect the existence and rights of women. SWOT calculation results show the importance of women's involvement in conservation of the limb. To achieve this, there needs to be a progressive regulation in ensuring women's rights so as to be able to engage in the process of environmental conservation in their respective regions. This research hopes that woman activist are treated equally and more protected by law in conducting conservation and environmental management movements.

Indonesia actually has its own legal protection already to protect women activist's right and it is well said on Paragraph 66 of Law No. 32 of 2009 on the Protection and Management of the Environment. It says that no environmental activists can be punished by any legal laws. Unfortunately, the implementation of the law is terrible considering there are terrors, physical harass, and even murder threats that still happen to environmental activists, including women, until now; and also the law itself has no explanation on how to protect those activists technically, so most citizens don't know how to protect people they know, who happens to be women environmental activists. That's why, to overcome this problem, there's no need to making any new protection regulations anymore because the problem solving can be done starting with strengthen the laws and its implementation that already exist. First things first, the state should revised the law they already made with putting some technical moves on how to protect activists from threats and physical harass. The state then could increase the public awareness of how important the women presence in any 'environmental caring, protecting, and keeping' activities can be by making any public discussions or public demonstrations and citizen, publicly, can participate; hoping that from these strategies, public will aware on how dangerous the risk of being environmental activists could happen and together, they will help to protect the activists from those dangerous risks and the activists themselves are free from those harms that addressed for them and they still can fight for environment without feeling any worries about their safety anymore.

Acknowledgements

This research is funded by Ministries of Research, Technology and Higher Education/ Kemristekdikti 2018 with Program Penelitian Dasar Unggulan Perguruan Tinggi (PDUPT) 2018 with contract number /UN2.R3.1/HKP05.00/2018

References

1. Marzuki. Studi tentang kesetaraan gender dalam berbagai aspek. (UNY, Jogjakarta, 2008)
2. United Nations Development Programme. 2015. Human Development Reports: Table 5. Gender Inequality Index. Retrieved April 3, 2018 from <http://hdr.undp.org/en/composite/GII>
3. N.M.D. Widayani, S. Hartati. Kesetaraan dan keadilan gender dalam pandangan perempuan Bali: studi fenomenologis terhadap penulis perempuan Bali. *Jurnal Psikologi Undip* **13**, 2 (2014)
4. I.D.A. Nurhaeni, R. Sugiarti, S. Marwanti, R.D. Pratiwi. Disparitas gender dalam pembangunan pariwisata ramah lingkungan (Gender Disparities in Ecologically Friendly-Tourism Development). *PALASTREN Jurnal Studi Gender* **10**, 1 (2017)
5. Global Witness. 2016. Defenders of the Earth Report: Global Killings of Land and Environmental Defenders in 2016. Retrieved April 3, 2018 from https://www.globalwitness.org/documents/19122/Defenders_of_the_earth_report.pdf.
6. H. Puspitawati. Konsep, teori dan analisis gender. Departemen Ilmu Keluarga dan Konsumen-Institut Pertanian Bogor. (2013)
7. I. Dankelman. Climate Change: Learning from gender analysis and womens's experiences of organising for sustainable development. *Gender and Development* **10**, (2002)

8. D. Asteria, E. Suyanti, D. Utari, D. Wisnu. Model of environmental communication with gender perspective in resolving environmental conflict in urban area (study on the role of women's activist in sustainable environmental conflict management). *Procedia Environmental Sciences* **20**, (2014)
9. M. Samejima, Y. Shimizu, M. Akiyoshi, N. Komoda. *SWOT Analysis support tool for verification of business strategy* (Graduate School of Information Science and Technology-Osaka Univesity, Japan, 2006)
10. F.R. David. *Strategic Management Concepts and Cases* (Prentice-Hall Publishing, Francis Marion University, Florance, South Carolina, 2011)
11. S.M. Hatefi. Strategic planning of urban transportation system based on sustainable development dimensions using an integrated SWOT and fuzzy COPRAS approach. *Global Journal of Environmental Science and Management* **4**, 1 (2018)
12. T. Sofiani. Eksistensi Perempuan Pekerja Rumahan dalam Konstelasi Relasi Gender. *Muwazah* **2**, 1 (2010)
13. J. Graca, M.M. Calheiros, A. Oliveira, T.L. Milfont. Why Are Women Less Likely to Support Animal Exploitation than Men? The Mediating Roles of Social Dominance Orientation and Empathy. *Personality and Individual Differences* **129**, (2018)
14. H. Ankesa, S. Amanah, P.S. Asngari. Partisipasi kelompok perempuan peduli lingkungan dalam penanganan sampah di Sub DAS Cikapundung, Jawa Barat. *Jurnal Penyuluhan* **12**, 2 (2016)
15. Undang-Undang Republik Indonesia Nomor 32 Tahun 2009 Tentang Perlindungan dan Pengelolaan Lingkungan Hidup. Retrieved April 3, 2018 from http://jdih.menlh.go.id/pdf/ind/IND-PUU-1-2009-UU%20No.%2032%20Th%202009_Combine.pdf
16. M. Saleh. Partisipasi perempuan dalam pengelolaan lingkungan hidup. *Musawa* **6**, 2 (2014)