Legal Protection of Women's Human Rights from the Perspective of Gender Justice and Equality

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Abstract: Defense, fairness, and the rights of women are crucial tenets in a society that upholds the rule of law. These principles guarantee that each individual is treated equally before the law, that human dignity is honored, and that every type of discrimination based on gender is entirely eradicated. This research examines how legal support for women is grounded in the human rights perspective and how the concept of justice is implemented through national legislation and international legal pacts. The study employs a normative legal research method comprising the statute, conceptual, and human rights approaches. Primary, secondary, and tertiary legal sources were examined using a qualitative approach based on prescriptive legal analysis. The findings show that legal protection for women reflects the principles of equality under the law, respect for human rights, and true justice principles that are included in the constitution, national laws, and various international agreements focused on women's rights. In a normative sense, legal protection does more than treat women as individuals with constitutional rights; it also requires assurances of legal certainty, acknowledgment of gender equality, and the safeguarding of women's basic rights as essential components of the broader human rights framework. Therefore, having a legal system that safeguards women's rights is essential to achieving justice, equality, and respect for human dignity in a country that follows the rule of law.

Keywords: Legal Protection; Human Rights; Women's Rights; Justice; Gender Equality.

Introduction

The protection, justice, and human rights of women are integral components of the rule of law, which places every citizen on an equal footing before the law[1]. From a human rights standpoint, women have the same rights as men to legal protection, fair justice, a feeling of safety, and freedom from all types of discrimination, violence, and treatment that harms human dignity. This principle embodies universal human rights values, affirming that every individual holds inherent rights from birth, regardless of gender, ethnicity, religion, race, or social status[2].

From a normative perspective, protections for women's rights are firmly grounded in a strong constitutional and legal framework. The 1945 Constitution of the Republic of Indonesia ensures that all citizens are treated equally by the law, as mentioned in Article 27, paragraph (1), and safeguards human rights. This guarantee is bolstered by Law Number 39 of 1999 concerning Human Rights, which recognizes women's rights as a fundamental aspect of human rights. Moreover, Indonesia has formally embraced the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) through Law Number 7 of 1984, demonstrating the nation's commitment to commitment to eradicating all forms of discrimination experienced by women[3]. Changes in national legislation are evident in the enactment of Law Number 12 of 2022 concerning Sexual Violence Crimes, which strengthens protections, support for victims, and the affirmation of rights for women who have suffered from criminal offenses.[4]

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[1] Arum Ayu Lestari Febri Istiqomah, "Perlindungan Hak Asasi Perempuan Melalui Prespektif Hukum Islam Dan Nasional : Analisis Kritis Terhadap," *SINDA: Comprehensive Journal Of Islamic Social Studies* 5, no. 1 (2025): 8.

[2] Rabiya Al Adawia Marzuki Manurung, Intan Nabila Rangkuti, Karizza Az Zahra Manik, "HAM Internasional Dan Penegakannya Di Indonesia," *Jurnal Mudabbir* 5, no. 2 (2025): 27–35.

[3] Ihda Aniqoh, "Implementasi Pasal 14 Konvensi Mengenai Penghapusan Segala Bentuk Diskriminasi Terhadap Perempuan Di Indonesia Dengan Amerika Serikat," *Proceeding of Airlangga Faculty of Law Colloquium*, 2023, 275–85.

[4] Iffan Sulaiman and Hindra Masdianto, "Eksistensi Kantor Urusan Agama (KUA) Dalam Meminimalisir Nikah Sirri Di Desa Terusan , Kabupaten Batanghari," *JMPIS Jurnal Manajemen Pendidikan Dan Ilmu Sosial* 4, no. 1 (2022): 69–79.

International legal documents, including the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), state that countries are required to respect, protect, and ensure the realization of women's rights. Consequently, from a normative standpoint, both national and international legal systems have established a comprehensive framework of legal protection aimed at achieving substantive justice and gender equality[5].

However, the reality is that legal protections for women are not yet fully functioning as expected. Various forms of violence against women, gender discrimination, economic exploitation, sexual harassment, forced marriage, human trafficking, and unequal access to justice remain persistent issues[6]. Furthermore, women who come into contact with the legal system, whether as victims, witnesses, or alleged perpetrators, frequently face revictimization, gender stereotyping, evidentiary hurdles, limited access to legal aid, and a lack of gender sensitivity among law enforcement officials. These conditions highlight the gap between how the law is supposed to work and how it actually works in real-world situations. Even though many rules are in place that promise good protection, putting them into practice is still difficult due to several issues. These include the poor coordination of laws across different areas, the uneven way gender issues are considered in how laws are enforced, weak teamwork between different government agencies, and the lasting effect of traditional views about gender on how laws are made and used. As a result, the legal goals of ensuring justice, practical benefits, and legal clarity for women have not yet been completely achieved [7].

This issue takes on greater significance when examined from a human rights perspective. Protecting women entails more than merely imposing sanctions on rights violators; it also involves ensuring respect for women's dignity as human beings possessing

[5] M Syafi, "Instrumentasi Hukum Ham , Pembentukan Lembaga Perlindungan Ham Di Indonesia Dan Peran Mahkamah Konstitusi," *Jurnal Konstitusi* 9, no. 4 (2012): 681–712.
[6] Chindi Oeliga, Yensi Afita, and M Nanda Setiawan, "Perlindungan Hukum Terhadap Anak Sebagai Saksi Dalam Perkara Tindak Pidana," *Datin Law Journal* 3, no. 1 (2022): 62–78.
[7] Lusia Sulastri, "Implementasi Pemenuhan Hak Perempuan Berhadapan Dengan Hukum Dalam Sistem Peradilan Pidana Di Indonesia," *Jurnal Hukum Sasana* 11, no. 2 (2025): 1–19.

fundamental rights8. Consequently, the concept of justice applied here cannot be understood solely as formal justice focused merely on the enforcement of laws and regulations but must also reflect substantive justice that takes into account the needs, interests, and specific circumstances of women as a group historically vulnerable to discrimination. Although national regulations have evolved in a progressive manner, the implementation of legal protections for women continues to face various challenges. Issues persist regarding patriarchal culture influencing law enforcement, gender stereotypes during case proceedings, a lack of sensitivity among law enforcement officials, the revictimization of victims during judicial processes, limited access to legal aid, and suboptimal inter-agency coordination. These conditions show a difference between what the law says on paper and how it is actually applied. The main issue is not that there are too few rules, but that legal standards are not being properly followed in practice. Many women's rights are recognized in theory but have not been fully achieved because of issues related to legal traditions, the organization of the legal system, and how well the actual laws are applied. Applying Lawrence M., it is clear that the effectiveness of legal protection depends on the combined effort of these three elements within Friedman's legal system theory. Sound regulations will not work well if the people enforcing the laws do not have a proper understanding of human rights and equality between genders, or if the society continues to support a culture that treats people unfairly based on their gender.

Because there is a difference between the ideal standards and the actual situation, it is necessary to conduct a thorough legal analysis on the framework that offers legal protection to women from a human rights standpoint, as well as how justice principles are applied within the national legal system in connection with international legal agreements. This study is important for evaluating how well current legal rules support human rights and for identifying areas for improvement to better protect women through the law.

This study centers on two main areas: the structure for legally safeguarding women from a human rights viewpoint, and the application of justice principles via national laws and

[8] M Ali Zaidan, "Perempuan Dalam Perspektif Hukum Pidana," *Jurnal Yuridis* 1, no. 2 (2014): 217–31, https://ejournal.upnvj.ac.id/Yuridis/article/view/152.

international legal agreements. This study seeks to advance legal knowledge, particularly in human rights and the legal safeguarding of women, and provides a theoretical basis for developing legal policies that better support gender justice.

Discussion

A. The Framework of Legal Protection for Women from a Human Rights Perspective

Legal safeguards for women signify the recognition that women's rights are an essential component of human rights. This paradigm emerged after the international community realized that, for centuries, women had endured structural discrimination that hindered the fulfillment of their rights across political, economic, social, cultural, and legal spheres. Consequently, legal protection for women is no longer viewed as an act of charity but rather as the fulfillment of state obligations grounded in human rights principles[9].

From the perspective of constitutional law, the recognition of women's rights is rooted in the constitutional mandate of the 1945 Constitution of the Republic of Indonesia. Article 27, section (1) guarantees equal treatment for all citizens under the law, whereas Article 28D, section (1) ensures individual protection and offers assurance of fair legal certainty. Furthermore, Article 28I, paragraph (2) clearly states that no individual shall face any form of discrimination, including discrimination based on gender[10]. These provisions demonstrate that the Indonesian Constitution does not differentiate between legal subjects based on gender. Thus, the

[9] Rifa' Rosyaadah and Rahayu Rahayu, "Perlindungan Hak Asasi Manusia Perempuan Terhadap Kasus Kekerasan Dalam Rumah Tangga Di Indonesia Dalam Perspektif Hukum Internasional (Protection of Women's Human Rights Against Cases of Households Violence in Indonesia Based on the Perspective of Intern," *Jurnal HAM* 12, no. 2 (2021): 261–72.

[10] Rafi Reno Fetra and Ayu Azkiah, "Kedudukan Hukum Kepala Desa Perempuan Dalam Perspektif Hukum Tata Negara Islam," *Al-Zayn Jurnal Ilmu Sosial Dan Hukum* 4, no. 2 (2026): 7142–53.

protection of women does not constitute the granting of special privileges, rather than being a mere formality, it is an actual application of the principle that everyone is equal under the law a basic feature of a democratic country that follows the rule of law [11].

This constitutional framework affirms that women must be regarded as legal subjects possessing the full right to state protection[12]. However, the equal treatment guaranteed by the constitution does not necessarily result in true equality in practice. In reality, women still encounter many social and cultural obstacles that stop them from having equal access to justice. Therefore, the principle of equality before the law can only be achieved by implementing policies that provide equal treatment while also considering the specific circumstances and requirements of women.

From a human rights standpoint, the state has three main responsibilities:

a. The state has a responsibility to avoid actions that reduce or infringe upon women's rights.
b. The government must safeguard women from violations of their rights committed by individuals, community organizations, or corporations.
c. The government must undertake legislative, administrative, and judicial measures, as well as public policy efforts, to ensure that women's rights are completely achieved[13].

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[11] Nukeschia Amare Calysta, "Perlindungan Hak-Hak Perempuan Dalam Perspektif Hak Asasi Manusia Dan Peraturan Perundang-Undangan Manusia Sebagai Salah Satu Prinsip Fundamental Dalam Penyelenggaraan Pemerintahan (Zaini , Dari Hak Asasi Manusia Yang Wajib Dihormati Dan Dilindungi Oleh," *Federalisme: Jurnal Kajian Hukum Dan Ilmu Komunikasi* 3, no. 3 (2026): 16–29.

[12] Ani Triwati, "Akses Keadilan Sebagai Perlindungan Hukum Bagi Perempuan Berhadapan Dengan Hukum Dalam Sistem Peradilan Pidana," *HUMANI (Hukum Dan Masyarakat Madani)* 9, no. 1 (2019): 72–91, http://smslap.ditjenpas.go.id/public/grl/current/monthly,.

[13] Kusiroh, "Perlindungan Dan Penegakan Hak Asasi Manusia (Ham) Di Indonesia," *Maliki Interdisicplinary Journal (MIJ)* 4 (2026): 2075–84, https://doi.org/10.24269/ls.v2i2.1242.

These three duties constitute global standards reflected in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Elimination of All Forms of Discrimination Against Women. The acceptance of CEDAW through Law Number 7 of 1984 creates a legal requirement for Indonesia to eradicate all instances of discrimination against women, regardless of whether it is carried out by government entities or private individuals. According to the author, the signing of an international agreement should not simply be seen as a bureaucratic procedure to meet global obligations; it should also involve aligning laws, making adjustments to public policies, enhancing the skills of law enforcement personnel, and establishing efficient redress systems for women who have suffered rights infringements[14]. Therefore, the success of legal safeguarding is assessed not by the number of laws in place but by the government's capacity to guarantee that these rights are truly experienced by women[15].

From a normative perspective, Indonesia has developed several legal documents that safeguard women, including Law Number 39 of 1999 on Human Rights, Law Number 7 of 1984 on the Ratification of CEDAW, Law Number 23 of 2004 on the Elimination of Domestic Violence, Law Number 12 of 2022 on Sexual Violence Crimes, and the 1945 Constitution of the Republic of Indonesia; along with various implementing regulations related to victim protection, legal assistance, and rehabilitation services. If we look closely, the construction of national law has shifted from a repressive paradigm to a

[14] Limtila Kirmila, "Analisis Fungsi Hukum Pidana Internasional Dihubungkan Dengan Kejahatan Transnasional Khususnya Perdagangan Orang," *Milthree Law Journal* 1, no. 4 (2024): 364.

[15] Destia Purwaningsih et al., "Efektivitas Undang-Undang Perlindungan Hak Asasi Perempuan Dalam Mengatasi Kekerasan Terhadap Perempuan," *Parlementer : Jurnal Studi Hukum Dan Administrasi Publik* 1, no. 4 (2024): 165–75, https://doi.org/10.62383/parlementer.v1i4.366.

victim-oriented approach. In its development, it shows a change in orientation from a repressive paradigm that focuses on punishing perpetrators to a paradigm that increasingly places victims as subjects who must receive protection and recovery. This change is a result of modern criminal law thinking, which sees criminal acts as events that cause pain and suffering to victims, in addition to merely infringing the legal order or state interests[16]. Within a repressive framework, the effectiveness of law enforcement is commonly assessed by the government's ability to detect criminal activity, identify offenders, establish culpability, and enforce legal penalties. Within this framework, the victim's role tends to be limited to that of a complainant or a source of evidence in the criminal justice process[17]. As a result, the interests of the victim after a crime has occurred have not yet been fully integrated into law enforcement's goals.[18].

The evolution of modern criminal law has broadened the concept of justice by placing greater emphasis on victims' interests and rights[19]. A crime not only entails criminal liability for the perpetrator but can also result in material loss, physical suffering, psychological trauma, a loss of a sense of security, damage to social relationships, and long-term impacts on the victim's life. Consequently, imposing a criminal penalty on the perpetrator cannot automatically be considered a resolution to all the issues arising from the offense. Additionally, the state must ensure that victims are sufficiently protected and compensated. In this light, the victim-oriented, or victim-centered, approach to justice has evolved; it puts victims'

[16] Nuraliah Ali, Satriya Nugraha, and Elin Sudiarti, "Perlindungan Korban Dalam Kerangka Keadilan Restoratif Pada Pembaharuan Sistem Hukum Nasional," *Locus: Jurnal Konsep Ilmu Hukum* 6, no. 1 (2026): 227–37, https://doi.org/10.56128/jkih.v6i1.883.
[17] Shindu Prastu Qildi Wibowo Mukti and Abd. Wachid Habibullah, "Prosedur Hukum Dalam Mendapatkan Hak Pemulihan Bagi Korban," *Federalisme: Jurnal Kajian Hukum Dan Ilmu Komunikasi* 2, no. 3 (2025): 24–36, https://doi.org/10.62383/federalisme.v2i3.862.
[18] Kartika, "Perlindungan Hukum Terhadap Korban Tindak Pidana Perkosaan Dalam Sistem Peradilan Pidana," *Wasaka Hukum* 9, no. 2 (2021): 302–24.
[19] Iwan Rasiwan, *Prinsip Keadilan Restoratif Dalam KUHP Nasional: Jalan Tengah Hukum Pidana*, *AMU Press*, 2025.

needs, interests, safety, dignity, and rights at the center of the law enforcement process.

This shift in orientation is reflected in the evolution of various forms of victims' rights, including the right to restitution, compensation, rehabilitation, protection of identity and safety, legal and psychological support, and assistance with social recovery[20]. These developments demonstrate that the concept of victim protection is no longer narrowly understood as protection against threats or violence during judicial proceedings; instead, it encompasses the full range of a victim's needs from the time the crime occurs through the law enforcement process to the recovery phase after the crime. Consequently, victim protection entails preventive, repressive, and restorative dimensions21. The State is obligated not only to prevent victimization but also to hold the perpetrator legally accountable and to ensure redress for the losses and suffering experienced by the victim.

In the context of women as victims of crime, this approach holds particular significance, as women may face complex vulnerabilities in certain situations. Violence against women can have consequences that extend beyond physical harm, affecting the victim's honor, dignity, psychological well-being, safety, family life, economic status, and social standing22. Furthermore, following the crime, victims may experience "*secondary victimization*," additional suffering arising from the reactions of the social environment or legal processes that lack sensitivity to the victim's needs. Victims may face stigma, intimidation, pressure, accusatory questioning, or treatment that makes them feel as though they

[20] Frienalya Elsa Soleran, "Perlindungan Hukum Terhadap Korban Dan Pelaku Kejahatan Berdasarkan Asas Equality Before The Law," *Lex_Crimen Jurnal Fakultas Hukum Unsrat* 15, no. 4 (2026).
[21] Adyastari Cahyani Alif Arhanda Putra, "Legal Politics Child Protection Based on Law No. 1 Year 2023 On The Criminal Code," *Jurnal Hukum Samudra Keadilan* 19, no. 1 (2024): 107–25.
[22] Lutfi Nur Rohman, Ulfan Sarlito, and Ghozi Adiwicaksono, "Upaya Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga (KDRT) Terhadap Anak Perempuan," *Jurnal Lex Suprema* 4, no. September (2022): 161–78.

are being blamed. Therefore, protecting women requires more than merely criminalizing acts and imposing penalties on perpetrators; it also requires making sure the victim's dignity and interests are respected throughout the legal process.

Especially when it comes to holding criminals responsible, safeguarding the public, and preventing crime, harsh criminal penalties clearly have a crucial role in the criminal justice system[23]. However, the severity of a sentence cannot serve as the sole indicator of successful protection for victims[24]. An offender may receive a harsh sentence, yet the victim may still suffer trauma, financial loss, and a loss of a sense of security, or fail to obtain redress for their suffering. This situation highlights the distinction between the state's success in punishing the offender and its success in delivering justice to the victim. Victim-oriented justice demands that both aspects proceed simultaneously, ensuring that holding the offender criminally accountable does not overshadow the need to restore the victim.

From this perspective, victim-centered justice is not intended to replace the function of criminal sentencing or diminish the offender's accountability. Instead, this approach broadens the objectives of criminal law enforcement by integrating offender accountability and victim restoration into a comprehensive justice framework. Sentencing remains necessary as the state's response to unlawful conduct, while the protection and restoration of victims constitute the fulfillment of the state's obligations to those who have suffered harm from criminal acts. Therefore, justice is assessed not only by punishing the offender but also by the legal system's

[23] Syamsul Bahri, "Hukum Pidana Sebagai Instrumen Penegakan Keadilan Dan Upaya Meminimalisir Pelanggaran Hukum Dalam Masyarakat," *Ameena Journal* 2, no. 4 (2024): 425–36, https://doi.org/10.63732/aij.v2i4.135.

[24] Noviani Khusnul Khotimah and M Firmansyah, "Analisis Penerapan Sanksi Pidana Terhadap Pelaku Penganiayaan Berdasarkan Kitab Undang-Undang Hukum Pidana (KUHP)," *Indonesian Journal of Innofation Multidisipliner Research* 4, no. 3 (2026): 9227–38.

capacity to restore the victim's sense of security, dignity, rights, and living conditions to the greatest extent possible [25].

This paradigm shift reflects how the victim's place in the criminal justice system is now understood. Victims should not be viewed merely as objects of evidence whose testimony is required to establish the perpetrator's guilt; rather, they should be recognized as legal subjects possessing rights and interests that must be respected. This classification mandates that police officers attend to the victim's needs at every phase of the legal process, including informing them of case developments, protecting their safety and identity, facilitating access to legal representation and psychological counseling, and ensuring efficient avenues to justice. Through this approach, the criminal justice system serves not only to determine the perpetrator's guilt but also to provide protection and redress for victims.

These changes show, at their core, that the idea of fairness in criminal law has evolved. Justice is now seen as a method to mitigate the consequences of criminal behavior, not only as a reasonable punishment for the offender. When it comes to female victims of violence, justice must address two demands concurrently: ensuring the perpetrator is held responsible for their acts and ensuring the victim makes a complete recovery. This method aligns with legal trends that increasingly incorporate access to justice, equality, respect for human dignity, and the safeguarding of human rights in the context of law enforcement.

Thus, the shift from an offender-oriented paradigm to a victim-oriented approach represents a positive development in the national legal framework, as it broadens the objective of criminal law from mere punishment to protection and recovery. From this perspective, the effectiveness of law enforcement is evaluated not just by the number of offenders

[25] Gholin Noor et al., "Tinjauan Filosofis Keadilan Restoratif Dalam Lensa Teori Keadilan," *Hukum Dan Politik Dalam Berbagai Perspektif* 3 (2024): 253–91.

prosecuted and penalized, but also by the legal system's ability to offer a sense of security, protection, access to justice, healing, and respect for the victim's dignity. As a result, a comprehensive justice framework that incorporates both perpetrator punishment and victim rehabilitation must be used to safeguard women. Such a criminal justice system not only punishes offenders after a crime has been committed but also protects victims' rights, dignity, and ability to rebuild their lives after the crimes they have suffered.

B. The Substantive Justice Perspective on the Protection of Women

From a legal perspective, justice for women cannot be understood solely through the principle of formal equality that is, equal treatment of everyone before the law. Although formal equality is a fundamental principle of a state governed by the rule of law, in practice, equal treatment does not always lead to genuine equality. This is due to social, economic, and cultural disparities, power dynamics, and historical experiences that place women in a position not always equal to that of men. Consequently, the evolution of modern theories of justice has introduced the concept of substantive equality; this approach frames justice not merely as equal treatment, but as the attainment of conditions that enable every individual to secure fair protection, opportunities, and outcomes tailored to their specific circumstances and needs.

Justice for women requires more than merely ensuring equal treatment under the law. In reality, women continue to face various obstacles, such as social inequality, power imbalances, discrimination, and gender stereotypes. Thus, the law must consider women's unique circumstances and requirements to ensure that the protection offered is genuinely equitable and functional in practice. Substantive justice entails that special measures may be applied to women when necessary to address actual inequalities. This does not

constitute discrimination; rather, it is an effort to foster greater equality regarding opportunities and protection. In practice, this can be realized through gender-sensitive proceedings, support services, identity protection, psychological assistance, and victim recovery. As a result, the effectiveness of women's legal protection is assessed not just by the presence of rules that protect their rights but also by the degree to which those regulations provide concrete protection, access to fairness in the legal system, along with genuine remedies for females.

The principle of justice is enacted through several key provisions in line with the Constitution. According to Article 27, paragraph (1) of the 1945 Constitution of the Republic of Indonesia, all citizens stand equally before the law and the government, and they must adhere to this law and government without exception. This standard illustrates the concept of legal equality by requiring the state to treat every citizen fairly and without bias [26].

Additionally, Article 28 D paragraph (1) states that every individual is entitled to acknowledgment, guarantee, safeguarding, just legal assurance, and equal treatment under the law. This provision expands the meaning of justice beyond mere formal equality to encompass legal protection and fair legal certainty. In the context of women, this norm requires the state to ensure equal access to legal processes and legal aid, as well as protection against all forms of discriminatory treatment. The right of everyone to have their personal self, family, honor, dignity, and sense of security safeguarded is guaranteed by paragraph (1) of Article 28G. Meanwhile, Article 28H, paragraph (2) allows for affirmative action by stating that every individual is entitled to special treatment and facilities to secure equal opportunities and benefits, thereby promoting fairness and equality. This provision forms the constitutional basis for offering specific protection to women, especially those who are

[26] Abdul Latif, "Jaminan UUD 1945 Dalam Proses Hukum Yang Adil," *Jurnal Konstitusi* 7, no. 1 (2016): 049, https://doi.org/10.31078/jk714.

victims of violence, women with disabilities, and other at-risk groups of women. Additionally, Article 28 I section (2) asserts that all individuals have the right to be safeguarded from and free of discriminatory treatment for any reason. Therefore, all governmental organizations are required by the Constitution to comply with the prohibition on discrimination against women, which is more than just a regular legal rule.

This constitutional framework demonstrates that the protection of women does not entail granting special privileges, but rather is a natural outcome of a state built on respect for human dignity and the rule of law. The state is obligated to create a legal system that not only ensures equal treatment but also eliminates the structural barriers that prevent women from effectively enjoying their rights.

The stipulations concerning human rights in Law Number 39 of 1999 strengthen constitutional assurances for the safeguarding of women. This Law recognizes essential rights bestowed by God Almighty to every individual as basic human rights that the state, the law, the government, and all people must respect, maintain, and protect. The Law acknowledges women's civil and political rights while also protecting their social, cultural, and economic rights on an equal footing. Women are entitled to the same opportunities in national and state affairs, including education, employment, healthcare, and legal safeguards.

Law No. 7 of 1984, concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) strengthened Indonesia's dedication to safeguarding women's rights. By ratifying this, Indonesia officially recognizes its obligation to eradicate all forms of discrimination against women on an international level. CEDAW broadens the concept of discrimination to encompass any difference, exclusion, or limitation based on gender that diminishes or undermines the recognition or exercise of women's rights. As a result, the state holds responsibility not just for discriminatory actions by government officials but is

also required to prevent discrimination carried out by individuals, community groups, and legal entities.

Law Number 23 of 2004 marks a major advancement in safeguarding women's rights, as it redefines domestic violence: it is now seen not just as a private issue but as a breach of human rights. The Law identifies different types of violence, including physical, psychological, sexual, and neglect within the home. Beyond prescribing punishments for offenders, the Law affirms victims' rights to access protection, healthcare, legal aid, and rehabilitation services. The orientation of this Law reflects a shift from a paradigm focused solely on punishment toward one centered on victim protection. This mirrors developments in modern criminal law, which positions the victim as a subject whose rights must be restored, rather than merely as a means of providing evidence within criminal proceedings.

The passage of Law Number 12 of 2022 responds to the growing complexity of sexual violence, addressing forms that were previously insufficiently covered by Indonesian criminal law. The law broadens the definition of sexual violence and affirms victims' rights to protection, support, restitution, rehabilitation, and full recovery. A key innovation is treating victims' rights as an essential element of the criminal justice process. Victims are no longer seen solely as individuals who report crimes or provide evidence, but as legal entities who have the constitutional entitlement to seek justice. The methodology employed by this legislation shows the establishment of a criminal justice system that focuses on the interests of victims. This methodology indicates that the aim of criminal law has evolved beyond just penalizing offenders; it now encompasses the restoration of the victim's dignity, security, and rights. As a result, the concept of justice is evaluated not just by the punishments inflicted on the offender but also by the government's ability to rehabilitate the victim's physical, mental, social, and financial health.

Law No. 7 of 1984 concerns the Ratification of the Convention on the Elimination of All Forms of Discrimination;

The Universal Declaration of Human Rights (UDHR) serves as a Universal Foundation for Justice. A significant achievement in the progress of global human rights legislation is the Universal Declaration of Human Rights (UDHR), which was approved by the United Nations General Assembly on December 10, 1948. Though it is officially a declaration instead of a legally binding international agreement, the UDHR has grown into an important source of overarching principles in international law and acts as a key reference point for creating future human rights documents. Article 1 of the UDHR states that "All individuals are born free and possess equal dignity and rights." This assertion emphasizes that every individual is born free and possesses equal dignity and rights, regardless of their gender. Additionally, Article 2 of the UDHR clearly prohibits all forms of discrimination based on race, color, gender, language, religion, political beliefs, national origin, or any other status.

Furthermore, Article 7 of the Universal Declaration of Human Rights ensures that all individuals are treated equally under the law and have the right to uniform legal protection regardless of discrimination. This principle established the foundation for the concept of “equality before the law,” which has been incorporated into multiple national constitutions, such as the 1945 Constitution of Indonesia. The UDHR established the philosophical foundation that justice must not be constrained by biological differences or social constructs regarding gender. Consequently, the protection of women is a logical outcome of respecting human dignity as a universal value.

The International Covenant on Civil and Political Rights (ICCPR), ratified by Indonesia through Law Number 12 of 2005, further bolsters measures to protect women's rights. This Covenant provides protection for civil and political rights that should be equally available to all genders. Per Article 2 of the ICCPR, all state parties must guarantee that every right specified in the Covenant is maintained without any gender discrimination. Additionally, Article 3 clearly requires that the

state ensures equal rights for men and women regarding all civil and political liberties. These liberties encompass the right to life, the right to individual liberty and safety, the right to a fair trial, freedom of expression, freedom of worship, freedom to gather, and the right to participate in governmental activities. The provisions of the ICCPR demonstrate that the protection of women extends beyond protection against violence to include guaranteeing women's participation in democratic life. Thus, justice must be understood as equal opportunity for women to participate in all aspects of the life of the state.

Alongside civil and political freedoms, the concept of justice is articulated through the International Covenant on Economic, Social, and Cultural Rights, referred to as ICESCR, which Indonesia adopted via Law Number 11 of 2005. The third article of the ICESCR states that men and women equally possess the right to enjoy all economic, social, and cultural rights. The government is required to ensure that everyone can access good employment, education, healthcare, social support, and a living standard that is sufficient, without any form of discrimination. From the viewpoint of women, these regulations hold great importance as economic disparities frequently serve as a key element making women susceptible to violence, exploitation, human trafficking, and discrimination in the workplace. The legal safeguarding of women is intrinsically linked to the realization of their economic and social rights; attaining justice becomes challenging if women do not have sufficient access to education, jobs, and adequate financial resources. Consequently, the realization of economic rights is crucial in safeguarding the human rights of women.

CEDAW is a global agreement aimed specifically at eradicating all types of discrimination targeted at women. Indonesia embraced this convention through the implementation of Law Number 7 of 1984, thereby incorporating its principles into the nation's legal responsibilities. Article 1 of CEDAW defines discrimination against women as any differentiation, exclusion, or restriction based on gender that

diminishes or denies the recognition, enjoyment, or exercise of human rights. Article 2 compels the government to eliminate discrimination by creating laws, implementing public policies, and ensuring effective law enforcement. In addition, Article 5 mandates the government to change societal norms and stereotypes that position women in a lesser status compared to men. The provisions of Article 5 hold strategic significance because discrimination against women stems not only from regulatory shortcomings but also from deeply rooted patriarchal culture within society. Consequently, legal protection for women cannot be achieved solely through legislation; it also requires a transformation of legal culture so that society respects the principle of gender equality.

Furthermore, CEDAW introduces the concept of substantive equality that takes into account the actual circumstances of women. Therefore, affirmative action (temporary special measures) is not viewed as discrimination, but rather as a means to achieve genuine equality. The Declaration from 1993 concerning the eradication of violence directed towards women states that acts of violence against women represent a breach of human rights and a type of discrimination. This declaration broadens the understanding that the state bears responsibility not only for the actions of its officials but also for preventing and addressing violence committed by individuals and societal groups.

Additionally, the Beijing Declaration and Platform for Action of 1995 represented an important landmark in integrating gender considerations. This document emphasizes the importance of integrating a gender perspective into all areas of public policy, the justice system, education, health, employment, and national development. These two instruments demonstrate that the protection of women cannot be achieved solely through a criminal law approach. The state must integrate aspects of education, economic empowerment, social services, and institutional reform as part of a comprehensive protection strategy.

C. Harmonization of National Law with International Legal Instruments

The approval of multiple human rights treaties imposes a duty on Indonesia to align its domestic laws. This alignment seeks to ensure that the content of regulations is consistent with global human rights standards27. Within the Indonesian legal system, ratifying international agreements via legislative means is not merely a procedural formality; it represents the nation's commitment to aligning its domestic legal standards with international obligations. This is evident through the enactment of various regulations such as Law Number 23 of 2004 on the Prevention of Domestic Violence and Law Number 12 of 2022 concerning Sexual Violence Crimes- coupled with efforts to improve the safeguarding of victims. Legal harmonization must not stop at the synchronization of norms; it must also encompass the establishment of effective institutions, capacity building for law enforcement officials, the provision of adequate budgets, and the cultivation of a legal culture that respects women's human rights. Without these measures, the ratification of international instruments will result only in normative alignment (formal compliance) without yielding effective protection (effective compliance).

An analysis of national law and international legal instruments reveals a complementary relationship between the two legal systems. National law provides the constitutional foundation and implementation mechanisms, while international legal instruments offer universal standards that serve as a reference for both the formulation and interpretation of national law. This association illustrates that the legal safeguarding of women is no longer just a private

[27] Muhammad Fauzi et al., "Kewajiban Negara Terhadap Implementasi Perjanjian HAM Internasional Dalam Perspektif Hukum Internasional Publik," *Journal Sains Student Research* 4, no. 1 (2026): 672–82, https://doi.org/10.61722/jssr.v4i1.8426.

matter but has evolved into a duty of the state within the international legal framework.

An ideal legal framework is one that integrates the principles of justice, legal certainty, and utility with a human rights-based approach. This means that every legal policy must be evaluated against three key indicators: (1) whether it provides effective protection for women's rights; (2) whether it eliminates discrimination and gender inequality; and (3) whether it genuinely guarantees women's access to justice. If these three criteria are not satisfied, the law's creation and execution do not adequately embody the principles of justice required by the Constitution and international legal agreements.

Consequently, it can be stated from a legal perspective that protecting women's rights is not merely a social policy concern but also a constitutional obligation under the 1945 Constitution of Indonesia, as well as an international duty arising from the ratification of various human rights treaties. Hence, neglecting to tackle discrimination, acts of violence, or breaches of women's rights might be considered a deficiency on the part of the state in meeting its legal responsibilities according to both domestic and global statutes.

Conclusion

From the conversation, it can be inferred that the legal protection of women viewed through the lens of human rights has evolved to place greater emphasis on women's rights, dignity, safety, justice, and recovery, whether as victims or as subjects of the law. However, the research findings indicate that such protection is not yet fully effective; a gap persists between the ideal state and actual practice, evidenced by the continued prevalence of gender-based violence, discrimination, stereotyping, re-victimization, and limited access to justice, alongside an uneven understanding of human rights and gender equality. These findings demonstrate that protecting women requires more than the mere existence of regulations; it demands support from effective

institutions, law enforcement officials with a gender and human rights perspective, and a legal culture that respects women's equality and dignity. Consequently, justice for women must be oriented toward substantive justice-justice that goes beyond mere formal equal treatment to address the actual conditions, needs, and obstacles women face. This perspective calls for an integrated approach to strengthening protection, prevention, access to justice, recovery, and empowerment, ensuring that legal safeguards extend beyond theoretical frameworks to provide concrete benefits and a genuine sense of fairness in everyday situations.

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