



JLPH:
**Journal of Law, Politic
and Humanities**

E-ISSN: 2962-2816
P-ISSN: 2747-1985

<https://dinastires.org/JLPH> dinasti.info@gmail.com +62 811 7404 455

DOI: <https://doi.org/10.38035/jlph.v6i2>
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Women Fishers' Access to Economic Resources from the Perspectives of Gender Equality and Legal Justice

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Abstract: Women Fishers' Access to Economic Resources from the Perspectives of Gender Equality and Legal Justice discusses systemic marginalization despite women fishers' significant contribution to fisheries through post-harvest work, small-scale industries, and even active fishing. This exclusion limits their access to economic resources, and consequently, health services, small-scale fishermen's loan or even state protection. The objectives of the paper is to examine how patriarchal cultural norms and information asymmetries marginalize women from being recognized as fishers, restrict their access, and how exclusionary legal definitions of "fisher" systematically limit women's economic participation. The study uses normative legal research method (normative juridical) with statutory analysis and a sociological legal research method (sociological juridical) to seek and identify the relationship between abstract legal concepts and reality by reviewing legal products that are not gender-responsive and cultural practices that reinforce inequality and discriminatory regulations, patriarchal traditions, and poor access to information collectively hinder women's economic participation. Achieving gender equality in coastal areas requires reforms in legal recognition, education, and policy implementation to ensure women's rights as fishers are upheld, thereby advancing social justice and inclusive maritime development.

Keyword: Women Fisher, Access, Coasts, Economic Participation

INTRODUCTION

Indonesia claims to be a maritime country, archipelago, whose 1,717,508 islands are surrounded by the seas. With a total area of 1,919,440 square km, Indonesia consists around 1,826,440 water area and 93,000 square km land area, a roughly 2/3 of the area is water, with the length of coastline 54,716 km (<https://setkab.go.id/indonesias-maritime-fulcrum-and-tourism-challenges/>). Most of Indonesia's population, ranging from 65-70 percent, live in coastal areas, with a large proportion of these reliant on ocean-based sectors for their livelihood (<https://www.ilo.org/>). As many as 12,510 villages or 15.32 percent of the total 81,616 villages in Indonesia are in coastal areas. About 90 percent of the coastal villages rely on fish resources as the main livelihood of the population (<https://www.kompas.id/>). Coastal settlements consist of densely populated areas. The communities are people who live and carry out their socio-economic activities related to coastal and marine resources but the majority is poor. Data from

Indonesia's national statistics agency, the BPS in March 2022 shows there were 3.9 million people living in extreme poverty in coastal areas compared with 1.65 million extremely poor people listed in non-coastal regions. At that same time, 17.74 million people in coastal areas were categorised as poor, while there were 8.4 million poor people in non-coastal areas. It has been noted that the poverty rate in rural areas (11.79 percent) exceeds the rate in urban areas (7.09 percent).

In the coastal areas, traditional fishing is the only way of earning the money. The fishermen go to the sea to fish, usually at night, while the wives or female members of the communities take care of the catch once the ships hit the docks. No women are allowed to fish. Their tasks are on the shore, taking care of the catch and help sell them in the fish auction, dry the unsold fish and prepare the food for the families. The work of women is often harder compared to men. Their responsibilities are endless at home and they have to be ready again because the men will come back with another catch.

The gender division labour is clearly the norm that is understood by the community, which is the men are the breadwinners and the women are the homemaker. This definitely contributes to gender inequality because the women are positioned in the domestic area. The land, like the home or the kitchen are domestic while the sea is the workplace for men. Wage for a traditional fishers are very low, their catch depends on the nature. At times when they cannot fish due to stormy weather or the tidal waves, it is the women who support their husbands by collecting marine products and sell them. The inabilities to earn money are limited to unskilled works like this. This is because their level of education is low. The cultural system dictates women's dependency on men, not only financially but also psychologically. Even when they are involved in productive economy, they are counted as 'complement', not primary, because they help the husbands, whose jobs are fishers. In Madurese culture, the concept of gender for women is always associated with domestic roles. Madurese women experience cultural and structural pressures related to gender equality, especially for women who come from poor families. Patriarchal culture is reinforced through religious dogma and has become a way of life and code of ethics. One of the facts that occurs is that women's education in coastal communities shows that coastal community activities are separated based on gender (Tjahjaningsih, 2020).

Women fishers in the north coasts of Java Island occupy a marginalized position in the fisheries sector. Women's post-harvest tasks will not recognized. As a consequence women have no access to many facilities that the government provide for fishers. Koral, an NGO, in its 2022 Info on "*Peran Perempuan Pesisir: Pejuang kemerdekaan Keluarga dan Lingkungan—Part 1*" (Coastal Women's Roles: Heros for family and environment—Part 1) reports that discrimination in marine and fisheries sector against women fishers is one of contributing factors to their vulnerability and poverty, at least in four big regencies in Java island, namely, Blitar, Tulungagung, Lamongan, and Tuban. Women fishers are denied their rights to obtain fishing card or fishing vessel permit, which consequently denied them of their health services, education and other rights guaranteed by the government (<https://koral.info/id/peran-perempuan-pesisir-pejuang-kemerdekaan-famili-dan-lingkungan-part-1/>). Listiyandra, Anna and Dhahiyat (2016) also found that women indeed contribute significantly to their families, both in domestic level, at home with home management and also their productive roles. Women fishers contribute an average of 30.25% to the total household income of fisher families through various occupations, both within the fisheries sector (such as fish processing, fish trading, and shell peeling) and outside the fisheries sector.

METHOD

The research method used is a normative legal research method (normative juridical) with statutory analysis and a sociological legal research method (sociological juridical), to seek and to identify the relationship between abstract legal concepts and social environmental analysis. After reinterpreting the data, an evaluation is conducted, linking it to and interpreting it based on progressive legal thinking. This evaluation step is conducted to determine whether gender equality laws have been implemented in coastal economic issues.

The primary legal materials, namely the Fishermen's Protection Law, and CEDAW ratified by Indonesia, as well as ministerial regulations--relevant to the research problem to answer the research problem.

RESULTS AND DISCUSSION

Editor of *Jurnal Perempuan* in Public Education for Fisherwomen and Screening of Documentary Films on Women Fishers, Andi Misbahul Pratiwi, in her research found that to improve the women fishers' welfare in Indonesia, their identity must be acknowledged, followed by gender-sensitive education and policies. A broader definition of fisherwomen that includes diverse roles in fishing, selling, product processing, and marketing should also be added. Aside from that, women often bear heavier workloads than their husbands, including household duties which reflect persistent gendered divisions of labor (Pratiwi, 2018).

Overall, women fishers in the north coasts of Java play a vital but undervalued role in sustaining household economies and coastal resilience, making their recognition and empowerment essential for achieving gender equality and inclusive maritime development. Studies on the roles of women along the coasts of Java, Sumatera and Sulawesi have found similar findings. FAO reported that women were discriminated and marginalized in the coastal areas, there is also gender equality issues amongst the communities (<https://www.fao.org/gender/learning-center/thematic-areas/gender-equality-and-women-empowerment/2/>); Koral Organization (<https://koral.info/id/>) found the discrimination on the marine and fisheries sectors on women fishers and coastal women; Indrawasih and Pradipta (2021) found that amongst the coastal communities, religion and culture are barriers for women to fight for their rights. Furthermore Jaringanusa, a node of organizations who are committed to promoting the protection and rescue of the coast, sea and small islands, especially in the eastern region of Indonesia, on Climate Change Worsens Gender Inequality in the Coastal Areas, reports that women in coastal areas play a major role in the fisheries sector and coastal economy however, women's roles in the economic sectors are not acknowledged and as a consequence, their rights to obtain wages and health facilities are denied. Despite all the sad stories, Koral, another NGO, argued that at the coastal area of Java, particularly in Demak Regency, women have involved actively in fishing for the past 5 years, as is the case in many other parts of the north coastal Java island, "they have transformed into woman fishers." (<https://koral.info/id/>). However, because neither the government nor the communities ignored this change, many studies focused more on poverty not the transformation of woman fishers.

The President of Indonesia's mission in his Astacita (or 8 Indonesian missions) included gender equality (Astacita Number 4) and building from the village and the bottom for the purpose of economic equality and poverty eradication (Astacita Number 6) has indeed included women in the nation's development. However, regarding women in the coastal areas apparently their roles are strictly domestic. In the Madurese language, "*reng binik pagghun worker ka dapor*", which means that at the end, a woman finally goes to work in the kitchen. Although Indonesia ratified the CEDAW (Convention on the Elimination of all Forms of Discrimination Against Women), in which (a) women and men are treated equally, (b) no gender-based discrimination in any aspect of life, whether in law, public policy, or social practice, (c) equal opportunities for women to participate in political, economic, social, and

cultural life, and (d) protection for women from violence, exploitation, and discrimination, whose intention is to eradicate all kinds of discrimination against women, on 24 July 1984 through Law Number 7 year 1984, the road to protecting women's rights and interests in Indonesia is still long.

Law Number 7, 2016 on the Protection and Empowerment of Fishers, Fish Farmers, and Salt Farmers applies to all fishers without gender distinction. Its legal neutrality creates biases since it may mean that women fishers are included but at the same time it may make women fishers invisible due to the reality that the law may be interpreted exclusively for men (fishermen). The word "*nelayan*" (fisher) suggests that both men and women are equally recognized as fishers. However, this gender-neutral language remains formal rather than substantive and it fails to address structural gender inequalities that exist within coastal communities. In practice, many women contribute significantly to the fisheries sector through activities such as drying, processing, marketing fish, repairing nets, and managing production finances. Despite their indispensable roles, these contributions are often categorized merely as support rather than profession, resulting in their exclusion from official fisher registries.

Gender neutral approach in law means that justice is for all, where women and men are treated equally to ensure the principle of equality before the law. In modern legal systems, neutrality is meant to guarantee that no person is discriminated against on the basis of sex, religion, or social status, as depicted in Article 27 of the 1945 Constitution of the Republic of Indonesia that (1) every citizen has equal status before the law, government and must abide to the law and the government without exception, and (2) Every citizen shall have the right to work and to earn a humane livelihood. Equality in law is not always equality in life. However, neutrality alone cannot ensure justice. True equality requires both neutral legal principles and affirmative, gender-responsive measures in implementation. Gender-neutral law is thus the starting point of equality, but not the end of it—it must be complemented by deliberate recognition and inclusion efforts so that women, who have long been part of invisible labour sectors, can benefit equally in practice.

In societies where inequalities exist in access to resources, John Rawls's second principle, which is the Difference Principle, can serve as a basis for implementing affirmative action or positive discrimination that is constitutionally justifiable (Faiz, 2009). The affirmative action is particularly relevant in the context of women fishers who often face structural barriers rooted in patriarchal norms, legal recognition in the access to productive resources which happen due to narrow legal and policy definitions of "fishers."

Ensuring women fishers' access to economic resources is not only a matter of gender equality but also of legal justice. Recognizing and empowering women in coastal economies strengthens social inclusion, promotes sustainable development, and fulfills Indonesia's constitutional mandate of equality before the law.

CONCLUSION

Women fishers in Indonesia's coastal communities play an indispensable role in maintaining household economies, food security, and local sustainability. Yet, their contribution remains undervalued and often invisible in legal and policy frameworks. The findings of this study show that gender-neutral legal formulations—such as those found in Law Number 7 of 2016 on the Protection and Empowerment of Fishers, Fish Farmers, and Salt Farmers fail to recognize the structural gender inequalities embedded in traditional and patriarchal cultural systems. Consequently, many women are excluded from access to economic resources, formal recognition as fishers, and state protection through official identification and welfare programs.

The persistence of gender bias in law and governance, combined with cultural norms that limit women's mobility and participation, sustains a cycle of economic marginalization in

coastal communities. Achieving justice for women fishers thus requires a shift from formal equality—where men and women are treated the same in legal texts—to substantive equality, where laws and policies actively address the different realities and barriers faced by women. True gender equality in the fisheries sector depends not only on inclusive legislation but also on its effective, gender-responsive implementation.

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