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## GENDER INEQUALITY AGAINST WOMEN FISHERS IN INDONESIA

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# GENDER INEQUALITY AGAINST WOMEN FISHERS IN INDONESIA

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### ABSTRACT

*This study explores whether or not Law No. 7 of 2016 for the Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers (PEF Law) discriminate against women. The substance of the PEF Law has discriminatory consequences damaging the welfare of female fishermen and it is the most neglected segment in the fishing sector. This law does not recognize or compel affirmative action for women fishermen to have equal access to protection and empowerment programs. This type of research is qualitative and collects data using a socio-legal methodology. The results of this study indicate that PEF Law does not adequately regulate the fulfillment of the rights of women fishermen. This is because the law only addresses the topic of empowerment and does not address the aspect of protection. Because maritime affairs and fisheries service employees consider fishermen to be ship owners and crews, women in Kendal Regency, who are equivalent to men in the fishermen's insurance plan, are not eligible for fishermen's insurance and hence cannot obtain it.*

**Keywords:** Gender Inequality, Protection and Empowerment of Fishermen, Women Fishermen, Affirmative Action.

## I. INTRODUCTION

Equality between the sexes is essential to responsible environmental stewardship and long-term, sustainable development<sup>1</sup>. Achieving gender equality in the fishing industry is one of the most critical steps that must be taken for littoral nations to have prosperous and equitable economic growth. However, even though commitments to gender equality have increased at all levels—global, regional, and national—very little is understood about how this principle is constructed and how it should be applied in various locations and settings. Consequently, it is difficult to evaluate and understand the progress made toward gender equality<sup>2</sup>.

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<sup>1</sup> Walter Leal Filho et al., "Promoting Gender Equality across the Sustainable Development Goals," *Environment, Development and Sustainability*, September 15, 2022, <https://doi.org/10.1007/s10668-022-02656-1>, <https://doi.org/10.1007/s10668-022-02656-1>; plainCitation: "Walter Leal Filho et al., "Promoting Gender Equality across the Sustainable Development Goals," *Environment, Development and Sustainability*, September 15, 2022, <https://doi.org/10.1007/s10668-022-02656-1>; noteIndex":1}; citationItems": [{"id": "7488", "uris": ["http://zotero.org/users/local/h7uScc9k/items/89MMM27Q"], "itemData": {"id": "7488", "type": "article-journal", "abstract": "Gender issues, and gender equality in particular, can be regarded as cross-cutting issues in the implementation of the Sustainable Development Goals (SDGs

<sup>2</sup> Sarah Lawless et al., "Gender Equality Is Diluted in Commitments Made to Small-Scale Fisheries," *World Development* 140 (April 1, 2021): 105348, <https://doi.org/10.1016/j.worlddev.2020.105348>. while commitments to gender equality have surged at global, regional and national levels, little is known about how this principle is constructed, and implemented across different geographies and contexts. Consequently, progress toward gender equality is difficult to assess and navigate. To identify influential

Understanding the conventional roles played by men was a significant contributor to the idea. It is still customarily accepted that men have sole authority over fishing activities, particularly those in the primary sector. In the context of fishing activities, fishermen are typically referred to as providers, hunters, or fishers<sup>3</sup>. Women fishermen, including women who fish for their livelihood and fishermen's wives who are directly or indirectly related to the activities of their husbands, have an important role and make a significant contribution to the fisheries sector. This includes women who fish for their subsistence as well as the wives of fishermen involved in fishing<sup>4</sup>.

In 2016, The House of Representatives of the Republic of Indonesia and the government issued laws and regulations that are anticipated to accommodate the welfare of Indonesian fisheries. One such law is Law Number 7 of 2016, concerning Fishermen, Fish Cultivators, and Salt Farmers Protection and Empowerment<sup>5</sup>. This law was specifically enacted to address the protection and empowerment of fishermen, fish cultivators, and salt farmers. This law is very beneficial because it is designed to protect small fishermen and mandates that the government provide financial protection to fishermen in the form of insurance if low harvests occur during the harvest season. This law is very positive because it protects small fishermen and is designed to protect them.

On the other hand, the implementation of this strategy currently needs to be revised due to poor management, unethical practices, and the bureaucracy's superfluous adherence to intricate procedures. This affects fishing villages, particularly the women who work in fishing. As can be seen in the preamble to Law Number 7 of 2016 concerning the Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers, one of the responsibilities of the state<sup>6</sup>, as outlined in the constitution, is to work toward achieving social justice for all of the people who live in Indonesia. In the explanation of the law, the position of fishermen, fish farmers, and salt farmers who have contributed to the development, particularly the economic growth of coastal and rural communities, is stated. These are the people who are considered to be in a favorable situation<sup>7</sup>.

Legislators are well aware of the potential of fishermen, whose livelihoods are jeopardized by various factors, including the accessibility of fuel oil, illegal fishing, overfishing, climate change, and weather. Disease, pollution, the availability of

policy instruments (n = 76)

<sup>3</sup> Edvard Hviding and Graham B. K. Baines, "Community-Based Fisheries Management, Tradition and the Challenges of Development in Marovo, Solomon Islands," *Development and Change* 25, no. 1 (January 1, 1994): 13–39, <https://doi.org/10.1111/j.1467-7660.1994.tb00508.x>.

<sup>4</sup> Setyawati Fitrianggraeni, "Building Business, Enriching Lives: An Indonesian Initiative to Empower Women in the Fishing Communities," *WMU Journal of Maritime Affairs* 18, no. 4 (December 1, 2019): 595–616, <https://doi.org/10.1007/s13437-019-00181-z>. capacity building, development, and welfare of these women who are wives of the fisherman. This paper explores the viability of organizing women into a cooperative to achieve greater gender equality and participation. The paper investigates the grassroots support for such a cooperative to achieve Sustainable Development Goal 5 (equality in gender

<sup>5</sup> Riva Rachmi Kusumah, "The Establishment of a Regional Business Entity of Salt (BUMD) as an Effort to Improve the Welfare of Salt Farmers in Indramayu Regency," *HERMENEUTIKA: Jurnal Ilmu Hukum* 6, no. 2 (August 30, 2022): 342–57, <https://doi.org/10.33603/hermeneutika.v6i2.7488>.

<sup>6</sup> Jeanne Darc Damanik and Wirazilmustaan Wirazilmustaan, "'Ocean Grabbing!': Deprivation of Fishermen's Rights or Management of Coastal and Marine Resources," *Society* 9, no. 1 (June 2021): 289–301, <https://doi.org/10.33019/society.v9i1.216>.

<sup>7</sup> Christophe Béné, *Small-Scale Fisheries: Assessing Their Contribution to Rural Livelihoods in Developing Countries*, *FAO Fisheries Circular*, vol. 1008 (Rome: FAO, 2006).

broodstock and seeds, and the cost of feed are all things that might be problematic for aquaculture operations. Salt farmers encounter challenges related to the environment, fluctuating prices, conflicts over the usage of coastal areas, shifting seasons, poor environmental quality, and insecure land tenure. Poverty, a lack of facilities and infrastructure, limited access to finance, and limited financing are all challenges confronted by fishermen, fish farmers, and salt farmers. This condition has an immediate and direct effect on the members of their respective families. Aside from this, it is undeniable that the initial desire to position Law Number 7 of 2016 concerning the Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers is fundamentally crucial for the protection and empowerment of fishermen, cultivators, and salt farmers<sup>8</sup>. The law protects and empowers fishermen, cultivators, and salt farmers. Regrettably, this statute's definition of "small fisherman households" includes a gender prejudice against women.

Women in the fishing industry often face social isolation due to their roles. In the context of both legislation and policies, the existence of stakeholders and the actions they engage in are frequently disregarded despite their significance<sup>9</sup>. Fisherwomen are also contributing factors to the giant social exclusion trap that threatens their ability to survive. The contribution is in the form of a significant part assigned to women fishermen in the job chain that they perform daily. In particular for those fishermen who only generate a limited amount of fish. The role of women fishermen after going to sea is related to processing and marketing fish and processed fishery products; however, their presence is frequently not counted because the masculinity of work as a fisherman is perceived to be reserved only for men. Even though women fishermen play this role, their presence is frequently not counted. This notion originates from a cultural tradition of delegating different types of labor according to gender. Because men's and women's labor are traditionally kept separate, there is a perception that fishermen are exclusively comprised of men and women in complementary roles<sup>10</sup>.

This study focuses on the problem of gender inequality, particularly concerning the situation of women who work in the fishing industry. Law Number 7 of 2016 regarding the Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers does not adequately address this issue<sup>11</sup>. Studies and actions relating to fisheries and aquaculture have a tendency, in the absence of a gender lens, to primarily evaluate fish productivity and stocks and the knowledge and roles directly associated with them. Applying a gender lens results in a more transparent and comprehensive view of the fishing sector as a whole and its surrounding social context. Because it offers a more comprehensive view of the nature of fisheries, this method serves as the foundation for developing a deeper understanding of the issue and making recommendations for more suitable policies. In addition, looking at fisheries through the lens of gender emphasizes how important it is to take an integrated and comprehensive approach to the supply chain. This is an essential component for a sector that is responsible for producing a commodity that is highly traded.

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<sup>8</sup> Rima Vien Permata Hartanto, Adi Sulistiyono, and Isharyanto Isharyanto, "Feminist Perspective towards the Legal Theory on Fisher-Women's Legal Entity," *Fiat Justisia: Jurnal Ilmu Hukum* 13, no. 4 (November 15, 2019): 345–60, <https://doi.org/10.25041/fiatjustisia.v13no4.1737>.

<sup>9</sup> Edward H Allison et al., "Rights-Based Fisheries Governance: From Fishing Rights to Human Rights," *Fish and Fisheries* 13, no. 1 (March 1, 2012): 14–29, <https://doi.org/10.1111/j.1467-2979.2011.00405.x>.

<sup>10</sup> Heidi Hartmann, "Capitalism, Patriarchy, and Job Segregation by Sex," *Signs* 1, no. 3 (1976): 137–69.

<sup>11</sup> Guntur Fernanto, Suwaib Amiruddin, and Delly Maulana, "Efektivitas Kebijakan Pemberdayaan Ekonomi Masyarakat Nelayan," *Dialogue : Jurnal Ilmu Administrasi Publik* 4, no. 1 (June 28, 2022): 194–214, <https://doi.org/0.14710/dialogue.v4i1.13659>.

## II. RESEARCH METHODS

The research that falls under this category is qualitative and takes a normative legal stance. Taking this method allows for identifying significant facets of legal policy at the heart of the issue at hand. The law that will be analyzed in this study is Law Number 7 of 2016. Law Number 7 of 2016 concerning the Protection and Empowerment of Fishermen, Fish Cultivators, and Fish Farmers and their Derived Regulations Will Be Analyzed In This Study. Using this methodology, these legislative instruments will be analyzed according to categories such as gender representation and gender equality, reasoning about gender roles<sup>20</sup> in the fishing sector; and plans and actions for gender mainstreaming or the lack thereof.

Normative legal examination of Indonesian laws and regulations, namely Law Number 7 of 2016, concerning the Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers. Due to its nature, this article's legal analysis has both prescriptive and normative components. The primary question that will be investigated in this aspect of the study is whether or not the policy fulfills its promise to protect and empower women fishermen on a social, legal, and economic level within the fishing industry. To accomplish this, this article draws upon secondary data from several primary and secondary legal sources. Primary legal sources include statutes, rules, regulations, and case law, whereas secondary legal sources draw upon other secondary legal sources (i.e. legal reviews, journals, guidelines, and legal opinions).

## III. RESULTS AND DISCUSSION

Even though women play a significant part in the fishing industry, they continue to encounter challenges that can limit their access to the resources and assets associated with fishing. For instance, they frequently receive inadequate compensation or none, and their status is unofficial. It is estimated that women make up 70 percent of the world's poor population, which means that women fishermen continue to live in poverty. Due to the minimal position that women play in the value chain of the fishing industry, there is a significant gap in most women's incomes. The results of this poverty have repercussions not only for the ability of women to survive but also for their families. According to Weeratunge et al.<sup>12</sup>, research gender differences have a negative impact not just on women's livelihoods but also on those of all households and communities. This creates a hurdle for these women regarding gaining access to financial resources and policy help. In addition, fishing is generally regarded as an activity involving significant risk. Fisherwomen are especially susceptible to the risk involved in this activity. According to Anna<sup>13</sup>, fisherwomen are exposed to several dangers and uncertainties in their work. These dangers and uncertainties not only come in the form of risks to the environment but also in the form of competition in the market for fish. These issues demonstrate that women fishermen's significant contribution must be adequately associated with enhancing their living conditions. As a result, their crucial function should be refocused on one that emphasizes economic empowerment. Therefore, boosting women's incomes, educational levels,

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<sup>12</sup> Nireka Weeratunge, Katherine A Snyder, and Choo Poh Sze, "Gleaner, Fisher, Trader, Processor: Understanding Gendered Employment in Fisheries and Aquaculture," *Fish and Fisheries* 11, no. 4 (December 1, 2010): 405–20, <https://doi.org/10.1111/j.1467-2979.2010.00368.x>.

<sup>13</sup> Zuy Anna, "The Role of Fisherwomen in the Face of Fishing Uncertainties on the North Coast of Java, Indonesia," *Asian Fisheries Science Special Issue* 25S (2012): 145–58.

access to information, and ability to participate in decision-making processes can increase the capability of all households and society in general and increase women's empowerment<sup>14</sup>.

Participation in political processes is essential to the advancement of humankind and should be encouraged. In a study by the United Nations Development Program, an analytical framework was presented for the relationship between women's political participation and good governance. The study also provided several examples of situations in which the provision of opportunities for women to be involved in decision-making led to an improvement in the general welfare of society. This paves the way for the development of numerous opportunities to build a more just society in which human rights are safeguarded and gender equality is the norm in both social and institutional settings<sup>15</sup>.

Equality between the sexes refers to a situation in which women and men are afforded the same chances to better their standard of living and are accorded the same legal protections for their rights<sup>16</sup>. Because of the growing understanding that discrimination against women is a product of society and the patriarchal system, gender equality has emerged as one of the most pressing issues of our time. Through establishing laws and regulations and their subsequent enforcement, the government is obligated to respect, fulfill, and safeguard human rights, especially women's rights. Because all persons are born with equal dignity, the concept of gender equality is representative of human rights<sup>17</sup>. In light of this, the state is obligated, within the context of gender equality, to ensure that women's and men's rights in the political

<sup>14</sup> Athiqah Nur Alami and Sandy Nur Ikfal Raharjo, "Recognizing Indonesian Fisherwomen's Roles in Fishery Resource Management: Profile, Policy, and Strategy for Economic Empowerment," *Journal of the Indian Ocean Region* 13, no. 1 (January 2, 2017): 40–53, <https://doi.org/10.1080/19480881.2016.1275329>.

<sup>15</sup> Daniel Aguirre and Irene Pietropaoli, "Gender Equality, Development and Transitional Justice: The Case of Nepal," *International Journal of Transitional Justice* 2, no. 3 (October 2008): 356–77, <https://doi.org/10.1093/ijtj/ijn027>. development and gender equality have been overlooked and underdeveloped in both theory and practice. Transitions are rare periods of rupture that offer opportunities to reconceive the social meaning of past conflicts in an attempt to reconstruct their present and future effects. The peace-building initiatives unfolding in Nepal encourage a timely examination of the application of the right to development to transitional justice mechanisms. This right embodies much more than economic growth; it is a human rights-based process that aims to empower marginalized groups. In Nepal, this must include women, who not only bore the brunt of the conflict but also continue to suffer systematic discrimination. Many of Nepali women's preexisting problems stem directly from inequality and underdevelopment. This article suggests that transitional justice should go beyond retributive and restorative approaches to consider the economic, social and cultural inequalities that fuel conflicts while setting the foundation for a permanent rights-based development programme that ensures the viability of women's rights in the future. A redistributive approach to transitional justice based on the legal and political process of the right to development is crucial to achieving gender equality in Nepal and avoiding renewed cycles of violence." container-title:"International Journal of Transitional Justice","DOI":"10.1093/ijtj/ijn027","ISSN":"1752-7716","issue":"3","note":"\_eprint: <https://academic.oup.com/ijtj/article-pdf/2/3/356/6954409/ijn027.pdf>","page":"356-377","title":"Gender Equality, Development and Transitional Justice: The Case of Nepal","volume":"2","author":{"family":"Aguirre","given":"Daniel"},{"family":"Pietropaoli","given":"Irene"},"issued":{"date-parts":[["2008",10]]}},"schema":"https://github.com/citation-style-language/schema/raw/master/csl-citation.json"

<sup>16</sup> Catharine A. MacKinnon, "Reflections on Sex Equality under Law," *The Yale Law Journal* 100, no. 5 (1991): 1281–1328, <https://doi.org/10.2307/796693>. Reflections on Sex Equality under Law, \\ uc0\\u8221{ \\i{The Yale Law Journal} 100, no. 5 (1991

<sup>17</sup> Francisca Fernando et al., "Tackling Legal Impediments to Women's Economic Empowerment" *IMF Working Papers* 2022, no. 037 (February 2022): 1, <https://doi.org/10.5089/9798400203640.001>. \\ uc0\\u8221{ \\i{IMF Working Papers} 2022, no. 037 (February 2022

sphere, as well as in the economic sphere, the social sphere, and the cultural sphere, are treated in an equally respectful manner. Equality between the sexes is based on three guiding principles: substantive equality, non-discrimination, and the role of the state to respect, fulfill, and safeguard its citizens' rights<sup>18</sup>.

The Sustainable Development Goals (SDGs), also known as the Global Goals or in Indonesia as the Sustainable Development Goals (TPB), are a universal call to action to end poverty, protect the planet, and ensure that all people enjoy peace and prosperity. In addition, Sustainable Development Goals (SDGs) are also known as Global Goals. In general, the Sustainable Development Goals serve as a guide for nations to follow in their efforts to end poverty, safeguard the environment, and guarantee that all people live in peace and prosperity. In September 2015, in New York City, the United States, the United Nations (UN) held its 70th General Assembly, which constituted a new historical point in the progression of global growth. There were a total of 193 heads of state and world governments present to reach an agreement on a new universal development agenda. This new agenda is contained in a document titled *Transforming Our World: the 2030 Agenda for Sustainable Development*. This document contains 17 Goals and 169 Targets that are applicable from the years 2016 to 2030. This document is recognized by the acronym SDGs, which stands for the Sustainable Development Goals<sup>19</sup>.

The Sustainable Development Goals (SDGs) are a continuation of the Millennium Development Goals (MDGs), which were agreed upon by UN member states in the year 2000 and completed in 2015. However, there are significant distinctions between the two in terms of the composition of the ingredients and how they are made. In contrast to their forerunners, the Sustainable Development Goals (SDGs) take into account development issues more comprehensively. This is accomplished qualitatively (considering development issues not included in the MDGs) and quantitatively (aiming for the full completion of each goal and target). The Sustainable Development Goals (SDGs) are universal<sup>20</sup>. They give an equal and balanced role to all countries – developed countries, developing countries, and least developed countries – to fully contribute to development. As a result, each country has the same roles and responsibilities as the others to accomplish the SDGs.

People, Planet, Prosperity, Peace, and Partnership are the five core principles of the Sustainable Development Goals (SDGs), which aim to strike a balance between the economic, social, and environmental components. These five fundamental principles are referred to as the “5Ps,” They represent 17 Goals and 169 Goals that cannot be separated from one another but must instead be connected to one another and reintegrated to improve the quality of human life.

The promotion of sustainable and inclusive economic growth, abundant and comprehensive employment opportunities and decent work for all people is goal

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<sup>18</sup> Ebenezer Durojaye, “Substantive Equality and Maternal Mortality in Nigeria,” *The Journal of Legal Pluralism and Unofficial Law* 44, no. 65 (January 1, 2012): 103–32, <https://doi.org/10.1080/07329113.2012.10756683>.

<sup>19</sup> Adhi Putra Satria, “Environmental Quality Protection in the Period of Industrialization to Realize Environmental-Based Industry,” *UNIFIKASI : Jurnal Ilmu Hukum* 6, no. 2 (January 2, 2020): 156–63, <https://doi.org/10.25134/unifikasi.v6i2.1962>.

<sup>20</sup> Yukako Inamura and Pankaj Kumar, “Comparing the Efforts, Evaluations, Perceptions, and Wishes of Citizens and Governments Regarding the MDGs and SDGs: A Case Study from Abuja, Nigeria,” *Anthropocene Science* 1, no. 3 (September 1, 2022): 384–95, <https://doi.org/10.1007/s44177-022-00038-w>.

8 of the Sustainable Development Goals (SDGs) <sup>21</sup>. Goal 5 of the SDGs is to ensure gender equality, and this goal is undoubtedly connected to goal 8 of the SDGs. The participation of men and women in informal employment in the non-agricultural sector is one of the global indicators that will be used to measure whether or not these aims have been met, as stated in target 8.3 of the Sustainable Development Goals (SDGs). Target 8.5, which calls for full, productive, and dignified employment opportunities for all men and women, also strongly emphasizes the importance of gender equality in the workplace <sup>22</sup>.

The fisheries, aquaculture, and salt aquaculture industries all contribute significantly to Indonesia's economy and are the primary sources of income for many of the country's population. Despite this, women and men continue to face disparities and inequities in these fields, with women frequently encountering problems such as limited access to resources, training, and opportunities for promotion. Men, on the other hand, continue to face disparities and inequities in these fields.

The Indonesian government has passed Law no. 7 of 2016 About the Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers to rectify these gaps, promote equality, and increase the level of empowerment among these groups. This law acknowledges the significance of ensuring the safety and well-being of all participants in various fields, including those who identify as female and participate in these activities.

The law defines the protection and empowerment of fishermen, fish cultivators, and salt farmers as "all efforts to assist fishermen, fish cultivators, and salt farmers in dealing with difficulties in conducting fishery or salt business." This provision is found in article 1, paragraph 1 of the law. This means that the law provides a framework for addressing the challenges faced by women in the fisheries, aquaculture, and salt aquaculture sectors and promoting their participation and success in these industries. Additionally, the law encourages women to participate in these industries.

The law acknowledges the necessity of addressing women's gender-specific obstacles in these areas and establishes provisions for advancing gender equality

<sup>21</sup> Florianus Rooslan Edy Santosa, I Gede Arimbawa, and Ronny D Nasihien, "Environmental Health Risk Assessment (EHRA) to Achieve the Target of Universal Access 2020 on Domestic Waste Water Sector in Blitar Districts," *International Journal of Integrated Engineering* 11, no. 9 (2019): 132-40.

<sup>22</sup> Shirin M. Rai, Benjamin D. Brown, and Kanchana N. Ruwanpura, "SDG8: Decent Work and Economic Growth – A Gendered Analysis," *World Development* 113 (January 1, 2019): 368-80, <https://doi.org/10.1016/j.worlddev.2018.09.006>. inclusive and sustainable economic growth, full and productive employment and decent work for all. Even as it highlights the importance of labour rights for all, it also makes visible some significant tensions. We note, for example, that despite many critiques of narrow economic measures of growth, the focus here remains on GDP and per capita growth. This is problematic, we argue, because the GDP productive boundary excludes much of social reproductive work. This puts SDG8 in tension with SDG 5 which calls for the recognition of the value of unpaid care and domestic work. There has been a significant increase in the rate of working women in the formal and informal sector. However, there has not been a subsequent gender shift in the doing of social reproductive work. In this paper we argue SDG 8's focus on decent work and economic growth is inadequate; that productive employment and decent work for all men and women by 2030 needs to take into account the value and costs of social reproduction. We trace key historical debates on work to argue that both gender and labour rights have to underpin SDG 8 if its promise of inclusive, sustainable and decent work is to be realized.,"container-title": "World Development","DOI": "10.1016/j.worlddev.2018.09.006","ISSN": "0305-750X","journalAbbreviation": "World Development","page": "368-380","title": "SDG 8: Decent work and economic growth – A gendered analysis","volume": "113","author": [{"family": "Rai","given": "Shirin M."}, {"family": "Brown","given": "Benjamin D."}, {"family": "Ruwanpura","given": "Kanchana N."}], "issued": {"date-parts": [{"2019, 1, 1}]}, "schema": "https://github.com/citation-style-language/schema/raw/master/csl-citation.json"}>



and women's empowerment. For instance, the law mandates that the government create and implement policies and programs that promote equal opportunities and treatment for both women and men and eliminate discrimination and barriers to women's participation and success in these sectors. In addition, the law mandates that the government establish and implement these policies and programs by a specific date.

In addition, the law mandates that the government must make it possible for women to fully participate in the fisheries, aquaculture, and salt aquaculture industries by providing them with access to resources, training, and support for them to do so. This is done to ensure that women can achieve success in these fields. This includes provisions for financial and technical help and access to information and services connected to these industries. Also included in this provision is access to information and services.

The law can potentially improve the lives and livelihoods of women working in the fisheries, aquaculture, and salt aquaculture sectors. It also can contribute to the expansion and stability of the Indonesian economy. These potential benefits can be achieved by addressing challenges unique to women and promoting equality and empowerment.

According to the findings of the research, it is clear that the conditions of gender equality and women's emancipation in women fishermen vary across several regions, particularly between the regions of Brebes Regency, Kendal Regency, and Batang Regency (located in the North Coast Region of Central Java), and Pati and Rembang Regency. Specifically, these variations can be seen in the Brebes, Kendal, and Batang Regencies (South Coast Region of Central Java). In this instance, women fishermen in the Kendal and Batang districts are subject to discrimination based on their gender when it comes to accessing programs developed by the government.

To achieve gender equality in Kendal Regency concerning fishermen's insurance, it is essential to determine the number of fishermen who are beneficiaries of fisherman insurance. There will be 950 individuals eligible to receive fisherman's insurance benefits for the two years, beginning on November 10, 2021, and ending on November 10, 2022. The premium for this insurance is Rp. 170.00.00, and at present, the provincial government pays for the premium. The institution Ramayana is responsible for providing insurance services. The provision of this premium assistance is required by Article 7 paragraph (2) of the Regulation of the Minister of Maritime Affairs and Fisheries Number 18/PERMEN-KP/2016 concerning Risk Protection Guarantees for Fishermen, Fish Cultivators, and Salt Farmers. This regulation states that: The guarantee of protection against the risk of work accidents or loss of life as referred to in paragraph (1) is provided in the form of assistance in the form of insurance premium payment ass.

One of the things that are ironic about fisherman insurance in the realm of implementation is the understanding that the subject of fisherman's insurance is the owner of the ship and the crew of the ship, who are men; as a result, all participants in fisherman insurance in Kendal Regency are only men, and there are no women. This is one of the things that is ironic about fisherman insurance. Because the definition of a fisherman in the Regulation of the Minister of Maritime Affairs and Fisheries Number 18/PERMEN-KP/2016 concerning Guaranteed Risk Protection for Fishermen, Fish Cultivators, and Salt Farmers states that a person is considered a fisherman if fishing is his or her primary source of income, this is an aspect that needs to be improved.

The recipients of the fishermen's insurance are all men, which is different from the technical standards for the fishermen's insurance in Central Java, which stipulate very plainly that at least one of the fisherman's insurance recipients must be a woman. It is a manifestation of gender inequity and a disregard for the significant contribution women make to the fisheries industry that fisherman's insurance does not cover female fishermen as one of the subjects of coverage.

Several studies, one of which was conducted by Ratna Indrawasih<sup>23</sup>, have shown that women play a significant part in enhancing the quality of life for their families who work in the fishing industry. Women who come from fishing families typically fulfill two tasks simultaneously: one is that of a housewife, and the other is that of a productive member of the family, which might involve acting not only as an additional breadwinner but even as the primary breadwinner. Women are almost always involved in all of the productive activities: pre-production activities such as fishing equipment and supplies; production activities such as exploration of marine resources by taking marine resources on land and in coastal waters, cultivating seaweed, and catching fish with nets or *sero* (fixed circular net); carry out post-production activities or activities after catching fish or other marine products including fresh fish processed into salted fish or *asar* (smoked) fish, shredded, and various other forms; and post-production activities or activities after catching fish or other marine products including fresh fish. Women are known to possess resilience, perseverance, and a strong work ethic when it comes to carrying out these two tasks because they pursue these activities. In a cruel twist of fate, these women continue to face prejudice in their roles as fishermen's wives.

Batang Regency is another region in Central Java that is helped by fishermen's insurance. This region is located in Batang. The number of fishermen and crew members in the Batang Regency amounts to 6,300 individuals. It is anticipated that 785 fishermen will be eligible for help through the fisherman insurance program in 2021. There are 174 leading fishermen, 58 labor fishermen, 20 fishermen without boats, six *jukung* boats, 189 owners, seven crew members, 222 boat owners, and 103 fishermen. The details of the number of fishermen are as follows: 174 central fishermen, 58 labor fishermen, 20 fishermen without boats, and six *jukung* boats. Because the fishing industry is predominately comprised of men, there have been no females whom the fishermen's insurance assisted up until now. This is an important fact that needs to be highlighted. If the vessel that is the subject of the fisherman's insurance program is registered in the woman's name, then the woman is permitted to obtain the fisherman's insurance. This demonstrates strong currents of gender discrimination in fishing communities, which must be dealt with before women can

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<sup>23</sup> Ratna Indrawasih and Lengga Pradipta, "Pergerakan Sosial Perempuan Pesisir dalam Memperjuangkan Hak Asasi Manusia dan Kesetaraan Gender," *Satwika : Kajian Ilmu Budaya dan Perubahan Sosial* 5, no. 1 (April 10, 2021): 105–17, <https://doi.org/10.22219/satwika.v5i1.15537>. kontribusi dari laki laki dan perempuan sangat dibutuhkan. Menurut data terkini, terdapat 2.7 juta nelayan di Indonesia dan mayoritas berada di garis kemiskinan. Nelayan yang masuk dalam kategori ini bukan hanya nelayan laki-laki, namun juga nelayan perempuan. Berbicara mengenai nelayan, laki-laki selalu menjadi sentra utama dalam kegiatan perikanan. Namun pada kenyatannya, di beberapa daerah di Indonesia, kaum perempuan cenderung memiliki peranan lebih signifikan dibanding laki-laki, baik di area domestik maupun pada kegiatan produktif yang berhubungan dengan perikanan. Artikel ini bertujuan untuk menganalisa keterlibatan serta peran perempuan pesisir dalam memenuhi kebutuhan hidup keluarganya serta memberikan pemahaman mengenai kondisi serta pergerakan sosial perempuan pesisir Demak, agar keberadaan mereka diakui oleh pemerintah. Artikel ini dibuat berdasarkan hasil penelitian di Kabupaten Demak dengan menggunakan metode kualitatif melalui pengumpulan data primer (ke lapangan

gain access to fisherman's insurance.

In the fishing communities of Indonesia, gender inequality is an ongoing issue, and as a result, women fish farmers are frequently subjected to prejudice and have restricted access to resources. This creates a massive obstacle for them regarding their capacity to earn a living, provide for their families, and participate in the community's decision-making process.

Insurance can significantly reduce the negative consequences of gender inequality experienced by female fish producers in Indonesia. Insurance can help these women better manage the risks associated with their livelihoods and lessen the likelihood of suffering a financial setback by acting as a safety net.

The provision of insurance that is expressly geared toward satisfying the requirements of female fish farmers is one strategy that might be utilized in providing insurance for Indonesia's fishing communities. This could include coverage for losses from equipment failure, adverse weather, or other risks that are unique to the fishing industry. Additionally, insurance products might be made more accessible and inexpensive to women fish farmers, who may face more significant financial constraints and restricted access to formal financial institutions. This could be addressed in the design of insurance products.

One other approach to addressing gender imbalance through insurance is to ensure that female fish farmers are included in the decision-making processes around the creation and execution of insurance programs. This may involve speaking with female fish farmers to understand the unique challenges and threats they face and then incorporating their feedback into developing insurance policies. Additionally, women fish farmers might be allowed to participate in the distribution and management of insurance programs, which would assist in ensuring that the benefits of insurance are directed toward those in the greatest need of them.

It is essential to address broader gender-based impediments to economic empowerment to make insurance programs for fishing villages in Indonesia more effective. These communities are comprised mainly of women. This could include programs that broaden women's access to education, enhance women's financial literacy and business abilities, and give women a stronger voice in the decision-making bodies of their communities.

In the end, developing insurance programs that address gender inequality against women fish farmers in Indonesia will require a multi-faceted approach that recognizes the complex and interconnected nature of the challenges faced by these women. This approach is necessary because of the nature of the problems that women face in the fish farming industry. Insurance has the potential to play a significant part in advancing the cause of economic equality and alleviating poverty in these communities if actions are taken to address the problems identified, and assistance is provided to female fish producers.

The discussion of female fishermen turns out to be very limited. They are rarely considered because the concept of "fisherman" is typically understood to refer to people who catch fish. Since of this, women fishermen need access to loans, processing technologies, cold storage facilities, or the government's training. This has a detrimental impact on women fishermen because it prevents them from being able to participate in the fishing industry. This problem demonstrates that despite the efforts made by the state to promote the welfare of communities engaged in

small-scale aquaculture, women fishermen are still being left behind or do not merit such help. Recent research has shown that the contribution of women to the field of aquaculture is becoming more critical than it has ever been. According to the country's official statistics, women make up approximately 42% of the labor in aquaculture villages across Indonesia. When the secondary sector of farming, which includes pre- and post-harvest operations, is factored in, this number represents even more than half of the entire workforce.

The female fisherman of the Pati Regency presents a reality that deviates from the norm. This is because women in this district have important positions in the fishing business, especially compared to men. Consequently, fisherwomen in Pati Regency rely on something other than the fishermen's insurance program administered by the government. Even though men have traditionally held the majority of leadership roles in the fishing business, female fishermen in Pati Regency have carved out a distinct space for themselves. This reality is different from the norm because women in this district hold important positions in the fishing business, defying the traditional gender roles and expectations placed on women in this industry.

The presence of women in the fishing business challenges the traditional assumptions that have been made about gender and employment. This is true both in terms of the legal system and the culture. This change is evidenced in the fact that fisherwomen in Pati Regency no longer depend on the fisherman's insurance program offered by the government. This demonstrates a change in the understanding of women's role and their contributions to the fishing industry. It also recognizes the equal involvement and importance of women in the sector.

The aggressive efforts taken by both the government and the community to promote gender equality and women's empowerment can be credited with bringing about this development. For instance, the government might have established policies and programs to encourage and facilitate women's economic participation and to ensure that women in the fishing sector have equal access to educational and occupational development possibilities. Recognizing the value of women and their contributions to the fishing business, the community may have also tried to shift cultural attitudes and views about gender and labor.

However, it is essential to remember that the circumstance in Pati Regency does not serve as a model for the entirety of the country or even the fishing industry. There is still much work to be done to ensure that women are treated equally in all facets of society. Female fishermen may continue to experience obstacles and discrimination in other areas.

To alleviate gender disparity experienced by women fishermen in Indonesia, Indonesia's legal structure must play a significant role. Existing gender biases and power dynamics in the fishing industry can be upheld by the laws and regulations that control the business, or those same laws and regulations can challenge them. As a result, it is indispensable to investigate and make changes to the existing legal framework to address the gender imbalance in the fishing business.

To begin, the structure of the legal system is the foundation upon which women's rights and safeguards are built. How much access women have to resources, opportunities, and rights in the workplace is primarily determined by the laws and regulations that govern the fishing industry. Women fishermen will have a more substantial basis for challenging and addressing gender-based barriers and obstacles, for instance, if laws ban discrimination based on gender. These laws would prohibit

discrimination based on gender.

Second, the form of the law can affect the cultural norms and attitudes surrounding gender and the workplace. For instance, if the legal system acknowledges and celebrates women's contribution to the fishing industry, this can assist in shifting cultural attitudes and ideas around gender roles and the expectations that should be placed on women and men. Legal structures have the potential to play a role in the promotion of cultural change and the elimination of gender barriers if they include provisions for gender equality in their legal frameworks.

Thirdly, the structure of the legal system has the potential to ensure accountability for gender-based abuses and injustices. For instance, if there exist laws that criminalize violence and abuse based on a person's gender, then female fishermen can report such instances and seek legal remedies for them. The legislative system provides a method for holding employers and organizations accountable for promoting and safeguarding women's rights in the workplace.

Through the perspective of Anthony Giddens' structuration theory, one can understand the legal system's impact on gender inequality. [Citation needed] [Citation needed] Human agency is said to both contribute to and be contributed to by social structures such as the legal system, according to this view. In other words, individuals and groups can interact with the legal system and modify it, but the legal framework also constrains the actions and decisions that they can take.

In the context of female fishermen in Indonesia, the existing legal system can either make it easier for them to participate in and benefit from the fishing sector or make it more difficult for them to do so. For instance, rules that restrict women's access to fishing boats and equipment may limit their capacity to engage in the business. On the other hand, policies that offer women in the fishing industry equal opportunities and protections may promote gender equality.

In addition, implementing laws and regulations concerning gender equality is also extremely important in the fight against gender inequality experienced by female fishermen. The issue of gender inequality cannot be adequately addressed by a legal framework that is either not implemented at all or that is only selectively applied. The presence of gender-sensitive institutions and policies, as well as the active participation of key stakeholders in promoting and enforcing gender equality, are essential for ensuring that the legal structure serves as a tool for addressing gender inequality. In addition, the presence of gender-sensitive institutions and policies helps ensure that critical stakeholders actively promote and enforce gender equality.

The legal culture is the primary factor determining how effective law enforcement is in a given society. The concepts of shared values, attitudes, and behaviors about the law and the judicial system are collectively called legal culture. It encompasses the attitudes and behaviors of individuals and institutions towards the law, including how it is perceived, interpreted, and implemented. It also includes how the law is seen, understood, and applied. Legal culture plays a significant role in determining women's experiences and outcomes in the fishing industry, particularly regarding gender inequality. This is especially true in countries where women are significantly underrepresented in fishing jobs.

In the context of gender discrimination against women fishers in Indonesia, legal culture is a significant aspect that can either maintain current power structures or challenge gender norms. This can go either way, depending on how it is interpreted.

For instance, a society's traditional cultural norms and expectations may prohibit women from working in the fishing business because they consider women to be intellectually or physically inferior to males. This can result in legal barriers and discrimination, such as limited access to resources, training, and opportunities for growth. Legal barriers and discrimination can be avoided by following these steps.

On the other hand, a supportive legal culture can help address gender inequality by promoting gender-sensitive policies and practices and encouraging equal participation and representation of women in the fishing industry. In this way, a supportive legal culture can contribute to the elimination of gender inequality. This can involve efforts to repeal discriminatory laws and regulations and create a legal environment that supports women's empowerment and equality.

In the Indonesian context, where the fishing industry is a significant contributor to the national economy and the primary source of income for many villages, legal culture is particularly essential. Women's engagement in and success in the fishing industry can have far-reaching positive benefits, including improvements in economic stability and growth and increases in women's social and political power. As a result, it is of the utmost importance to gain an understanding of the role that legal culture plays in determining the experiences and outcomes that women in the fishing industry have, as well as to devise strategies that will promote a legal culture that is supportive and tackles the issue of gender inequality. This can involve measures to increase awareness and influence cultural attitudes and beliefs, to provide education and training on gender-sensitive legislation and policies, and to promote equitable representation and participation of women in decision-making processes.

#### **IV. CONCLUSION**

Batang, Kendal, and Pati districts in Central Java have each chosen a unique strategy to ensure that female fishermen are afforded the same rights and opportunities as their male colleagues in the industry. This is because female fishermen in the districts of Batang and Kendal face sexism and prejudice because of their gender. This is because female fishermen in these two locations need to be recognized by the government for them to be eligible for amenities like fisherman's insurance. This is because the woman's status does not involve the possibility of her owning the ship. This position is unique from that of women who live in the Pati Regency because those women do not experience any gender discrimination, including subordination, for example. As boat owners, directors, and recorders, women fishermen in this area hold significant positions and play crucial roles.

Additionally, women fishermen in this district have crucial positions in the industry. Because of this, women fishermen in this district have a distinct advantage over their male counterparts. In fishing communities, it is common for women to take on administrative roles, such as presiding over auctions and maintaining records. Women are believed to be more cautious and choosier than men, which is why you will see more women than men participating in the bidding process.

The government, on both the central and regional levels, must put gender mainstreaming policies and practices into effect in law, structure, and legal culture. This obligation extends to the domains of structure and legal culture as well. The regional government of Central Java Province ought to adopt a pro-woman fishing policy to accommodate women fishermen's rights to seek support. This would be the

very minimum.

The rules, practices, and norms that define society and impact how individuals are treated and their experiences are examples of the legal framework and culture. Policies and procedures known as “gender mainstreaming” aim to ensure that gender concerns are incorporated into the structures above and cultures. This will help advance gender equality and cut down on gender-based discrimination.

In the sphere of laws, the government on both the central and regional levels is required to enact gender mainstreaming policies and practices. This obligation applies to all levels of government. This means that they are responsible for analyzing the impact that laws and policies have on men and women and making adjustments as necessary to guarantee that the requirements and rights of both sexes are met.

To accommodate women fishermen’s rights, for instance, the regional administration of Central Java Province should adopt a pro-woman fishing policy. This policy should address the issues experienced by women in the fishing sector, such as discrimination in the workplace and a lack of access to services and support. By doing so, the government will be able to contribute to the establishment of a legislative structure and culture that is more inclusive of and equitable for women working in the fishing industry, as well as promote gender equality in the larger society.

It is essential to emphasize that incorporating gender equality principles and practices into policies and procedures must be an ongoing process, not a one-time occurrence. To ensure that these laws are effectively promoting gender equality and decreasing discrimination, the government must continually monitor and analyze the effects of these policies and make changes as necessary.

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