

# Protection of Children and Women's Rights in Indonesia through International Regulation Ratification

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Protection of human rights doesn't differentiate between age and sex, anyone has the right to get protection. Indonesia as a law country is obliged to protect the human rights of its citizens, as well as Indonesia's is as a member of the United Nations which obliges it to ratify rules relating to women and children's protection. This article will discuss the extent of ratification carried out by the Indonesia government to illuminate children's and women's rights. This type of law research is also commonly referred to as doctrinal law research or as a literature review. It is called doctrinal law research because this research is only aimed at written regulations and it is very closely related to literatures because secondary data is required in the literature review. The results of this research show that the Indonesian government has brought forward children's rights with the ratification of the Convention on the Rights of the Child in the Presidential Decree of the Republic of Indonesia Number 36 of 1990. Besides that, it also resulted in Child Protection Law. Meanwhile for the protection of women, Indonesia ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1984 through Law Number 7 of 1984, concerning Ratification of the Convention regarding the Elimination of All Forms of Discrimination against Women, which afterward was followed by Presidential Instruction Number 9 of 2000 concerning Gender Mainstreaming, and Law Number 23 of 2004 about the Elimination of Domestic Violence so that, women in Indonesia are more protected.

**Key words:** *Children's Rights, Women's Rights, Ratification.*

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## Introduction

The development of human rights as an element of public welfare, begins with the concept of a sovereign state which has the aim of advancing general welfare as stated in the Preamble of the 1945 Constitution. The concept in advancing public welfare is in line with the idea of protecting human rights which becomes a recognition of everyone's rights (Manan, 2006).

Article 27 paragraph (1) of the 1945 Constitution, explains the recognition of the equality principle for all citizens without exception. This principle of equality eliminates discrimination therefore, every citizen has the same rights before law, and government regardless of religion, ethnicity, sex, position, and class. The term 'citizen' naturally implies children, women, and men. With the recognition of equal rights for citizens, it means that among children, men, and women, there is no difference. The recognition of the equality principle before law and government in the 1945 Constitution shows that the founders of the Indonesian state, before establishing the state, were well aware of the importance of protecting human rights (Kania, 2015).

At the level of implementation of state administration, discrimination and injustice happens against children and women (Arminanto, 2013). Children and women are always left behind, and marginalised in the fields of economy, education, health, working, and also in politics. One of the reasons is the patriarchal culture that has developed in Indonesian indigenous people (Sahputra, 2019). In a society with a patriarchal culture, men have more of a role in holding power which can automatically degrade the roles, and existence of children and women, who should have the same right or opportunity to participate in every aspect of social, and state life (Ngah & Rahman, 2014). So if there is discrimination against children and women, it is therefore a form of women's human rights violation which follows the principle of equal rights in all fields.

Juridically, at the international and national levels, Indonesian legal instruments and regulations recognise the principle of equal rights among children, men, and women (Simbolon, 2018). In general, it can be said that there is an international agreement to bind member countries that must require ratification regarding Conventions on the Rights of the Child (CRC) which is the most comprehensive national and international human rights legal instrument to promote and protect children's rights (Cuellar, 2009). CRC is the first convention that completely guarantees the protection of children's rights in economic, social, culture, civil, and political fields. The CRC is also the first international legal instrument which explicitly recognises children as active owners of their own rights (Willems, 2006). This convention establishes standards for the treatment, care, and protection of all children.

Meanwhile, the issue of rights inequality for women has been responded to by the international community through the Convention on the Elimination of All Form of Discrimination Against

Women (CEDAW) which was ratified by Law Number 7 of 1984 concerning Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (Laurensius Arliman S, 2017). It is arranged according to the needs of the times, and driven by social and cultural conditions in Indonesia which have changed all forms of male, and female relations.

Then, to what extent has the Government of Indonesia ratified the promotion of children's rights protection, as well as women's rights?

## **Literature Review**

### **Child Protection in the Constitution**

The provisions of Article 28 B paragraph (2) of the 1945 Constitution emphasises that: "Every child has the right to survive, grow, and develop, as well as having the right to protection from violence and discrimination". This provision has provided a solid foundation that children have the right to live, grow, develop as well as be entitled to obtain protection from violence, exploitation and discrimination. As part of the global community Indonesia is committed to ensuring the fulfillment of children's rights and children protection which are part of human rights including the right to live, to survive, to develop, to participate optimally in accordance with human dignity, and to receive protection from violence and discrimination for the sake of creating prosperous, qualified, and protected Indonesian children (Noerdin, 2005).

Child protection is also emphasised in Article 28 D paragraph (1) of the 1945 Constitution which states "everyone has the right to have recognition, guarantees, protection, and equal legal certainty as well as the same treatment before law". In addition, it also supports the welfare of child protection. Child welfare can ensure proper growth and development both spiritually, physically, and socially in a child's life. This refers to Article 34 of the 1945 Constitution which states "The poor and neglected are cared for by the state".

In definitive terms, the 1945 Constitution does not mention defining children (Asshiddiqie, 2015). Understanding and giving meaning to children can be seen in Article 34 of the 1945 Constitution which states: "The poor and neglected children are cared by the state". This implies that children are legal subject of national laws that must be protected, nurtured, and fostered to achieve children's welfare. In other words, the child is the governments, and society's responsibility (Sudrajat, 2011).

### **Protection of Women**

Every female Indonesian citizen has the same constitutional rights as male Indonesian citizens. Namely the right to citizenship status; the right to equal position in law and government; the right to live and defend; the right to survive, grow and develop; the right to self-development

through the fulfillment of basic needs, to get education, and to have benefit from knowledge, technology, art, and culture; the right to social security which enables complete development as a human with dignity; the right to communicate and obtain information for personal development and social environment; the right to get education; the right of freedom; the right to freely embrace a religion and worship according to their religion; the right to choose education freely, teaching, employment, citizenship, residence; the right of freedom of association and assembly; the right to express thoughts and attitudes according to conscience; the right to see, obtain, possess, store, process and convey information using all available channels; the right of livelihood and decent work for humanity; the right to work and receive fair and proper remuneration and treatment in an employment relationship; the right not to be enslaved; the right to own private property; the right to reside; the right to live in physical and spiritual prosperity; the right to have a good and healthy living environment; the right to obtain health services; the right to form a family; the right to get recognition, guarantee, and protection as well as legal certainty; the right to be free from threats, discrimination and violence; the right of personal protection, family, honor, dignity and property under their control; the right to promote himself and fight for his rights collectively and the right to have freedom of association, assembly and expression (Erlina, 2012).

Women also have the right not to be treated in a discriminatory manner because of their status as women or other grounds as basis for differentiation (Krisnawaty, 2010). The Indonesian Constitution, Article 27 and 28 I paragraph (2) of the Constitution of the Republic of Indonesia contains and affirms the principle of freedom from discrimination. The principle of non-discrimination, together with equality before the law and equal protection without discrimination, is a basic and general principle with regard to the protection of human rights.

Protection and fulfillment of constitutional rights of citizen must be carried out in accordance with the condition of various citizen. The reality of Indonesian society shows that there is a difference in the ability to access the protection and fulfillment of the rights granted by the state. The difference in ability is not due to the will of a particular group but, because the social structure that develops, it tends to marginalize it (Savitri, 2008). So, it is very appropriate then, in Article 28 H paragraph (2) of the 1945 Constitution, also guarantees the right to have convenience and special treatment to obtain equal opportunities, and it has benefits in order to achieve equality and justice. This convenience, and special treatment are part of corrective, and temporary in nature until equality and justice are achieved (Saparinah Sadli, 2000).

## **Research Methods**

A literature review was conducted for this research. The data obtained from the literature review is primary data. Primary data is divided into 2 types of legal materials (Laurensius Arliman S, 2018): a) Primary legal materials are materials which have binding characteristic; and b) secondary legal materials are materials which have non-binding characteristic, and

function to provide explanations for primary legal materials as well as supporting materials, it consists of: books related to legal protection; books related to children's rights; and journals, internet materials, and scientific papers related to the problems under study.

This type of legal research is also commonly referred to as doctrinal legal research or literature review research. It is called doctrinal law research because it is only aimed at written regulations so that, this research is very closely related to the literature review because it will require secondary data. Data will be obtained from the literature review then, grouped, selected, and analysed. The method used by researchers to analyse data is a qualitative method. Data obtained through the literature review is then analysed based on existing legal theories, and applicable laws as well as regulations. The results of subsequent analysis are presented descriptively.

## **Results and Discussions**

### **Ratification of the Convention about Rights of the Child in the Law and Regulations System in Indonesia**

In connection with the ratification or CRC ratification, CRC is the first international instrument which binds, legally containing a wide range of civil, cultural, economic, political, and social rights. By agreeing to be bound with obligations which have been determined by CRC through ratification, the government of the Republic of Indonesia has demonstrated its commitment to protect, and guarantee children's rights, and it has agreed that they will take responsibility for their commitments in front of the international community. As a state party (Hendra Sudrajat, 2018), Indonesia is obliged to develop, and take all actions as well as policies in the best interests of children.

Problems related to human rights are part of political problems because they place the State as the main actor that will accept international commitment in carrying out its obligations through legal reformation (Bahder Johan Nasution, 2013). In addition, human rights will also affect the course of foreign policy because the issue of human rights is one of the strategic issues in international relations. So that, if indeed Presidential Letter Number 2826/ HK/ 1960 is used as a guideline for making, and ratifying international treaties then, it is used as one of the considerations in doing ratification for the CRC at that time thus, the proper form of ratification to this international instrument is through the constitution, not by a presidential decree (Gatot Gunarso, 2016). In implementing foreign policy for the national interest, the Indonesian government must carry out various efforts, including ratifying international human rights instruments.

CRC has occupied a position in the growth of human rights legal instruments (Varadan, 2015) which is adopted by United Nations and has been ratified by 196 countries. Fortunately, when



other international human rights legal instrument is ratified by Indonesia through constitution, CRC is one of international human rights legal instruments which is ratified by Indonesia through presidential decree. CRC was ratified by Indonesia through Presidential Decree Number 36 of 1990.

Some notes related to the position of Presidential Decree Number 36 of 1990 which hierarchically was under the Government Regulation at the time of enactment of TAP MPR Number III/ MPR/ 2000 (Gani, 2014): 1) When the Government of Indonesia intends to make a law on child protection, Presidential Decree Number 36 of 1990 as an instrument of CRC ratification will be one of its considerations. However, due to the form of a presidential decree, it is certainly not appropriate to make it a consideration of constitution which has a higher position in the hierarchy of laws, and regulations at TAP MPR Number III/ MPR/ 2000. As a result, when the Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection which has been amended two times, with Law Number 17 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection, the Presidential Decree of the Republic of Indonesia Number 36 of 1990 is not taken into consideration for the law even though the Child Protection Law is an explanation of CRC materials; 2) When the Government of the Republic of Indonesia submitted the Second Periodic Report to the Committee on the Rights of the Child on July 7, 2003, the Government of the Republic of Indonesia stated that it was aware of the problem regarding the position of presidential decree which was placed in the fourth place under constitution (HZ, 2014).

At that time, the Government of the Republic of Indonesia committed to increase the instrument of ratification from a presidential decree to becoming a constitution. Here is an excerpt of the Second Periodic Report: “A further issue related to this ratification is that the instrument of ratification is a Presidential Decree. The use of a Presidential Decree as the instrument to ratify CRC has prompted much criticism within Indonesia, particularly in the recent past, because in terms of its legal position a Presidential Decree is ranked fourth below an Act. In regard to this problem, Indonesia is earnestly considering and exploring ways of raising the instrument of ratification from a Presidential Decree to an Act” (Child, 2003).

In the concluding observation delivered by the Committee on the Rights of the Child in response to this, it was read that the Committee on the Rights of the Child was concerned about providing a legal basis for CRC ratification without involving the legislature. The Committee on the Rights of the Child encourages Indonesia to consider possible support for the ratification of the CRC through legislation. The following is a quote from the conclusion of the observation: “Legislation; 13. The Committee welcomes the important legislative reform undertaken which will provide for the foundations of a State based on democracy and human rights, in particular rights of children. The Committee also shares the concern expressed by the State party that the ratification of the Convention is not backed by an Act of Parliament; 14. The Committee encourages the State party to consider the possibility of supporting the

ratification of the Convention by an Act of Parliament” (UN Committee on the Rights of the Child, 2004).

Until now, CRC has three optional protocols. In 2012, Indonesia has ratified two optional protocols through the Law of the Republic of Indonesia Number 9 of 2012 about Ratification of Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict and Law of the Republic of Indonesia Number 10 of 2012 concerning Ratification of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography. Unfortunately, the Law of the Republic of Indonesia Number 9 of 2012, and the Law of the Republic of Indonesia Number 10 of 2012 cannot include Presidential Decree Number 36 of 1990 in the consideration because the position of Presidential Decrees in the hierarchy of statutory regulation in Indonesia is lower than the Constitution. Based on the background described above, the legal issues that will be discussed in this paper are as follows: The power of the President in the formation of Presidential Decrees regarding the ratification of international legal instruments, and the Position of Presidential Decree Number 36 of 1990 in the system of legislation in Indonesia.

The ratification of CRC by Indonesia has given colour for various policies, and provisions related to children. First, there is an Addition of Article 28B paragraph (2) to the 1945 Constitution of the Republic of Indonesia. Second, the President of the Republic of Indonesia is together with the House of Representatives of the Republic of Indonesia ratified Law Number 23 of 2003 concerning Child Protection. This law as a whole guarantees, respects, and protects children’s rights. Third, the Government of Indonesia establishes the Ministry of Women’s Empowerment and Child Protection as the coordination, and advocacy agency for child protection in Indonesia. This Ministry has the task to compile a national action plan for development in the field of children. And finally, Indonesia established the Indonesian Child Protection Commission as an independent institution to guarantee, respect, and protect children’s rights as stipulated in the provisions, and basic principles of the CRC. This institution jointly collaborates with the Commission on Human Rights and the Commission for the Elimination of the Worst Working Forms of Child Labour in order to guarantee, respect, and protect children’s rights, especially children who are involved in the worst forms of children labour such as work in jermal, mining, shoe factories, prostitution, and child sexual exploitation.

The United Nations Committee on the rights of the child encourages every country which has ratified the CRC to transform from the language of law into policies, strategies, objectives, and programs. In order for each country to understand the basic provisions, and principles in the CRC, the Committee on the Rights of the Child has classified the Articles in the CRC into eight groups or clusters.

The eight CRC clusters are: first, general implementation steps. This cluster contains the provisions contained in Article 4, Article 42, and Article 44. In this first cluster, countries that

have ratified the CRC are asked to ensure fulfilled children's rights through decentralised policies, and programs in each autonomous region contained in the National Action Plan Development in the Field of Children. Another provision is that the committee hopes that the CRC will be disseminated to children, parents, communities, business, and government. In addition, the country or government ensures that there is a training to professionals working with or for children in health, education, social, and law enforcement services.

Second, is definition. Under the provisions of the CRC, what is meant by a child "A child means every human being under the age of 18 years, unless according to the applicable law to the child, it is determined that adulthood is reached earlier (Article 1 CRC)." Article 1 of the CRC is one of the Articles that was reserved by Indonesia in 1990 but, withdrawn on January 11, 2005. This means that Indonesia legally recognises the definition of a child as stated in the provisions of Article 1 of the CRC since 12 January 2005. However, the definition of a child which exists until now is still a difference in the age limits of children in several statutory provisions. The definition of child labour is 15 years (Law Number 13 of 2003 about Employment); The definition of child who can be prosecuted before the law is 12 years (Law Number 11 of 2012 on the Juvenile Criminal Justice System); and other rules.

Third, it is the General Principles of the CRC. The CRC articles regulate the CRC principles are Article 2, Article 3, Article 6, and Article 12. There are four CRC principles become basis for consideration of every policy maker, and program. The four principles referred to are, non-discrimination (Article 2), the best interest of the child (Article 3), life, survival, and development (Article 6), and appreciation for children's views (Article 12).

Fourth, is civil rights and freedoms. The CRC provisions contained in the 4th clusters are the right of children for birth registration, names, nationalities, and the right to know if they are raised by parents. Other provisions are included children's rights to identity, freedom of expression, freedom of thought, conscience, and religion. The right of the child for association freedom, and peaceful assembly. Children's right to have privacy, access to appropriate information, and protection from torture, degrading treatment, and deprivation of liberty.

Fifth, it is Family Environment and Alternative Care. There are 10 Articles of the CRC which regulate children's rights to the family environment, and care. In this cluster, children have the right for parental guidance, and children's abilities that are always developing. Parents are responsible for the care of their children in the family environment. The CRC provisions in this fifth cluster are to prioritise the family as the main caregiver, for that reason, the government is obliged to conduct childcare training. Another provision is that children who do not have caregivers are prioritised to be cared by a large family, while orphanages are only the last alternative. The CRC also ensures that the State also does monitoring and reviews of children who are forced to live in orphanages regularly.

Sixth, is Disability, Basic Health, and Welfare. The right of child for health as well as health services, the right of social security, and the right to an adequate standard of living. Other children's rights are the rights of children with disabilities. The important point of this cluster is more focused on preventing the occurrence of children with disabilities. The state ensures to improve reproductive health services, and adolescent mental.

Seventh, is Education, Use of Free Time, and Cultural Activities. The important point in the 7th cluster is ensuring children's rights to education, rest, recreation, and art as well as cultural activities. Children have the right for a free, safe, and comfortable experience at school, free from violence, and the most importantly is the enforcement of non-violent discipline. Children are also actively involved in art as well as cultural activities so that they can inherit local customary traditions that contain other positive values.

Last or eighth, is special protection. The provisions of CRC in this last cluster are children's rights in refugee areas, children's rights in conflict with law, children's rights for protection from sexual exploitation, pornography, and child prostitution as well as the rights of children from natives and minorities. In an effort to implement the basic provisions, and principles in the CRC, the Ministry of Women's Empowerment and Protection developed a "Child Friendly District/ City Policy". It is commitment integration, and government resources, society, and business realm that planned comprehensively, and sustainably in policies, programs, and activities to ensure the fulfillment of children's rights.

The Convention on the Rights of Child (CRC) states that one of the principles contained in it is the best interest of child, every child has the right to get the best for him or herself. In terms of opportunities to get education, neglected children are also entitled to get the best services for child protection.

The provisions which provide constitutional guarantees for human rights are very important, and even considered to be one of the main characteristics for adhering to the principles of law rule in a country (Stephan Kirchner, 2015). However, apart from human rights, it must also be understood that everyone has obligations, and responsibilities that are also human nature. Every person wherever they are should be guaranteed basic rights. At the same time, everyone, wherever they are, is also obliged to uphold the human rights of other people accordingly. The balance of awareness for these human rights as well as obligations is an important feature of the basic view of Indonesian people regarding human, and civilised human beings as well as humanity (Asshiddiqie, 2011).

### **Women's Rights in Mainstreaming CEDAW Ratification**

The issue of rights inequality against women has been responded to by the international community through CEDAW (Ibrahim, 2004). The approval of CEDAW has a specific

objective to protect, and introduce women's rights to the international community. Then, it was finally addressed by the Commission on the Status of Women, a foundation formed in 1947 by the United Nations as an advisory council, and policy maker to improve quality, and the position of women (Apitulay, 2017). CEDAW is recognised as a rule which is expected to be able to protect women from acts of violence, and partiality towards certain gender. CEDAW is also believed to be a legal umbrella that seeks to eradicate discrimination against women which originates from a one-sided understanding of the rights, and obligations as human beings which are essentially created equal by God (Zuhriah, 2008). Therefore, the Indonesian government wants to ratify CEDAW through Law Number 7 of 1984 concerning Ratification of the Convention regarding Elimination of All Forms of Discrimination against Women. The ratification of CEDAW was prepared in accordance with the needs of the times, and it is driven by social, and cultural conditions in Indonesia which have changed all forms of male and female relations (Sumbulah, 2008).

Through Law Number 7 of 1984 concerning Ratification of the Convention regarding the Elimination of All Forms of Discrimination against Women dated July 24, 1994 by making a reservation of Article 29 paragraph (1). This means that Indonesia does not recognise a mechanism for both arbitration, and settlement in the International Court of Justice if there are problems in interpreting the contents of convention with other countries. The contents of article are as follows: "Any dispute between two or more state parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of request for arbitration the parties are unable to agree on the organisation of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request conformity with the Statue of the Court"

This article clearly states that any dispute that occurs between two or more countries regarding the interpretation or application of convention which cannot be resolved through negotiation then, at the request of one of the parties to the disputing state will be submitted to arbitration. If within six months from the date of the request for arbitration request, an organisation is unable to agree on the arbitration thus, either party may submit a dispute to the International Court of Justice upon request in accordance with court procedures.

Countries in the world should not be exempt from complying with the provision of CEDAW under the provision of their national laws. If national law reduces the implementation of an international treaty, the national law must be changed. This obligation is supplemented by the CEDAW article with states that CEDAW participating countries are obliged to amend national laws in order to eliminate discrimination against women, and protect women's rights.

CEDAW has three main principles. First, it is the principle of equality which is an effort to see the substantive equality of men and women. Second, it is the principle of non-discrimination

both sex discrimination and the fulfillment of basic freedoms and human rights. Third, it is the principle of obligation to the state, in this case, the state is the main actor who has responsibility for the realisation of commonality that participating countries are main actors who have the responsibility to ensure the realisation of equal rights for men and women in enjoying all economic, social, cultural, civil rights, and politics.

Joining Indonesia in the CEDAW convention becomes proof that Indonesia is starting to pay attention to the fate of women. For example, in the case of women who are victims of domestic violence. The seriousness of Indonesia was increasingly seen when Law Number 23 of 2004 concerning the elimination of domestic violence existed, and has been in effect since September 22, 2004 (Yanggo, 2007).

With the enactment of the Law on the Elimination of Domestic Violence, problems of domestic violence that were previously considered a domestic problem are brought up into the public domain, so that protection of victim's rights gets a clear legal umbrella. The scope of households in this law includes not only husbands, wives, and children but also, people who have family relations, and living in the household as well as people who help the household, and are living in the household (Article 2). The principles for the Elimination of Domestic Violence as described in Article 3 are for: (1) respect for human rights; (2) gender justice and equality; (3) non-discrimination; and (4) victim protection. The objectives of the Elimination of Domestic Violence as stated in Article 4 are to: (1) prevent all forms of violence in household; (2) protect victims of domestic violence; (3) take action against perpetrators of domestic violence; (5) maintain a harmonious, and prosperous household intact (Arbaiyah Prantiasih, 2012).

The weakness of this law is that the regulatory scope is limited only to the domestic scope, it is those who have family relationship or in the same domicile so that it cannot be applied to victims who do not meet the domestic scope category. Therefore, it is difficult to mention all forms of violence generally whether physical, psychological, economic or sexual violence (especially against female victims) has been regulated in Indonesian law.

CEDAW consists of thirty articles covering different material. Apart from containing discrimination against women, it includes children's rights, socio-politics, socio-culture, economy, and others. In general, the content of CEDAW consists of: (a) Article 116 discusses the Principles in the Convention, (b) Article 79 discusses women's civil, and political rights, (c) Article 1516 discusses the rights of women after marriage (to become wives), and the rights for children due to marriage, (e) Article 1722 concerning the CEDAW Committee and the mechanism for the Report on the implementation of the convention, (f) Article 2330 is about the application of the Convention, ratification of adoption as well as the reservation of the Convention among articles that affirm the rights of women in CEDAW are (Perempuan, 2017):

- 1) Equality of women and men in marriage, they will be given the right to move, and choosing a place of residence;
- 2) Equality of women and men will be guaranteed for rights and responsibilities in family relations, and all matters concerning marriage, especially some rights of women together with men will be guaranteed in the field of marriage;
- 3) Article 16 letter (a) states the equal rights of men and women to enter into marriage ties;
- 4) In Article 16 letter (b) the same right to freely choose a life partner, and to enter into the marriage bond only with free, and full consent;
- 5) In Article 16 letter (c) requires the same rights, and responsibilities during marriage as well as termination of marriage;
- 6) Article 16 paragraph (1) letter (d) recognises the same personal rights as husband, and wife including the right to choose a name, family, profession, and position;
- 7) Article 16 paragraph (1) letter (f) requires equal rights for both husband and wife in relation to objects;
- 8) Article 16 paragraph (2) prohibits engagement and marriage of child (early marriage); and
- 9) The same rights for husband and wife are related to ownership of the acquisition of property management.

The above provisions are in accordance with Law Number 39 of 1999 concerning Human Rights which recognises reproductive rights of women as stated in Article 49 paragraph (3) which reads: “Special rights inherent in women due to the function of reproduction are guaranteed, and protected by law”. In addition, it is also supported by Article 1 paragraph (3), and Article 3 paragraph (3) which explains that discrimination based on sex is prohibited by law. Other legal rules must eliminate discrimination in every aspect of life, social, political, economic, cultural, and legal. The articles in this Human Rights Law are always addressed to everyone, this means that all matters regulated in this Human Rights Law are aimed at all people of all groups, and genders (Komnas Perempuan, 2019).

In addition, CEDAW also initiated the birth of Presidential Instruction Number 9 of 2000 on Gender Mainstreaming (Presidential Instruction Number 9 of 2000). Presidential Instruction Number 9 of 2000 provides an indication of government seriousness in its efforts to eliminate forms of discrimination in all aspects of state life (Patra, 2012). In the preamble to this Presidential Instruction, two things are mentioned, namely: a) In order to improve the position, role, and quality of women as well as efforts to realise gender equality, and justice in family, community, national, and state life, it is deemed necessary to carry out a strategy for gender mainstreaming into the entire national development process; and b) Whereas gender mainstreaming in the entire development process is an inseparable part of the functional activities of all government agencies as well as institutions at the central and regional levels.



The Presidential Instruction is the basis for the existence of a gender perspective for a national development policy, and programs, without exception. Both national and regional policies must have a gender perspective otherwise the policy must be replaced.

## Conclusions

The Indonesian government has promoted the protection of children's rights, and women's rights in view of the ratification of regulations related to children and women. Children's rights began to be recognised, when the Convention on the Rights of the Child was ratified in 1990 through Presidential Decree Number 36 of 1990, this ratification is also initiated amendments to the 1945 Constitution of the Republic of Indonesia which emphasises more on child protection as well as produces Law Number 23 of 2002 concerning Child Protection which has been amended 2 (two) times with Law Number 17 of 2016 about the Second Amendment of Law Number 23 of 2002 related to Child Protection. As for the Protection of women, Indonesia ratified the Convention on the Elimination of All Forms of Discrimination Against through Law Number 7 of 1984 concerning Ratification of the Convention regarding the Elimination of All Forms of Discrimination Against Women in 1984 which was followed by Presidential Instruction Number 9 of 2000 about Gender Mainstreaming, and Law Number 23 of 2004 concerning the Elimination of Domestic Violence so that the protection of women in Indonesia is more protected.

## Limitations and Future Research Directions

This research is limited to the Indonesian Government's policy towards the ratification of international regulations on children, and women that have been enacted. Because at this time, there is also a discussion on the draft law on the elimination of sexual violence by representative of Indonesian houses. Hopefully, this article will become an additional academic reference for the immediate adoption of the draft law on the Elimination of Sexual Violence in order to protect girls, and women from sexual exploitation.

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