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GENDER BLINDNESS AND LEGAL RECOGNITION: FEMINIST CRITIQUE OF INDONESIA'S LAW 7/2016

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ABSTRACT

Women in the fisheries sector serve as vital pillars of production, reproduction, and social cohesion. Despite their vital roles in production and social cohesion, women fishers face systemic exclusion and marginalization within a patriarchal maritime framework that fails to recognize them as legal subjects under Law No. 7 of 2016. This research employs a normative legal analysis, integrated with Feminist Legal Theory and Amy G. Mazur's Feminist Policy Analysis, to scrutinize the gendered substantive gaps in the legislation. The study reveals that the law's gender-blind definition of "fisherfolk" results in indirect discrimination by adopting male-centric standards, which effectively strips women of their identity and obstructs their access to state protection and fundamental rights. Beyond mere regulatory failure, this study utilizes a humanities-based legal analysis to conclude that the law ignores the lived experiences, cultural narratives, and socio-historical presence of women in maritime life. Consequently, this research contributes to the field by advocating for a reframing of legal recognition through a holistic and inclusive modification of statutory definitions to ensure substantive justice for all individuals with respect to fish resources, independent of gendered assumptions. By deconstructing gendered assumptions, this study seeks to transform the law into a site of substantive justice that honors the intersectional reality of maritime communities, ensuring state protection is no longer a gendered privilege.

Keywords: *law No. 7/2016, feminist legal theory, A.G. Mazur, gender bias, women fishers, legal recognition*

INTRODUCTION

Indonesia is an archipelagic country with considerable marine resources, comprising 17,508 islands (both large and small), a coastline of 95,181 km, and a maritime area of 5.8 million km². Furthermore, the strategic importance of Indonesia's location is evident in its proximity to the equator and its position between two oceans, the Indian and Pacific Oceans. Given this strategic position, it is unsurprising that Indonesia boasts the world's highest marine biodiversity.

The vastness of Indonesia's maritime territory and its abundant natural resources present significant employment prospects, particularly within the fisheries sector. As widely documented, fishing represents a significant livelihood in Indonesia. Nonetheless, deliberations concerning this sector frequently fail to acknowledge a crucial demographic: women as fisherfolk. Research by Kusakabe and Thongprasert (2022) shows that women, as fisherfolk, play indispensable roles across three key domains: productive labor in fisheries, reproductive work maintaining households, and social community.

However, the multidimensional contributions of women as fisherfolk that encompass economic and socio-cultural aspects remain systematically undervalued due to entrenched patriarchal norms

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that construct fishing as inherently masculine work (Ferguson, 2021). The prevailing conception of fisherfolk is still very male-dominated, which is an example of how patriarchal norms systematically exclude women in this sector. Women in the fisheries sector serve as vital pillars of production, reproduction, and social cohesion. Despite their essential roles, a deeply rooted patriarchal society continues to marginalize their contributions, framing maritime labor as an exclusively male-centric sphere (Pedroza-Gutiérrez & Hapke, 2021). Furthermore, the lack of recognition of women's identity as fisherfolk is evident in their employment status on their identity cards, which list them as housewives rather than fisherfolk. It shows gender inequality (Kusumawardhani & Susilowati, 2021). According to Walby, this failure to recognize women as important entities in society is rooted in a patriarchal system. The patriarchal system is defined as a social structure and practice in which men dominate, oppress, and exploit women (Walby, 1990). As an implication of this system, men hold a dominant position, while women are subordinate (Article 28A of the 1945 Constitution of the Republic of Indonesia).

The fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia states that the objectives of the Unitary State of the Republic of Indonesia are: (1) to protect the entire Indonesian nation and its territorial integrity, (2) to improve general welfare, (3) to develop the intellectual life of the nation, and (4) to realize social justice for all Indonesian people. This fundamental mandate establishes the state's constitutional obligation to protect and improve the welfare of all citizens, including farmers, laborers, fishermen, entrepreneurs, low-income people, traders, ranchers, and other socio-economic groups. The 1945 Constitution of Indonesia also contains several provisions that guarantee gender equality and legal recognition. Article 27 (2) establishes the principle of equality before the law for all citizens. Article 28D (1) explicitly guarantees the right to "recognition, security, protection, and certainty of fair law." This protection is reinforced by Article 28I (1), which affirms the right of every individual to legal personality and non-discrimination. Article 28I of the 1945 Constitution of the Republic of Indonesia explicitly states that "the protection, promotion, enforcement, and fulfillment of human rights is the responsibility of the state, and more specifically, the government." To achieve the goal of improving the welfare of all citizens, including fishermen, the central and regional governments are obliged to provide protection and empowerment to the community at large. This must be achieved through the implementation of well-planned, targeted, and sustainable programs that facilitate the achievement of a decent and dignified life, as guaranteed in Article 28A of the 1945 Constitution of the Republic of Indonesia. It is an indisputable statement that every individual has the fundamental right to life and the means to defend themselves. In addition, the government is obliged to provide social security to facilitate the full development of society as dignified individuals. The government is also obliged to provide social security to facilitate the full development of individuals as dignified human beings (Article 28H paragraph (3) of the 1945 Constitution of the Republic of Indonesia).

The 1945 Constitution of the Republic of Indonesia occupies the highest position as the supreme law of the land in the Indonesian legal hierarchy, requiring all regulations below it, including laws (UU), to be derived from and to implement these constitutional values. This principle of constitutional supremacy affirms that no provision of any law may contradict the 1945 Constitution, as every legal product must have a basis of validity that originates from a higher norm to ensure legal certainty that is fair and just. This requirement for synchronization shows that law is not merely a formal rule, but is positioned as a strategic instrument and tool for social transformation to oversee state policies so that they remain consistent in realizing the objectives of the state as mandated in the Preamble to the 1945 Constitution, namely to protect the entire nation and promote general welfare (Wijaya, 2021).

Through the enactment of responsive laws, the state explicitly demonstrates its active presence in intervening across various dimensions of life to protect human rights. The transformation of constitutional values into positive legal norms is proof that the state is not passive but rather dynamically supports welfare (welfare state). Each article of the law is designed to construct a social order oriented towards the systematic fulfillment of public interests. Thus, regulations serve as an operational bridge that translates the constitution's abstract ideals into concrete government action in the field. The presence of the state through this legislation ultimately becomes the main key in ensuring that every policy remains within the corridor of achieving sovereign national goals (Hasan, et al, 2024).

Therefore, an analysis of the state's role can be seen in how women as fisherfolk are constructed by law. To promote the welfare of all citizens, with a particular focus on fisherfolk, the Indonesian government has established a series of policies and legislation, Law Number 7 of 2016, concerned with the protection and empowerment of fishermen, fish farmers, and salt farmers. Law No. 7 of 2016, which concerns the protection and empowerment of fisherfolk, fish farmers, and salt farmers, represents a progressive effort to safeguard those working in small-scale fisheries. However, a deeper feminist analysis is necessary, as the legal foundations of this legislation may reflect gender bias. This raises critical questions about how women as fisherfolk are positioned within the Law: Are their lived experiences and realities acknowledged, or are they overlooked? What are the implications for their rights and socio-economic conditions? Interrogating these issues through the lens of feminist legal theory (FLT) uncovers how the law constructs and regulates women in the fisheries sector. Using a normative framework, this study employed FLT and A.G. Mazur's feminist policy analysis to

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critically analyze the legal instruments, namely Law Number 7 of 2016 on the protection and empowerment of fisherfolk, fish farmers, and salt farmers.

Although extensive research has been conducted regarding fisherfolk, studies focusing specifically on women as fisherfolk remain scarce. For instance, a 2017 study on the role of production, reproduction, and social community of women processing green shellfish in Muara Angke, Penjaringan, Jakarta Utara (Wahyuni, 2017) identified three key roles: production (direct and indirect labor in fishing and processing); reproduction (domestic responsibilities); and social community (advocacy for living and workspaces). The role of women as fisherfolk makes a substantial contribution to production, both directly through fishing and indirectly through seafood processing. Women as fisherfolk help enhance household economic stability. Alongside their productive labor, women as fisherfolk maintain reproductive responsibilities and manage domestic duties while actively participating in community social movements.

The feminist perspective adopted in this study is a significant departure from the approaches employed in other studies of fisherfolk. The feminist perspective adopted in this study represents a significant departure from previous approaches used in research on fisherfolk, such as *The Empowerment of Fisherwomen through Financial Literacy,* which emphasizes the domestic economic roles of fisherwomen and the income instability of male fishers (Indriasih et al., 2024). Focusing on women who actively go to sea is rare in the existing literature. Most studies, such as *The Participation of Coastal Women in Increasing Fishermen's Family Income in Tamarupa Village*, still focus on post-harvest or supplementary economic roles rather than on women's direct fishing experiences (Fadiah & Safaruddin, 2022). An analysis grounded in women's lived.

On the other hand, from a feminist perspective, considerable research has been conducted on the law. Thus, the distinguishing feature of the current study is its focus on the challenges faced by women as fisherfolk. The novelty of this study is multifaceted. Firstly, the utilization of theoretical frameworks is imperative; secondly, the subject of the study. The present study focuses on women as fisherfolk, particularly those who go out to sea. This study's fundamental analysis is based on women's experiences from their own perspective. Therefore, this study provides a critical evaluation of Indonesia's Law No. 7 of 2016 concerning the Protection and Empowerment of Fishers. While intended to provide a legal guarantee for social security, the legislation remains fraught with gender bias and "gender-blind" incubation (Cvitanovic et al., 2021).

METHODS

This study uses a normative legal research method, which is a legal study that places law as a system of norms consisting of principles, norms, and legislation (Marzuki, 2021), informed by a women's/feminist perspective, utilizing feminist legal theory and A.G. Mazur's feminist policy as the analytical tools (Mazur & Engeli, 2022) to scrutinize the legal instruments and substantive problems in the legislation.

This study utilized secondary data derived from primary legal materials in Indonesia, namely Law Number 16 of 1964 on Fisheries Profit Sharing, Law Number 9 of 1985 on Fisheries, Law Number 16 of 2006 on the Agricultural Extension System, Law Number 31 of 2004 as amended by Law Number 45 of 2009 on Fisheries, Law Number 16 of 2006 concerning the Agricultural, Fisheries, and Forestry Extension System, and so forth. In conjunction with Law Number 1 of 2014 concerning Coastal Zone and Small Island Management and Small Islands, Law Number 23 of 2014 concerning Regional Government, Law Number 32 of 2014 concerning Marine Affairs, Law Number 7 of 2016 concerning the Protection and Empowerment of Fisherfolk, Fish Farmers, and Salt Farmers, and Presidential Instruction Number 15 of 2011 concerning the Protection of Fishermen, the following laws are to be observed: The secondary legal materials employed in this study consist of books and articles pertinent to fisherfolk.

RESULTS AND DISCUSSIONS

The Ministry of Marine Affairs and Fisheries in Indonesia was established 26 years ago. Since then, the ministry has continued to strive to implement Presidential Instruction Number 9 of 2000 on Gender Mainstreaming in National Development in the maritime and fisheries sector. This assertion is substantiated by the ministry's receipt of the Parahita Ekapraya Award for gender mainstreaming implementation, commencing in 2012 with the *Pratama* (basic) category, in 2014 with the *Madya* (Middle) category, in 2016 with the *Utama* (Advanced) category, and in 2019-2020 with the Mentor category. Concurrently, many policies have been promulgated at the legislative level in this domain (see Table 1).

In 2015, the House of Representatives of the Republic of Indonesia (DPR RI) included the draft Law on Fisherfolk Protection and Empowerment in the National Legislation Program (Prolegnas). During its development, the draft of the Law (RUU) on the Protection and Empowerment of fisherfolk, fish farmers, and salt farmers was developed. After extensive discussions, the draft law was finally ratified and enacted on April 14, 2016.

Law Number 7 of 2016 on the Protection and Empowerment of Fisherfolk, Fish Farmers, and Salt Farmers consists of 10 chapters and 78 articles. Of these, the law only mentions the word "women" once, in relation to the role of women in fisherfolk households, as stated in Article 45, "... Empowerment activities as referred to in Article 43 shall take into account the involvement and role of women in the households of

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fisherfolk, fish farmers, and salt farmers. "

Table 1 Marine, Coastal, and Fisheries Policies

No	Policy	Explanation
1.	Law Number 16 of 1964 on Fisheries Profit-Sharing	Legal subjects: fishing vessel owners, tenant fisherfolk (sharecroppers), fishpond owners, fishpond tenants
2.	Law Number 9 of 1985 on Fisheries	Defines the term "fisherfolk" as persons whose livelihood involves fishing. However, it failed to recognize women as legal subjects explicitly.
3.	Law Number 31 of 2004, as amended by Law Number 45 of 2009 on Fisheries	Legal subjects focused exclusively on men, fisherfolk, and aquaculture farmers Does not acknowledge the women's role in small-scale or traditional fishing activities.
4.	Law Number 16 of 2006 on Agricultural, Fisheries, and Forestry Extension System	Defines the term "fisherfolk" as either Indonesian citizens or corporations engaged in fishing. It does not specifically mention women as the subject of law.
5.	Law Number 27 of 2007, as amended by Law Number 1 of 2014 on Coastal and Small Islands Management	No specific provisions recognize women as legal subjects in coastal or island resource management.
6.	Law Number 32 of 2014 on Maritime Affairs	Sectoral in nature, primarily concerned with inter-ministerial jurisdiction allocation.
7.	Presidential Instruction Number 15 of 2011 on Fisherfolk Protection	Represents the first policy attempting comprehensive fisherfolk protection, including their families, even though the implementation is sporadic enforcement (across multiple ministries or agencies).

Source: People's Coalition for Fisheries Justice (KIARA) Data and Information Center and researchers' processed data.

The above provision implicitly states that women's role as fisherfolk is limited to the domestic sphere. Thus, there is no need to explain the roles they can play within or outside the fishing household to support the family economy. However, data from the People's Coalition for Fisheries Justice (KIARA) from 2017 shows that 48% of Indonesian coastal families rely on women's income as fisherfolk. It is also indicated that the construction of women cannot be separated from the state's role, which produces meanings and discourses that are then continuously disseminated through state agencies, including organizations, institutions, or agencies established by the state (including through the law).

In the Indonesian context, it seems that the state is still implementing an agenda of state ibuisme (*motherism*) as described by Julia Suryakusuma (Hasbi, 2026). This agenda positions women as companions to their husbands, mothers, educators to their children, household managers, child bearers, and caregivers. Maria Mies introduced the term housewifezation. According to Mies, housewifezation is the process of socially defining women as housewives regardless of whether they are housewives. Therefore, this definition implies that women are considered economically dependent on their husbands (Mezzadri, 2021).

Furthermore, in line with A.G. Mazur (2002), this illustrates a clear division of labor between women and men. The division of labor is based solely on sex, a construct of hierarchy and patriarchy that dichotomizes jobs as either suitable for women or men (Youwikijaya et al., 2023). In coastal communities, fishermen are men, and fishing is an activity performed exclusively by men, leading to the expression *"wong wedok kok miyang!"* ("Why are women going fishing?"). This phrase expresses astonishment and a derogatory remark toward women who go fishing. This stereotype perpetuates a division of labor that favors men who are considered more suited to be public wage earners. At the same time, women are seen as domestic beings who do not earn wages.

Another problem with Law Number 7 of 2016 concerning the Protection and Empowerment of Fisherfolk, Fish Farmers, and Salt Farmers is that, substantively, this law also contains bias against the work of fisherfolk. This is evident from the definition of fisherfolk in Article 1 of Law Number 7 of 2016 on the Protection and Empowerment of Fisherfolk, Fish Farmers, and Salt Farmers. Article 1, point 3 of this law states that: "a fisherfolk is any person whose livelihood involves fishing."

A definition of fisherfolk that is almost identical to the definition in Article 1 of Law Number 7 of 2016 on the Protection and Empowerment of Fisherfolk, Fish Farmers, and Salt Farmers is also found in various other regulations, namely: 1) Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries. Article 1, point 10, defines fisherfolk as people whose livelihood is fishing; 2) Law Number 16 of 2006 on the Agricultural, Fisheries, and Forestry Extension System defines a fisherfolk in Article 1, point 13, as an individual Indonesian citizen or corporation whose livelihood or business activities involve fishing; 3) Law Number 23 of 2014 on Regional Government defines small-scale fisherfolk as traditional Indonesian fisherfolk who use traditional materials and equipment, are not required

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to hold a business licence, and are exempt from taxes. They are also free to fish in all fisheries management areas within the territory of the Republic of Indonesia; 4) Law Number 1 of 2014, which amends Law Number 27 of 2007 on the Management of Coastal Areas and Small Islands, defines traditional fishermen in Article 17(2) as those who use non-motorised boats, engage in fishing as a hereditary practice, have fixed fishing areas, and fish to meet their daily needs and 5) Law Number 16 of 1964 on Fisheries Profit Sharing categorises fisherfolk as follows: a) Article 1, letter b, defines fisherfolk as individuals or legal entities who have rights over a vessel/boat and fishing gear used in fishing operations; b) Article 1, letter c, defines fisherfolk as workers, meaning all persons who contribute labour to fishing activities.

According to FLT, this provision is still gender-blind because it does not explicitly mention men and women. The term 'everyone' in this law may exclude women as legal subjects, since 'fisherfolk' is a gender-neutral term (Lawless et al., 2021). Another example of gender-blind provisions can be found in the criminal sphere. Criminal offenses often begin with the words "anyone" or "everyone." While these formulations may appear fair as they treat everyone equally, legal practice shows otherwise.

Another example is local regulations (Perda) in numerous provinces in Indonesia, which regulate prohibitions against immorality and prostitution. It turns out that the term "everyone" in the Perda is intended to refer to women, because women are the ones who are most frequently arrested in night-time raids. In the minds of the lawmakers, prostitutes are women only, and women who go out at night are considered to be prostitutes or otherwise immoral. Meanwhile, the men who use their services are not considered prostitutes and are therefore not arrested. Additionally, such regulations are class-biased, as they target poor women who are perceived to loiter on the streets, while middle-class women in cars are largely untouched by such arrests.

This phenomenon can be attributed to the pervasive influence of patriarchal culture in Indonesia, particularly within coastal communities (Indrawasih & Pradipta, 2021; Atikah et al., 2025). Within these communities, there is a prevailing belief that women's roles and identities are inextricably linked to those of their spouses. Consequently, the term "everyone" will be interpreted in this legal framework as referring to men in general. Moreover, the characteristics traditionally ascribed to masculinity have been identified with the sea (Connell & & Pearse, 2021). It has frequently resulted in a perception that the sea is a domain that women cannot manage, while the land is regarded as a woman's domain.

The absence of recognition of women fishermen as legal subjects in Article 1, point 3 of Law Number 7 of 2016 concerning the Protection and Empowerment of Fisherfolk, Fish Farmers, and Salt Farmers also demonstrates a lack of clarity in the formulation. Indeed, within the domain of legal theory, a principle of clarity of formulation must be observed. This principle stipulates that each piece of legislation must meet the technical requirements for drafting, systematic organization, choice of words and terms, and clear, easily understandable legal language. This ensures that the legislation does not give rise to various interpretations upon its implementation (Law Number 12 of 2011 on the Formation of Laws and Regulations, Article 5, point f.)

Furthermore, Indonesia is a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), as evidenced by its ratification under Law Number 7 of 1984. Consequently, the Indonesian government is obligated to ensure the realization of equality of outcomes. The principle of substantive equality in CEDAW demands a substantive or corrective approach that focuses not only on equal treatment before the law but also on equality in terms of the real impact of existing laws and regulations. Substantive equality is predicated on the recognition of and focus on the distinctions, injustices, and discrimination experienced by women as a result of patriarchal culture.

Law Number 7 of 2016 concerning the Protection and Empowerment of Fishermen, Fish Farmers, and Salt Farmers also has problems with its definition of fishermen. Article 1 of Law Number 7 of 2016 on the Protection and Empowerment of Fisherfolk, Fish Farmers, and Salt Farmers states that: "a fisherfolk is any person whose livelihood involves fishing." This definition is inadequate because it is too narrow. The lives of fisherfolk are often associated solely with fishing and with a male-dominated world. However, various studies have shown that fisherfolk play important roles in production, reproduction, and social community work. The role of women in the fishing industry is of considerable economic significance to coastal communities.

Furthermore, some women also engage in subsistence fishing (Kuhu et al., 2021; Damanik & Wirazilmustaan, 2021). Coastal women typically engage in subsistence activities before and after the harvest. For instance, they are involved in fish drying, fresh fish trading, and *petis* (fermented shrimp paste) production. Furthermore, women are employed in small-scale commercial enterprises that produce fish crackers, utilizing fish as a primary ingredient. Many of these individuals opt to pursue employment in the service sector, often assuming roles such as porters or establishing stalls or kiosks to sell daily necessities to residents. However, it should be noted that women's work is not over, as they still have domestic responsibilities, including household activities such as cooking, washing, caring for children, and serving their husbands. This dual burden is further compounded by the fact that coastal women typically work at least 17 hours daily.

In Indonesia, data from KIARA in 2017 also demonstrate that women account for 48% of the income of fishing families. The Food and Agriculture Organization of the United Nations (FAO) stated

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that women constitute half of the global population of small-scale fisheries operators (Pusat Data dan Informasi KIARA, 2017). It is important to note that, as previously discussed, the role of women is not regarded as constituting productive work, but rather as complementary or supportive of that performed by men. From an economic perspective, the narrow definition of fisherfolk as merely fishers is inaccurate, because the economy of fisherfolk should be viewed as an integral whole comprising fishing, post-harvest processing, marketing, and consumption (Syahri et al., 2020; Anam et al., 2023; Susanto et al., 2025).

If fishing is understood as merely the act of catching fish, then the definition derived from this will only refer to men as the subjects of regulations, while women will be discriminated against because they are excluded from the definition (Stacey et al., 2021; Purwanti et al., 2022; Aini, 2025). In the fishery domain, the significance extends beyond the mere act of capturing fish; post-harvest processing and marketing are equally important due to the perishability of fish resources, which are susceptible to damage. Consequently, even if fisherfolk catch a substantial quantity of fish, their earnings from post-harvest processing and sales may be limited if these domains face significant challenges.

Women often have pivotal roles in post-harvest processing and marketing. This limited definition of "fisherfolk" results in the exclusion of women from the fisheries and marine sector, as their work is not included in public policy. Consequently, the formal definition of fishing must be modified and adapted to ensure its holistic and integral character. This process should include all individuals and entities involved in the fishing industry or livelihoods dependent on fish resources. It is imperative that the definition of "fisherfolk" be inclusive, ensuring that women are not excluded from policies, including assistance programs, training, and other relevant initiatives (Mangubhai & Lawless, 2021; Béné, 2003). Consequently, there is an imperative to redefine the term "fisherfolk" to encompass the rights and recognition of women as fisherfolk, ensuring their status is on par with that of their male counterparts. The employment of a gender-neutral definition of "fisherfolk" that effectively diminishes or eliminates the role of women in the field is undoubtedly deleterious. This practice serves to perpetuate the discrimination and injustice that women have historically endured.

Additionally, the Voluntary Guidelines for Securing Sustainable Small-scale Fisheries (VGSSSF), promulgated by the Food and Agriculture Organization (FAO), stipulate that nations must implement specific measures to address discrimination against women. One of the fundamental principles that guides the member countries of the VGSSSF is the tenets of justice and equality. This fundamental tenet is predicated on the principles of justice and fair treatment, both within the legal framework and in practical applications, for all individuals and nations. It is predicated, further, on the equal right to enjoy all human rights. Concurrently, it is imperative to acknowledge the disparities in the circumstances of women and men, and to implement specific measures promptly to expedite the realization of substantive equality. This is essential to attain equitable outcomes, particularly for vulnerable and marginalized groups. This is consistent with the obligations of states as outlined in Article 4 of CEDAW, which requires states to implement regulations and adopt temporary special measures to expedite de facto equality between men and women.

In this regard, Law Number 7 of 2016 concerning the Protection and Empowerment of Fisherfolk, Fish Farmers, and Salt Farmers, as well as the Minister of Marine Affairs Regulation, provide opportunities to achieve substantive equality between men and women in the fisheries and marine resources sector. However, the legislation in question is not without its own legal challenges, primarily due to its lack of specificity regarding gender. This is reflected in one of the law's principles, which emphasizes fairness in terms of efficiency. It is imperative that this legislation explicitly articulates the principles of fairness and gender equality.

To complement the aforementioned analysis, A.G. Mazur proposes a framework for analyzing feminist policies, stating that at least three of the five indicators must be present for a policy to be considered from a feminist perspective. The five indicators are as follows: The first component of the aforementioned definition pertains to the enhancement of women's rights, status, or situation, ensuring parity with men's. It is crucial to acknowledge that the present state of women's rights, status, and situation is the consequence of prevailing structural and cultural definitions. The second component entails the eradication of gender-based hierarchical or patriarchal structures. Third, policy-making efforts must prioritize the public and private sectors, ensuring that policies do not inadvertently create barriers between them. Fourth, policies must be meticulously balanced between men and women, recognizing the unique perspectives and contributions of both genders. Fifth, ideas or input for policymaking must align with the principles and objectives of feminist groups, feminist struggles, or individual actors within a specific national context, ensuring that the voices and perspectives of all stakeholders are considered in the policy process (Mazur, 2002).

The following table presents the analysis of the feminist policy framework based on A. G. Mazur's opinion of Law Number 7 of 2016, which concerns the protection and empowerment of fisherfolk, fish farmers, and salt farmers.

According to the table above (see Table 2) and A.G. Mazur's feminist policy framework, Law Number 7 of 2016 concerning the protection and empowerment of Fisherfolk, Fish Farmers, and Salt Farmers only meets the last indicator: the involvement of feminist groups and individuals.

Based on the researcher's findings, several

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women's organizations and other organizations contributed their views and recommendations during the drafting of this law. The Women's Coalition for Justice and Democracy conducted a needs assessment on social protection for fishermen, particularly female fishermen, in 11 provinces: Aceh, North Sumatra, West Sumatra, Bengkulu, Jambi, Central Java, East Java, Jakarta, West Nusa Tenggara, Central Sulawesi, and South Sulawesi. They also surveyed six districts or cities: Kupang, Central Sumba, East Sumba, East Flores, Sikka, and Pontianak. This activity took place from March to July 2015. From May 4 to 6, 2015, the Coalition of Women for Justice and Democracy held a national consultation on the advocacy of the Fishermen Bill at the Ambhara Hotel in Jakarta. Seventy-five women fishermen from 14 provinces attended, including those from West Java, Central Java, East Java, East Nusa Tenggara, West Nusa Tenggara, Morotai, South Sulawesi, Southeast Sulawesi, North Sulawesi, Tarakan (East Kalimantan), and Jakarta. The forum was also attended by: Edi Prabowo, Chairman of Commission IV of the Indonesian House of Representatives; Abdul Halim, Secretary of KIARA; and Niko Amrullah, Deputy Secretary General of the Indonesian Traditional Fishermen's Union (KNTI). In commemoration of International Rural Women's Day on October 16, 2015, the Coalition of Women for Justice and Democracy held a seminar titled "Women Fisherfolk in Achieving Food Sovereignty." Representatives of women as fisherfolk from Java and Nusa Tenggara attended the forum, which featured speakers from Commission IV of the Indonesian House of Representatives and the Head of the Center for Community Empowerment in Marine and Fisheries. Furthermore, in November 2015, the Indonesian Women's Coalition for Justice and Democracy issued a position paper titled "Protection and Empowerment of Women Fishermen."

KIARA responded to the drafting of this law by organizing a workshop titled "Promoting the Recognition of the Role and Presence of Women Fisherfolk in Indonesia" with PPNI in Langkat and Serdang Bedagai districts in North Sumatra from August 24 to 26, 2015. At the workshop, Ratna Sari Keliat, the chairwoman of the Langkat District PPNI, stated that the state has neglected the existence and important role of women fishermen in managing marine and fisheries resources in Indonesia. She emphasized that the draft law should clearly state that women fishermen are legal subjects who deserve protection and empowerment, rather than merely mentioning it vaguely. KIARA also issued a policy paper titled Women Fisherfolk Have the Right to Protection and Empowerment from the State.

Solidaritas Perempuan responded by issuing a statement of solidarity on the draft on the Protection and Empowerment of Fisherfolk, Fish Farmers, and Salt Farmers by the Indonesian House of Representatives, dated August 27, 2015. Unfortunately, legislators did not consider some of the input provided by these community organizations.

The above analysis indicates that women in fishing communities are systematically excluded from various protection and empowerment efforts aimed at fisherfolk, fish farmers, and salt farmers. For instance, the planning, protection, and empowerment processes stipulated in Article 5 of the Law require that fisherfolk, fish farmers, and salt farmers be included in these processes. However, the failure to recognize women as fisherfolk in the planning process results in

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Table 2 Analysis of the Feminist Policy Framework on Law Number 7 of 2016 Concerning the Protection and Empowerment of Fisherfolk, Fish Farmers, and Salt Farmers

No	Indicator	Law Number 7 of 2016	Description
1.	Improving women's rights, status, and situation	No	There is no explanation that protection for women as fisherfolk is an effort to address the discrimination they have experienced for a long time.
2.	Eliminating gender-based, hierarchical, or patriarchal structures.	No	No explanation suggests that protection for fisherwomen is a means of eliminating gender or class bias.
3.	Eliminating public and private spaces	No	Women are seen only as fisherfolk's wives, not as autonomous individuals. Women as fisherfolk who go to sea are seen as merely helping their husbands.
4.	Implementing equal policies for women and men	No	While women can purchase fisherfolk's insurance, there is no clear rationale explaining why women as fisherfolk should do so.
5.	Involve feminist groups or individuals.	Yes	Although several women's organizations actively participated in the discussion and provided recommendations for drafting this law, lawmakers unfortunately did not consider them.

Source: Researchers' processed data

their exclusion from policies and programs intended to support them. As a result, women in fisheries lack legal recognition and secure rights.

The analysis concludes that Law No. 7 of 2016 exhibits systemic bias against women's maritime labour. The statutory definition of "fisherfolk" is fundamentally problematic; it excludes women, stripping them of their legal subjectivity and recognition as active stakeholders, whereas the recognition of women's identity in the global fisheries sector is very important (Andrade et al., 2021; Rice et al., 2024) Consequently, the regulation functions as a form of indirect discrimination. By adopting criteria modelled after male standards, the law fails to account for the unique socio-political drivers of inequality faced by women. It shows that there has been gender bias in fisheries governance policies (Lawless, et al, 2021; Galappaththi et al., 2022), still implementing state feminism (Prihatini & Halimatusa'diyah, 2024) and effectively obstructing their access to state protection and SDG-aligned empowerment (Lentisco & Lee, 2015; Nauen & Arraes, 2022; Smallhorn-West et al., 2022; Barclay et al, 2022). To achieve substantive justice, this study argues that the formal definition of fisherfolk must undergo a holistic revision to become inclusive, ensuring that legal protection is no longer contingent on gendered assumptions.

CONCLUSIONS

In line with A.G. Mazur's feminist legal theory and policy, Law Number 7 of 2016, which concerns the protection and empowerment of fisherfolk, fish farmers, and salt farmers, remains "male-oriented." The legislation and its implementation reflect masculine norms, privileging male-dominated perspectives in its framework and outcomes. Utilizing feminist legal theory and policy analysis of A.G. Mazur Law Number 7 of 2016 concerning the Protection and Empowerment of Fisherfolk, Fish Farmers, and Salt Farmers, the regulation is found to be indirectly discriminatory due to its foundation on gender-blind criteria, employing male standards while disregarding the experiences, interests, and realities of female fishermen. Thus, this hinders female fishermen from accessing their rights.

This study calls for the amendment of Law Number 7 of 2016, concerning the Protection and Empowerment of Fisherfolk, Fish Farmers, and Salt Farmers, as a matter of urgency. First, the principle in Article 2(g) of Law Number 7 of 2016 on the Protection and Empowerment of Fisherfolk, Fish Farmers, and Salt Farmers, which states "efficient," should be revised to "equality and fairness," as the notion of efficiency is already implied in Article 2(c)'s reference to "benefit" should be revised to "equality and fairness," as the notion of efficiency is already implied in Article 2(c)'s reference to "benefit." Second, Article 3 should be expanded to explicitly recognize fisherfolk as Indonesian citizens entitled to the fulfillment of rights, public services, and improved welfare, while advancing equitable resource redistribution and food sovereignty. Third, the formal definition of fisheries must be modified and adapted to be holistic and integral, thereby ensuring inclusivity for all individuals engaged in fish-resource-dependent livelihoods. The term "fisher" must be redefined and expanded to include women fisherfolk as stakeholders, that is, as autonomous and active subjects. Women's contributions in the marine and fisheries sector must be acknowledged, from pre- to post-production, as it is evident that women significantly contribute to household, community, and national economic systems.

Furthermore, this study goes beyond mere demands for technical and administrative reform; it also makes a fundamental contribution to humanities-based legal analysis. By dissecting Law Number 7 of 2016 through the lens of A.G. Mazur's feminist theory, this article reveals that law does not operate in a vacuum, but functions as a cultural text that actively reproduces and maintains gender hierarchies. The indirect discrimination found in this regulation proves that legal language, through the choice of words such as "efficiency" and the narrow definition of "fisherman"- is an instrument that perpetuates the subordination of women in the maritime sector. Therefore, the urgency of this amendment is not only a matter of procedural justice, but also an attempt at cultural deconstruction. Changing legal texts means changing the way society views women's identity, work, and dignity. This study's contribution emphasizes that to achieve real transformation, the law must be read as an inclusive human narrative that recognizes women's existence not as complements but as autonomous subjects who form the nation's economic and social foundation.

Despite its contributions, this study is primarily constrained by its normative-doctrinal approach, focusing on the textual and theoretical critique of Law No. 7/2016 through A.G. Mazur's framework. Consequently, it may not fully capture the diverse empirical realities and specific local wisdoms of women fisherfolk across Indonesia's vast and culturally heterogeneous coastal regions. Future research should bridge this gap by employing empirical socio-legal methods or longitudinal ethnographic studies to document how these legal barriers manifest in the daily lives of women in different provinces. Furthermore, there is fertile ground for intersectional analysis that considers how gender intersects with class, ethnicity, and geography, as well as for comparative studies with other maritime nations that have successfully integrated feminist principles into their fisheries legislation. Such inquiries will be vital to ensure that the proposed legal amendments translate into measurable improvements in the welfare and agency of women fisherfolk.

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Data Availability Statement: Data available on request from the authors. The data that support the findings of this study are available from the corresponding author, [**R. V. P. H**], upon reasonable request. Explain the reason why the readers must request the data.

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