

## Fisherwomen

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Fisherwomen

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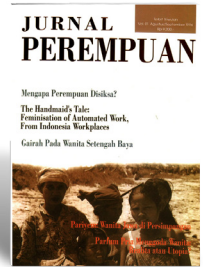
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## Fisherwomen

President Joko Widodo touted the Maritime Axis program as his administration's key program. While campaigning, he promised to place fishermen as the program's primary actors. But after 2.5 years in tenure, the President's intentions have not yet been fulfilled, causing disappointment to a great many fishermen and women. On April 6, 2017, on Indonesia's National Fishermen's Day, fishermen protested in front of the Ministry of Maritime Affairs and Fisheries and the Merdeka State Palace to demand that President Joko Widodo fulfill his promise (CNN Indonesia 2017). Fisheries is indeed a crucial issue. At least 200 million individuals work as traditional fishermen, particularly in developing countries. They play a significant role, considering the fact that 70 percent of the world's fish for consumption come from these traditional fishermen. In 2010, it was estimated that humans consumed 128 million of fish. Furthermore, fish are consumed by 4.3 billion people in the past decade—15 percent of their entire protein intake, or around 18.6 kg per person. Stimulated by higher demand for fish, world fisheries and aquaculture production is projected to reach about 172 million tonnes in 2021 and that the fisheries sector will be the fastest growing industry (FAO 2012).

Law No. 7/2016 is, in fact, very positive as it's meant to protect small-scale fishermen. But instead, the policy's implementation tends to impact small-scale fishermen negatively, particularly fisherwomen. Unfortunately, there is still very little discourse on fisherwomen. Furthermore, fisherwomen are often not taken into account because a "fisherman" is defined as a person who catches fish, while women, for the most part, clean the catch to be consumed at home or sold at markets. Often they do not receive pay in household businesses. Even when they go to catch fish, it's only to accompany their husbands. It's this limited definition of a fisherman that undermines women in the fisheries sector. Fisherwomen's contributions are not taken into account, which negatively impacts them as they cannot get access to credits, processing technology, freeze warehouses and training organized by the government (Kabar Bahari/ Maritime News, Issue 18, November-December 2015).

Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries, in the context of food security and poverty eradication, emphatically mentions the state's obligation to treat fisherwomen, including fish and salt farmers, with special consideration and to guarantee their rights. This guarantee, among others, include

decent home, basic hygienic sanitation, investment savings and credit, freedom from sexual harassment and violence, technology development, etc. These voluntary guidelines refer to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). If fisherwomen are not guaranteed their rights and are not given proper support, we can assume that the largest impoverished group will come from the fisherwomen group. For this reason, the government must pay special attention to fisherwomen and to change the very masculine definition of "fisherman." If this is not done, the SGD goal to promote gender equality and empower women will fail, particularly in essential components such as the eradication of poverty, food security, sustainable development of fisheries and marine resources.

Thus, gender analysis in fisheries and marine resources becomes crucial in guaranteeing women's productivity as well as equality for women. What must be done is to advocate for gender equality, creating "champions" to fight for the rights of fisherwomen, and collaborate with researchers and policy experts. This massive coalition is needed among non-profit institutions, the government, researchers and academicians. Plenty of experiences show that a gender lens is needed in formulating fisheries policy that puts an emphasis on the rights of women. Thus far, gender perspective is weak when it comes to fisheries, as the focus has so far been on fish production—something that has been dominated by men. Furthermore, the role of fisherwomen must be entered into all international and national instruments (Alami & Raharjo 2017).

Jurnal Perempuan recognize the importance of fisherwomen's role and contribution for family and community economy. Therefore we conducted researches in three regions namely Dipasena, Demak and Gresik to reveal challenges, strategy and effort done by fisherwomen in order to obtain recognition, protection and empowerment. Our effort to document the experiences and voices of fisherwomen can be realized through cooperation with Kiara, PPNI, P3UW and Puspita Bahari. Aside from documented as articles in this edition, our research is also narrated in form of documentary film. This edition is expected to encourage the recognition, protection and empowerment of fisherwomen by opening the access for fisherwomen for obtaining fisherman's cards. Likewise with the documentary film, it is expected to be useful for the advocacy process of fisherwomen in Indonesia. (Anita Dhewy)



Abstracts Sheet

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Andi Misbahul Pratiwi & Abby Gina (Jurnal Perempuan, Jakarta, Indonesia)

**The Presence and Power of Fisherwomen in the Villages of Morodemak and Purworejo: Against Violence, Bureaucracy & a Biased Interpretation of Religion**

DDC: 305

Jurnal Perempuan, Vol. 22 No. 4, November 2017, pp. 205-217, 3 table, 10 ref.

This research was conducted in Morodemak and Purworejo Villages, Demak District, Central Java Province, Indonesia, by focusing on problems faced by fisherwomen—those who go out to sea as well as those who process fishing catch—and the activism of Puspita Bahari (fisherwomen organization in Demak). This research aims to show that women have contributed to the economic progress of coastal communities. Additionally, this research became a personal project as the researchers had the opportunity to directly observe the activities of fisherwomen who go out to sea. Furthermore, in the research process, the researchers participated in the advocacy process to help fisherwomen gain recognition for the work they do. By using Naila Kabeer's gender analysis, this research found that the complexity of the problems faced by fisherwomen are truly layered and involve the family, community and market. Division of labor, biased bureaucracy and domestic violence are the three main topics studied in this paper. It's urgent to recognize fisherwomen, as this recognition would be the first step that must be taken in order to improve the lives of fisherwomen.

Keywords: presence of fisherwomen, fisherwomen, morodemak, purworejo, tambak polo, domestic violence.

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Naufaludin Ismail (Jurnal Perempuan, Jakarta, Indonesia)

**The Struggle for the Recognition of Legal Identity by Fisherwomen in Ujung Pangkah, Gresik: A Feminist Analysis of the Regulation on Fishermen's Card and Insurance**

DDC: 305

Jurnal Perempuan, Vol. 22 No. 4, November 2017, pp. 219-227, 2 table, 10 ref.

This paper will focus on a feminist analysis of Law No. 7/2016 on the Protection and Empowerment of Fishermen, Fish and Salt Farmers as well as the Minister of Maritime Affairs and Fisheries Regulation No. 16/2016 as the legal basis for the policy on fisherman's card and insurance. This paper will also analyze the experiences of two fisherwomen in Ujung Pangkah, Gresik, East Java, who have successfully obtained legal identity in the form of a fisher's card and insurance as a legitimate recognition of their identity as fisherwomen. The strong patriarchal culture in the various layers of society has made it difficult for fisherwomen's political identity to be recognized, so a feminist analysis of the fisher's card and insurance policy is needed to ensure that women can engage as active subjects where the policy is concerned.

Keywords: fisherwomen, patriarchy, sexism, legal identity, feminist policy

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Ma. Linnea Villarosa-Tanchuling (College of Social Work and Community Development University of the Philippines – Diliman, Metro Manila, Filipina)

**Women in Gendered Fisheries: Roles, Issues and Challenges in Cambodia, Indonesia, Vietnam and Philippines**

DDC: 305

Jurnal Perempuan, Vol. 22 No. 4, November 2017, pp. 229-235, 1 table, 7 ref.

This paper is a synthesis of the results of the case studies on women's situation in fisheries done by the members of the SEA Fish for Justice Network. The network is composed of 15 non-government and fishers organizations from the Southeast Asia region. It envisions equity in access to and control over off-shore, coastal and inland aquatic natural resources including the termination of suffering caused by unsustainable resources and/or privatized control over communal resources. The case studies were conducted by SEAFish Network members in Cambodia, Indonesia, Vietnam and Philippines in the second and third quarter of 2008 to highlight the roles, issues and challenges faced by women in coastal communities as well as the spaces provided them to facilitate their empowerment. The network members who conducted the studies were FACT (Cambodia), KIARA (Indonesia), MCD (Vietnam) and PROCESS-Bohol, CERD, and Tambuyog Development Center (CERD).

Keywords: women roles, women's participation, division of labor

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Endah Kusuma Wardhani (Gender Studies Program, Universitas Indonesia, Jakarta, Indonesia)

**The Jakarta Bay Reclamation, Impoverishment and Marginalization of Fisherwomen: Case Study at the Akuarium and Kamal Muara Villages, Penjaringan**

DDC: 305

Jurnal Perempuan, Vol. 22 No. 4, November 2017, pp. 237-246, 13 ref.

It has been more than 10 years since the Jakarta Bay reclamation displaced fishers from their old fishing sites. Reclamation's direct impact on fisherwomen includes reduced earnings because of the damage to marine ecosystems as the result of taking away and backfilling sea sand. In addition, the reclamation project will cause at least 16,998 fishing households to be evicted from the coastal areas of Jakarta, Banten and Bekasi. This study found that the reclamation has impoverished, increased the workloads of, and increasingly marginalized fisherwomen. This research applies the qualitative study methodology with a feminist perspective. Data was collected through in-depth interviews with 10 fisherwomen, a study of documents, and field observation. Research sites were purposively selected, namely Kampung Akuarium dan Kampung Kamal Muara, Penjaringan District, North Jakarta. In particular, this study wishes to channel the voices of poor fisherwomen as a marginal group, who have not yet been heard. The hope is that they will gain courage and will now be able to openly voice their rights and aspirations.

Keywords: fisherwomen, Jakarta Bay reclamation, marginalization, impoverishment of fisherwomen

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Yekti Wahyuni (Gender Studies Program, School of Strategic and Global Studies, Universitas Indonesia, Jakarta, Indonesia)

**Productive, Reproductive and Community Roles of Women Who Process Green Mussel in Muara Angke, North Jakarta**

DDC: 305

Jurnal Perempuan, Vol. 22 No. 4, November 2017, pp. 247-257, 2 image, 1 table, 13 ref.

This study aims to understand the productive, reproductive and community roles of fisherwomen in Muara Angke, Kecamatan Penjaringan, North Jakarta. The subjects of the study were two fisherwomen who process green shells, as owners and as shell-peelers. This study explores women's experience as breadwinners in the marine sector, including their experience as catch fisherwomen. The results show that the role of fisherwomen in productive work and in improving the family economy is very real, either directly or indirectly as fisherwomen or processors of marine products. The three roles of fisherwomen in Muara Angke, sub-district Penjaringan, North Jakarta are productive, reproductive, and social community. The fisherwomen took part in supplementing family income. In addition to performing reproductive roles related to domestic work, fisherwomen also have an active social role in social movements in order to maintain their living spaces and their spheres. The study found that women tend to abandon their work as catch fisherwomen when carrying out biological reproductive roles.

Keywords: fisherwomen, economic roles, social roles, production roles, reproductive roles, social community roles

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Gadis Arivia & Abby Gina (Jurnal Perempuan, Jakarta, Indonesia)

**Human Capabilities for Fair Development: A Case Study of Women Prawn Farmers in Dipasena, Lampung**

DDC: 305

Jurnal Perempuan, Vol. 22 No. 4, November 2017, pp. 259-267, 4 table, 5 ref.

This study examines the role of women prawn farmers in Dipasena, East Rawajitu District, Tulang Bawang, Lampung, and what it means for human development in Indonesia. Several focus group discussions and in-depth interviews with women prawn farmers and fishermen community were conducted to collect data and comprehensively understand issues that women prawn farmers face in a patriarchal culture where they are not acknowledged as women workers. This paper uses a feminist perspective on women and work, as well as Martha Nussbaum's capability categories. This paper concludes that women's roles and contribution in fisheries and in national development are not recognized and unaccommodated in national and local policies. Women's role in the fisheries industry is considered non-existent in this society, and this invisibility restricts their potentials, undermines their meaningful existence, and prevents respect for equal human dignity.

Keywords: women prawn farmers, capabilities, human dignity, development, Martha Nussbaum

## The Struggle for the Recognition of Legal Identity by Fisherwomen in Ujung Pangkah, Gresik: A Feminist Analysis of the Regulation on Fishermen's Card and Insurance

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### Abstract

This paper will focus on a feminist analysis of Law No. 7/2016 on the Protection and Empowerment of Fishermen, Fish and Salt Farmers as well as the Minister of Maritime Affairs and Fisheries Regulation No. 16/2016 as the legal basis for the policy on fisherman's card and insurance. This paper will also analyze the experiences of two fisherwomen in Ujung Pangkah, Gresik, East Java, who have successfully obtained legal identity in the form of a fisher's card and insurance as a legitimate recognition of their identity as fisherwomen. The strong patriarchal culture in the various layers of society has made it difficult for fisherwomen's political identity to be recognized, so a feminist analysis of the fisher's card and insurance policy is needed to ensure that women can engage as active subjects where the policy is concerned.

Keywords: fisherwomen, patriarchy, sexism, legal identity, feminist policy

### Introduction

Women, as individuals who live under a patriarchal culture, are often seen as non-autonomous individuals with restricted spaces that have been predetermined by the conventions of a misogynist and sexist society, forcing women to become passive and subordinate beings in said society. In fact, the predicament of women's legal identity is caused by this assumption. Gender is tied to political activism from the smallest unit, i.e. the family, to the wider spectrum, namely the country. Both in the small or large scale, women are always plagued by inequality. Politics in the family show that women and female children are always associated with domestic roles and can't be seen as heads of households.

The problem of Indonesian women's legal identity is evident when we discuss fisherwomen. There is a fundamental concern that renders it necessary for us to examine the issue of fisherwomen's legal identity. According to the 2015 Geospatial Information Agency (BIG) data, Indonesia's coastal line reaches 99,093 km<sup>2</sup>. Based on a 1982 report by the United Nations Convention on the Law of the Sea, Indonesia's total sea territory is 5.9 km<sup>2</sup>. This total area comprises 3.2 km<sup>2</sup> of territorial waters and 2.7 km<sup>2</sup> of Exclusive Economic Zone territory. The

data implicitly shows that fishing, as Indonesians' source of income, is extremely important. We already hear quite often that fishing is a source of income in the country, but one fact that we often ignore when discussing fishermen issues is the role of women in Indonesia's fishing families. Based on KIARA's 2017 data, 48% of fishing families' income comes from women, a fact that should become a reference for the government to provide social guarantee to coastal women, because these women can be categorized as agents of the economy who are equal within Indonesia's coastal families.

Law No. 7/2016 on the Protection and Empowerment of Fishermen, Fish Farmers and Salt Farmers, as well as Minister of Maritime Affairs and Fisheries Regulation No. 16/2016 are foundations and legal guarantees given by the state to provide social protection guarantee to fishermen all cross Indonesia. KIARA's March 2017 data, however, show that only two fisherwomen of 1 million have received a fisherman's card and insurance for fishermen. These two fisherwomen come from the Ujung Pangkah Subdistrict, Gresik Regency, East Java. One comes from the Pangkah Kulon Village, while the other comes from the village of Pangkah Wetan. The fact that coastal women's 48% contribution to their family income is not recognized by the state as a significant contribution

to the welfare of coastal families is indeed surprising. Based on this situation, it seems important to again review two government policies already mentioned above so that they adopt a better gender perspective and stop discriminating against women.

The success of the two fisherwomen in Gresik who have now received their card and fisher's insurance, is, in fact, a sad fact, because the writer assumes that many women in coastal regions are involved in fisheries' industrial processes, from pre-production, production and post-production—without receiving a fisherman's card and insurance. This is in spite of the fact that the data shows that women contribute 48% to fishers' lives. In responding to this situation, the government should have prepared all the legal foundations for creating public policies that are inclusive to all groups, especially fisherwomen in this particular context. The state itself has actually addressed the gender perspective in policy-making. The regulation is included in the President's Instruction No.9/2000 on Gender Mainstreaming in Development, stipulating that women's welfare must be entered in every development policy. Law no 7/2016 on the Protection and Empowerment of Fishermen, Fish Farmers and Salt Farmers, as well as Minister of Maritime Affairs Regulation No. 16/2016, must be reviewed using a feminist analysis framework so that public policies that are not gender-biased and discriminative against women may be created.

There is a crucial reason why the fisher's card and insurance must be analyzed using feminist theory. The first step to be taken in analyzing the fisher's card and insurance policy is by using the Feminist Legal Theory (FLT)/Feminist Jurisprudence, to then use the feminist analysis to test the fisher's card and insurance, in order to determine whether the policy is already inclusive to fisherwomen. According to feminist legal theory, women's existence of identity is unequal to men under the law, and they even tend to be unrecognized or invisible. Women's legal existence will never be equal to men because women, for the most part, will always be associated to the private or domestic sphere (although this is a rule that isn't clearly written under the law. Women will always be legally considered as an "other" because their identity will experience degradation to the control and sovereignty of the husband (Barnett 1996, p. 65). This is why we will discover the fact that the legal foundation that regulates fisher's card and insurance is gender-biased because it positions fisherwomen only as wives of fishermen. The word woman/women is only mentioned once in Law No. 7/2016 on the Protection and Empowerment of Farmers,

Fish and Salt farmers. Meanwhile, the 2016 minister's regulation does not mention women anywhere. When the existence and identity of women are neglected in the eye of the law, while in the mean time men are seen as active subjects under the law, then the policies that emerge from this legal foundation that regulates public policies will also benefit men more than they do women. The policy on fisher's card and insurance must first recognize the presence of fisherwomen as a social fact that must be acknowledged through a valid legal identity that is guaranteed by the state. Legal feminist theory opens our eyes to how the law is often made to seem gender neutral and universal while actually made not by taking into account women's interest, or most probably women are seen as mere instruments or as a formality.

It's important to analyze the fisherman's card and insurance from a feminist perspective because it's possible that the legal foundation for the policy is gender-bias, which means that it's necessary to see whether the fisherman's card and insurance is truly a feminist policy. The term feminist in public policy becomes important because it signals a certain target, unlike public policies in general. The word "feminist" in public policy, according to Mazur, signals an action to avoid the government's carelessness in creating public policy that is simply gender-friendly or women-friendly due semantic and analytical issues during the process (2002, p. 27). The positioning of the term "feminist" also has three targets that are not the goals of public policy with no feminist analysis. Referring to the feminist policy formulated by Mazur, three out of five indicators must be present for a policy to be said as having a feminist perspective (2002, pp. 30-31). These indicators are: (1) the improvement of rights, status and situation of women must be equal to men, even when the rights, status, and situation of women at this time are the results of structural and cultural definitions; (2) eradicate gender-based structural hierarchy or patriarchy; (3) focuses on public and private sectors in the creation of policy, to avoid making policies that creates a distinction between the public and private sectors; (4) the policy has a balanced focus on men and women; (5) ideas or inputs for policy-making must be in line with feminist groups, the struggles of feminist movements, or individual actors in the context of certain national scales. Mazur's feminist analysis of policy, in the writer's opinion, can be used as a reference to test the fisherman's card and insurance because the indicators for testing whether or not a policy is feminist are very simple and easy to apply to various public policies that we wish to test.

A feminist policy is seen as successful when women become interested or wish to get involved in said policy, either substantively or descriptively or both. A descriptive success means women are interested in active involvement in all stages of policy-making and follows the process, which begins with pre-formulating the policy, formulating the policy, and post-formulation. Substantive success means the policy created by the government has fulfilled three of the five indicators of feminist policy. The fisherman's card and insurance policy, as a public policy that aims to improve the welfare of Indonesians, must be tested as a feminist policy so that the government comes to understand that the role of fisherwomen in the fisheries sector is massive, despite their neglect due to this gender-biased policy.

### **Feminist Analysis of Law No. 7/2016 and Minister of Maritime Affairs and Fisheries Regulation No. 16/2016**

Issues in the fisherman's card and insurance are rooted in Law No. 7/2016 on the Protection and Empowerment of Fishermen, Fish and Salt Farmers. The law's implementation is the creation of the fisherman's card and insurance for Indonesia's fishermen. Law No. 7/2016 is the legal foundation for providing insurance for fishermen, while the Minister of Maritime Affairs and Fisheries Regulation No. 16/2016 is the legal basis for the fisherman's card. The writer believes that both these legal foundations, which serve as the basis for the policy to improve the welfare of fishermen, must be reviewed in-depth using the feminist analysis so that it can be more inclusive of fisherwomen, to ensure that they too can have access to the fisherman's card and insurance. To test whether the law has a feminist perspective, the writer will review it using Mazur's five indicators of feminist policy. The first thing that the writer wishes to analyze is whether the two laws are gender-biased or are not inline with Mazur's indicators. Meanwhile, data from Worldfish Center points out that the world's fisherwomen contribute around 50% to the whole fisheries sector (Ogden 2017), so that feminist policies are much needed in order to accommodate the needs and rights of fisherwomen for their welfare and their family's welfare.

As it turned out, neither Law No. 7/2016 on the Protection and Empowerment of Fishermen, Fish and Salt Farmers nor the Minister of Maritime Affairs and Fisheries Regulation No. 16/2016 clearly define "fisherwomen" as an identity. Fisherwomen is not explained in either of the two laws. There are 78 articles under Law No. 7/2017 on the Protection and Empowerment of Fishermen, Fish and Salt Farmers, and one of the articles that is

most discriminative against fisherwomen for obtaining access to the fisherman's card and insurance is the law's first article. Of the 34 clauses in article 1, fisherwomen are not referred to as the law's subjects. A fisherman is defined very narrowly, as outlined in Law No. 7/2016, article 1, clause 3: "... A fisherman is any individual whose earning comes from catching fish." This definition of a fisherman, in the writer's opinion, is very narrow because women's roles and involvement in fisheries include pre-production, production and post-production stages. The writer believes that this is the point where the recognition of fisherwomen's identity begins to be neglected.

Law No. 7/2016 itself only mentions the word "women" once in over 60 pages of the law. The word "women" is only mentioned in article 45, as follows: "... Empowerment activities, as referred to in article 43, gives attention to the engagement and roles of women in a fishing household, fish farming household and salt farming household." The writer objects to two points in the law's article 45. One, "the roles of women in a fishing household" is not explained in the next articles. Implicitly, the law wishes to say that women's roles are only limited to the domestic sphere, which means there is no need for a further explanation of the roles that women perform in a fishing household to contribute to their family's economy. Meanwhile, KIARA's data points out that 48% of the economy of Indonesia's coastal families involve roles played by fisherwomen. The writer's second objection has to do with Mazur's points two and three, that there seems to be a rigid job division between men and women in this law. The word "women" in article 45 of the law is understood as an acknowledgment of women in only the domestic sphere, and not as fisherwomen. In fact, sexual division of labor is simply a hierarchical and patriarchal construction. Such sexist sexual division of labor must be avoided by the government because it creates a dichotomy of which types of work must be done by only women and which must be done by only men (Saptari & Holzner 2016, p. 26). The law's introduction seems to want to show that the policy is gender-friendly by mentioning the role of fisherwomen in the economy of the fishing household, as follows:

... Wives/husbands and children of fishermen and fish farmers, for the most part, perform simple/traditional processing of their catch or yield for an added value and will then sell (their products) at traditional markets at relatively low prices to support their family's economy.

Via Mazur's feminist analysis of policy, we can see that policies that will be created through this law will not be policies with a feminist perspective, because they

would only serve as a formality to involve women in the law. Another interesting point in the law’s introduction is that women can only be accommodated by the law if they are the wives of fishermen, and not as autonomous individuals.

Minister of Maritime Affairs and Fisheries’ Regulation No. 16/2016, which regulates the fisherman’s card policy, is actually already more open toward fisherwomen, because the fisherman’s card form explicitly allows women to register themselves to obtain a card. But

the problem is still the same as law No. 7/2016 on the Protection and Empowerment of Fishermen, Fish and Salt Farmers: the narrow definition of a “fisherman.” Article 1, clause 2 explains that “... A fisherman is someone whose earning comes from catching fish.” With this definition, it’s certain that the fisherman’s card is only meant for those who physically catch fish and other marine biota as their primary earning. When analyzed using a table, neither law fulfills the criteria of a feminist policy because neither fulfills three of Mazur’s five indicators of a feminist public policy.

**Table 1. Mazur’s Feminist Analysis on the Legal Basis for the Fisherman’s Insurance Policy**

No	Indicator	UU No. 7/2016 on the Protection of Coastal Communities	Notes
1	Improvement of women’s rights, status and situation	No	No specific explanation that protection for fisherwomen and coastal women is meant to eradicate the discrimination that they’ve experienced so far.
2	Elimination of a gender-based hierarchical structure or patriarchy	No	No specific explanation that protection for fisherwomen and coastal women is to demonstrate elimination of gender or class bias.
3	Elimination of the public vs. private	No	Women are only referred to as wives of fishermen, not as autonomous individuals.
4	The policy treats women and men equally	Yes	Women, in principle, can obtain fishermen’s insurance, but there is further explanation as to why coastal women/fisherwomen must have fishermen’s insurance.
5	Involvement of feminist groups/individuals	No	There is no data showing that when the policy was made, feminist groups or individuals were also involved in the process.
<b>Total</b>		<b>1</b>	

Source: Law No. 7/2016

**Table 2. Mazur’s Feminist Analysis of the Legal Basis for the Fisherman’s Card**

No	Indicator	Minister of Maritime Affairs and Fisheries Regulation No. 16/2016 on the Fisherman’s Card	Notes
1	Improvement of women’s rights, status and situation	No	It’s not explained why fisherwomen must be recognized by the state.
2	Elimination of a gender-based hierarchical structure or patriarchy	No	The fisherman’s card is only meant to recognize a very limited and narrow definition of Indonesian fishermen.
3	Elimination of the public vs. private	No	Not discussed in the policy that regulates the fisherman’s card.
4	The policy treats women and men equally	Yes	In the registration form for the fisherman’s card attached in the regulation, both men and women may submit a request for the card.
5	Involvement of feminist groups/individuals	No	No data shows that a feminist group or organization was involved in the process of formulating the policy.
<b>Total</b>		<b>1</b>	

Source: Minister of Maritime Affairs and Fisheries Regulation No. 16/2016

Based on the two tables above, two laws that regulate the fisherman's card and insurance have failed to accommodate the rights of fisher/coastal women, whose presence must be recognized by the government. A feminist policy would see women's issues comprehensively and accommodate women's rights.

One of the reasons why the government's policies on the fisherman's card and insurance must be feminist is that the fact is, women's roles in coastal regions are not limited to the domestic sphere (such as preparing food for the husband's trip out to sea), as women are also actively involved in pre-productive, productive, and post-productive processes in Indonesia's fisheries sector. This year, in 2017, KIARA recorded that of the 100 members of the Indonesian Fisherwomen's Sisterhood Group (PPNI) in Ujung Pangkah Subdistrict, Gresik, none works as a fisherwoman, and none has obtained the fisherman's card and insurance because all work in the post-production sector, making fish crackers, fish paste, milkfish cake and smoked milkfish. PPNI Gresik even managed to create five business groups for processing fish as an effort to empower women in its region, but because fish processing is not included in the definition of fishermen, their role in advancing the coastal community is also unrecognized. This is quite worrying because women fish processors tangibly contribute to the economy and welfare of coastal communities, making it necessary for their presence to be recognized. It's urgent to redefine the criteria for fishermen, so that they accommodate the rights of coastal women and recognize the identity of coastal women so that they can enjoy gender equality. The writer managed to meet two fisherwomen in the Ujung Pangkah Subdistrict, Gresik, who successfully obtained the fisherman's card and insurance. The two fisherwomen's stories are quite interesting to analyze, because in the effort to have their identity recognized, they were still met with challenging hurdles, from social and cultural factors to bureaucracy. Their story can also be used to show whether or not the fisherman's card and insurance issued policies by the state truly depart from a feminist perspective.

### The Stories of Two Fisherwomen from Ujung Pangkah

Based on initial information received by the writers, only two fisherwomen have received a fisherman's card and insurance for fisherman. Both come from the Ujung Pangkah Subdistrict, Gresik City, East Java: Ndhuk Syarifah (52) and Iswatun (27), two Fishermen's Card and Insurance holders since mid-2016. Ndhuk catches crabs and eels, and often performs as a *burik*<sup>1</sup> (collector of leftover fish

at a fish farm). Iswatun is a fisherwoman who has gone out to sea to catch fish since the age of 10. Their journey to obtaining a fisherman's card and insurance can help us critically reflect on the fisherman's card and insurance policy issued by the government with the aim to improve the welfare of Indonesia's coastal communities.

**Iswatun Khasanah**, who usually goes by "Is," is a 27-year-old fisherwoman in the Pangkah Wetan Village, Ujung Pangkah Subdistrict. Is started going out to sea when she was 10 years old. She dropped out of school in 7<sup>th</sup> grade (first grade of middle school) due to finances. Is then decided to fish to help improve her family's finances. She appears "masculine" in her everyday style, so that many think that she is a man. Every day, she goes out to sea with her 18-year-old brother. Is and her brother begin their journey out to sea at 2am and finish at 2pm. Preparations begin early because there is much that is required to go out to sea, including food/drinks, fishing equipment, and buying diesel for fuel. Is herself has been her family's primary earner because both of her parents had stopped going out to sea when she was 13/14 years old. Is's mother was once a fisherwoman along with her fisherman husband, but neither can no longer go out to sea because they are unwell. Like most fishermen, Is experiences both ups and downs. Often she would come home with nothing, making not a single cent from her journey, when the cost of fuel is at least Rp70,000. Furthermore, it's now difficult to predict the climate and season for fishing. Big waves, strong winds, loss of net or damage to the boat while going out to sea are frequent occurrences. Is's average income is only Rp100,000-150,000 per day. She may get more if she also catches lobster. Is does not sell her catch straight to the market or fish auction, but through an intermediary (Indonesian: *juragan*<sup>2</sup>, or boss). Is collaborates with an intermediary because she owes the intermediary, who will usually deduct her debt from the catch. Is and her family owe the intermediary because of various reasons: damaged net, boat repairs or to fulfill daily needs that cannot be met from fishing. Is rarely processes or consumes her catch, except certain fish that she likes. In her experience as a fisherwomen, there are of course plenty of negative, sexist and misogynist sentiments. Even her own parents were at first ashamed because they believed that fishing is a man's work. But Is convinced her parents that fishing out at sea is not shameful work. As long as she's not stealing, she feels that her work is *halal*, or honorable, especially because Is has already joined her parents fishing since she was 10. Neighbors and the community also make fun of her because they believe that her work should not be performed by women. Is's mother hopes that she can stop

going out to sea and work on land once she is married. Is herself seemed confused and downtrodden when asked by the writer if she wanted to continue fishing for the rest of her life. Is mentions that her mother once told her how worried she was for her daughter when she was out at sea and facing big waves and strong winds, as she herself did when she was still fishing.

Is's story of obtaining the fisherman's card and insurance is also out of the ordinary. At the time, she was asked to submit her family card (KK) and national ID card (KTP) by an Indonesian Fisherwomen's Sisterhood Group (PPNI) Gresik official named Elly Ekawati. Is did not know what a fisherman's card and insurance were and what they were for, and what benefits she could receive from both. Is received a fisherman's card and insurance in mid-2016, but she has not at all experienced the benefits and uses of either card. Meanwhile, according to the law, the Maritime and Fisheries Services (DKP), as the implementing institution, must provide services and information on the benefits and uses of the fisherman's card and insurance. As of today, Is has not received assistance, training or information on the uses and benefits of the fisherman's card and insurance, both of which she has owned for one year.

**Ndhuk Syarifah**, known as Ndhuk, catches crabs and eels in the Pangkah Kulon Village, Ujung Pangkah, Gresik, East Java. She is no longer very young, but she is the primary earner in her family. She supports her daughter, her (son) in-law, and three grandchildren from her everyday work of gathering crabs and eels. Unlike Is, who goes out to sea, Ndhuk catches crabs not at sea and on a motorboat, but instead looks for crabs around the swamps near the coast line and eels around other people's fish farms. Ndhuk has had this profession since her father died, when she was around 10 years old. Now Ndhuk is 52, which means that Ndhuk has been catching eels and crabs for 42 years. She goes out to find crabs or eels at 6am and finishes at midday before Zuhur prayer. Ndhuk makes only around Rp10,000-30,000 per day, at the most Rp50,000, but only if she manages to find a large crab. Often, however, she does not get anything. On the day the writer interviewed Ndhuk, she had only caught one eel. Ndhuk sells her catch, both crabs and eels, to her intermediary. Ndhuk divides her work with her daughter, Nur. After catching crabs or eels, Ndhuk will give her catch to Nur, to be sold to the intermediary. Ndhuk divorced her husband when her daughter was two years old, which means that at this time she is truly her family's backbone as well as the household head because her daughter, her husband and grandchildren

still live with her. In fact, as the only fisherwoman who gathers eels and crabs in Pangkah Kulon, Ndhuk does not experience discrimination from her male counterparts. She is often invited by her peers to go look for crabs or eels in other spots on a motorcycle when she can't find any. The mockery is instead received from her neighbors, who feel that Ndhuk's work is not meant for women, as it's usually done by men. Furthermore, many joke that Ndhuk is seduced by many men because she is a widow and her peers are all men. Ndhuk herself is not ashamed nor feels uncomfortable with her current profession. When the writer asked if Ndhuk wanted another job processing fish or another profession, she firmly said no and that she chose to stay faithful to her profession as a fisherwoman who gathers crabs and eels. A frequent challenge is high tide, when water enters fish farms and closes holes where eels usually nest, obscuring the holes and making it hard to gather eels. Crabs, said Ndhuk, is often hard to find when a lot of shrimp die, because crabs eat shrimp. Despite these challenges, Ndhuk does not feel that she must quit her profession as a fisherwoman who gathers crabs and eels.

Ndhuk's experience of obtaining a fisherman's card is not so different from Is's. Ndhuk is illiterate because she has never received any formal education. When a Persaudaraan Perempuan Nelayan Indonesia Gresik member named Zulaikho assisted her in making a fisherman's card and insurance, she was fully assisted by Nur, her daughter. Until this second, Ndhuk has yet to receive any assistance or training from the Maritime and Fisheries Services (DKP), when, like Is, Ndhuk has owned a fisherman's card and insurance since 2016. Both Ndhuk and Is's legal identity as fisherwomen are already recognized by the state, but the problem does not end there. The fact that neither fisherwoman has ever received any information about the fisherman's card and insurance, despite already having them since last year, is nothing surprising because we know from the start that the law that regulates the policy does not operate from a feminist perspective, so that even when a woman manages to access the policy, the woman will not be made a primary subject to be involved and her welfare improved through the policy. DKP, as an extension of the government, does not play an active role in engaging fisherwomen in Ujung Pangkah. Meanwhile, as we know, both Is and Ndhuk live under the Gresik Regency's Regency Minimum Wage (UMK)<sup>3</sup>, meaning they need financial assistance, especially are both are their families' primary earners. Because of this, the writer then performed an audience with Gresik Regency DKP officials, accompanied by several PPNI Gresik members

who helped Is and Ndhuk obtain their fisherman's card and insurance.

### The Bureaucracy Debate Disadvantages Fisherwomen

The dire issue of the fisherman's card and insurance indeed began when the two gender-biased laws were formulated. The writer's feminist analysis of the fisherman's card and insurance in the previous discussion demonstrates obtaining a fisherman's card and insurance is a difficult process, because the regulating laws are proven to be un-feminist, which means that fisherwomen will always have difficulty accessing their rights. Executive institutions such as municipal villages, subdistricts and maritime and fisheries services (DKP) at the municipal/regency to provincial level serve as the state's extension that functions to help the process of issuing fisherman's cards and insurance. The problem is, the writer's interviews with two fisherwomen who have obtained a fisherman's card and insurance show that they know absolutely nothing about the uses and benefits of the card and insurance. This is because neither Is and Ndhuk has ever received information on the card and insurance directly from the Gresik Regency DKP. This is normalized because the cultural characteristics of femininity are seen as incompatible with bureaucratic organizations that prioritizes rational values and attempts to eliminate non-rational issues (Widaningrum 1999, p 42). Fisherwomen are seen as a mere occurrences, and not a reality, so that fisherwomen are not made into subjects that must be actively engaged by the policy. The cases of the two fisherwomen are quite unique and also worrying. According to Elly Ekawati, a PPNI member who assists the process of issuing fishermen's cards and insurance, she was only given one hour to find fisherwomen in her village, so that she could only record the two fisherwomen's personal data.

Because of the one-hour limit, Mas (writer). We were racing with time. Could only get Bu Ndhuk and Is. It was I and Bu Zulaikho who took care of it. Bu Zul went to Pangkah Kulon, and I took Pangkah Wetan. We had to race with the one-hour limit, Mas ... but, *alhamdulillah*, we were able to do it. (Ekawati 2017, interview 20 August)

She had already engaged in a debate with the DKP for fighting fisherwomen's rights to a fisherman's card and insurance, because the form indeed does not prevent women from accessing either. To further understand the bureaucratic process of obtaining the fisherman's card and insurance, the writer performed an audience with representatives from the Gresik Regency DKP. The

audience resulted in several interesting findings in regard to the bureaucratic process. Firstly, Gresik Regency DKP claims that around 10-15 fisherwomen in the Gresik Regency have already received a fisherman's card and insurance. The DKP in Gresik Regency is, in fact, more open than DKPs in other regencies because the agency was willing to issue fisherman's cards and insurance for fisherwomen without first changing their employment status on their IDs to fisherwoman.

When we refer to chapter 8 in the Ministry of Maritime Affairs and Fisheries regulation, changing the employment status is not a requirement for requesting a fisherman's card. The requirements are: (1) the request form for a fisherman's card has already been completed; (2) a photocopy of the KTP (national ID); (3) letter of information from the village or municipal village head, stating that the applicant works as a fisher; and (4) two 3-x-4-cm photos. What's interesting is that the researcher found that DKP representatives in the Gresik Regency require that in order to ease the process of issuing a fisherman's card and insurance, it's recommended that fisherwomen create a Communal Business Group (KUB) that must be legalized by several layers of stakeholders.

... And then, on the issue of the fisherman's card (and insurance for fishermen), please coordinate with the community so that they form a KUB, because a KUB must be legalized and recorded at the ministry. There is not yet a KUB (that is managed by fisherwomen in the Ujung Pangkah Subdistrict) from an institutional point of view. (KUB) is reinforced by the village chief. And this would make it easier to obtain a fisherman's card and fisherman's insurance. (Z 2017, interview 21 August)

In fact, according to the Minister of Maritime Affairs and Fisheries Regulation No. 16/2016, fishermen/woman are not required to form a KUB before applying for a fisherman's card and insurance. This "requirement" actually violates the minister's regulation and makes it difficult for fisherwomen to obtain her rights for a fisherman's card and insurance because the Gresik Regency DPK requires at least 10 people under the KUB. In the audience that we performed, the DPK representatives made several sexist statements, as if doubting women's choice to go out to see and implying that women's role in the fisheries sector is limited to fish processing. For example:

... Is it true that Ibu-Ibu (addressing the women present) want to work as fishermen forever? That's my question. If (you) receive assistance, would you prefer to become fisherwomen or to process (fish)? That's our homework (or our question) together. (Z 2017, interview 21 August)

The DPK representative's question is very sexist and discredits the profession of fisherwomen, under the assumption that it's not a profession that is performed willingly and wholeheartedly by fisherwomen. Meanwhile, our interview with the two fisherwomen who have obtained the fisherman's card and insurance show that they've been fisherwomen for over 10 years and even decades. It would be difficult for them to move on to a new profession after so many years, and to perform new and foreign tasks. The writer believes that the DPK representative's question is never asked of male fishermen when they express the desire to obtain a fisherman's card and insurance, when it's possible that some male fishermen would like to process fish, or, if given the capital, would prefer to work on land. The DPK representative's statement, if analyzed further, implies that women only play a role as processors and not as fishers. Furthermore, one Gresik Regency DPK representative explicitly said that it would be better for coastal women to work in the fish processing sector.

... Actually, if I can personally be honest, for (DKP) services, when it comes to equality, what I want is for these ibu-ibu (women) to all work in (fish) processing. The opportunities are truly great in processing. ... (Fish) processing is the world of women, anyway. According to DKP's data there are 2,137 individuals who process (fish). (Z 2017, interview 21 August)

The Gresik Regency DPK representative's gender-biased and sexist statement has implications on policies regarding assistance provided by the agency. It's true PPNI Gresik very often receives assistance in the form of training for processing and marketing processed fish from the Gresik Regency DPK, because no PPNI Gresik members work as fisherwomen who, like Is and Ndhuk, catch marine biota. Gresik Regency DPK also organizes training and information sessions for fishermen in Ujung Pangkah but Is and Ndhuk, whose status as fisherwomen has clearly been recognized by the state, have never been involved. This is the point where fisherwomen experience multiple social exclusion because their political identity is truly marginalized from the coastal community. To quote Rodgers via Syahra, social exclusion means tying social problems with a wider focus that emphasizes the importance of relational aspects in various sectors of life: social, cultural or politics, as well as the distribution of items or objects (Syahra 2010). Fisherwomen experience exclusion from the job market because their profession is not socially recognized and is seen as a work that is not normally performed by women. This proves that the legal recognition of fisherwomen is not enough, as they are still faced with social and cultural hurdles.

## Conclusion

An analysis of legal theory and feminist policy on the fisherman's card and insurance shows that these state policies have not yet succeeded in accommodating the rights of Indonesia's coastal women, particularly fisherwomen. As seen from an analysis of laws and feminist policy, the fisherman's card and insurance can be said as failing as feminist policies, both descriptively and substantively. They have descriptively failed because fisherwomen are not stakeholders in either policy. Substantively, they have also failed, because according to Mazur's indicator, laws that regulate the fisherman's card and insurance only fulfill one indicator of the three that must be fulfilled before a policy can be said to be feminist. The definition of coastal women's role itself is also limited to being a fisherman's wife and not autonomous individuals who have the right to determine their own identities. The problem of fisherwomen's legal identity does not stop at this narrow definition. A redefinition and expansion of the term "fisherman" must be accommodated in the interest of fisherwomen who are involved in pre- and post-production in the fisheries sector, because it can't be denied that women in this sector contribute massively to the country's economy. The bureaucratic process and requirements for a fisherman's card and insurance for fisherwomen are not easy. Furthermore, when fisherwomen have obtained their fisherman's card and insurance as a form of legal recognition of their identity, they experience social exclusion and are still "othered" in social/community structures. A solution must be immediately found to the debate surrounding fisherwomen's legal identity because coastal women need more than mere recognition on paper. Finally, the action of providing fisherman's cards and insurance to fisherwomen must be accompanied by a feminist goal, namely equality for all groups, without exception.

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Law No. 7/2016, *Protection and Empowerment of Fishermen, Fish and Salt Farmers*, 14 April 2016, State Gazette of the Republic of Indonesia, Year 2016, No. 68, Jakarta.

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## Endnotes

- 1 The term used by the Ujung Pangkah community to refer to people who collect leftover fish from fish farms.
- 2 The term used by the North Jakarta Coast's community to refer to intermediaries for fishermen's marine catch.
- 3 Taken from the website of Gresik Regency's Manpower Services, Gresik Regency's minimum wage is Rp3,293,506.25. The writer assumes that if Is and Ndhuk's average income is Rp30,000 per day, then said amount times 30 days equals only Rp900,000.00 per month ("UMK Gresik Regency Year 2017" n.d.).



### **Expression of Gratitude to Reviewers**

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## AUTHOR GUIDELINES

Jurnal Perempuan (JP) is a quarterly interdisciplinary publication in the English language that aims to circulate **original ideas in gender studies**. JP invites critical reflection on the theory and practice of feminism in the social, political, and economic context of Indonesian society. We are committed to exploring gender in its multiple forms and interrelationships.

The journal encourages practical, theoretically sound, and (when relevant) empirically rigorous manuscripts that address real-world implications of the gender gap in Indonesian contexts. Topics related to feminism can include (but are not limited to): sexuality, queer, trafficking, ecology, public policy, sustainability and environment, human and labor rights/ issues, governance, accountability and transparency, globalization, as well as ethics, and specific issues related to gender study, such as diversity, poverty, and education.

JP welcomes contributions from researchers, academia, activists, and practitioners involved in gender advocacy in any of the areas mentioned above. Manuscripts should be written so that they are comprehensible to an intelligent reader, avoiding jargon, formulas and extensive methodological treatises wherever possible. They should use examples and illustrations to highlight the ideas, concepts and practical implications of the ideas being presented. Feminist theory is important and necessary; but theory — with the empirical research and conceptual work that supports theory — needs to be balanced by integration into practices to stand the tests of time and usefulness. We want the journal to be read as much by stakeholders as by academics seeking sound research and scholarship in women's study.

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