

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Protection Of Women's and Children's Rights as The Main Pillar in Achieving Inclusive and Sustainable Development

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Abstract. *Inclusive and sustainable development requires that no one is left behind. In this context, women and children play a vital role while simultaneously being the most vulnerable groups to discrimination, violence, and marginalization. Women and children often remain in subordinated positions. The high rates of gender-based violence, child marriage, unequal access to education, and stunting indicate that the fulfillment of their fundamental rights has not yet been optimal. Development will never truly reach a "sustainable" state if the human rights of half of the population (women) are not fulfilled, and the nation's future generation (children) grows under the shadow of exploitation. This article aims to examine the significance of protecting women's and children's rights as a core pillar of the Sustainable Development Goals (SDGs) agenda, as well as to evaluate the legal framework and its implementation challenges in Indonesia. This research uses a normative juridical method with a library research approach. Data analysis is conducted descriptively and qualitatively. The findings show that women's empowerment and child protection have a direct impact on improving human resource quality and long-term economic growth. Although national legal instruments have developed significantly, cultural barriers in the form of patriarchal norms and structural inequality remain major obstacles. Gender mainstreaming and integrated fulfillment of children's rights are required in all state policies to achieve fair, inclusive, and sustainable development.*

Keywords: *Gender Equality; Human Rights; Inclusive Development; Sustainable Development; Women's and Children's Rights.*

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

1. Introduction

The concept of national development has undergone a fundamental paradigm shift. In the past, development was measured solely through economic growth and physical infrastructure indicators. Today, development must be grounded in holistic human development. This is reflected in the global agenda of the Sustainable Development Goals (SDGs), where achieving gender equality and eliminating all forms of violence are fundamental pillars.

Within the framework of inclusive development, women and children are not merely policy objects but key subjects and pillars of national future sustainability. Women contribute half of the demographic potential which, if empowered, can accelerate economic growth. Meanwhile, children represent the future generation whose physical, mental, and intellectual quality will determine a country's competitiveness.

In reality, women and children still often occupy subordinated positions. High rates of gender-based violence, child marriage, unequal access to education, and stunting indicate that the fulfillment of their basic rights remains inadequate. Development cannot be considered truly "sustainable" if the rights of half of the population (women) are not fulfilled and children grow under exploitation. Therefore, this article analyzes the extent to which the protection of women's and children's rights has been integrated into legal systems and state policies as a driver of inclusive development.

2. Research Methods

This study uses a normative juridical research method with a library research approach. The focus is on analyzing legal norms, principles, and doctrines related to human rights, particularly the protection of women and children. Data sources are classified into two categories:

- a) **Primary Legal Materials** The 1945 Constitution of the Republic of Indonesia, the Human Rights Act, the Child Protection Act, and the Law on the Crime of Sexual Violence.
- b) **Secondary Legal Materials:**

Academic literature, textbooks, and recent scientific journals discussing the relationship between legal protection, gender, and sustainable development.

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Data analysis is conducted descriptively and qualitatively by systematically describing the issues and drawing prescriptive conclusions regarding the urgency of protecting women's and children's rights within the framework of inclusive development.

3. Results and Discussion

3.1. The Link Between Women's and Children's Rights and Sustainable Development

Genuine development in a country should not be measured merely by the No. of skyscrapers constructed or the length of toll roads inaugurated. True development must be inclusive, meaning that all segments of society without exception have equal access, treatment, and opportunities to participate in and benefit from progress. In the context of Sustainable Development Goals (SDGs), human beings are placed at the very center of development. If any group remains left behind, marginalized, or feels unsafe in its own country, then the economic progress achieved is merely a fragile illusion that cannot endure in the long term.

Within this inclusive framework, the fulfillment and protection of women's and children's rights are directly and inseparably linked to indicators of national development success. Women and children are not minority groups; together, they represent more than half of the total population. Neglecting their rights is equivalent to wasting more than half of the nation's potential strength. Therefore, ensuring that women are free from discrimination and that children can grow optimally is not merely an optional program or a supplementary agenda in the State Budget (APBN), but an absolute prerequisite for national progress.

From an economic perspective, women's participation has an extraordinary leverage effect on national welfare. The first essential step is eliminating all forms of wage discrimination and creating safe, harassment-free working environments. By providing equal opportunities for women to actively participate in both public and formal sectors, the state can unlock a significantly larger productive workforce. This increased participation will naturally boost household purchasing power, stimulate local economic activity, and ultimately contribute significantly to national Gross Domestic Product (GDP).

Women's economic independence also generates a powerful multiplier effect on the quality of future generations. Various economic and social studies show that financially independent women who control their own income tend to spend more wisely. Compared to men, women are more likely to allocate their income toward

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

improving family nutrition, healthcare, and children's education. When practiced collectively by millions of mothers across Indonesia, these micro-level domestic investments become a strong macro-level foundation for national resilience and poverty alleviation.

Meanwhile, from a social and human resource development perspective, child protection is one of the most valuable long-term investments. Children who are protected from violence, free from the threat of stunting, and shielded from labor exploitation will grow with strong cognitive abilities and healthy psychological development. Ensuring equal access to quality education for every child, regardless of gender, is the most powerful tool for breaking the intergenerational cycle of structural poverty. These healthy and educated children will become future innovators, leaders, and highly skilled workers who support sustainable development.

3.2. The Legal Framework of Protection in Indonesia

As a rule-of-law state (*rechtstaat*), Indonesia fully recognizes that the protection of vulnerable groups cannot rely solely on moral appeals, but must be anchored in constitutional authority. This highest commitment is explicitly stated in the 1945 Constitution of the Republic of Indonesia. Article 28B paragraph (2) guarantees every child the right to survival, growth, and development, as well as protection from violence and discrimination. This article serves as the philosophical foundation that the state must never, even for a moment, neglect the safety of its future generation.

This constitutional mandate is further elaborated and strengthened through various specific regulations to ensure enforceability and legal sanctions in practice. One of the most important legal milestones is Law No. 39 of 1999 on Human Rights. This law explicitly affirms that women's rights are human rights, thereby eliminating outdated views that previously treated women's issues as secondary concerns. This recognition ensures that all forms of discrimination and oppression against women are treated as serious human rights violations that must be prosecuted by the state.

Another significant legal development occurred with the enactment of Law No. 23 of 2004 on the Elimination of Domestic Violence (KDRT). This regulation represents a revolutionary breakthrough that dismantled deeply rooted cultural norms. Previously, violence against wives or children within the household was often considered a private matter or a "family disgrace" that outsiders, including law enforcement, should not interfere with. This law boldly reclassified domestic

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

violence most of whose victims are women and children as a criminal offense within the public legal sphere.

The legal protection framework reached its peak with Law No. 12 of 2022 on the Crime of Sexual Violence (TPKS). This law emerged from a long struggle and the suffering of victims who previously found it difficult to obtain justice due to rigid evidentiary standards. The TPKS Law introduces a modern and progressive legal paradigm by shifting the focus not only toward punishing perpetrators, but also toward ensuring the safety, security, and rights of victims throughout the judicial process.

More importantly, the TPKS Law guarantees comprehensive victim recovery rights. It requires perpetrators to pay restitution (financial compensation) from their assets to victims. If the perpetrator's assets are insufficient, the state is obligated to provide compensation assistance. This legal framework from the Constitution to the TPKS Law demonstrates that Indonesia's legal protection system for women and children is, in textual terms, comprehensive, strong, and multilayered like a robust safety net.

3.3. Challenges in Achieving Inclusive Development

Although Indonesia has developed an ideal legal framework in concept and text, empirical reality tells a very different story. The journey toward truly inclusive development still faces a difficult and uneven path. Having strong laws on paper does not automatically change the harsh realities experienced by victims in rural areas and urban peripheries. There is a significant gap between legal norms and their implementation, mainly caused by structural barriers, cultural constraints, and long-standing bureaucratic weaknesses.

The most dominant cultural barrier is the strong grip of patriarchal culture. This inherited social construct places men in a dominant and superior position over women. As a result, society often normalizes or justifies various forms of physical and verbal violence against women under the pretext of "discipline" or "protecting honor." Patriarchy also systematically restricts women's access to higher education, formal employment, and decision-making spaces, both within households and in government institutions.

Another critical challenge is the widespread practice of child marriage. This harmful tradition violates children's fundamental rights, especially their right to education and play. From a medical perspective, forcing an underdeveloped child's body into pregnancy significantly increases the risk of maternal and infant

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

mortality during childbirth. This phenomenon perpetuates intergenerational poverty and contradicts the very principles of sustainable development.

In the formal justice system, access to justice remains limited. Legal procedures are often lengthy, complicated, and intimidating for ordinary citizens. Worse still, some law enforcement officials from investigators to judges lack a gender-sensitive perspective. This often leads to victim blaming, where victims of violence are questioned about their clothing or why they were outside at certain times.

These combined factors patriarchal culture, victim blaming, family pressure to reconcile, and traumatic legal processes produce an “iceberg phenomenon.” Reported cases represent only a small fraction of actual incidents. Beneath the surface, thousands of victims remain silent due to fear, shame, or a belief that justice will never be achieved. As long as this iceberg remains, inclusive development will never be fully realized.

3.4. Acceleration Strategy Based on Human Rights

To overcome these cultural and bureaucratic challenges, the state can no longer rely on conventional or routine policy approaches. A fundamental and transformative acceleration strategy is required to establish women’s and children’s protection as an unshakable pillar of development. The development paradigm must shift radically from being growth-oriented and infrastructure-focused to being centered on respect for, protection of, and fulfillment of human rights.

The first and most important strategy is the real implementation of Gender Mainstreaming, not merely as a policy slogan. Gender mainstreaming requires the government to apply a gender-equality perspective in all policy processes. Every stage of development from village planning meetings, national budgeting, project implementation, to evaluation must be assessed for its impact on both men and women. The state must ensure that no public policy unintentionally disadvantages or endangers women and children.

In addition, strong institutionalized cross-sector collaboration is essential. Issues such as violence against women, stunting, and child trafficking are highly complex structural problems. These cannot and should not be handled by a single ministry alone, such as the Ministry of Women’s Empowerment and Child Protection (KemenPPPA), which often faces limitations in budget and authority. A coordinated, multi-ministerial approach is necessary to address these issues simultaneously from multiple dimensions.



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

This synergy must involve law enforcement agencies for swift action against perpetrators, the health sector for providing medical examination and trauma recovery services, and the education sector for integrating gender equality into early education curricula. Local governments must also be instructed to allocate regional and village budgets for safe houses, women's economic empowerment programs, and anti-child marriage campaigns at the grassroots level.

Finally, this acceleration strategy must actively involve the private sector and civil society. Companies should be encouraged to create harassment-free workplaces, provide adequate maternity leave, and contribute CSR funds to support education for underprivileged children. At the same time, communities through religious leaders, youth groups, and NGOs must continue to serve as agents of cultural transformation. Only through such collective cooperation can Indonesia achieve truly just, prosperous, and inclusive sustainable development.

4. Conclusion

The protection of women's and children's rights is not merely a legal or moral issue but a fundamental pillar for inclusive and sustainable development (SDGs). National development quality is directly proportional to how well a state ensures safety, equality, and freedom from discrimination. Indonesia already has a strong legal framework, but its effectiveness is hindered by patriarchal culture and structural inequality. Therefore, full implementation of laws such as the TPKS Law, adequate budgeting for protection services, and continuous public education are essential to achieve a just, inclusive, and sustainable society.

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LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

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