

## **BETWEEN CULTURE AND REGULATIONS FOR WOMEN WORKERS IN THE TOURISM FUTURE**

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### **Abstract**

*In accordance with Decree MUDP X/2010 which legitimizes women to be involved and play an active role like men in the public and domestic spheres. Socio-legal research, data in the form of legal documents and the results of in-depth interviews are then analyzed using various approaches (legal, theoretical and historical approaches) using inductive-deductive methods. The research results show that Bali Provincial Regulation 5 of 2020 accommodates the role of indigenous communities, including indigenous women, in managing Balinese cultural tourism, therefore Law Number 10 of 2009 is the only reference in managing Balinese cultural tourism. Meanwhile, for Balinese traditional communities, it is known that participation is not only regulated in Bali Provincial Regulation Number 4 of 2019 concerning traditional villages and awig-awig, but also in unwritten forms such as pararem pemahcah awig and perarem, ngele. The existence of indigenous women as public sector workers, namely in tourist villages, is not only found in actual texts, but in general they live their lives based on customary law which contains applicable values, principles and norms. Therefore, it is necessary to formulate tourism policies that accommodate the rights of women indigenous workers in the substance of more specific customary law as a source of gender responsiveness.*

*Keywords: indigenous women; arrangement; tourist; responsive gender.*

### **Abstrak**

*Sesuai dengan SK MUDP X/2010 yang melegitimasi perempuan untuk terlibat dan berperan aktif seperti laki-laki di ranah publik dan domestik. Penelitian sosio-hukum, data berupa dokumen hukum dan hasil wawancara mendalam kemudian dianalisis dengan berbagai pendekatan (pendekatan hukum, teori, dan sejarah) dengan menggunakan metode induktif-deduktif. Hasil penelitian menunjukkan bahwa Peraturan Daerah Provinsi Bali 5 Tahun 2020 mengakomodir peran serta masyarakat adat termasuk perempuan adat dalam pengelolaan wisata budaya Bali, oleh karena itu Undang-Undang Nomor 10 Tahun 2009 menjadi satu-satunya acuan dalam pengelolaan wisata budaya Bali. Sedangkan bagi masyarakat adat Bali diketahui bahwa partisipasi tidak hanya diatur dalam Peraturan Daerah Provinsi Bali Nomor 4 Tahun 2019 tentang desa adat dan awig-awig, tetapi juga dalam bentuk tidak tertulis seperti pararem pemahcah awig dan perarem, ngele. Eksistensi perempuan adat sebagai pekerja sektor publik yakni di desa wisata tidak hanya ditemui teks secaratual saja, namun secara umum menjalani kehidupannya berdasarkan hukum adat yang memuat nilai, prinsip, dan norma yang berlaku. Oleh karena*

*itu, perlu dirumuskan kebijakan pariwisata yang mengakomodasi hak-hak perempuan pekerja adat dalam substansi hukum adat yang lebih spesifik sebagai sumber responsif gender.*

**Kata Kunci:** pengaturan, perempuan adat, responsive gender, pariwisata

## 1. INTRODUCTION

Based on Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, the constitution provides recognition, protection and respect for the existence of indigenous and tribal peoples. As a rule of law, Indonesia is obliged to protect all Indonesian people, including indigenous women; one of the constitutional rights as stipulated in Article 28 I Paragraph (2) of the 1945 Constitution of the Republic of Indonesia. In line with that, its position is the recognition, respect and protection of indigenous peoples including adatrecht in their communities. The customary law of a society is the totality of values, principles or norms that are used as guidelines in the daily life of all members of the community, including the rules of legal relations between the community and God Almighty, the community and the environment as well as within the community itself. In carrying out the legal relations mentioned above, indigenous peoples are bound by their respective customary laws. This is a characteristic of customary law whose application is specific, generally only in the territory of customary law communities [Adhari et al., 2021].

With regard to the existence of a community in an adat village area, one's membership in a nation-state political community can no longer be determined only by traditional origins, such as blood and place of birth, but also by other categories. Membership of a person in a nation-state political community can no longer be determined only based on traditional origins, such as blood and place of birth, but also based on other categories [Mudzakkir, 2013]. In practice, even though both have ID cards from certain countries, access to the citizenship arena often differs from one person to another. One of the distinguishing elements is gender. For a longtime men occupied a central position in public life, while women were only seen as second sex and class, so they had to be satisfied as servants of domestic life.

The existence of gender equality is essentially a mandate from the constitution. The

formulation of human rights arrangements (HAM) in the constitution does not distinguish between men and women. both in their capacity as human beings and as citizens.

Furthermore, the issue of citizenship which is still gender inequality does not only occur in the relationship between citizens and the state in law and government, but also in the family sphere and other social causes. Bali Province is one of the areas where customary law communities still exist. The order of traditional life and culture of the Balinese people, the application of a patriarchal system, namely a system which states that men have a higher position and broader authority than women and even women are considered as other people in the family [Al-oun & Al-Homoud, 2008]. This is what causes a very deep gap between men and women. So that this patriarchal system often makes women feel oppressed and excluded and even completely powerless. In addition, economic demands and the high cost of living in big cities, especially in tourist destinations, force a family to meet the needs and costs of living by involving women.

Until now, the law is still considered discriminatory and gender unfair. Even though the law must be fair or gender sensitive to guarantee the fulfillment of women's human rights. By adhering to the principle of equal rights in all fields, both men and women have the same rights or opportunities to participate in every aspect of social and state life. So that if there is discrimination against women it is a form of violation of women's human rights. Violations of women's human rights occur for various reasons, including the result of the legal system, where women become victims of the system. The Reform Order was the most progressive period in the protection of human rights. During this period, various laws and regulations were issued, including laws and regulations on women's rights.

The importance of realizing gender equality at the international level has been stated in the Sustainable Development Goals (SDGs), namely in the fifth indicator. In line with this, the Government of the Republic of Indonesia

through Presidential Regulation Number 59 of 2017 concerning Implementation of the Achievement of Sustainable Development Goals has realized the concept of Sustainable Development Goals in one product. The implementation of the legal program is the shared responsibility of all levels of society and related stakeholders [Atzmanstorfer, K., Resl, R., Eitzinger, A., & Izurieta, 2014].

Synergizing with the aim of improving the welfare of traditional village communities, Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali provides an opportunity for traditional villages to form business entities belonging to traditional villages that carry out real economic, service and community activities services organized based on customary law and managed by a modern government to improve the welfare and independence of indigenous village communities. As stated in Article 1 of the Bali Regional Regulation Number 8 of 2019, a Traditional Village is a unit of customary law communities in Bali that has territory, position, original composition, traditional rights, own assets, customs, social life arrangements that have been passed down from generation to generation, inherited from a holy place (*kahyangan tiga* or *kahyangan desa*), duties and authority as well as the right to organize and manage the household itself. Chapter XI of the Bali Province Regional Regulation 4 of 2019 became the basis for the formation of the Traditional Village Council (MDA), which is the forum for traditional villages. Normatively, MDA consists of MDA at the provincial level, MDA at the district/city level and MDA at the district level. MDA was originally known as the Traditional Village Assembly (MUDP).

The Province of Bali is committed to implementing the principle of gender equality

## 2. METHOD

The research method used to answer the problems in this paper is simultaneous between non-doctrinal research and doctrinal research but is solved by doctrinal research methods. Teachings The research method is used to answer problems related to normative aspects of law enforcement from a gender responsive perspective, while non-doctrinal methods are used to observe and study the existence of indigenous in customary law communities in Bali Province. In addition, this paper uses

through various regional and national commitments. The 1945 Constitution of the Republic of Indonesia guarantees equality between men and women, and gender mainstreaming has been adopted as a policy to integrate a gender perspective into policies, planning and budgeting. Nationally, affirmative action has also been introduced in Law no. 10/2008 concerning General Elections to ensure that at least 30 percent of women are included in the list of candidates for legislative members to overcome the problem of lack of gender representation in politics in this country. At the local-regional level, since the issuance of the Bali Province MUDP Decree No.01/Kep/PSM-3/MDP BALI/X/2010, women have been legitimized to be involved and play an active role like men in public spaces. domestic scope and scope gender responsive policy of 30% quota for women gives legitimacy to women's leadership.

This study examines: first, the form of legal protection in an effort to fulfill the right to get a job for indigeneous women in tourism sector; second, the formulation of affirmative action policies in traditional villages which still apply a patriarchal system to the work of indigenous women in the Province of Bali. In addition, this paper also examines the formulation of gender-responsive policies in the future to better accommodate the existence of customary law in overcoming forms of discrimination against indigenous women in obtaining workers' rights in the tourism sector.

Legal research that examines applicable legal provisions [Adnyani, 2021]. After the legal material is collected, analysis is then carried out to obtain a final argument in the form of an answer to the problem being researched in this article [Pitriyantini & Adnyani, 2023].

secondary data in the form of legal documents obtained through literature studies in the form of the 1945 Constitution of the Republic of Indonesia, Law Number 10 of 2009, Regional Regulations of the Province of Bali, various positive legal products related to customary law and Primary data was taken through observation and in-depth interviews with traditional village leaders in several traditional villages in Bali Province and Balinese customary law experts. To obtain the data, a socio-legal approach and deductive-inductive data analysis techniques were chosen.

### 3. RESULT AND DISCUSSION

#### 3.1 Result

This policy is proof of the seriousness of the Provincial Government of Bali and the Traditional Village to continue to encourage the feminist movement in Bali in order to continue Raden Ajeng Kartini's noble struggle, namely to break down the oppression of women. From a gender responsive perspective, there is equal access and full participation for men and women, on the basis of the principle of equality in all fields and levels of public life, especially in decision-making positions. With this feminist movement, women now have equal opportunities in various matters such as getting a job, education, inheritance distribution, and so on. For example, in the field of work, in general, currently the number of women working as money-making workers in various sectors is increasing, especially those working in the tourism industry.

Even though the number of women is very potential, there are several forms of women's participation that can be carried out optimally as a form of women's participation in the implementation of development in general. Gender equality in the context of national development is also a determining factor for the success of development. Indonesia's Gender Development Index (IDG) since 2017 has continued to increase until now. In 2020 based on BPS data, Indonesia's IDG is at 91.06, a decrease of 0.01 from 2019 [Fadli et al., n.d.].

One form of sustainable development that is being promoted in Indonesia is in the field of ecotourism. Development policies in the ecotourism sector are prepared based on the domestic characteristics of each country. Each country has different characteristics in terms of natural resources, geography, demography and local population, history and experience, industrial linkages, economic growth, political stability, institutions and entrepreneurship. Ecotourism is very closely related to the environment and conservation efforts both in terms of culture and the natural environment [Dharmawan, 2012].

The development of ecotourism villages in the tourist area of Bali Province cannot be separated from the role of the surrounding community who live in the area in preserving natural resources and existing local wisdom. Not only men, women must also have a big role in

village development in the field of ecotourism. Women's involvement in sustainable development is also the target of the SDGs in achieving its goals, as stated in point number five, namely "Achieving gender equality and empowering all women and girls". Therefore, the involvement of women is a very important factor, such as participating in managing tourist objects, participating in making decisions to make regulations, participating in managing and preserving the environment.

Bali Province in 2020 is ranked 5th as the region with the highest GPI rate in Indonesia. The GPA for the Province of Bali in 2020 is 93.79 (*Gender and Tourism Sustainability: Journal of Sustainable Tourism: Vol 30, No 7, n.d.*). This figure shows that there is an even distribution of development in the Province of Bali. The Gender Empowerment Index (IDG) for the Province of Bali in 2020 is 72.16. The IDG of Karangasem Regency as the location of Tenganan Pegringsingan Village has an IDG of 63.61 in 2020 [Khan et al., 2020]. Bali's IDG figure when compared to other provinces is still relatively small and not even included in the 10 (ten) provinces with the highest IDG in Indonesia. More specifically, the KTP of Karangasem Regency is the district with the lowest KTP in Bali Province compared to other districts/cities.

This shows that there is still a lack of women's empowerment in the aspect of economic development. Efforts to realize gender equality must certainly become a common concern as a sustainable national development agenda. In addition, the importance of women's empowerment is also a step to increase women's participation in national development.

#### 3.2 DISCUSSION

##### **The Dilemma of Implementing Traditional Kinship Systems in Traditional Villages in Bali Against the Fulfillment of Women's Rights as Tourism Sector Workers in a Gender Responsive Perspective**

The indigenous peoples' movement emerged as an accumulation of discrimination and marginalization of economic, political and customary rights by irresponsible elements. They also want the government to provide participatory space for them to revitalize a number of traditions in their original culture which are quite relevant to the current context. The emergence of the idea of Indigenous

Constitutions which became the framework for the study in this research has been implemented by various countries in the world, even the United Nations and the ILO explicitly issued The Declaration on the Rights of Indigenous Peoples (UNDRIPS), and the Declaration on Indigenous Peoples and Indigenous Peoples in an Independent State. These regulations were made as a tribute to indigenous peoples to Protect the Intangible Cultural, Spiritual and Religious Heritage found in indigenous peoples.

Human Rights (HAM) are considered as rights that are owned and have been inherent from birth and are collective in nature, this definition does not provide a broad paradigm because the intensity of rights inherent from birth will lead to perceptions of the right to life. alone. Whereas human rights are not only rights that are owned because someone is human, but these rights are very important rights, which are formed to protect legitimate and moral human interests, especially from the abuse of political power (Lew et al., 2014). The concept of human rights is actually a mechanism for connecting between individuals "participation in rights is participation in relationships with other people (Kalisch & Cole, 2022).

The concept of the nation-state which has become the basis for the implementation of democracy since the beginning was envisioned as a unit of shared destiny and aspirations that transcends (transcends) ethnicity, race, religion, gender as a modern political entity or what Ben Anderson calls it. it is "imagining the Community" (Sustainability | Free Full-Text | Revisiting the Dynamics of Tourism, Economic Growth, and Environmental Pollutants in the Emerging Economies—Sustainable Tourism Policy Implications, n.d.). However, in reality most of the nations that have developed through the nation-state process have always separated the polarization of the majority and the minority. In later application, the democratic system in a nation-state does not always guarantee equal economic, political and cultural rights among minorities (Richards, 2018).

There are a number of discriminations against women workers, such as the right to equal employment opportunities between women and men, the freedom to choose a profession, employment, promotion and training, the right to equal pay for equal work, women workers are always considered single, the right to enjoy occupational health and safety

insurance, the right not to be dismissed from work and receive benefits due to marriage and childbirth, the right to leave for menstruation, maternity and maternity leave, the right to receive general benefits and social facilities, especially child care. Another form of discrimination against women at work is the existence of socio-cultural values of Indonesian society which generally prioritize men over women (stereotypes) with deep-rooted patriarchal culture (cultural absolutism), cultural bias to deprive women of their position as domestic workers. or are not considered as the main breadwinner, there are still laws and are still in favor of gender, such as Circular of the Minister of Manpower Number 7 of 1990 concerning Classification of Wages and Non-Wage Income which stipulates that benefits are still given to wives and children, women workers are considered single people do not receive benefits, even though they are married and have children, there is still an assumption that differences in human quality, for example, level of education and physical ability result in different levels of productivity. In general, the problems of female workers are that there are still differences in terms of providing employee benefits, female workers get relatively lower wages than male workers, discrimination in terms of hiring workers in companies, where male workers are given priority over male workforce. women's work, there is no understanding in a broad sense about women workers who work and have large family responsibilities, working hours are not yet flexible, maternity protection, protection for workers who work at night, termination of employment for women workers, equal rights in humanity resource development Due to the biological nature of women which is not shared by male workers, female workers often need relatively longer rest periods compared to male workers so that investment in human resources is considered unprofitable or generates a low rate of return. Because of this, equality of rights in the development of human resources for women workers is often forgotten.

When compared, the number of female workers in the tourism industry is far more than that of men. Data from the Global Report on Women in Tourism from the World Tourism Organization (UNWTO) which was released in 2019 noted that the number of female workers in the tourism industry sector reached 54 percent. Although the majority, in fact female

workers receive 14.7 percent lower wages than male workers.

The role of women in the domestic sphere is very important, but there is no guarantee or reward in material form. Women give more opportunities to men in carrying out economic activities. Men are the only economic agents on which women are financially dependent. This describes how women in the household work from morning to night but are not paid. In fact, all of her social and economic status always follows her husband, not her own achievements. Women's studies that examine gender relations in various world societies generally agree that there is injustice in gender relations. (Butler et al., 2021), explains that there are six gender injustices that occur to women, namely (1) marginalization or the process of economic impoverishment of women; (2) subordination or presumption of importance in political decisions; (3) the formation of female stereotypes or through negative labeling; (4) violence against women, (5) disproportionate workload, longer workload (burden), and (6) ideological socialization of gender role values.

Society's perception of gender inequality towards women is influenced by social construction, this is because the culture in Indonesia since its ancestors has always sided with and benefited men - men, therefore the perception of gender inequality towards women greatly shapes the mindset of Indonesian society, which unfortunately, this perception continues to influence our minds from year to year or from generation to generation. Upholding human rights and women's rights will not be achieved if justice and gender equality cannot be realized.

If seen from Law no. 7 of 1984 concerning the Elimination of All Forms of Discrimination Against Women (CEDAW) supported by the Government of the Republic of Indonesia for the purpose of the Convention Concerning the Elimination of All Forms of Discrimination Against Women (Women's Convention) as set forth in a government statement in the Indonesian Parliament, February 27, 1984, among others, abolishing discrimination in all forms against women and possibly in realizing the principle of equal rights for women in the political, legal, economic and socio-cultural fields.

Article 1 For the purposes of this Convention, the term "discrimination against

women" means any distinction, exclusion or limitation made on the basis of sex, which has the effect or aim of reducing or nullifying the recognition, enjoyment or exercise of human rights. basic rights and freedoms in the political, economic, social, cultural, civil or other fields by women, regardless of their marital status, on the basis of equality between men and women. The Women's Convention concretely emphasizes: a. Equality and justice between women and men (gender equality and equity), b. equality of rights and opportunities as well as fair treatment in all fields in all activities although it is acknowledged that there are differences: (a) Biological/natural differences between women and men. (b) Differences in treatment of women based on gender so that women are disadvantaged: women as subordinates to men in both the family and society, limited capabilities and opportunities to take advantage of existing opportunities to grow and develop optimally, comprehensively and integrated opportunities to play a role in development and enjoy the fruits of development. c. Differences in conditions and positions of women against men where women are in a weak condition and position because from the start there has been a pattern of discrimination in traditional culture or because of the family environment, society that does not support women's equality and independence. d. The basic principles of the Women's Convention that we make are: (1) The principle of substantive equality; (2) the principle of non-discrimination; and (3) the principle of state obligation.

In carrying out national development, labor participation is increasing and along with that the protection of labor must be increased both in terms of wages, welfare and dignity as human beings (to make more human). The Indonesian nation respects every effort of a nation to define and regulate human rights in accordance with their respective values and outlook on life. The Indonesian nation upholds and implements humanitarian principles in accordance with Pancasila as the nation's view of life.

The 1945 Constitution of the Republic of Indonesia, hereinafter abbreviated as the 1945 Constitution of the Republic of Indonesia, places equal rights for every citizen, both women and men in law and government, particularly in Article 2 Paragraph (2) which regulates that every citizen has the right to work and live a

decent life for humanity. Furthermore, global provisions for realizing equality before the law and protecting human rights, particularly the elimination of discriminatory practices based on gender, race, age, class, have been proven by the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women, hereinafter abbreviated as CEDAW to become Law Number 7 of 1984, the convention stipulates that the practice of discrimination against women is a violation of human rights. Therefore, in order to protect, promote and fulfill women's human rights, it is necessary to incorporate the principles/values of equality between women and men into the existing legal system, especially in the aspects of humanity and justice.

As a rule of law, the protection of human rights demands equality for every human being before the law, there is no equality that will cause one party to feel superior to the other. A situation like this is an early form of anarchy that causes human rights to be violated. Human rights are essentially rights that are owned by every human being and are entitled to be enjoyed solely because he is a human being. This has been regulated in the Universal Declaration of Human Rights, hereinafter abbreviated as UDHR. Furthermore, the declaration stipulates that human rights are rights that are inherent in all human beings from birth and the protection of these rights is the first responsibility of the government, human rights are based on the basic principle that all people have essential human dignity, regardless of gender, gender, race, skin color, language, national origin, age, class or religion or political belief, every human being has the right to enjoy his rights.

Referring to the AGIL theory put forward by Talcott Parsons that in a social system, adjustments to culture are needed to achieve the goal of fulfilling life (*"Women Cannot Lead": Empowering Women through Cultural Tourism in Botswana: Journal of Sustainable Tourism: Vol 23, No 4, n.d.*). The existence of gender equality in people's lives in several areas of traditional villages in Bali, such as Tenganan and Penglipuran is certainly one of the concrete evidences of community adaptation to outside cultural influences. Even so, the existence of awig-awig is maintained as a legal institution that guides humans in interacting in a social system.

Community compliance with customary law promulgated by the customary government in

the customary territory of Bali Province is a collective awareness in which obedience becomes the communal identity of indigenous peoples. The concept of punishment for disobeying customary law is not burdensome, but more emphasis is placed on aspects of teachings that apply throughout life.

Tourism is one of the development sectors in many countries and is expected to be a source of foreign exchange both at the local and regional and even international levels. Empowerment of local communities, in this case women, is very important in efforts to develop community-based tourism in the three villages. Empowerment includes building women's capabilities, cultural changes and structural policies that are pro-women. Balinese women are tough women, they are able to carry out three roles at once, namely the role of the family, the role of the economy, and the role of religious customs. They are able to balance all three roles that demand time, pressure, and behavior that often demand to be put together.

As referred to above, all laws and regulations whose contents are formed must contain the principle or principles of humanity as stipulated in the principle of formation of laws and regulations in Law Number 12 of 2011 that every formation of laws and regulations must contain humanitarian principles. which reflects the protection and respect for human rights and the dignity and worth of every citizen and resident of Indonesia proportionally.

The development of Indonesian society is based on human values, therefore the process of community development must be realized in all activities of human life, including in manpower development, working in labor law not only pursuing external satisfaction but also pursuing inner satisfaction in a sense of creating harmony, harmony and work-life balance. In creating harmony, harmony and balance in the lives of female workers as a form of recognition and respect for human dignity and worth without differentiating social strata, political status, ethnicity, religion, political beliefs, culture, race, class and the like, including gender, it should be based on just and civilized humanity.

As a consequence of the recognition of indigenous women's rights as workers in the tourism industry, it cannot be denied that biologically, female workers have several physical needs that need to be accommodated in the workplace. Based on the Law of the

Republic of Indonesia Number 13 of 2003 concerning Manpower, the rights of women workers have been regulated. , as follows: (1) Regarding the working hours of women workers, in Article 76 of the Manpower Law it is explained if:

1. Female workers who are less than 18 (eighteen) years old are prohibited from being employed between 23.00 and 07.00.
2. Entrepreneurs are prohibited from employing pregnant women workers if according to a doctor's statement it is dangerous for the health and safety of both the fetus and themselves, if they work between 11:00 p.m. and 7:00 a.m.
3. Entrepreneurs who employ female workers between 23.00 and 07.00 must:
  - (a) Providing nutritious food and drinks; and
  - (b) Maintain decency and security while at work.

Furthermore, (2) the obligation to provide shuttle transportation as stipulated in Article 76 paragraph (4) is explained if the entrepreneur is obliged to provide shuttle transportation for female workers/laborers who go to and return from work between 23.00 and 05.00. Article 2 paragraph (2) of Kepmenakertrans 224/2003 also emphasizes the same thing if employers are required to provide shuttle transportation for women or women workers who go to and return from work between 23.00 and 23.00. until 5pm. Meanwhile, based on Article 7 of Kepmenakertrans 224/2003 it is explained: (1) Entrepreneurs must determine pick-up and delivery locations at locations that are easily accessible and safe for female workers; (2) The shuttle vehicle must be in good condition and must be registered with the company.

With regard to the arrangements given to women workers as described above, it appears that the content of the labor law in protecting women workers already reflects women's human rights, both regulated globally and constitutionally. Furthermore, the labor law explains that every worker has the right to receive protection for safety, health, decency, maintenance of work spirit and treatment that is in accordance with humane and religious morality. Therefore, in accordance with the adhered principles, the notion of work protection in Indonesia generally applies to both men and women.

Based on the view that has been universally recognized, women's reproductive function is a social function, therefore for female workers special protection is needed, as

stipulated in the Human Rights Act, especially in protecting women's reproductive function. Article 49 paragraph (2) stipulates that women have the right to receive special protection in carrying out their work or profession from matters that may threaten their safety and or health related to women's reproductive function. Furthermore, in paragraph (3) special rights attached to women because of their reproductive function are guaranteed and protected by law.

#### **The Policy of Affirming Traditional Villages that Continue to Implement the Patriarchal System for Employment of Indigenous Women in the Tourism Industry in the Future Province of Bali**

Discrimination in Article 1 of Law Number 7 of 1984, can be seen in article 4, that what does not include discrimination are actions called affirmative action, namely special actions that are temporary in nature with the aim of obtaining opportunities and real equal treatment between women and women. man -I man. For example: maternal protection for women (maternity leave, menstruation leave) this cannot be considered as providing discriminatory opportunities for male workers. The principle of justice relates to universal human morality which places social justice as one of the highest ideals of human civilization. Human society everywhere always crave social justice as the highest goal of the journey of society. In Indonesia from time to time continue to create institutions that carry out distributive functions, equity, empowerment and others.

Special steps so that women have equal access and can enjoy the same benefits as men to the opportunities and opportunities that exist. Example: formally determined and assume that women and men are the same, so they must be treated equally and have the same opportunities and each will perform the same performance, but in reality, this is not the case. Example: night work opportunities for men and women are the same de jure, it turns out that women may not necessarily be able to take advantage of these night work opportunities, because they have to face an unequal social environment, due to the fact that in society women are not in the right place to work going out at night to avoid harassment or being unsafe for herself, so if a woman has to leave the house at night to work she will be at her own risk if anything should happen to her. Therefore, a correction approach is needed where the company must provide shuttle transportation

for female employees, this will usually increase the company's expenses (budget), so the company should not accept female employees. The steps to realize women's rights are to eliminate differences, gaps/gaps or conditions that are detrimental to women, for example: the need to change mindsets and socio-cultural behavior towards women, eliminate prejudice and discriminatory habits and practices (do not disturb women). who walks alone at night). The obligation of the Government to develop policies and regulations relating to the steps needed to achieve substantive equality, equal rights and equal legal standards between men and women (for example; equal rights within the family, equal employment opportunities, equal pay, inheritance, citizenship, political opportunity).

Guarantee women's rights in the field of law and policy as well as guarantees for women so that they can enjoy the results of their implementation. The state is not only obliged to guarantee *de jure* equal rights (legal substance) but also *de facto*, namely by encouraging the realization of women's rights (Article 2). gender sensitive reform.

In summary, the state's obligations include: preventing discrimination against women, prohibiting discrimination against women, identifying discrimination against women and carrying out countermeasures, imposing sanctions on discriminatory acts against women, providing support for upholding women's rights and promoting equality and justice. and justice through proactive measures, and increasing the *de facto* equality of women and men.

The details contained in the convention illustrate that socio-cultural, economic and political changes must occur and be realized in almost all livelihoods, which means changing regulations, including changing patterns of behavior that were originally discriminatory that had long been legitimized by custom and culture towards patterns of equality and justice. gender. To empower women, human resources are an important factor that needs to be improved.

In line with that, professionalism, expertise and experience, Balinese women are now able to occupy various positions in the tourism industry in Bali. In hotels, for example, Balinese women generally occupy positions as sales and marketing staff, receptionists, room-maids, florists, public relations, spa therapists and some of them occupy supervisory and managerial positions. Meanwhile, in

restaurants, Balinese women usually work as servers, cooks and cooks. At the Travel Bureau, Balinese women generally work as reservation staff, cashiers, sales and marketing, as well as tour guides. As time goes by and the courage of Balinese women increases, now many of them work on international cruise ships which generally sail across Asian and European waters.

The feminist movement and the results of its struggle have been able to equalize itself with men and this has also been clearly stated in the philosophy of Hinduism, namely the "color" system (respect and respect for someone based on the profession they are in). and does not discriminate between gender and the title attached to him is not passed on to the next generation). That is, a woman has the right to occupy any position in the company according to her competence (knowledge, skills and behavior) and women must be respected for their position according to the position held and the tasks performed. This concept is very contrary to the caste system (respecting someone based on lineage and the title attached to it is passed on to the next generation even though they have a different profession from the previous generation).

Patrilineal culture, particularly that which influences Balinese customary law, is a factor of discrimination against women in Bali. The mistake in reflecting the understanding of the concepts of *purusa* and *pradana* in the form of men and women in social life in society has led to inequality and injustice towards women in Bali.

Bali has become one of the world's tourist destinations, and traditional villages have an important role in the development of the tourism industry, moreover, Bali tourism is related to local culture and wisdom which are related and cannot be separated from traditional villages. So to maintain and develop culture, traditional villages will play an important role as a liaison between the village and the government.

The Province of Bali in empowering the role of women in traditional villages, both in the fields of custom, religion, tradition, arts and culture and local wisdom, education and sports, health, customary economics and customary law, maintains the manners of wives and children. PAKIS, which is the first indigenous women's organization owned by the Province of Bali, has the duty to support every development program owned by the Province of Bali, so that

PAKIS members who are the wives of officials for the Advancement of Indigenous Peoples (PMA) of the Provincial Government of Bali and village officials have a shared responsibility for the success of the government's vision program that is being implemented.

As an effort to realize gender equality in tourism development, it is necessary to carry out an inventory of data related to women's participation in tourism. It is necessary to inventory the data to measure how many women are involved quantitatively. Regina Scheyvens in empowering women contains 4 (four) dimensions, namely economic, social, psychological, and political dimensions. These four dimensions are (Richards, 2018):

Economic dimension. This dimension emphasizes the existence of a decent wage for a woman. The emphasis on the economic dimension is not just wages, but also how a woman gets economic benefits from her work in the tourism sector. Social dimension. In this dimension the emphasis is on the involvement of women in tourism development organizations. For example, in the Tourism Awareness Group, it is necessary to see how big the involvement and role of women are in the organization. Psychological dimension. This dimension emphasizes the role of women in spreading cultural values as a tourist attraction in the local area. Cultural attractions are one indicator that attracts tourists to come to visit. Political dimension. The emphasis on the political dimension relates to the role of women in decision-making related to tourism development. If in making decisions or policies in tourism development efforts do not involve women, then in this case there will be gender discrimination. If seen there is complexity in empowering women in the economic development of the tourism sector.

The role of women in empowering tourism in Tenganan Pegringsingan and Penglipuran Villages, Bali Province. To answer this question, it is necessary to pay attention to several things regarding the steps that must be taken to create non-discriminatory tourism development. First, the need for more intensive involvement of women. Second, the need for women's involvement in tourism management. Third, the need for support from the government and relevant stakeholders regarding the provision of training to the younger generation in traditional village-based tourism villages to improve the quality of human resources.

A number of existing Regional Regulations and Governor Regulations in the context of strengthening traditional villages, can be realized by strengthening traditional village institutions, drafting and developing customary laws, developing traditional village economies, empowering and preserving traditional villages as a forum for fostering customs, traditions, arts, culture and wisdom Balinese local manners. Bali Province Regional Regulation Number 5 of 2020 accommodates the participation of indigenous peoples including indigenous women in the management of Balinese cultural tourism, therefore Law Number 10 of 2009 is the sole basis of reference for managing cultural tourism resources. Participation is also accommodated in the Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali.

By strengthening the security system for customary village authority and increasing the capacity of human resources as well as active participation of krama and building traditional village cooperation, it is intended to realize the New Bali Era, namely an era marked by a new order of life, Bali namely kawista, Bali kang tata-titi peace kerta raharja, gemah ripah lohjinawi where a holistic order that includes 3 (three) main dimensions namely maintaining the balance of nature, Balinese manners and culture, indigeneous Bali.

#### 4. CONCLUSION

The province of Bali which is synonymous with income from the tourism industry, based on research results shows that amid the recognition of indigenous women as workers in the tourism industry, there is also a dilemma in implementing the customary kinship system in traditional villages in Bali. regarding the fulfillment of women's rights. However, along with affirmative policies on an international scale, such as the ratification of the CEDAW Convention into Law Number 7 of 1984, nationally there is recognition of customary law community units in the 1945 Constitution of the Republic of Indonesia Article 18B paragraph (2), the Law of the Republic of Indonesia Number 13 of 2003 concerning Manpower, Kepmenakertrans 224/2003, Law Number 10 of 2009, Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali, Law Number 5 of 2020 concerning Standardization of the Implementation of the Bali Cultural

Tourism Decree and MUDP Bali Province No.01/Kep/PsM-3/MDP BALI/X/2010 can accommodate the rights of women workers in the tourism industry. In Bali Province there is also PAKIS which is an indigenous women's organization that participates in tourism development.

As an effort to realize sustainable development, policies that mainstream gender are needed to create equality. Therefore, certain steps are needed, namely increasing the role of women in tourism management both in technical and organizational aspects as well as government participation in improving the quality of human resources.

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