

The Genealogy of Legal Feminism and the Transformation of Indonesian Law: From Critiques of Legal Neutrality to Substantive Justice

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Abstract

Introduction: Law is often perceived as neutral and equally applicable to everyone; however, its construction and implementation may reproduce gender inequalities rooted in patriarchal power relations. This condition necessitates a historical and theoretical examination of the development of legal feminism and its relevance to the Indonesian legal system.

Purposes of the Research: This study aims to trace the genealogy of legal feminism, analyze the development of its theoretical foundations, and identify its implications for the evolution of Indonesian law.

Methods of the Research: This study employs normative legal research using historical, conceptual, and comparative approaches. Legal materials and relevant literature are analyzed qualitatively to examine the relationship between the development of legal feminist thought, the principle of gender equality, and legal regulations on the protection of women in Indonesia.

Findings of the Research: Legal feminism has developed as a critique of formal legal neutrality and the dominance of patriarchal perspectives. Its evolution has strengthened an orientation toward substantive equality, recognition of women's experiences, and intersectional analysis. In the Indonesian context, its relevance can be examined through the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), legislation on the elimination of domestic violence, sexual violence offenses, and judicial guidelines for adjudicating cases involving women in conflict with the law. However, the relationship between theoretical developments and regulatory changes still requires more detailed normative examination.

Keywords: Legal Feminism; Legal Genealogy; Substantive Equality; Gender Justice; Indonesian Legal Reform.

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INTRODUCTION

Law is essentially seen as an instrument that functions to create order, certainty, and justice in social life. In the modern legal paradigm, law is often claimed to be a neutral system because it applies in general regardless of a person's gender, race, religion, or social status. This view develops mainly in the tradition of legal positivism which places law as a set of objective norms that must be applied equally to every citizen. However, the claim of legal neutrality has received various criticisms from critical legal thinkers, especially legal feminism, who consider that law is never completely independent of the influence of social structures and power relations that develop in society.¹

¹ Siti Dana Retnani, "Feminisme Dalam Perkembangan Aliranpemikiran Dan Hukum Di Indonesia," *Jurnal Ilmu Hukum: ALETHEA* 1, no. 1 (2017): 95-109.

Feminism's criticism of the law departs from the assumption that the legal system was born and developed in a society that has historically been dominated by patriarchal culture. As a result, various legal concepts, norms, and practices often reflect the experiences and interests of men as the dominant group. In this condition, laws that appear to be neutral have the potential to reproduce gender inequality because women's experiences do not receive equal representation in the process of law formation and application. This perspective then gave birth to Feminist Legal Theory as an approach that seeks to expose gender bias in law while offering a legal paradigm that is more responsive to the experiences of women and vulnerable groups.²

Furthermore, feminist legal theory asserts that gender injustice does not only appear in social practices, but can also be found in the structure and substance of the law itself. Seemingly neutral regulations often produce different impacts on men and women due to the social inequality that has historically occurred. Therefore, legal feminism not only questions the content of the rule of law, but also questions the basic assumptions that underlie the formation of law. Thus, the study of legal feminism seeks to encourage legal transformation from simply guaranteeing formal equality to the achievement of substantive justice that takes into account women's social reality.³

The importance of studying the history and development of legal feminism lies in its ability to explain how criticism of legal neutrality developed and how it influenced the formation of contemporary legal theory and practice. Through an understanding of the genealogy of legal feminism, it can be seen that feminist legal theory was born as a response to the limitations of conventional legal theory in explaining women's experiences before the law. In addition, this study also provides a theoretical basis for understanding various legal issues related to gender equality, protection of women's rights, and legal reform oriented towards substantive justice. Therefore, the discussion of the genealogy of legal feminism is important as a conceptual basis in understanding the relationship between law, gender, and justice in modern society.⁴

METHODS OF THE RESEARCH

This research uses normative legal research methods with a *conceptual approach*, a *historical approach*, and a *comparative approach*. Normative legal research is used because the object of study focuses on norms, theories, doctrines, and the development of legal thought related to legal feminism. The historical approach is used to trace the genealogy of the birth and development of legal feminism from various schools of feminist thought to become one of the critical legal theories in modern legal studies. Meanwhile, the conceptual approach is used to analyze the basic concepts of legal feminism, such as gender, equality, substantive justice, and criticism of legal neutrality. The comparative approach is used to examine the influence and implications of legal feminism on the development of legal thought in various countries and its relevance in the Indonesian legal system. The sources of legal materials used consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal

² Wendy Agus Budiwan, "Teori Hukum Feminis Untuk Kajian Penelitian Hukum Perspektif Perempuan Terkait Masalah Hukum" *Justice Pro: Jurnal Ilmu Hukum* 5, no. 1 (2018): 52-59..

³ A. Sakti R. S Rakiah, and Wahab Azmul Hidayat, "Aspek Feminist Legal Theory Dalam Peraturan Perundang Undangan Indonesia" *Amsir Law Journal* 4, no. 1 (2022): 69-88.

⁴ Elviandri Indah Ratnanum Turnip Mega Marta, Zahra Khan, Khairunnisa zain Dzakiyah, "Feminist Legal Theory Perjuangan Kesetaraan Dalam Struktur Hukum" *Judge: Jurnal Hukum* 6, no. 5 (2025): 1433-1443.

materials include laws and regulations related to the protection of women's rights, gender equality, and human rights. Secondary legal materials consist of books, scientific journals, academic articles, research results, and works by legal feminism thinkers. Meanwhile, tertiary legal materials are in the form of legal dictionaries, encyclopedias, and other supporting sources relevant to research.

RESULTS AND DISCUSSION

A. Genealogy of Legal Feminism

Feminism is a social, political, and intellectual movement that was born in response to various forms of inequality and discrimination experienced by women in social life. The emergence of feminism cannot be separated from the patriarchal system that for centuries has placed men as the dominant group in the political, economic, social, and legal fields. This condition causes women to experience limited access to education, employment, property ownership, and participation in public decision-making. The realization that inequality is the result of social construction encourages the birth of the feminism movement that aims to fight for equal rights and opportunities between men and women and eliminate various forms of gender-based discrimination.⁵ Historically, the development of feminism can be understood through the concept of waves of feminism. The first wave that developed in the late 18th to early 20th centuries focused on the struggle for women's civil and political rights, including the right to education, property rights, and the right to vote in elections. An important figure in this period was Mary Wollstonecraft who emphasized the importance of recognizing women's intellectual abilities and equality in education.⁶ Furthermore, the second wave of feminism that developed in the 1960s to the 1980s broadened the agenda of struggle by highlighting the inequalities that occur in daily life, such as in family, work, and social relations. In this period, the slogan "*personal is political*" developed, which emphasized that women's personal experiences are part of broader social and political issues. The second wave also began to criticize legal institutions that were considered inadequate to provide adequate protection against gender-based discrimination and violence.⁷

The development of feminism continued in the third wave since the early 1990s which emphasized the diversity of women's experiences. Feminists argue that women cannot be seen as a homogeneous group because their experiences are influenced by factors of race, ethnicity, religion, social class, and sexual orientation. This thinking then gave birth to the concept of intersectionality that explains the interconnectedness of various forms of discrimination experienced by women. Meanwhile, the fourth wave of feminism developed through the use of digital technology and social media as a means of advocacy to fight for gender equality, protection of women's rights, and overcome sexual violence in various parts of the world.⁸ The development of the feminism movement then gave birth to feminist jurisprudence or legal feminism that developed significantly in the late 1960s and early 1970s. Legal feminism emerged as a response to traditional legal theories that claimed the

⁵ Marita, Marita, and Yustisia Pratiwi Pramesti. "Feminist Legal Theory as A Review of Legal Philosophy: Its Relation with Gender Equality in Indonesia." *Journal of Transcendental Law* 5, no. 2 (2023): 82-90.

⁶ Azizah, Nur. "Aliran Feminis dan Teori Kesetaraan Gender dalam Hukum." *SPECTRUM: Journal of Gender and Children Studies* 1, no. 1 (2021): 1-10.

⁷ Triantonio. "Feminis Legal Theory dalam Kerangka Hukum Indonesia." *Progressive Law and Society* 1, no. 1 (2023): 14-26. <https://doi.org/10.14710/pls.20744>

⁸ Sitanggang, Yanika Helena, Esra Labora Suriyani Br Nainggolan, and Abdul Rahman Maulana Siregar. "Teori Hukum Feminisme dan Perlindungan Hukum Bagi Perempuan di Indonesia." *Judge: Jurnal Hukum* 5, no. 4 (2024): 10-18.

neutrality and objectivity of law. Feminist scholars argue that law was never completely neutral because it was formed in a society that was still dominated by patriarchal values. As a result, many legal rules reflect more men's experiences and interests as the dominant group, while women's experiences are often ignored or placed in a less important position.⁹ The emergence of legal feminism was also influenced by the increasing participation of women in the world of higher education and the legal profession. The presence of women as academics, judges, lawyers, and legal activists opened up space for criticism of legal theory and practice that had been developing. Feminist thinkers began to question why the law often failed to provide effective protection for women victims of sexual violence, domestic violence, discrimination in the workplace, and various other forms of injustice. This criticism then led to the birth of a legal approach that placed women's experience as one of the important foundations in understanding law and justice.

In addition, legal feminism was born out of dissatisfaction with the concept of formal equality on which many modern legal systems are based. Although the law recognizes that every individual has an equal standing before the law, in practice women still face various structural barriers such as gender stereotypes, economic inequality, institutional discrimination, and a patriarchal culture that limits their access to justice. Therefore, legal feminism not only demands formal equality, but also emphasizes the importance of substantive equality that takes into account the real conditions that women face in daily life.¹⁰ The development of legal feminism is inseparable from the contributions of a number of important figures. Catharine A. MacKinnon through *dominance theory* explained that gender inequality is a form of power relations that places women in a subordinate position to men. She also contributed to the development of the concept of sexual harassment as a form of gender discrimination which was later recognized in various modern legal systems.¹¹ In addition, Carol Smart criticizes the claim of legal objectivity and shows that law is part of a social structure that helps maintain patriarchal power relations. Martha Albertson Fineman through *vulnerability theory* emphasizes the importance of the role of the state in providing protection to vulnerable groups, while Kimberlé Crenshaw introduces the concept of intersectionality which explains that discrimination against women is not only influenced by gender, but also by factors of race, social class, and other identities.

Legal feminism developed as a school of critical legal thought that seeks to uncover, examine, and correct various forms of gender bias in the legal system. This school not only serves as a critique of existing law, but also offers a new perspective on justice that takes into account the experiences of women and marginalized groups. The presence of legal feminism makes an important contribution in encouraging legal reform that is more responsive to gender equality issues, the protection of women's rights, and the achievement of substantive justice in society.¹²

B. The Construction of Legal Feminism Thought

Feminist Legal Theory is a school of thought in law that examines the relationship between law, gender, and power. This theory was born as a criticism of the legal system that is

⁹ Budiawan, Wendy Agus. "Teori Hukum Feminis Untuk Kajian Penelitian Hukum Perspektif Perempuan Terkait Masalah Hukum." *Justice Pro: Jurnal Ilmu Hukum* 5, no. 1 (2018): 52-59.

¹⁰ A. Sakti R. S Rakiah, and Wahab Azmul Hidayat, *Op. Cit.*

¹¹ Indah Ratnanum Turnip Mega Marta, Zahra Khan, and Khairunnisa Zain Dzakiyah "Feminist Legal Theory: Perjuangan Kesetaraan dalam Struktur Hukum." *Judge: Jurnal Hukum* 6, no. 5 (2025): 1433-1443.

¹² Bernard, L. Tanya, Yoan N. Simanjuntak, Markus Y. Hage, *Teori Hukum Strategi Tertib Manusia Lintas Ruang dan Generasi*. (Yogyakarta: Genta Publishing, 2010).

considered not fully able to accommodate women's experiences and interests. Legal feminism argues that law is not always neutral because its formation and application are often influenced by male-dominated social structures. Therefore, legal feminism seeks to encourage the realization of a legal system that is more fair, inclusive, and responsive to gender issues. Gender in this perspective is understood as a social construct that shapes the roles, positions, and responsibilities of men and women in society, so gender analysis is important to assess whether a rule of law has provided equal protection and opportunities for both sexes.¹³ One of the main ideas of legal feminism is a critique of the notion that law is neutral and objective. According to feminists, laws are often structured around men's experiences and viewpoints that are then considered universal standards for all societies. As a result, various typical experiences of women, such as sexual violence, discrimination in the workplace, reproductive rights, and domestic burdens, lack adequate attention in the legal system. Therefore, legal feminism asserts that law must consider the social realities that women face in order to be able to realize true justice.

In an effort to realize this justice, legal feminism distinguishes between formal *equality* and substantive *equality*. Formal equality emphasizes that everyone must be treated equally before the law regardless of gender. However, legal feminism considers that equal treatment does not necessarily result in justice because women and men often face different social, economic, cultural, and political conditions. Therefore, the concept of substantive equality was developed that emphasizes the need to pay attention to the structural obstacles experienced by women. This approach aims to create fair outcomes, not just equal treatment, including through the implementation of affirmative policies to reduce gender inequality that has occurred historically and structurally.¹⁴ The development of legal feminism then gave birth to various schools of thought that have different perspectives in explaining the causes of gender injustice and the solutions offered. One of the most influential schools is liberal feminism which departs from the principles of individual freedom, equal rights, and equal opportunities. This school argues that women and men have the same capacity so that they must obtain equal rights and opportunities in the fields of law, education, politics, and economics. According to liberal feminism, injustice against women occurs because of rules and policies that limit women's access to public spaces. Therefore, the solution offered is legal reform through the elimination of discriminatory regulations and the provision of equal legal protection for women and men.¹⁵ This school in the legal perspective, emphasizes the importance of the principle of *equality before the law*, the protection of human rights, and the increase in women's participation in political and legal institutions.

On the other hand, radical feminism emerged as a critique of liberal feminism that was considered to focus too much on formal legal changes without touching the roots of gender injustice. This school argues that the main source of oppression against women is the patriarchal system that places men as the dominant group and women as the subordinate group. According to radical feminism, the law is often an instrument that maintains male dominance because it is built on their values and experiences. Therefore, legal change alone is not enough to realize gender equality, what is needed is a fundamental change in the social, cultural, and power relations structure in society. Radical feminism in legal studies

¹³ Fatimatuz Zahro, and Shinta Pramesti K.M "Kesetaraan Gender Dalam Hukum Kewarisan Islam Perspektif M. Syahrur." *Mahakim: Journal of Islamic Family Law* 7, no. 1 (2023): 25-46.

¹⁴ A. Sakti R. S Rakiah, and Wahab Azmul Hidayat, *Op. Cit.*

¹⁵ Indah Ratnanum Turnip Mega Marta, *Op. Cit.*

highlights the weak legal protection for women victims of sexual violence, domestic violence, sexual harassment, and various forms of exploitation of women.¹⁶ In addition, Marxist or Socialist feminism views that gender injustice cannot be separated from the economic system and class structure in society. This school is influenced by the thought of Karl Marx and Friedrich Engels who explained that exploitation arises from inequality in the control of economic resources. Marxist/Socialist feminism, in a legal perspective, criticizes the legal system that is considered to be more protective of the interests of the capital owner group than the vulnerable group, including women. Therefore, this school encourages the formation of laws that are able to create social justice, protect women workers, realize economic equality, and eliminate various forms of gender-based exploitation. Overall, the construction of legal feminism is built on the realization that law cannot be separated from the power relations and social structures that develop in society. Through various approaches and existing schools of thought, legal feminism seeks to identify and correct various forms of gender injustice in the legal system, while encouraging the realization of justice that is more substantive, inclusive, and oriented towards the protection of women's rights.

C. Implications of Legal Feminism on the Development of Legal Thought

Legal feminism (*feminist jurisprudence*) is one of the schools of critical legal thought born from the development of the feminism movement that fights for equal rights between men and women. The emergence of feminism began from the realization that women for centuries have experienced inequality and discrimination due to the patriarchal system that places men as the dominant group in the political, economic, social, and legal fields. This condition causes women to have limited access to education, employment, property ownership, and participation in public decision-making. Therefore, feminism developed as a movement that aims to eliminate gender-based discrimination and realize equal rights and opportunities for women¹⁷.

Historically, the development of feminism can be understood through several waves. The first wave focused on the struggle for women's civil and political rights, such as the right to education, property rights, and the right to vote in elections, with the important figure Mary Wollstonecraft affirming the importance of educational equality for women. Furthermore, the second wave of feminism in the 1960s to the 1980s broadened the focus of the struggle on various forms of inequality in daily life, including in family, work, and social relations, and developed the slogan *the personal is political* to show that women's personal experience is part of a broader social and political problem¹⁸. The third wave then emphasizes the diversity of women's experiences through the concept of intersectionality that considers the influence of race, ethnicity, religion, social class, and other identities on the experience of discrimination. Meanwhile, the fourth wave uses digital technology and social media as a means of advocacy for gender equality issues, protection of women's rights, and the prevention of sexual violence.¹⁹

The development of the feminism movement then gave birth to legal feminism that developed significantly in the late 1960s and early 1970s in response to traditional legal

¹⁶ Siti Dana Retnani, *Op. Cit.*

¹⁷ *Ibid*

¹⁸ Pratiwi, Agus. "Perspektif hukum feminis terhadap aturan fleksibilitas pasar tenaga kerja di Indonesia." *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 4.1 (2017): 41-60. <https://doi.org/10.22304/pjih.v4n1.a3>

¹⁹ Savitri, Niken. "Kajian Teori Hukum Feminis Terhadap Pengaturan Tindak Pidana Kekerasan Terhadap Perempuan Dalam KUHP= Feminist Legal Theory Analysis Of Indonesia Criminal Law Provisions Regarding Violence Against Women." (2007).

theories that claimed legal neutrality and objectivity. Prior to the development of the perspective of legal feminism, law was generally seen as a system that was neutral, objective, and applied equally to every individual regardless of gender. This view is rooted in classical legal theory that considers law to be universal and independent of the influence of social conditions. However, legal feminist thinkers criticize this assumption by pointing out that law is in fact largely shaped by male experiences, values, and viewpoints so that women's experiences are often overlooked in the formation and application of law. This condition led to the emergence of various forms of gender injustice which later became the main object of criticism in the study of legal feminism.²⁰

According to the perspective of legal feminism, law cannot be separated from the social values that underlie it. Law is seen as a social product born from a patriarchal societal structure that places men in a dominant position over women. Therefore, many legal rules reflect men's interests and experiences, while women's experiences are often outside the legal standards used. This criticism gave birth to a *study of feminist jurisprudence* that aims to expose various forms of gender bias in law while offering a more equitable, inclusive, and responsive approach to women's experiences. In addition, legal feminism also changes the paradigm of modern legal philosophy by viewing law not only as a collection of norms, but also as a social instrument that is closely related to power relations in society. Law, in this perspective, can function as a tool that maintains patriarchal dominance as well as as a means of social change towards gender equality.²¹ In addition to criticizing the concept of formal equality that is considered incapable of overcoming the structural obstacles faced by women, legal feminism emphasizes the importance of substantive equality that pays attention to the real conditions in society.²² This development of thought was supported by various important figures, such as Catharine A. MacKinnon with *dominance theory* which explained that gender inequality is a power relationship that places women in subordinate positions. Carol Smart criticized claims of legal objectivity that are considered to reproduce patriarchal values, Martha Albertson Fineman developed *vulnerability theory*, while Kimberlé Crenshaw introduced the concept of intersectionality to explain the interconnectedness of various forms of discrimination experienced by women based on gender, race, social class, and other identities²³. Thus, legal feminism not only criticizes existing laws, but also offers a new perspective on understanding justice by considering the experiences of women and other vulnerable groups.²⁴

The development of legal feminism is basically closely related to the concept of substantive justice in the modern legal state. Legal feminism views that the application of law is not enough to be oriented only to the equality of formal treatment, but must also pay attention to the social conditions that cause certain groups to experience inequality in obtaining their rights. Women in this perspective, as a group that has historically experienced subordination, need legal protection that is not only normative, but also able to answer the real needs faced in social life. This view is in line with Elviandri's thinking who emphasizes that law must move beyond a positivistic approach that solely focuses on legal certainty towards the achievement of substantive justice based on the values of Pancasila.

²⁰ Shidarta, *Hukum Penalran Dan Penalaran Hukum*, (Yogyakarta: GENTA Publishing, 2021)

²¹ Bernard L. Tanya & Yoan N. Simanjuntak, *Op. Cit.*

²² A. Sakti R. S Rakiah, and Wahab Azmul Hidayat, *Op. Cit.*

²³ Sitanggang, Yanika Helena, Esra Labora Suriyani Br Nainggolan, and Abdul Rahman Maulana Siregar. "Teori Hukum Feminisme dan Perlindungan Hukum Bagi Perempuan di Indonesia", *JUDGE: Jurnal Hukum* 5, no. 4 (2024): 10-18, <https://doi.org/10.54209/judge.v5i04.1044>

²⁴ Rika Saraswati, *Perempuan dan Penyelesaian Kekerasan dalam Rumah Tangga*, (Bandung: Citra Aditya Bakti, 2006).

According to her, the main goal of the state of law is not only to enforce the rules, but to ensure that the law is able to bring real justice to all levels of society, including vulnerable groups such as women.²⁵ In addition, the idea of legal feminism also has a strong relationship with the concept of a *welfare state*. In this framework, the state not only plays a role as a guardian of law and order, but also has an active obligation to ensure the protection and welfare of citizens. For legal feminism, the involvement of the state is very necessary to overcome various forms of structural discrimination that women still experience in the fields of education, employment, health, and access to justice. In line with this, Elviandri explained that the welfare law state requires state intervention in realizing social justice and protection for groups in vulnerable positions. Therefore, various affirmative policies aimed at increasing the protection of women can be seen as a manifestation of the state's responsibility in realizing welfare and equality for all citizens.²⁶

The influence of legal feminism has made a significant contribution to the development of world legal thought, both in the fields of legal philosophy, international law, human rights, and the modern justice system. Legal feminism has influenced the development of various branches of law, including criminal law, family law, labor law, human rights law, and international law. Legal feminism in the realm of international law has succeeded in encouraging the recognition that discrimination against women is a form of human rights violation that must be abolished by the state. Before the development of the feminist movement, international law tended to use a perspective centered on men's experiences so that various forms of discrimination and violence against women had not received adequate attention.

Through the struggle of feminism, women's issues were then placed as an important part of the global agenda. This thought led to the birth of various international instruments that specifically regulate the protection of women's rights, one of which was *the Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) in 1979 which became an important milestone in efforts to eliminate discrimination against women in the fields of politics, education, economics, social, and family law. In addition, legal feminism also succeeded in encouraging the recognition that gender-based violence is a violation of human rights, not just a domestic problem or personal affair. This change in perspective then influenced the formation of various international instruments and national policies oriented towards the protection of women. Legal feminism in the Indonesian context has a significant influence on the development of national law. This influence can be seen from the increasing attention to the protection of women's rights and the birth of various policies oriented towards gender equality. One form of influence is the ratification of CEDAW through Law Number 7 of 1984 which became the basis for national legal reform related to the protection of women's rights. In addition, legal feminism has also encouraged the birth of various national regulations that provide protection for women from various forms of violence and discrimination, such as Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Law Number 13 of 2003 concerning Manpower, and Law Number 12 of 2022 concerning Sexual Violence.

²⁵ Elviandri, Muhammad Amin, Demitha selvira amellia, Ricky Indrawan safutra, and Andi Wibowo. "The Dialectic of Positivism and Substantive Justice: The Pancasila Rule of Law Paradigm" *JUDGE: Jurnal Hukum* 6, no. 4 (2024), <https://doi.org/10.54209/judge.v6i04.1777>

²⁶ Elviandri, "Quo Vadis Negara Kesejahteraan: Meneguhkan Ideologi Welfare State Negara Hukum Kesejahteraan Indonesia", *Mimbar Hukum* 31, no. 2 (2019): 252-266, <https://doi.org/10.22146/jmh.32986>

The influence of legal feminism is also seen in law enforcement practices and the modern justice system. The traditional justice system is often criticized for not paying attention to women's experiences and positions in the legal process. As a result of gender bias, many women, especially victims of sexual violence and domestic violence, experience injustice because their testimonies are doubted, blamed, or even held responsible for the violence they experienced. In response to these conditions, legal feminism has encouraged the birth of a more gender-sensitive approach to law enforcement. This approach aims to enable law enforcement officials to understand women's experiences and consider the social inequalities that affect their position in a case. In Indonesia, this approach is manifested through various policies, one of which is Supreme Court Regulation Number 3 of 2017 concerning Guidelines for Adjudicating Women's Cases in Front of the Law. In addition, various protection and assistance mechanisms for victims of gender-based violence have developed that are not only oriented towards the punishment of the perpetrator, but also on the recovery of the victim. Legal feminism also encourages gender perspective training for judges, prosecutors, police, and other law enforcement officials so that the handling of cases is free from gender stereotypes and prejudices. This approach in modern judicial practice, known as *gender-sensitive judiciary* or gender-sensitive judiciary which emphasizes the importance of a gender perspective in every law enforcement process.

Nevertheless, the implementation of legal feminism in Indonesia still faces various challenges. One of the biggest challenges is the strong patriarchal culture that still influences people's perceptions of women's positions and roles in social life. In addition, there are still normative obstacles in the form of legal provisions that do not fully reflect the principles of gender equality and structural obstacles in the form of uneven understanding of law enforcement officials regarding gender perspectives. Limited resources in providing assistance and recovery services for victims of gender-based violence are also obstacles in realizing effective legal protection. Among academics, legal feminism is still the subject of discussion and debate about its suitability with Indonesian social and cultural conditions.²⁷

Legal feminism in the development of modern society also faces new challenges that arise due to digital transformation. Advances in information technology have created various forms of gender-based violence that occur in cyberspace, such as online sexual harassment, the dissemination of intimate content without consent, digital bullying, and the exploitation of women's personal data. These conditions show that legal protection for women must continue to develop in line with social and technological changes. Therefore, legal feminism has an important role in encouraging the formation of regulations that are able to provide effective legal protection for women both in the physical and digital spaces.²⁸ Overall, legal feminism has made an important contribution to the development of world law and Indonesian law through the formation of more gender-responsive regulations, strengthening the protection of women in the law enforcement process, and increasing public awareness of the importance of gender equality. Although it still faces various challenges in its implementation, legal feminism still has a strategic role in encouraging the realization of a more fair, inclusive, and equal legal system that is able to provide equal protection for all citizens regardless of gender.

²⁷ Enik Setyowati, "Konvensi Internasional CEDAW: Kiprah PBB dalam Menghapus Diskriminasi Wanita & Dukungan Indonesia Melalui Ratifikasi" *Jurnal Artefak* 8, no. 2 (2021): 127-135, <https://dx.doi.org/10.25157/ja.v8i2.6277>.

²⁸ Elviandri, Ona Monisca Putri, Ulul Azqmi, and Wilda Hayuningtyas, "Legislasi di Era Transformasi Digital". *RIGGS: Journal of Artificial Intelligence and Digital Business* 4, no. 4 (2026): 8466-8473, <https://doi.org/10.31004/riggs.v4i4.4870>.

CONCLUSION

The genealogy of legal feminism shows a shift from formal equality demands to a more in-depth analysis of power relations, patriarchal dominance, structural inequalities, and diverse women's experiences. These developments confirm that legal evaluation is not enough to examine the similarities in normative formulations, but also to consider the assumptions underlying the formation of the law and its possible impact on groups experiencing inequality. Legal feminism in the Indonesian context provides a conceptual framework for examining regulations on the elimination of discrimination, domestic violence, sexual violence, and the examination of women's cases against the law. However, the existence of these regulations does not in itself prove the historical influence of legal feminism or the effectiveness of its protection. The relationship between theoretical development, norm formation, and law enforcement practice must be demonstrated through doctrinal analysis as well as relevant supporting evidence. The contribution of this research lies in the use of genealogical perspectives and legal feminism to link the development of thought with normative evaluation of Indonesian law. Further legal reform needs to be directed at strengthening substantive equality, eliminating gender stereotypes in legal interpretation, as well as protections that consider layered vulnerability, as this research focuses on legal materials and literature, the effectiveness of regulatory implementation cannot be concluded without further empirical research.

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