

## LEGAL EDUCATION FOR WOMEN RUNNING SMALL AND MICRO ENTERPRISES (SMEs) AS AN EFFORT TO ENHANCE AND STRENGTHEN THEIR ROLE IN PROTECTING AND MANAGING THE ENVIRONMENT

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### ABSTRACT

*Sustainable development aims to achieve sustainable economic, social and environmental. Pursuant to Article 33 paragraph (4) of the Constitution of the Republic of Indonesia 1945, it has been the commitment of the state and the nation in implementing sustainable economic development and environmentally. Micro and small enterprises are economic actors that have the potential as a driver of the real economy and an essential component of the national economy. The numbers are a lot of (+ 98.9%), mostly performed by women. On the institutional side as well as human resources, especially women SMEs has many weaknesses and limitations. In addition to the legality of the institutional aspects of the business as a weakness, education is one of the limitations of women entrepreneurs. It is a problem and an obstacle for SMEs to flourish and contribute to protecting and managing the environment. Women as a national asset has an important role to realize the potential and sustainable development. But from the perspective of gender are still many women who are marginalized and do not have the empowerment to take an active role in development. Empowerment for women entrepreneurs through legal education is needed to improve the quality of abilities, skills and knowledge in the field of law. This will increase the legal awareness of women's SMEs, so that they can play an active role in protecting and managing the environment to achieve sustainable development.*

Keywords: education, law, women, micro-small enterprises, environment-life

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### Introduction

Environment and natural resources is very important wealth for Indonesia in carrying out national development. This is a basic capital development to achieve national objectives of the Republic of Indonesia. Alinia IV as defined in the Preamble to the Constitution of the Republic of Indonesia Year 1945, the first goal of RI state is to protect the people and the country of Indonesia. It is none other than the environment and natural resources, which can be used to achieve the welfare of society as stipulated in Article 33 paragraph (3), based on sustainable development and environmentally friendly.

Sustainable development is a concept that has been agreed the construction of the nations on earth summit in 1992 in Rio de Janeiro. Indonesia's commitment to implement the concept, constitutionally has been set in Article 33 paragraph (4) of the Constitution of the State of RI 1945. Sustainable development aims at achieving sustainable economic, social and environmental. It is expressed in Article 1 paragraph (3) of Law No. 32 of 2009 on the Protection and Management of the Environment (Law-PPLH), which mentions sustainable development as a conscious and planned effort that combines aspects of environmental, social and economic development strategies.

To carry out efforts to achieve that goal requires the involvement of all parties as a component of the nation, not least women's micro and small businesses. In Indonesia, the micro, small and medium enterprises (SMEs) is a business entity that is the most numerous and considerable potential to drive the business in the real sector. Until in 2014 the number of SMEs reached 56.5 million units, and 98, 9 percent are micro businesses.<sup>1</sup> Data from the Ministry of Cooperatives and SMEs, the number of micro enterprises reached 55,586,176 units (99.79 percent) of all SMEs in Indonesia. Small businesses 629 418 units (1.11 percent), and medium-sized enterprises 48 977 units (0.09 percent).<sup>2</sup>

SMEs are generally labor intensive enterprises engaged in the field of informal and formal as well as utilization of natural resources. It is labor intensive requiring quite large, so it is a potential in the provision of employment opportunities, especially

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<sup>1</sup>Priyambodo RH, "Menkop: Jumlah koperasi dan UMKM terus meningkat", Antara News (01 Pebruari 2014) <http://www.antaraneews.com/berita/416949/menkop-jumlah-koperasi-dan-umkm-terus-meningkat>,

<sup>2</sup>Ibid

for women. According to the Ministry of Trade (Mari Elka Pangestu), the involvement of women in the business world, especially small and medium enterprises significantly.

Statistical data says 60 percent of the 85.4 million workers in SMEs are women<sup>3</sup>. In reality many women are involved either as owners or workers in micro and small scale enterprises.

In the context of sustainable development, SMEs potential as components to realize environmental friendly development. SMEs activity is strongly associated with economic, social and environmental. For that reason as an economic entity which in reality has many limitations, SMEs can be developed to support the implementation of sustainable development. As Otto Soemarwoto said, based on the concept of ADS (Set Yourself) sustainable economic development process can be done through the development of SMEs.<sup>4</sup>

One of the efforts to achieve environmentally sustainable development is to implement the protection and management of the environment is regulated in Law No. 32 of 2009. This Act is the elaboration principle of "environmentally sustainable" (Article 33 (4) of the 1945 Constitution), which is the legal basis for the implementation of sustainable development in Indonesia. To apply the principles of sustainable development requires a fundamental change in viewing the concept of development. Compared with conventional development has been done before, the concept of sustainable development contains the values and orientations are different and thus requires a new paradigm shift. As Emil Salim<sup>5</sup> said that the paradigm shift of development requires a change of values and orientation. Continuously developing the values of sustainable development as a new value is needed. To encourage the creation of new values can be done through education and human resource development as agents of development. Human resources are not only equipped with the skills to achieve economic goals, but also skills to achieve social and environmental goals.

Referring to the opinion Otto Soemarwoto and Emil Salim, the development of SMEs as an economic entity and human resources in this case the female SMEs are indispensable in supporting the implementation of sustainable development. Involvement and participation of women SMEs in protecting and managing the environment is very important. The existence and amount of significant in moving the economic development, not only economic but also at the same aim achieve social and environmental objectives. While on the other hand has many limitations including knowledge of the law relating to the protection and management of the environment. Therefore, an understanding of the values of sustainable development is important to be implanted and delivered through legal education.

## Research Method

Writing this article is based on research using the law of non-doctrinal approach to socio-legal research. The study was conducted on fishing communities, especially women micro and small businesses in the field of processing of fishery products. The study was conducted in the coastal areas of the city of Bengkulu. This research requires the primary data collected through field research with observations and interviews. Secondary data was collected through the study of literature, in the form of legal materials and non-law that can support problem solving research. The data were analyzed qualitatively.

## Result and discussion

### Sustainable development and the law

Sustainable development is a concept of development that has been agreed in the earth summit in 1992, has been the commitment of countries, including Indonesia. Sustainable development which contains the concept of 'needs' and 'limitations' is, in principle, is the construction being done to meet the needs of a generation should remain always consider the needs of the next generation. The limitations of natural resources and ecosystems, in their utilization should be considered in order to maintain the sustainability of both aspects of environmental, economic and social. It is a goal of sustainable development which was confirmed on the Rio + 10 Conference in Johannesburg in 2002.

Sustainable development is an attempt to synchronize, integrate, and give equal weight to the three main aspects of development, namely economic, socio-cultural, and environmental aspects.<sup>6</sup> To carry out these efforts require a positive synergy between the three major powers that is the country with the political forces, the private sector with the strength of the economy and society of citizens with moral strength.<sup>7</sup> The third force has a role and responsibility in achieving sustainable development. Therefore, positively collaborate for mutual control and balance are the force that can drive the success of sustainable development.

<sup>3</sup> ViVaneews, Monday 22 December 2008

<sup>4</sup> Otto Soemarwoto, *Atur Diri Sendiri Paradigma Baru Pengelolaan Lingkungan Hidup*, Yogyakarta: Gajahmada University Press, Cet. 2, 2001, p. 152.

<sup>5</sup> Emil Salim, *Paradigma Pembangunan Berkelanjutan*, in Iwan Aziz, et all (Ed), "Pembangunan Berkelanjutan, Peran dan Kontribusi Emil Salim", Jakarta: KPG (Kepustakaan Populer Gramedia), Cet. 1, 2010, page. 28.

<sup>6</sup> A Sonny Keraf, *Etika Lingkungan*, Jakarta: Kompas Publisher, 2006, p. 182

<sup>7</sup> *I b i d*

According to W. Friedman was quoted as saying by Johny Ibrahim there are four state functions in a mixed economic system that is as providers, the regulator, intervened in the economy (entrepreneurs), and umpire.<sup>8</sup> In this case the role of the state as regulator is very important, because it is necessary to carry out the sustainable development of various regulations and legal provisions that can encourage people's behavior towards behavior that is in accordance with the values of sustainable development. Law according to Warassih Pujirahayu Esmi, is a requirement inherent in social life itself. In addition to protecting the interests of members of society, also guarantee the achievement of the goals set in the community<sup>9</sup>. Sustainable development is a commitment of the Indonesian nation to achieve national goals. It is necessary for the law as a means to achieve it. Indonesia is a country of law (Article 1, paragraph 3 of the Constitution NRI 1945) where every attitudes, policies, and behavior of the state apparatus and the population must be based on law.

According to Herman J Pietersen, the law is normative building is conceived as an instrument of the state or police concerned with justice, with rules of conduct to regulate human behavior. In this view, the law is an instrument for justice in the form code of conduct to regulate the primary function of human behavior.<sup>10</sup> In the context of sustainable development, as a guide to make it happen, the state has set up in the form of Act No. 32 of 2009 on the Protection and Management of the Environment and various other legal provisions. This provision contains the norms that must be guided and adhered to by all the components of a good society that is engaged in the business (private) and the general public. Nevertheless, apart from the legislation itself by Soerjono Soekanto, the application of legal provisions is also strongly influenced by many other factors, namely law enforcement officers; supporting facilities; and legal awareness, legal compliance and behavior.<sup>11</sup> This article relates to the community in question is the business community, namely women's SMEs.

### Role of Women Performers SMEs in Environmental Protection and Management

Law No. 32 of 2009 Section 3 of the one of the goals of environmental protection and management is to realize sustainable development. It is not just the responsibility of the state, but also all the components of society, including the business community. SMEs which is one of the private sector has an important role in the national economy. Not only in Indonesia but also in many countries is quite a lot, and generally is driving the country's economy. In developing countries SMEs play a key role in improving the economic well-being. Contributing to employment through innovation and creativity as well as assist in the development of human resources. In the long run, increase revenue, and help reduce poverty. While small businesses play a key role in the creation of employment (especially for women).<sup>12</sup>

SMEs are a group of people who perform economic activities individually or in groups on the strata of micro, small and medium enterprises. Mostly done by women, especially in rural areas. From various studies of Indonesian women as a hallmark of Indonesian women market traders dominated by women.<sup>13</sup> Data from the Ministry of Cooperatives and SMEs mention that from around 52 million SMEs as much as 60% of businesses run by women. In general, SMEs are businesses capable people who have power and toughness as an economic entity. But on the other hand also has many limitations, especially women SMEs. Law No. 32 of 2009 has been set aside rights (Article 65) everyone is obliged to preserve the function of the environment, including those who conduct business and / or an activity (Article 67-68). In addition, people also have the right and equal opportunity to play an active role in the protection and management of the environment (Article 70). The role of the public made to: (1) increase awareness in environmental protection and management; (2) increase self-reliance, community empowerment, and partnerships; (3) develop community capacity and initiative; (4) foster community responsiveness to social control; and (5) developing and maintaining the culture and local wisdom in the framework of environment conservation.

Women are an asset of the nation, therefore, as a community group of women SMEs also have the right and the opportunity to play an active role in the protection and management of the environment. According Khofifah Indar Parawansa, women have tremendous potential in maintenance, environmental protection, and the prevention of environmental pollution. In addition to numerous (more than 50 percent of Indonesia's population), also has a lot of evidence women were able to overcome the problem of the surrounding environment.<sup>14</sup> P4OWLH research results (1999) indicate that women have a very big concern for the environment. Women are closest to nature, and usually the most intelligent household system maintains natural or ecosystems.<sup>15</sup>

<sup>8</sup> Johny Ibrahim, *Pendekatan Ekonomi Terhadap Hukum (Teori dan Implikasi Penerapannya dalam Penegakan Hukum)*, Surabaya: PMN & ITS Press, 2009, p. 138.

<sup>9</sup> Esmi Warassih Pujirahayu, *Pranata Hukum Sebuah Telaah Sosiologis*, (Cet. 1. PT Suryandaru Utama, 2005, p. 36

<sup>10</sup> Herman J Pietersen, "Root Patern of Thought in Law: A Meta Jurisprudence", accessed and quoted from [www.examlifejournal.com](http://www.examlifejournal.com), oleh FX. Adji Samekto dalam "Kajian Hukum: Antara Studi Normatif dan Keilmuan", *Jurnal Hukum Progresif, Pencarian pembebasan Pencerahan*, Volume . 2 Nomor 2/ Oktober 2006, ISSN: 1858-0254, p. 65.

<sup>11</sup> Soerjono Soekanto, *Beberapa Permasalahan Hukum Dalam Kerangka Pembangunan di Indonesia*, Jakarta: UI Press, 1993, p. 36

<sup>12</sup> Daniel Aggyapong, 'Micro, Small and Medium Enterprises' Activities, Income Level and Poverty Reduction in Ghana – A Synthesis of related Literature', *International Journal of Business and Management*, Vol. 5, No. 12; December 2010, ISSN 1833-3850 E-ISSN 1833-8119, p. 198 downloaded from [www.ccsenet.org/ijbm](http://www.ccsenet.org/ijbm).

<sup>13</sup> Zoer'aini Djamal Irwan, *Besarnya Eksploitasi Perempuan dan Lingkungan di Indonesia*, Jakarta: Penerbit PT Elex Media Komputido, 2009, p. 43

<sup>14</sup> Khofifah Indar Parawansa, *Mengukir Paradigma Menembus Tradisi, Pemikiran Tentang Keserasian Jender*, Jakarta: Pustaka LP3ES Indonesia, 2006, p. 117

<sup>15</sup> *I b i d.*

SMEs generally women engaged in labor-intensive and natural resource-based, such as agriculture, forestry, fisheries. For example KIARA revealed that 48 percent of family income generated from economic activity fisherman fishing women.<sup>16</sup>

### Legal Education in Improving and Strengthening the Role of Women Performers SMEs

Law serves as instrument settings, is also a means of changing society, building or directing people to more advanced. As said Lawrence M. Friedman, that the legal system can act as an instrument of change in an orderly, social engineering.<sup>17</sup> Relating to the application of the Law of Environmental Protection and Management of the necessary changes in people's behavior that support the realization of sustainable development. Therefore, in addition to the active role of the state is also necessary that the other elements of society, namely the business community and the general public. In this case the female SMEs are part of the business community / private shore up the economy.

Law relating to human. Law not only in the form of text in the system of legislation, but also manifests in the form of behavior. In the empirical realm, the law can be found as human behavior. Therefore, in the workings of the human role law plays an important role. In a business context is not only the application of the legislation environment but also the behavior of entrepreneurs including women SMEs can promote the establishment of sustainable development.

To apply the new values embodied in the principles of sustainable development, the necessary changes in the behavior of members of the community. Law as a moral institution relies on good human behavior.<sup>18</sup> Women as member of the community is the nation's assets as potential agents of change. As previously described women have abilities that can be explored and developed. However, in reality there are obstacles for many women with little education, lack of skills for a particular problem, especially technology. The low quality of life due to the limited participation, opportunities, opportunities, and access to, and control for women to participate in various development fields as change agents and beneficiaries of development<sup>19</sup>

In the context of environmental protection and management of women can be agents of change for the environment. The potential for large women can be developed in the maintenance, preservation of the environment and prevention of environmental pollution. Have a lot of evidence that women are able to cope with environmental problems in the vicinity. So far, women are less included in the environmental management both in the access, participation, control and benefits. Women are also less given the knowledge about how environmental management, including waste management and prevention of environmental pollution. Women only as object, as a user ingredients in household consumption, without any knowledge about the dangers of the materials against him, his family and his environment.<sup>20</sup>

Referring to the condition that it is necessary an act of empowerment as an effort to strengthen the role of women, especially women in this context SMEs. Pattareepan Pongwat<sup>21</sup> experience the Credit Union League of Thailand Women Cooperative Product Development Center (CULT WCPDC) shows indeed required a special effort to reach out to women micro-entrepreneurs who are generally illiterate thus limiting their creative power and knowledge. Efforts made in helping women, well developed capacity to increase confidence. The lending institution also serves to connect the global market with women micro businesses and connect with other business centers as well as a source of raw materials in other places. So, give credit alone is not enough, but there must be continued other activities.

Women's empowerment program geared fatherly improve the quality of life, especially women and his participation in the community who are active in the Development sustainable. In the social pillar of the division of roles women often put women intensity more often in direct contact with objects are handled. On the economic pillar of the economic role of women as a regulator of the family including the family breadwinner. On the ecological pillars of sustainable development is found in everyday life. In the religious and cultural traditions, women known to be close to nature and the surrounding environment.<sup>22</sup>

One effort that can be done through legal education to encourage and provide reinforcement to women SMEs. In this sense legal education is not only a modern legal education which is formal, but also informal / non-formal form of training, counseling and so on. This is mainly to increase the knowledge, skills in the field of law. In this context it is emphasized to promote increased awareness and compliance with laws that lead to changes in behavior, especially in implementing and developing the values and principles of sustainable development. With legal knowledge possessed, as businesses can implement in business activities

<sup>16</sup> Kiara. (2012). <http://www.langitperempuan.com/perempuan-nelayan-jawa-dominasi-pasca-panen-hasil-laut/>

<sup>17</sup> Lawrence M Friedman (terjemahan M Khosim), *Sistem Hukum Dalam Perspektif Ilmu Sosial*, Judul Asli: *The Legal System A Science Persfeti* (New York: Rusel Sage Foundation, 1975), Bandung: PT Nusa Media, Cet.1, 2009, p. 21

<sup>18</sup> Satjipto Rahardjo, *Hukum dan perilaku, Hidup baik adalah Dasar Hukum yang Baik*, Jakarta: Penerbit Buku Kompas, 2009, p. 59

<sup>19</sup> Zoer'aini DjamaI Irwan, *Op. Cit*, p. 34.

<sup>20</sup> Ainal Mardhiah, "Perempuan, Agent of Change Lingkungan Hidup", accessed 25 Mei 2015 from <http://potret-online.com/index.php/news-flash/1305-perempuan-agent-of-change-lingkungan-hidup>

<sup>21</sup> Berbagai Sumber, "Penguatan Ekonomi dan Masalah Perempuan Pelaku Usaha Mikro", accessed from 24 Mei 2015 from <http://mitramandiri.org/index.php/penguatan-ekonomi-dan-masalah-perempuan-pelaku-usaha-mikro.html>

<sup>22</sup> Yusriani Sapta Dewi "Peran Perempuan Dalam Pembangunan Berkelanjutan, Women in Sustainable Development", Jurnal PPS UNJ, Volume 12 Nomor 02 September 2011, ISSN: 1411-1829, accessed <http://journal.ppsunj.org/jpkh/issue/view/24>

carried on. With women Accordingly eventually SMEs can increase their capacity to play an active role both as subjects and beneficiaries of sustainable development.

## Conclusion

Indonesia as a constitutional state has sovereignty and responsibility to implement sustainable development aimed at achieving economic, social and environmental. To carry out these responsibilities there should be synergy between government, business and society. Environmental issues can not be separated from economic activity in the community. Therefore women SMEs as economic actors who are part of the corporate world, have the duty and responsibility to play an active role in the protection and management of the environment. For it must have the knowledge, ability and skills in various fields, especially in the field of law. It is therefore necessary to increase awareness of legal education and legal compliance to support its role in environmental protection and management of regulated Act No. 32 of 2009.

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