



## THE INFLUENCE OF GENDER ON ETHICAL DECISION MAKING IN THE LEGAL PROFESSION: A CASE STUDY IN INDONESIA

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### Abstract

The study examines the influence of gender on moral judgment in the legal profession in Indonesia. In this study, gender gaps in the ethical decision-making process and the factors that influence them are identified through a qualitative approach and a survey of relevant literature. The findings of the study indicate that, despite significant barriers related to gender stereotypes, women in the legal field usually prioritize ethical principles when making decisions. To create more impartial and fair justice, this study disseminates information about the importance of gender equality in the legal system. Additionally, this study found that while there were no pronounced gender differences, women tended to be more vulnerable to the impact of emotions and social norms on moral judgment. This implies that even while gender has no direct bearing on moral judgments, social and emotional background must still be taken into account. With a focus on the necessity of a more inclusive and sensitive approach to the social elements that influence decision-making, these findings offer significant insights for the establishment of ethical rules and training in the Indonesian legal profession.

**Keywords :** Gender, Decision Making, Legal Profession.

### Abstrak

Penelitian ini mengkaji perihal pengaruh gender terhadap penilaian moral dalam profesi hukum di Indonesia. Dalam penelitian ini, kesenjangan gender dalam proses pengambilan keputusan etis dan faktor-faktor yang memengaruhinya diidentifikasi melalui pendekatan kualitatif dan survei literatur yang relevan. Temuan penelitian menunjukkan bahwa, meskipun terdapat hambatan signifikan yang terkait dengan stereotip gender, perempuan di bidang hukum biasanya mengutamakan prinsip-prinsip etika saat membuat keputusan. Untuk menciptakan keadilan yang lebih imparial dan adil, penelitian ini menyebarkan informasi mengenai pentingnya kesetaraan gender dalam sistem hukum. Selain itu, penelitian ini menemukan bahwa perempuan cenderung lebih rentan terhadap dampak emosi dan norma sosial terhadap pengambilan keputusan etis, meskipun tidak ada perbedaan gender yang jelas. Ini menyiratkan



bahwa meskipun gender tidak memiliki pengaruh langsung terhadap penilaian moral, latar belakang sosial dan emosional tetap harus diperhitungkan. Dengan fokus pada perlunya pendekatan yang lebih inklusif dan sensitif terhadap unsur-unsur sosial yang memengaruhi pengambilan keputusan, temuan ini menawarkan wawasan yang signifikan untuk pembentukan aturan dan pelatihan etika dalam profesi hukum Indonesia.

**Kata Kunci :** Gender, Pengambilan Keputusan, Profesi Hukum.

## 1. INTRODUCTION

In Indonesia, men have historically held dominant positions in various professions, including the legal field. Although the struggle for women's rights has made significant progress, structural barriers and gender stereotypes continue to pose substantial obstacles for women in the legal field. This also affects moral judgments made in the context of court cases as well as the application of the law in general. The basis for legal profession decision-making involves ethical and trust factors that must be considered by a lawyer. Every lawyer in Indonesia is required by the ethics of the legal profession to carry out their duties honestly and fairly. However, there has been little research on how gender influences this decision-making.

The basis for decision-making is the legal profession, which involves ethical and trust factors that must be considered by a lawyer. Every lawyer in Indonesia is required by the ethics of the legal profession to carry out their duties honestly and fairly. However, there has been little research on how gender influences this decision-making. Thus, the purpose of this study is to fully understand how gender influences moral judgments in the legal profession in Indonesia. According to several studies, men and women have differences in ethical decision-making in legal situations. According to research by Carli and Eagly, women tend to value empathy, social closeness, and cooperation more than men. On the other hand, men are more concerned with reasoning and outcomes. This raises an important point, namely how much this comparison influences the application of Indonesian law and decision-making in the legal system. This study aims to investigate how gender influences moral judgment by examining a variety of issues in a number of Indonesian legal organizations. This approach focuses on how an individual's ethical behavior is shaped by various factors, including social norms, educational background, and credible experiences. This method is intended to help develop learning and training strategies that are more sensitive to the needs of women in the legal profession and to improve the description of gender attitudes towards ethical decision-making.

## 2. RESEARCH METHOD

This study employs a qualitative methodology to investigate how gender affects moral judgment in Indonesian legal professions. The goal of this study is to gain a thorough understanding of how gender affects how legal professionals—men and women alike—face and decide on difficult ethical dilemmas. In order to accomplish this, the study involved conducting in-depth interviews with legal experts from different parts of Indonesia, such as attorneys, judges, and notaries. Purposively, the responses were chosen based on their background and expertise in the legal industry. The data collection process was conducted using a semi-structured interview guide, which allowed researchers to explore respondents' thoughts, experiences, and assumptions related to ethical decision-making. Each interview lasted between 60 and 90 minutes and was recorded with the respondents' permission to ensure the accuracy of the information. In addition, field notes were taken to record context and nuances that may not have been captured in the recording. After the interviews were completed, the interview transcripts were analyzed using thematic analysis methods, which helped identify



themes and patterns that emerged related to the influence of gender on ethical decision-making. In assessing the data, researchers undertook a classification process to organize data based on significant themes, such as comparisons of opinions between men and women, the influence of social norms, and emotional factors that influence ethical decisions. In addition, triangulation of information was attempted by comparing the interview results with existing literature and related documents, such as codes of ethics for the legal profession and guidelines for ethical decision-making. With this approach, the research is expected to provide deeper knowledge about gender dynamics in ethical decision-making in the legal profession, and its implications for the application of law in Indonesia.

In collecting legal issues, the technique used is by means of analysis techniques carried out by literature studies, namely by tracing existing legal materials, which are then continued with mapping the legal issues according to the main issues concerned. This research uses the Gender Role Theory (1987), where men and women have different references in taking action. Women prioritize their feelings and men prioritize their logic, thus causing an influence in ethical decision-making in the legal realm.

### 3. RESULTS AND DISCUSSION

The word "gender" comes from the English word "sex." Webster's New World describes a clear inequality between men and women in terms of behavior and ideals. The roles and obligations of men and women in the context of family, society, social environment and culture are other definitions of gender. Of course, experts also define opinions differently. For example, according to Oakley (1972), the expert believes that gender is the differences between men and women in behavior that are not biological or part of God's nature. Most of these differences are actually the result of social and cultural processes.

Gusmansyah (2019) define Men and women use different approaches to making ethical decisions in the legal field. While men are more concerned with logical examination of the issues at hand, women tend to prioritize moral issues when solving cases and are more sensitive to the humanitarian and social justice aspects of decision making. They are more interested in long-term and normative elements that benefit their clients. Deontological theory, which emphasizes the moral need to act in an organized manner without considering the final outcome, is generally associated with women's tendency to evaluate decisions from the social impact on society. They use a consequentialist perspective, which emphasizes the results or consequences of an activity, more often than men do.

Moral decision-making is one of the most important aspects of the legal profession, especially considering the high moral and social obligations of the profession. As mandated by the code of ethics of the legal profession, various considerations must be made when making moral decisions, such as fairness, honesty, and integrity. However, ethical decision-making is often influenced by social and cultural factors, including gender issues. The ethical decision-making processes of men and women are compared in various contexts, including the legal profession. This study will present this comparison using concepts and experiences from the Indonesian environment. Research generally shows that men and women have different approaches to viewing and making ethical decisions. Several studies have shown that women tend to place more emphasis on social ties, empathy, and concern for others when making ethical decisions, while men focus more on more abstract principles and rules, and base their decisions on logic and consequences. This can affect how each gender makes decisions in situations involving ethical dilemmas. According to Zainuddin Hasan (2020) in his book *Gender and Legal Learning*, women are often considered to pay more attention to the



emotional and relational dimensions in decision-making, such as thinking about the impact of decisions on others, especially in the context of family and society. Meanwhile, men focus more on applying more objective provisions and standards, with less consideration of interpersonal relationships in ethical decision-making.

In Indonesia, this is also influenced by a strong patriarchal culture, which often places women in a more subordinate position in decision-making, both in the family and in the public sphere. The National Commission on Violence Against Women (2021) in its final report noted that although women are increasingly involved in decision-making in politics and law, they still often face challenges in maintaining their voice and authority, especially when ethical decisions involve larger social issues. Given that the legal profession is closely related to justice, morality, and integrity, ethical decision-making is very important. In Indonesia, the way men and women deal with challenges involving social or gender issues often reflects differences in their ethical decision-making. According to the book *Law and Professional Ethics* by Nasution Ahmad (2019), men tend to concentrate more on the technical and legal aspects of issues involving gender and human rights, while women tend to be more sympathetic and consider broader social factors. For example, female judges and lawyers may be more likely to manage, show empathy, and focus on the social and psychological healing of victims in domestic violence cases. On the other hand, men may be less concerned with the emotional or psychological suffering of victims and more concerned with law enforcement.

However, this is not a universal generalization, as a person's decision-making process is also greatly influenced by their social environment, education, and life experiences. Ethical decision-making by men and women is greatly influenced by cultural and social factors. The patriarchal society that prevails in Indonesia often restricts women's freedom of movement in a number of areas, including the justice system. This can have an impact on how women view themselves when making decisions, especially when it comes to morality and social norms. In her essay *Public Advocacy for Gender Equality* (2020), Yulianti Dian claims that prejudices about Indonesian women state that they are less aggressive and unable to make unbiased decisions under pressure. In contrast, men in Indonesia are often given greater authority in decision-making, especially in cases involving complex legal and moral considerations. The Judicial Commission in its report (2021) shows that although more women are entering the legal world, they still face difficulties in reaching high positions in the judicial structure, which also affects how ethical decisions are made at the court level.

This prejudice often affects how moral judgments are made in the legal field, where women may feel pressured to work harder to ensure their capacity to provide fair and wise judgments. However, in Indonesia, men are often given greater authority in decision-making, especially when it comes to environmental, legal, and ethical issues. Despite the increasing number of women entering the legal profession, the 2021 Judicial Commission report shows that they still face barriers to reaching important positions in the judicial system, which also affects ethical decisions made at the judicial level. Because many factors influence how people make judgments, it is impossible to consider an objective comparison of ethical decision-making between men and women in the Indonesian legal system. While men tend to emphasize principles and provisions, women tend to emphasize social bonds and empathy. However, this is influenced by various aspects, including prevailing social and cultural conventions. Everyone, regardless of gender, must follow fair and impartial ethical standards in the legal field and consider all relevant factors when making decisions. A fairer environment for men and women to work and make moral decisions can be achieved by advancing gender equality





in the legal profession. Therefore, it is imperative for individuals and legal institutions in Indonesia to continue to strive for equality in decision-making and eliminate persistent gender stereotypes and barriers. Gender stereotypes that still persist in the legal profession in Indonesia, such as the belief that women are emotional or less objective, play a major role in women's decision-making. However, most women surveyed said that they try not to let these stereotypes influence their work or decision-making.

On the other hand, some male advocates realize that these stereotypes sometimes cause injustice in the decision-making process, both for women and men. They tend to be more careful when dealing with situations involving women to avoid potential injustice caused by gender bias. Gender stereotypes refer to general beliefs and assumptions formed in society regarding the differences in characteristics, roles, and abilities between men and women. In many cultures, such as Indonesia, these stereotypes have a strong influence on how people are treated and behave in various areas of life, including ethical decision-making. In the legal world, the ability to make fair and wise ethical decisions depends heavily on an individual's ability to objectively assess a situation without being influenced by certain biases or stereotypes. However, gender stereotypes often influence the way decisions are made and can affect the quality and fairness of decisions(2022).

This study explains how gender stereotypes influence ethical decision-making in the legal context, and how gender stereotypes affect society and those involved in the legal process. Gender stereotypes lead to the belief that men and women think and behave differently, which can influence decision-making in different situations. Several studies have shown that these stereotypes not only limit individuals' choices, but can also influence the way they make decisions, especially in situations involving ethical dilemmas. In the legal context, women are often associated with traits such as empathy, concern for others, and peace, while men are associated with strength, assertiveness, and rationality. In his book *Gender and Legal Education*, Zainuddin Hasan (2020) argues that these stereotypes play a role in how judges, lawyers, and other legal officials make decisions in ethically sensitive cases. For example, in cases of domestic violence and sexual abuse, women may pay more attention to the emotional aspects of the victim, while men may pay more attention to the legal and procedural aspects. Even if the actions are based on good intentions, this can affect the objectivity and fairness of the decisions taken. In the legal world, ethical decision-making involves complex considerations of justice, human rights, and truth. Gender stereotypes tend to divide roles between men and women based on innate characteristics and influence the way litigation is viewed and evaluated, especially when it involves conflicts between individual or group rights.

Gender stereotypes often affect the ability of judges and lawyers to assess cases objectively. In his book *Law and Professional Ethics*, Nasution Ahmad (2019) states that the influence of gender stereotypes in the legal profession can affect the way lawyers evaluate and handle cases. For example, in cases involving women who have experienced violence, gender stereotypes can lead to neglect of victims when judges and lawyers decide cases based only on their views of women's roles in the family and society. These stereotypes also affect the perception of women and men by their colleagues in the legal profession. The National Commission on Violence Against Women argues that women in the legal profession are often considered less assertive or less competent, especially in senior positions such as chief judges and prosecutors. Although these views are not always acknowledged, they can affect women's career prospects and their role in important decision-making in the judicial system.



In Indonesia, gender stereotypes are determined by long-standing social and cultural factors. In her article entitled "Public Advocacy for Gender Equality," Yulianti Dian (2021) argues that despite efforts to empower women, traditional ideas about women being more emotional and men being more rational still persist. Explaining that stereotypes still exist in many aspects of life. As a result, women are often considered unfit to occupy important positions in decision-making processes that require rational and objective considerations.

In addition, Indonesia still has a strong patriarchal culture, which places women in subordinate positions in various areas of life, including decision-making. The Judiciary Committee noted that despite the increasing number of women working in the legal profession, they still face challenges in overcoming barriers caused by gender stereotypes that exist in the profession. These stereotypes not only hinder women's legal careers, but also affect the quality of ethical decisions in the legal process. Gender stereotypes significantly affect ethical decisions in the legal profession. Women tend to make decisions based on emotions and relationships, while men tend to focus on principles and rules, but these stereotypes can lead to unfair decision-making without objectivity. In the legal world, this can damage the integrity of the legal process and reduce public trust in the legal system. To counter the negative impact of gender stereotypes, the judiciary in Indonesia needs to adopt policies and training that promote gender equality and reduce the influence of stereotypes on ethical decisions. This ensures that legal decision-making is not only based on strict ethical principles, but also considers diverse perspectives, including gender, to achieve justice for all parties involved (2015).

Equality Gender equality in the legal profession remains an issue that needs to be fought for. Although significant progress has been made, discrimination against women at the management and decision-making levels still persists. To achieve this, structural changes are needed in legal institutions, including gender equality training for all legal practitioners and the implementation of policies that support women in achieving key positions in the legal profession. This study found that gender influences ethical decision-making in the Indonesian legal profession. Women are more likely to emphasize humanitarian values and fairness when making decisions, while men emphasize logical analysis and long-term outcomes. In addition, gender stereotypes continue to influence the way women and men interact in the legal profession. Therefore, it is important to eliminate gender bias and fight for gender equality in the legal profession in order to create a fair and professional work environment. Gender equality (2018) in the legal profession is an issue that is increasingly being observed in several countries, including Indonesia. In the legal world, ethical decision-making involves not only aspects of existing laws and regulations, but also moral, social, and cultural considerations. Although progress has been made in improving the status of women in the legal profession in Indonesia, gender equality in ethical decision-making still faces challenges. Gender stereotypes, unequal access to career opportunities, and the patriarchal culture that still permeates society affect the way legal professionals, including judges, prosecutors, lawyers, and legal scholars, make decisions. This can have an impact.

Ethical decision-making in the legal profession considers moral values and justice, but often there is no clear answer. Lawyers are expected to make decisions not only based on applicable laws, but also considering aspects of humanity, human rights, and social justice (2021). However, in reality, decision-making is often influenced by bias based on social and cultural norms, including gender bias.

According to Hidayat Ridwan (2020), ethical decision-making in the legal world can be influenced by deep views on the roles of men and women in society. For example, women



may be perceived as less rational or too emotional when making important decisions, while men may be perceived as more assertive and rational. While these assumptions are not conscious, they can influence how women and men process and make legal decisions related to human rights and social justice. While progress has been made in improving the status of women in the legal profession in Indonesia, gender inequality remains a major issue. Women continue to face barriers in many ways to achieving equal status with men in the legal hierarchy. In its annual report on gender equality in Indonesia, the National Commission on Violence Against Women said that while the number of women pursuing legal careers is increasing, they are unable to make important decisions or have greater influence over them due to structural and cultural barriers that prevent them from advancing to higher positions. These challenges can lead to gaps in ethical decision-making. While women have valuable perspectives on cases involving women's and children's rights, they are often denied opportunities for important matters. Therefore, it is important to promote gender equality in decision-making so that all perspectives are considered and decisions are made more fairly and inclusively.

Gender stereotypes (2021) that women are more emotional and less rational than men can influence ethical decisions in the legal profession. In his book *Gender and Legal Education*, Zainuddin Hasan explains that gender stereotypes can limit the extent to which women can make objective legal decisions. For example, in cases of domestic violence or sexual harassment, the stereotype that women are more empathetic and sensitive can lead to harsher judgments of victims, while assertive men may be given greater weight in decision-making situations. There is a possibility that Rational. Furthermore, this stereotype can also lead to disproportionate representation of women in legal institutions such as courts and other legal bodies. In its annual report, the Commission on the Judicial System noted that although the number of female judges has increased, women are still hampered in holding senior positions and ultimately having greater influence on broader decision-making in the justice system. It noted that women's influence over the process is limited.

To achieve gender equality in ethical decision-making in the legal profession requires more serious efforts from various parties. First, Indonesian legal education needs to include gender equality issues in its curriculum. The Faculty of Law, University of Indonesia introduced the Law and Gender course into the academic policy of the Faculty of Law to provide a deeper understanding of gender issues in the legal world. In this way, prospective lawyers can become more aware of the importance of gender equality and learn how to reduce the influence of stereotypes on decision-making (2020). Second, legal institutions must ensure that existing policies and procedures do not reinforce gender inequality. This includes ensuring that women have equal opportunities to hold important positions in the legal system and participate in decision-making processes that affect legal policy. Program mentoring for women in the legal profession also aims to increase women's participation in making more strategic and wise decisions in the profession.

Achieving gender equality in ethical decision-making in the legal profession is not easy, but it is essential to ensure that the legal system functions fairly and inclusively (1998). The prevailing gender stereotypes can impact the way male and female lawyers make fair decisions. Therefore, it is important for the Indonesian legal system to continue its efforts to reduce the impact of these stereotypes and promote gender equality in all areas of the legal profession. Raising awareness of gender equality in legal education and internal policies of judicial institutions is essential to achieving a fair and inclusive legal system.

#### 4. CONCLUSION



This study found that gender influences ethical decision-making in the legal profession in Indonesia. Women tend to prioritize humanitarian values and justice in decision-making, while men focus more on logical analysis and long-term consequences. In addition, gender stereotypes still influence the way women and men interact in the legal world. Therefore, it is important to eliminate gender bias and fight for gender equality in the legal profession in order to create a fair and professional work environment.

Ethical decision-making in the legal profession in Indonesia suggests that there are differences in decision-making that are influenced by gender factors. Although they do not have the same motives, research results show that women tend to be more sensitive to moral and ethical aspects in making decisions, compared to men who are more focused on rational and technical aspects. Social, cultural, and educational factors that shape individual perceptions of gender roles also contribute to influencing ethical decisions made. However, this gender impact is not necessarily absolute. Lawyers' decisions are more influenced by practical experience, personal values, and applicable professional ethics. In addition, social and cultural changes that increasingly encourage gender equality can also reduce differences in ethical decision-making.

Overall, gender can influence ethical decisions, but other factors such as experience, legal knowledge, and ethical awareness are more important aspects in the Indonesian legal community. In the future, a deeper understanding and more comprehensive training are needed to improve the ability to make ethical decisions regardless of gender.

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