

ASSESSING THE FULFILLMENT OF TRANSWOMEN SEX WORKERS' SOCIAL, CULTURAL, AND ECONOMIC RIGHTS IN YOGYAKARTA: A CAPABILITIES APPROACH-BASED STUDY

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Abstrak

Kelompok transpuan di Daerah Istimewa Yogyakarta (Yogyakarta) mengalami hambatan untuk memperoleh hak sosial, kultural, dan ekonominya sebagai warga negara. Hambatan tersebut muncul akibat keberadaan kelompok transpuan yang dianggap tidak sesuai di tengah masyarakat dengan mayoritas gender biner. Diskriminasi membawa kesulitan bagi kelompok ini dalam mengakses layanan kesehatan, mengurus administrasi kependudukan, hingga lapangan pekerjaan yang membuat banyak di antara mereka harus berakhir sebagai pekerja seks. Padahal hak-hak tersebut termasuk hak asasi manusia yang dijamin oleh negara.

Penelitian ini bertujuan untuk menganalisis implementasi prinsip kesetaraan atas pemenuhan hak-hak kelompok transpuan pekerja seks di Yogyakarta dengan meninjau pemenuhan hak sosial, kultural, dan ekonomi kelompok ini. Pengambilan data dilakukan dengan menggunakan metode in-depth interview, kemudian dianalisis melalui pendekatan studi kasus serta teori capabilities approach oleh Nussbaum. Berdasarkan sepuluh indikator dalam capabilities approach, dapat disimpulkan bahwa hak sosial, kultural, dan ekonomi transpuan pekerja seks di Yogyakarta terpenuhi pada aspek kapabilitas hidup, kesehatan tubuh, indra, imajinasi, dan pikiran, emosi, nalar praktis, afiliasi, serta indikator spesies lain. Namun, belum terpenuhi pada konteks kapabilitas kendali terhadap lingkungan dalam konteks politik, integritas tubuh, dan bermain/rekreasi. Maka dari itu, implementasi prinsip kesetaraan dalam hak sosial, kultural, dan ekonomi transpuan pekerja seks di Yogyakarta dapat dikatakan belum terpenuhi secara menyeluruh.

Kata kunci: *Transpuan, hak asasi manusia, sosiokultural, ekonomi, kapabilitas.*

Abstract

Transwomen community in the Special Region of Yogyakarta (Yogyakarta) faces distress in obtaining their social, cultural, and economic rights as part of the society. The stigma attached to them as non-conforming in the midst of Indonesian people with a majority of binary genders causes discrimination. It becomes difficult for them to access healthcare services, deal with civil registration matters, and getting proper job opportunities that often leads many of them to end up as sex workers. Although those rights should be guaranteed by the state. This research aims to analyze the implementation of equality principles based on Nussbaum's capabilities approach theory by examining the fulfillment of the transwomen sex workers' social, cultural, and economic rights in Yogyakarta. In-depth interview method is used for collecting empirical data. While data analysis is done through a case study approach. It is concluded that the social, cultural, and economic rights of transwomen sex workers in Yogyakarta have not been fulfilled thoroughly since only the capabilities of life, bodily health, senses, imagination, and thought, emotions, practical reason, affiliation, and other species are fulfilled. However, control over one's environment in political context, bodily integrity, and play capabilities were not.

Keywords: Transwomen, human rights, sociocultural, economic, capabilities.

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INTRODUCTION

Basically, human rights are universal moral rights that should be possessed by all individuals wherever and whenever, something that cannot be given to someone without violating the principle of justice, something given to every human being solely because they are human (Subawa, 2008). According to Nussbaum (2007), a person's capabilities and dignity are closely related to their quality of life. This aligns with the ten capabilities Nussbaum articulated for someone to realize their dignity or become a noble human being (Formosa & Mackenzie, 2014). Furthermore, human rights, especially the right to live, is regulated in Indonesia's Constitution, specifically in the 1945 Constitution Article 28A, subsequently reinforced and emphasized by other legislation as a form of protection and guarantee for citizens, divided into three rights: economic, social, and cultural. In this context, the state has the obligation and responsibility through three forms: Respecting, Protecting, and Fulfilling (Khairunnisa, 2018). On the other hand, individuals or groups of individuals have the right to demand the fulfillment of economic, social, and cultural rights through advocacy (Khairunnisa, 2018).

The fulfillment of human rights in terms of social, cultural, and economic spheres should be accessible to all citizens. However, the fulfillment of these rights is still limited to groups in society with binary gender identities, while non-binary gender groups such as transgender individuals often have their rights overlooked. Previous research results indicate that transgender individuals face difficulties in accessing healthcare services due to society's narrow perception on genders (Utami et al., 2020), administrative constraints such as difficulty in accessing social assistance during COVID-19 pandemic for not owning an ID card (KTP/*Kartu Tanda*

Penduduk), and challenges in accessing healthcare services as People Living with HIV/AIDS (PLWHA) due to the public's perception that the transgender community is a cause of HIV/AIDS (Sa'dan, 2017).

Based on the data from the transwomen community in the Special Region of Yogyakarta, the number of transwomen in Yogyakarta reached 421 individuals. Out of this number, approximately 200 individuals work as sex workers. The struggle of Yogyakarta's transwomen to maintain their existence includes establishing specific communities focusing on various aspects, such as Pondok Pesantren Waria Al-Fatah (Al-Fatah Islamic Boarding School for Transwomen) focusing on religious aspects, Yayasan Kebaya in the health sector, and Ikatan Waria Yogyakarta (IWAYO/Transwomen Yogyakarta Association) in advocacy issues (Muharam et al., 2023) to secure the rights of transwomen that are not yet protected by the Yogyakarta government.

In contrast to previous studies by Utami et al. (2020), which focused on how transgender individuals express themselves in facing societal stigma, and Sa'dan's (2017) research focusing on the discrimination faced by transgender patients in accessing healthcare services, this study focuses on the fulfillment of social, cultural, and economic rights of transwomen sex workers in Yogyakarta from a sociocultural and economic perspective. The aim of this research is to analyze the connection between the principle of equality using the capabilities approach and the fulfillment of transwomen sex workers' rights in Yogyakarta, as well as to study the implementation of the rights fulfillment of transwomen sex workers in Yogyakarta from a socio-cultural and economic perspective.

In this study, case study methodology is used as the primary approach, and emphasized by Nussbaum's capabilities approach. The implementation of equality principles and the fulfillment of social, economic, and cultural rights among transwomen who work as sex workers in Yogyakarta will be assessed through a case study approach. Capabilities approach is a framework for assessing the comparative quality of life and a fundamental theory of social justice (Nussbaum, 2011). It serves as an analytical tool to determine the

fulfillment of social, cultural, and economic rights of transwomen sex workers with regard to their potential for achievement and dignified living opportunities. The target sample was taken purposively and a total of 15 transwomen sex workers were selected as participants in this study. The criteria for selecting participants were based on the area of domicile, professional background, work experience, work intensity, and social life as a transgender sex worker in Yogyakarta. Primary data collection was conducted offline through in-depth interviews with participants. Meanwhile, secondary data collection was carried out by interviewing the administrators of IWAYO, Yayasan Kebaya, and Pondok Pesantren Waria Al-Fatah, as well as tracking previous research that has similar research objects. Then, the data analysis process involved data reduction, categorization and synthesis, presentation of categorized data, and drawing conclusions.

Transwomen are socially challenged in their nature for their gender expressions and choices. Various responses from the society have affected the way they see themselves and their resistance in facing threats or nuisances as transwomen (Abidin & Djabbar, 2019). The reality of social stratification where dominant groups have better economics, educations, skills, authorities, and prestiges circumstance trigger the inferior groups to build their own communities which evolutively developing anti-mainstream paradigm in how they act and behave, thus we recognized as marginalized communities (Ilham & Farid, 2019). In this case, transwomen are part of said marginalized communities. This can be seen in how 10 out of 15 participants explicitly explained about transwomen's struggle with social networking, especially in terms of getting job opportunities and identity registry. As a consequence of the stigma attached to transwomen's gender identity, we can hardly find them doing any dignified professions that are popular in society. On top of that, most transwomen are stuck with the same old stereotypical jobs, such as jokers, beauty salon workers, to sex workers (Kartikaningdryani, 2019). Stereotypes and prejudice attached to transwomen as sex workers has confined them to obtain

another job (Yudah, 2013). Equality in human rights conception refers to an idea that explains the epitome of rights of true freedom and justness, on that matter, everyone shall be treated accordingly in certain situations (Khairunnisa, 2018).

The equality notion based on functional human's capabilities fulfillment stated by Nussbaum consist of ten capabilities, which are: (1) Life; (2) Bodily Health; (3) Bodily Integrity; (4) Senses, Imagination, and Thought; (5) Emotions; (6) Practical Reason; (7) Affiliation; (8) Other Species; (9) Play; dan (10) Control Over One's Environment. All of those capabilities have to be fulfilled cumulatively to determine whether one utterly lives a decent life as a human being (Nussbaum, 2002). There are boundaries and standards that are constructed innately to create different understandings about equality for each individual (Nussbaum & Glover, 1995). Life choices affect one's personal experience significantly regarding equality, this hypothesis coherently linked with the sayings, "Different people have different degrees of need," (Tuckness & Wolf, 2016). Conservatively, sex workers are defined as ill-mannered women who serve their body to earn money in return. It becomes interesting when the interpretation of sex workers is now subjectively irrelevant for it already shifted from women to transwomen. The stigma attached to transwomen's identity generates two degrees of inequality because of their position as part of the gender minority group as well as sex workers. Several aspects in capabilities approach are urgently needed to be studied as an effort to mend the regulation about transwomen's rights (Wood, 2015).

Above inequalities need to be recognized and fixed owing to the fact that most of them are fundamental human rights that need to be fulfilled no matter what identity the participants attach to themselves. Authorial intent of choosing Yogyakarta promptly because of how impactful this city was seen to many Indonesian as both touristy attraction and Javanese traditional culture keystone. The contradictory of the modern perspective of non-binary individual conception and conservative personality of tradition,

made the topic very intriguing to assess. As much as how interesting this topic is, it is also important to note that fulfillment of participants' rights are measured finitely with capabilities approach theory by Nussbaum. Hence, the objective of this research is to find the accord of philosophic view and Indonesian laws regarding human rights when it comes to the matter of marginalized communities, refer to the research subjects, which are the transgender sex workers in Yogyakarta. This research will discuss about: (1) Conceiving the linkages of equality principles based on Nussbaum's capabilities Approach and the fulfillment of transwomen sex workers' socio, cultural, and economic rights in Yogyakarta; and (2) Analyzing the implementation of sociocultural and economic perspective regarding how transwomen sex workers's socio, cultural, and economic rights in Yogyakarta are fulfilled.

DISCUSSION

1. The Realization of Equality Principle on Transwomen's Social, Cultural, and Economic Rights Fulfillment as Sex Workers Based on Capabilities Approach

Nussbaum's preposition about equality and decent life in capabilities approach as reflected in Tuckness and Wolf's view about how circumstances, talents, wealth, gender, or race influenced their choices in life. Nussbaum and Glover (1995) claimed, "A life that lacks any one of these [ten] capabilities, no matter what else it has, will fall short of being a good human life," which indicates that each capabilities complement each other. Referring to IWAYO, there are 70 out of 167 transwomen under IWAYO working as sex workers. Primary research findings from participants categorized upon the equality principle by means of ten indicators of capabilities approach. Generally, participants firmly believe that their rights as Yogyakarta residents are fulfilled, particularly those who are living or working in district Gedongtengen, Badran, Kotagede, Parangkusumo, and Sidomulyo. For a matter of fact, those locations have some of the most reputable and huge membership

transwomen organizations in Yogyakarta. Transwomen sex workers' resistance in sustaining their existence and equality among people, showed through how they formed specific organization for transwomen, such as Pondok Pesantren Waria Al-Fatah, Yayasan Kebaya, IWAYO, and IWABA that focuses and facilitating transwomen on spiritual field, healthcare, advocacy, also skill lab to open job opportunities. Those efforts fulfilling the affiliation, emotions, senses, imagination, and thought, along with practical reason capabilities, in terms of rights of being included in social interactions, treated with dignity and respect, choice of beliefs and practice, freedom of expression, also have the chance to plan life ahead of them. Emotions capabilities can also be found in participants' relationship with their family and life partner who are capable of accepting their identity. The fulfillment of life capability can be proven from W, a 64 years old transwomen who's still actively participating in Yayasan Kebaya and help distribute fundings from *Brot Für Die Welt* (BFDW) to elderly transwomen in Sidomulyo, Yogyakarta. Following access to healthcare services as one of the indicators to bodily health capability, NA (2023) and FR (2023) stated that as transwomen sex workers, they have no problem in accessing proper healthcare services, specifically in Sidomulyo and Kotagede. The two indicators respectively depict that there are attempts to actualize rights to live as basic human rights.

WN (2023) argues that not being accepted by society as transwomen is a matter that has to be understood as a form of difference of view in society. WN also added that they no longer respond to people's discriminatory behavior. This indifference act was later found in 14 other participants as a fulfillment of the affiliation indicators of self-respect and control over one's environment in terms of freedom of association with the community. Participants' freedom in the selection of professions is also an indication of the fulfillment of control over one's environment. Having said that, it is not uncommon that transwomen is used as a political subject in campaigns, that it makes them prefer to stay down or avoid the limelight as explained by NA

(2023). This event became contradictory to the ideal standard of fulfilling control over one's environment capability in a political context. From 15 Participants, 12 of them still living in non-permanent housing, this is an indicator that the majority of participants do not have the ability to obtain property rights. The absence of property rights made the participant vulnerable to seizure and confiscation of their property without prior notice. Therefore, control over one's environment capability that essentially consists of political and materialist rights have not yet been met.

Furthermore, it was found that being or had been a sex worker, made it difficult for transwomen to earn bodily integrity capability in form of free from sexual violence. Some participants claimed that they chose the occupation solely for sexual satisfaction, but most of them were driven by economic factors, so the sexual violence they experienced was part of non-guaranteed work risk. FR (2023) claimed that they feel safe working in Gedongtengen because there is a community that is coping and offering protection for transwomen sex workers with a certain fee while working in the Gedongtengen area. Unfortunately, this claim has not been proven to have helped participants achieve bodily integrity capability because there are no active sexual violence prevention or repression from any party. The threat to participants' bodily integrity also leads to the failure of life capability fulfillment in the context of peaceful life, thus potentially reducing the quality of life. The play indicator is very dynamic between one participant and another because it is influenced by one's personal lifestyle and view of the future. Capabilities approach focuses on the goal of ensuring that each individual gets options in determining the quality of their lives. Marginalized people, notably as a result of gender and sex generalization (in this case: Participants), tend to have lower standards of entertainment and life qualities than average people, as they try to adjust the limitations of opportunities they can achieve. Finally, other species' capabilities were found from our observations towards participants' interaction with their

surroundings, that the participants had a stable relationship with the animals, plants, and the surrounding nature.

The things that hinder participants from shifting their occupations to the formal sector are not only altered by the view from the external community on their identity, but also internally, from the participants' educational history. It is known that only four out of 15 participants are undergoing education equal to High School degree. Regardless of the level of education, participants who successfully quit their occupations as sex workers have a good level of understanding in socializing and blend in with common society, as well as getting more secure jobs. On top of that, they are also able to form and maintain his own community existence by consistently conducting skill lab events and counseling activities in Yogyakarta. VN, which has pioneered their organization's reputation since the '80s until now, is known as the "Mami" of all Yogyakarta transwomen. Not much different from VN, as stated by YS (2023), the head of the Yogyakarta's transwomen religious organization, they have been helping to assist transwomen in acquiring their ID cards from their respective subdistricts, even some of them used their own preferred names as transwomen. M (2023) and F (2023) mentioned that there was no coercion of gender expression or discrimination in the process of making ID cards. In relation to practical reason capabilities, this is none other than due to the participants who have no complaint in being identified as "male" sex on ID cards, although wanting to be seen as female sex or transwoman gender.

Table 1. The Fulfillment of Capabilities' Indicators from Interview

Capabilities	Fulfillment	Conclusion
Other Species	100% (15 of 15 participant)	Other species' capabilities are less relevant in the assessment of social, cultural, and economic rights. However, the fulfillment of this capability can be found through observation

Capabilities	Fulfillment	Conclusion
		regarding the participant's relationship with the surrounding nature.
Social Rights		
Life	60% (9 of 15 participant)	Life capabilities are not met absolutely by considering that all participants have the opportunity and have the ability to live their daily lives as human beings, as well as die in a state and at a normal age. However, participants are not yet free from life threatening things.
Bodily Health	100% (15 of 15 participant)	Bodily Health capabilities are met by considering that the majority of participants have good health and have the opportunity to access health care.
Bodily Integrity	6,7% (1 of 15 participant)	Participants have the freedom of reproduction, which is to choose preferences and sexual satisfaction. Nonetheless the capability of body integrity has not been met by considering that there is a risk of work that all participants have experienced as sex workers in the form of sexual harassment and violence.
Affiliation	100% (15 of 15 participant)	Affiliation capabilities have been met by considering that participants have the ability and opportunity to interact socially with others in institutions, organizations, and foundations. Participants also claimed that there is no longer discrimination on the basis of race, gender, sexual orientation, ethnicity, caste, religion, or country origin in their daily activities.
Emotions	100% (15 of 15 participant)	The emotions capabilities of all participants are met by considering that the participants view themselves as a complete human being with

Capabilities	Fulfillment	Conclusion
		their identity. That the participants have the ability to recognize self-emotion, such as love, grief, longing, gratitude, and anger. This capability fulfillment is supported by the participants' association with its own community and the people around them.
Play	20% (3 of 15 participant)	Play capability has not been met with consideration that all participants have very dynamic quality standards for their play and entertainment activities with the claim that they have obtained fulfillment of this capability.
Cultural Rights		
Senses, Imagination, and Thought	100% (15 of 15 participant)	The capabilities of senses, imagination, and thought have been fulfilled considering that the Participant has the opportunity and has the ability to use his or her senses, imagination, and thoughts to discover his or her own philosophy of life. The joining of participants in communities and organizations meets the educational, information, and self-expression needs of these capabilities.
Practical Reason	100% (15 of 15 participant)	The capability of practical reason has been met with consideration that the participants are not only able to recognize emotions, but also express and formulate critical concepts for his reflection. Participants incorporate freedom in choosing their beliefs and spiritual practice.
Economic Rights		
Control Over One's Environment	33,3% (5 of 15 participant)	The control over one's environment capability has not been met by considering participants'

Capabilities	Fulfillment	Conclusion
		statements regarding their contributions to political and materialistic activities.

2. Social and Cultural Rights

In the capabilities approach theory, the concept of social rights can be analyzed through various capabilities, including affiliation, emotion, bodily health, bodily integrity, life, and play. Affiliation, as defined by Nussbaum (2011), includes the fulfillment of equal and mutually respectful relationships with others. In this respect, affiliation should involve acceptance and participation of transwomen sex workers in the social life of the community. In relation with Indonesian law/legislation, the concept of affiliation is fulfilled when the social rights outlined in Article 28H(1) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) are met. This article guarantees that basic welfare rights and a high-quality living environment are provided for all Indonesian citizens. The results of interviews with 15 participants indicate that they have been accepted in their neighborhood and actively participate in community activities, such as community service, *selapanan*, or commemoration of Indonesian independence day. All participants hold administrative roles and are active members of transgender organizations, including IWAYO, IWABA, Paguyuban Bongsuwung, and Pondok Pesantren Waria Al-Fatah. According to Reed (2020), joining these organizations shows the best form of affiliation as the transwomen sex workers are able to find communities with similar identities.

Fulfillment of affiliation capability indirectly presupposes the fulfillment of emotional capability in all participants. Based on the interviews with 15 participants, the interaction manifested through the communication established between them and the community is able to foster mutual understanding on both sides. This mutual

understanding then plays a crucial role in changing the negative perceptions of the community towards the transwomen sex workers, thereby facilitating the exchange of feeling and emotions between them. Thus, based on these findings, it can be concluded that affiliation and emotion capabilities of the 15 participants have been fulfilled.

Bodily health and bodily integrity capabilities emphasize the fulfillment of physical health and protection against violence and threats. In Indonesia, the fulfillment of these two capabilities is contingent on the fulfillment of Article 28H paragraph (3) of the 1945 Constitution, which asserts that everyone has the right to social security. Social security comprises health security, employment injury security, old-age security, and death security according to Law Number 40 of 2004 concerning social security. Based on the interviews, all participants have health security provided by BPJS, indicating that their bodily health capability has been fully met. However, there is currently no protection for occupational risk that would provide a sense of security for transwomen sex workers during their employment. Thus, it can be concluded that the bodily integrity capability has not been fulfilled for transwomen sex workers. According to Nussbaum (2007), capabilities and dignity are interconnected concepts, at least within her ten capabilities list. With Nussbaum's claim, if the transgender women's need to be protected from threats and violence in bodily integrity is not met, then the life capability of all fifteen Participants is also under threat. As Reed (2020) states, life is often one of the capabilities that is threatened or even unrealized in the lives of transgender people. Moreover, statistically, the transwomen group is at a significantly higher risk of becoming homicide victims compared to the general population. In this study, the statistic might be true considering that all participants entirely lack job security, thereby exposing each individual to the constant threat of death for those choosing to live with the identity of transgender sex workers.

Play is the final capability associated with the fulfillment of social rights for the transwomen sex workers. According to

Nussbaum (2000), play is an individual's capability to engage in and enjoy recreational activities. The survey results indicate that only three individuals have designated time for leisure, in addition to their work, resulting in an achievement rate of only 33% in this capability. The statements of the participants demonstrate that some of them are able to meet peers for casual conversations, watch movies together, or take trips. However, the majority of the other participants did not have this capability, as the majority of them are the breadwinner. They have higher demands for meeting basic needs, so their time is spent working, leaving no opportunity for engagement in recreational activities similar to those in formal employment. Therefore, the ability to play is considered unfulfilled among this group of transwomen sex workers.

In the context of cultural rights, the capabilities of senses, imagination, and thought refers to a person's right to obtain an education that is not limited to basic education but an education that can improve the ability to sense, imagine, think, and reason. The right to obtain and improve these capabilities is also guaranteed in Article 28C(1) and (2) of the 1945 Constitution of the Republic of Indonesia, as well as in Article 31(1) of the 1945 Constitution of the Republic of Indonesia. These rights include the right to develop oneself through the fulfillment of basic needs, the right to education and to benefit from science and technology, arts and culture, in order to improve one's quality of life, as well as the right to advance oneself and fight for one's rights collectively. In addition, cultural rights are also related to the capability of practical reason, which is a person's ability to form a conception of a decent life and conduct critical reflection for life planning (Nussbaum, 2000). Therefore, if these rights have been fulfilled then a person has the capabilities of senses, imagination and thought, and practical reason.

Referring to the participants' statements, 100% claimed to have received skills development training to obtain alternative employment other than being a sex worker. These trainings were provided by the Social Affairs Office and channeled through Yayasan Kebaya, IWAYO, IWABA, and Pondok Pesantren Waria

Al-Fatah. Other trainings were also initiated by BFDW and channeled through Yayasan Kebaya and IWAYO. These trainings include sewing, making *bakpia*, making wigs, make-up, cooking, massage, and gardening. There is also financial assistance from BFDW for transwomen in the community to start their businesses. These supports show that so far, transgender sex workers in Yogyakarta have received support to acquire and improve their senses, imagination, and thought capabilities. Furthermore, the existence of such assistance has led this group to acquire and improve the capability of practical reason. Specifically, this can be seen from FR's (2023) statement that with the acquired skills, they have planned to start their own business in the future in order to have a more decent life. There are also WNs who have owned a wig business that has brought them to a more decent livelihood. This shows the participants' ability to reason regarding the conception of a decent life and future plans for a better quality of life. Therefore, the cultural rights of transwomen sex workers in Yogyakarta have been fulfilled along with the improvement of the quality of life based on the capabilities of senses, imagination and thought, and practical reason.

3. Economic Rights

Essentially, economic rights necessitate that everyone obtains the necessary resources for a decent life. According to Nussbaum's approach, one of the indicators for a good decent life is having control over one's material environment, related to economic rights, specifically the right to seek employment or access to the job sector. In Indonesia, economic rights are clearly regulated in the country's constitution, the 1945 Constitution Article 27, Article 28D paragraph (2) Amendment of the 1945 Constitution, and articles 38 paragraph (1) to (3) of Law Number 39 of 1999 concerning Human Rights, outlining three economic rights: the right to employment, earnings, and participation in labor unions.

Regarding the right to seek employment or access to the job sector and the right to obtain employment, 14 out of 15 participants never had experience applying for formal jobs or accessing the formal job sector, while the remaining 1 out of 15 participants experienced difficulties or discrimination based on their identity when attempting to apply for formal employment. Furthermore, 93% of these participants also acknowledged that transgender individuals' opportunities for formal sector work are very limited due to frequent judgment based on their physical appearance and gender identity, although they personally did not experience it. Meanwhile, concerning the right to earnings, all participants received compensation for their services as sex workers, although they noted that income as a sex worker is inconsistent. Additionally, they were not involved in any labor unions. Essentially, the understanding of labor unions in Indonesia, according to Law Number 21 of 2000 concerning Workers' Unions/Labor Unions, explains that these unions are organizations formed by, from, and for workers. However, transgender sex workers are not part of the workforce or labor because they do not meet the criteria as intended in Law Number 13 of 2003 concerning Employment (Law 13/2003). Juridically, they also don't meet the wage criteria as stipulated in Law 13/2003 because they are not considered part of the workforce; instead, the compensation they receive is a form of payment for their services as sex workers. In other words, they do receive this compensation, but their profession as sex workers is not included in the economic rights guaranteed in the Indonesian constitution because economic rights in Indonesia only regulate specific groups within its legislation.

Based on the data findings, participants stated a tendency to prefer starting their own businesses (self-employment) or utilizing their skills in areas such as beauty, entertainment, and so forth. This might be due to participants valuing themselves and feeling that their chances of obtaining formal professions are limited due to their identity and background. Consequently, the economic rights of transgender sex workers regarding the capability of control over

one's environment are fulfilled based on the claim of participants who never encountered issues with access to or the right to employment. However, only 5 out of 15 participants cumulatively fulfilled both the political and material aspects, thereby, in the capability of control over one's environment, it cannot be said to be entirely fulfilled.

CONCLUSION

To conclude, the first discussion about the linkages of equality principles and the fulfillment of transwomen sex workers' social, cultural, and economic rights in Yogyakarta, based on Nussbaum's ten capabilities, the inequality happening is contrary to the principle of equality in the fulfillment of social, cultural, and economic rights which are the fundamental rights of human beings. If those ten capabilities are not cumulatively fulfilled, one's life is very much inadequate to be considered decent.

For the second discussion, the research data showed that transwomen's existence as part of the gender minority in the midst of society led to discrimination which caused difficulty in its social, cultural, and economic rights fulfillment as citizens. The limitation of sociocultural and economic justness experiences by transwomen in Yogyakarta bring about sex workers becoming a convenient choice for them to overcome marginalization. According to IWAYO's data, 70 out of 167 transwomen at IWAYO work as sex workers. It is unfortunate how sex workers in Yogyakarta should experience two degrees of inequality for being sex workers and gender minorities at once. It is proven that the ideal sociocultural and economic perspective that is contained in Indonesia's laws and people was not well implemented in how the society treats transwomen sex workers' for their fundamental human rights fulfillment altogether.

Referring to the research data, the fulfillment of social rights based on affiliation, emotions, and bodily health capabilities has been fulfilled. Meanwhile, social rights in life, bodily integrity, and play capabilities have not been fulfilled due to several factors such

as threats to life and participants' low standards in achieving average to high quality of life and entertainment. Subsequently, cultural rights based on the senses, imagination, thought, and practical reasoning capabilities are met absolutely through the transwomen sex workers's association with society, self-expression, and their ability to design the future through self-reflection. The fulfillment of economic rights based on control over one's environment capabilities in the political and materialist context of property ownership have not been met. Meanwhile, another materialist context in terms of freedom of choosing occupations is quite fulfilled even though still a bit limited. Thus, the implementation of the principle of equality in the fulfillment of social, cultural, and economic rights of transwomen sex workers in Yogyakarta has not been thoroughly and entirely fulfilled. Even though these rights are basic fundamental human rights which shall be guaranteed by the state through the Constitution.

Therefore, the author recommended immediate intervention by the state to help marginal groups (in this case: Transwomen sex workers) escape the situation of inequality and get proper formal jobs and housing that can be conducted by recognizing their existence as part of the people without putting them in an awkward position because of their identity. Improvements should be made by the state on handling and managing transwomen sex workers' rights. The government can put their shoulder on the wheel to facilitate transwomen sex workers' to get equal chance in skill development, job opportunity, and legal certainty to fulfill the social, cultural, and economic rights of the people, especially the vulnerable and minorities. One of the practical implications of what a state can do to improve transwomen sex workers' welfare is to accommodate their need to access the healthcare services more freely without being judged and discriminated against.

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