

## Challenging the Domination of Patriarchal Law: Experiences and Reflection of Women Activist in Advocating the Implementation of Anti Sexual Violence Law

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### Abstract

This article describes the experiences and reflections of women activists in facing the challenges of advocating for the issue of sexual violence and the implementation of Anti Sexual Violence Law (UU TPKS) at the community level. A qualitative research method with a feminist perspective was deployed and thus data collection was conducted through interviews with women activists from different regions such as Aceh, Flores, Banjarmasin, Semarang and Yogyakarta. This study develops the perspectives of sociology of law and feminism to understand the extent to which internal and external aspects influence the implementation of the TPKS Law in the community including gender issues in it. The study results show that the implementation of UU TPKS needs to be seen as a complex and non-linear process due to the challenges of legal plurality reflected by the diversity of customary/local laws in a number of communities in Indonesia. Thus, special efforts are needed that not only focus on the provision of legal products, but also on how the legal products, such as UU TPKS, could be seen as inputs that have targets on the transformation of legal culture to the community level.

Keywords: sexual violence crime law, women activists, sexual violence, legal plurality

### Introduction

Several previous studies show that women activists play an important role in driving change and developing gender policies (Anyidoho et al., 2021; Zahwa, 2021; Dhewy & Sandiata, 2019). Similarly, in addressing issues of violence, advocacy movements have often been initiated by women activists to ensure legal protection for victims who seek justice by disclosing their experiences of sexual violence. In the post-reformation era, women activists in Indonesia have successfully initiated change by advocating for the passage of laws addressing violence against women, such as the Law on the Elimination of Domestic Violence (2004), the Law on the Elimination of the Crime of Trafficking in Persons (2007), and the Pornography Law (2008) (see Poerwandari et al., 2018).

Laws are symbols of legal frameworks that establish a system of norms designed to regulate a particular society (Klugman, 2017). However, patriarchal ideology often remains the foundation of values used to perpetuate gender injustice, even within legal structures

(Saraswati, 2020), including in Indonesia. For example, the substance of Indonesia's Marriage Law (1974/2019) is considered gender-biased because it portrays the husband as the breadwinner, while women are confined to the role of wives, whose responsibilities are limited to managing household affairs. Furthermore, many cases of violence against women result in legal outcomes that are not victim-friendly (Asriani, 2020; Fitri et al., 2021; Kamilla, 2021; Nirmalasari & Sarwono, 2021).

In April 2022, the Sexual Violence Crime Law (hereinafter referred to as the TPKS Law) was passed. This ratification marks a historic achievement for Indonesian women's activists, as it took more than a decade of advocacy to establish a valid formal legal basis for addressing cases of sexual violence, which have been increasing every year. The TPKS Law aims to provide a more comprehensive understanding of sexual violence, a topic that previous laws did not fully address. In a broader context, this law aligns with feminist ideas about the importance of centering the experiences of

marginalized groups, such as victims, throughout the investigative process (Eddyono, 2021).

By referring to the TPKS Law, efforts to dismantle violent practices can be initiated by placing women or victims of violence at the center of decision-making to ensure fair outcomes. However, the diversity in the formation of customary or local laws in Indonesia (Priambodo, 2018; Manullang, 2021) also plays a significant role in how cases of violence, rape, and harassment are handled at the community level (Harahap & Hasibuan, 2022; Nafi et al., 2016). Some of these laws are codified, such as Sharia Law, while others are based on unwritten collective agreements. An example of unwritten laws can be seen in cases of rape that are resolved through forced marriage or fines paid by the perpetrator to the victim's family (Nafi et al., 2016). Despite the localized nature of these legal structures, the implementation of customary or local laws in several communities has faced criticism from feminists, particularly regarding the extent to which these laws are committed to achieving gender justice (Afrianty, 2018; Febriandi et al., 2021; Hodgson, 2017; Zurnetti & Muliati, 2022).

The use of customary or local laws that have been in effect long before the passing of the TPKS Law is seen as a challenge to the implementation of the TPKS Law itself. Although the TPKS Law is based on a strong gender perspective, the diversity of customary laws also reflects how the structure of justice has been previously constructed. As a result, people tend to rely on certain legal systems that are considered more representative of their local community. Previous studies have found that informal norms, internalized and reproduced by society, can pose a major challenge to social reforms formulated at the national level (Adeney-Risakotta, 2016; Klugman, 2017), including those related to gender and sexuality issues (Asriani et al., 2023). This study seeks to explore the boundaries between formal laws produced at the national level and the various informal laws still enforced by local communities. It is hoped that this study will provide an overview of the structural and cultural challenges involved in implementing policies related to sexual violence in Indonesia.

Meanwhile, although there has been substantial documentation of the challenges faced by women activists in advocating for gender policies, there are still relatively few studies that specifically explore their experiences in facing the challenges of implementing these policies within local communities (Poerwandari et al., 2018; Wariyatun, 2019; Sigiro & Takwin, 2021).

In general, previous studies show that the cultural and social environment significantly influences the normalization of violent behavior (WHO, 2013), which creates further obstacles to the implementation of legal protections for victims of sexual violence. At the family level, cultural acceptance of violence increases the risk factors for all types of violence in personal relationships. In addition, social tolerance for violent behavior can be learned in childhood, either through the use of physical violence as a form of punishment, or by witnessing violence in the family, the media, or other contexts. This attitude of tolerance, for some in Indonesian society, is internalized and causes women who experience violence to believe that it is their own fault and that they deserve to be punished (Hayati et al., 2013). Consequently, it is often difficult for victims to report violence and obtain legal assistance.

Several studies explain that norms can potentially protect, support and encourage violent behavior or actions. Reflecting on the experiences of Ugandan society, Rottach & Gribble (2020) explain that gender inequality remains an obstacle to policy implementation in society, especially when policy objectives conflict with rigid cultural and gender norms. While many similar studies have explored cultural barriers to addressing sexual violence, others have also highlighted structural challenges (Marye & Atav 2022; Anyidoho et al. 2020). A study conducted in Saudi Arabia found that laws setting out the framework for violent interventions in the domestic sphere were adopted in 2013, but the rules were never implemented. In Saudi Arabia, violence against women may not be reported due to social stigma and interpretations of religious teachings. Further, collecting data on this issue is prohibited, and it is not recognized in policy (Alquaiz et al. 2021). In other cases, such as in Ecuador, gender-based violence policies have not been developed due to a lack of financial resources (Carvajal, 2020). Additionally, the lack of investment in training infrastructure in low- and middle-income countries poses a significant obstacle to scaling effective programs (Marye & Atav, 2022; Smyth et al., 2021). This underscores the importance of training law enforcement and justice officials to be sympathetic to women victims of violence and to avoid blaming them for the violence they experience. When stigmatized by the police, women victims of violence have difficulty seeking help (UN Women, 2021b). Furthermore, in some instances, governments that have established warning systems for women to report violence fail to consider the victims' ability to access these services (Marye & Atav, 2022).

In Indonesia, the ratification of the TPKS Law can contribute to a broader public understanding of sexual violence. Previously, Indonesian society relied on the Criminal Code (KUHP) to define sexual violence, but this definition was limited to rape and obscenity (Herawati et al., 2021; Nurmalasari & Waluyo, 2022). This narrow understanding reflects a lack of concern for comprehensive protection for victims. For example, under the Criminal Code, reports of rape cases must include information describing penile-vaginal penetration. However, in some cases, rape can be committed using various objects (Nurmalasari & Waluyo, 2022). Additionally, various forms of sexual violence are not adequately addressed in the Criminal Code. Based on reported cases, the National Commission on Violence Against Women (Komnas Perempuan, 2021) noted that sexual violence encompasses a wide spectrum, including different forms, incidents, and causal factors.

Historically, Komnas Perempuan initiated the Draft Law on the Elimination of Sexual Violence (RUU PKS) in 2012. However, the policy-making process was repeatedly delayed due to the National Priority Legislation Program. There were many debates and controversies, not only among politicians but also within society (BBC News Indonesia, 2022). After a 10-year wait, the Law on Criminal Sexual Violence was finally adopted in 2022. However, efforts to combat sexual violence remain complicated due to the deep-rooted internalization of patriarchal ideology through cultural norms and practices. The existence of the TPKS Law may struggle to curb the culture of victim blaming, as the plurality of laws adopted in some local communities can enable the use of measures that weaken women's positions in the justice process.

Based on a review of the literature and the context surrounding the emergence of the TPKS Law, this study seeks to expand the discussion on the various obstacles to implementing gender-perspective policies at the community level. It aims to contribute to the literature on gender-based violence, legal sociology, and social advocacy.

To analyze the dynamics surrounding the implementation of the TPKS Law, this study adopts a legal sociology perspective, which helps explain how and why decisions regarding certain laws are made (Cotterrell, 2017). Law can serve as an important symbol for determining justice; however, the formulation of legal formalities is also deeply connected to the internalization of norms that regulate individuals' or groups' daily lives (Silbey, 2019). According to Friedman

(1969), three aspects influence the functioning of the legal system: legal structure, legal substance, and legal culture. While structure and substance pertain to legal institutions and their products, legal culture involves the values and norms that determine whether certain laws can be implemented. This study specifically focuses on the aspect of legal culture, which is divided into two categories: internal and external legal culture. The internal legal culture aspect relates to the capacity of the actors involved in law enforcement, while the external aspect refers to the prevailing cultural norms and beliefs within society.

A feminist perspective is employed to understand gender-based issues within the internal and external aspects of legal culture. This approach aligns with the main feminist critique that the process of law-making and implementation often adopts the principles of neutrality, objectivism, and rationalism (Calhoun & MacKinnon, 1990). However, legal structures frequently fail to center women's experiences as the basis for determining justice mechanisms (Conaghan, 2013). Calhoun and MacKinnon (1990) argue that legal structures are not entirely neutral but instead reflect and reinforce patriarchal power relations. This feminist perspective is also useful for understanding the agentic practices of women activists who challenge the normalization of sexual violence in their communities through advocacy movements, both at the individual and collective levels.

## Research Methods

This study employs qualitative methods with a feminist perspective to explore the experiences of women activists in defending and empowering marginalized women (Lykke 2010; Ramazanoglu & Holland 2002). It is also reflective research, as it emphasizes the personal experiences of women activists as a primary source of data.

Data collection took place from July to October 2023 through in-depth interviews with women activists who have been involved in addressing sexual violence in their communities. The interview questions focused on their experiences in supporting and advocating for victims of sexual violence, both before and after the implementation of the TPKS Law.

The selection of informants utilized a snowball sampling technique, where the initial informant provided recommendations for potential subsequent interviewees. The researchers' network within the

Non-Governmental Organization (NGO) community in Indonesia, particularly those focused on women's issues, gender, and violence against women, served as a resource for obtaining recommendations from key informants. The main informants interviewed were women activists from Aceh, Flores, Banjarmasin, Semarang, and Yogyakarta, each with over five years of experience addressing violence against women. This study does not specifically analyze the socio-cultural context of each informant's region of origin. However, it provides brief contextual information highlighting the dominant characteristics of these areas. For instance, Aceh is known for its formalized local laws, such as *Sharia Law*, while Flores and Banjarmasin are regions with strong, unwritten customary laws. Consequently, the experiences of women activists from Aceh, Flores, and Banjarmasin reflect the challenges of implementing the TPKS Law in areas with robust community-based legal frameworks. In contrast, the experiences of activists from Semarang and Yogyakarta demonstrate that, despite the relative ease of applying the TPKS Law in regions without customary or local laws, significant challenges remain for women activists.

Data processing involved transcribing the recorded interviews and then coding them. The coding was conducted using keywords such as violence, harassment, women, TPKS Law, and law enforcement, to categorize the dynamics and challenges faced by the informants. Data analysis was carried out using a thematic approach, organizing the data into themes based on the informants' specific experiences. Additionally, a narrative analysis was developed, using the informants' narratives written sequentially to form a storyline related to certain issues or topics. To maintain confidentiality, the research uses initials when presenting informant testimonials.

The next section of this article will present the research findings, which are divided into two parts. The first part discusses the reflections of informants, specifically women activists, on how discourse around sexual violence is reproduced at the community level. The second part explores the experiences of women activists in supporting victims of sexual violence, highlighting the varied challenges they face due to differing legal structures across communities.

### Reflections on the Dynamics of Sexual Violence Issues in the Community

According to women's activists, the discourse that is developing around the issue of sexual violence in the community is very dynamic. On the one hand, sexual

violence is still considered a private issue that tends to be taboo if it has to be disclosed openly to the public. Traditional gender norms which are strengthened by the influence of customary law usually become the basis for preventing victims or women from taking further action in cases of violence experienced. When violence occurs, victims are often asked to remain silent because of cultural taboos which not only impact the stigma given to the victim but also the extended family.

"In our culture, I still find that when a woman is a victim of sexual violence, she tends to remain silent" (DS 2023, Interview 30 June).

According to DS, an activist with experience assisting victims in areas with strong customary laws, such as Kalimantan, the internalization of primordial values also leads to uncertainty about how communities should respond to cases of sexual violence. Generally, people prefer to follow familiar practices. For instance, if both the perpetrator and victim are outsiders, they may be expelled from the village. However, if both are natives, the case is often concealed to protect the community's reputation. These responses are typically rooted in longstanding customary law systems that seem to be collectively accepted by the community. Over time, these informal approaches to handling such cases have become normalized and are considered standard practice.

Moreover, the fact that cases of sexual violence rarely reach the formal legal system leads to a societal perception that harassment of women is acceptable. This is reflected in the prevalence of sexist jokes that are commonly reproduced in everyday interactions within the community. DS said:

"Things that we consider harassment will not be considered harassment. Also, men such as uncles, fathers, and other male relatives in the family often make up stories about sexual abuse as a joke" (DS 2023, Interview June 30).

The internalization of diverse knowledge, combined with growing solidarity at the family, friendship, and community levels, has gradually fostered the perception that sexual violence is a violation of rights. As a result, victims are increasingly willing to speak out and even report their cases to law enforcement, such as the police. During advocacy activities, women activists have observed emerging trends, noting that communities are beginning to recognize sexual violence as a human rights violation. This shift is evident in several cases where victims and their families express a desire

to report incidents to the police. Often, they seek assistance from NGOs or reach out to women activists for legal support. As one informant, LA, put it:

“They (victims) usually need legal assistance (and contact NGOs) after the police say there is not enough evidence in the report. They come to the NGO because they are afraid that the report really cannot be processed” (LA 2023, Interview 3 October).

Although stigma against victims of sexual violence persists, empathy for the victim often motivates the victim’s family to report the case to the police. Feeling that their family member has been treated unjustly, they believe that the police can arrest and punish the perpetrators. As a result, families of victims often attempt to report the incident, but they usually communicate this only to representatives of the accompanying NGO and avoid disclosing it to their neighbors. As stated by GE:

“I was once visited by the victim’s father to help with the process of compiling a report for the police, he did hope his actions would not be exposed by the media and neighbors. The victim’s father was worried that his daughter would be bullied by neighbors and friends” (GE 2023, Interview 4 August).

When asked about the community’s response to violence in general, another informant, IR, confirmed that there are changes in behavior within the community. According to IR, society is gradually becoming more open to exposing cases of violence, especially those involving children. If violence or sexual harassment against children occurs, parents are willing to report it without hesitation.

“If the victims (of the violence) are children, yes, people are relatively aware of making reports immediately, because the support is quite broad. But for adults, victims are encouraged to make a report only if they no longer know how to resolve it in the traditional way” (IR 2023, Interview 2 October).

Public awareness and the desire to address violence against children within the legal system are also influenced by best practices established through the Child Protection Law. Consequently, when cases of child abuse arise, police and prosecutors are generally more responsive.

The narratives detailing the challenges faced by women activists in supporting victims of sexual violence, as well as their efforts to overcome these challenges, reflect both criticism and proactive practices. These experiences contribute to advancing knowledge on

sexuality issues and advocate for changes in the legal realm. This underscores the importance of promptly implementing the TPKS Law and ensuring that justice service resources are available and centered on victims of sexual violence (Sigiro & Takwin 2021).

Based on the experiences and reflections of women activists, this study found that the implementation of the TPKS Law cannot be immediately realized, even though it has been passed. On the contrary, several challenges arise due to conflicts with established legal cultures that have long governed communities. It can be argued that policy making and the presence of law enforcement are not the final outcomes of the policy advocacy process. Instead, the success of policy implementation largely depends on the extent to which community culture supports the process (Eddyono, 2021; Silbey, 2019; Klugman, 2017).

### **Forms and Challenges of Advocacy in Sexual Violence Cases**

This section describes the experiences of women activists advocating for sexual violence issues at the community level, highlighting the varying dynamics due to differences in implementation across regions. In areas where the TPKS Law has not been widely socialized, informants reported difficulties in assisting victims with resolving cases of sexual violence through the formal legal system. According to the women activists involved in this study, many victims felt that their reports were not addressed promptly by law enforcement officials. This issue is particularly prevalent in regions with strict customary laws, such as Kalimantan, Flores, and West Nusa Tenggara (NTB). As stated by the following informant, GE:

“(The victim’s family) reported the case to the police. At that time, the victim’s father felt hopeless about the police’s treatment because he had been going back and forth to the police station for almost a month but there had been no progress in the report. Then the victim’s father told his friend and was advised to contact an NGO so they could get help. It was at that time that the victim’s father contacted me” (GE 2023, Interview 14 September).

During the advocacy, GE worked to identify and map the main factors hindering the reporting process, including assessing whether the reporting flow was correct, checking for signs of fraud, and evaluating the commitment of law enforcement officials. According to GE, a common issue encountered is the lack of understanding among law enforcement officers regarding gender issues and sexual violence.

"It is true that the police do not yet have a perspective on how to deal with victims of sexual violence" (GE 2023, Interview 14 September).

Technically, officers often lack comprehensive knowledge of the legal procedures required to address and respond to reported sexual violence cases. This limited understanding includes a lack of gender perspective, which can lead to the way law enforcers define evidence placing an additional burden on victims. For example, victims may be asked to provide evidence that the reported abuse was actually a consensual relationship between two adults. However, for victims, gathering evidence that proves an element of coercion can be a lengthy process. Meanwhile, victims also need support for psychological and social recovery due to trauma. In response, GE adopted a cultural approach, negotiating with police authorities to delegate responsibilities to officers handling such cases of violence:

"So, after we had an audience with the leaders of the police agency, the police chief on duty at that time promised to summon investigators. I and other activist friends said at that time that we would spread this case on social media if the police were still slow to handle it" (GE 2023, Interview 14 September).

As a result of the complicated process, some victims and their families choose to "surrender" to formal institutions, such as the police. In these cases, they may turn to customary law instead. However, when relying on customary mechanisms, victims and families often lack the knowledge and skills needed to effectively negotiate their interests. GE noted that, while assisting with traditional meetings, several offers needed to be made to ensure that victims and their families continued to benefit from these customary processes:

"I have experience helping victims who happened to be speech impaired. At that time, just because this girl was unable to speak, the traditional leaders offered her a pig as a fine for the abuse she experienced. We just question, how could that be?" (GE 2023, Interview 14 September).

When asked how enforcement of customary law aligns with victims' interests, GE explained that customary law is more likely to benefit perpetrators. Customary law is often unwritten, and victims are rarely present during the decision-making process. As a result, the victim's perspective and aspirations are not given primary consideration in resolving their cases. The following is an example from an informant's narrative that illustrates how customary legal mechanisms can

complicate matters for women who are victims of violence:

"For example, when a girl is sexually abused and becomes pregnant, the penalty is elephant ivory. The price of elephant ivory is around 200 million rupiah. Well, in this context, once again, the girl or victim is never asked. Instead, the father or another male family member invited to the meeting would be asked to decide whether the fine was acceptable" (GE 2023, Interview 14 September).

In regions that apply special local legal instruments, such as Aceh, unique challenges arise. According to women activists, the incidence of sexual violence against women is relatively high even in areas where Islamic law is implemented. This situation is also characteristic of conflict zones, which have factors that increase women's vulnerability. Similar to other regions, women activists in Aceh face cultural challenges in assisting victims of sexual violence, particularly among adults or in cases occurring outside of marriage. However, women activists report that most law enforcement officials believe the regulations for addressing sexual violence against adults are adequately covered under the *Qanun Jinayat*. The issue is that sexual violence is often equated with adultery. Under the *Qanun Jinayat*, victims reporting their cases are required to provide direct evidence, such as witnesses who observed the incident. This requirement is particularly burdensome for victims, as sexual violence predominantly occurs in private settings. Additionally, victims often do not immediately disclose the assault, even to those closest to them, making it difficult to present direct evidence showing traces of violence on their bodies. Consequently, this expectation of direct evidence, which does not accommodate the victim's circumstances, is used as grounds for revictimization under accusations of adultery. LA conveys the following experience:

"In *Qanun Jinayat*, if we analyze it, the basis used is the concept of zina or illegal sex which is prohibited under Islamic rules. But actually sexual violence and adultery are different. So, if a rape victim reports, they will be asked to provide direct evidence. When direct evidence is weak and the perpetrator conveys their oath five times, namely by saying: "I didn't do it", then the victim can actually be blamed" (LA 2023, Interview 3 October).

Given the challenges of negotiating local laws based on *Qanun Jinayat*, women activists from NGOs in Aceh typically refocus their advocacy efforts on victim recovery. As emphasized by informant LA, efforts to achieve gender justice, especially regarding violence against women, are likely to fail as long as local laws

like *Qanun Jinayat* remain unchanged. Addressing cases of sexual violence is not solely about punishing the perpetrator; fulfilling the victims' rights, such as ensuring their recovery, is also a critical aspect that must be prioritized. It can be said that so far (both before and after the TPKS Law was passed), women activists in Aceh have been more oriented towards victim recovery rather than providing legal assistance, which in many cases actually poses a risk of further harm to the victims themselves. As stated by LA below:

"If victims feel that their reports are not being processed by the police, they usually come to us. Then we explain the legal situation in Aceh, especially with regard to *Qanun Jinayat*. Then we give the victim a choice. However, many victims eventually abandon the formal legal process and turn to recovery efforts or dealing with the impacts of the violence they experienced, such as unwanted pregnancies" (LA 2023, Interview 3 October).

LA added that the current advocacy efforts, especially after the TPKS Law was passed, focus on convincing religious leaders and law enforcement officials to integrate aspects of the TPKS Law with *Qanun Jinayat*. These aspirations do not imply that women activists oppose Islamic Law; rather, based on their experience in supporting victims of sexual violence, they hope that the handling of cases will consider the interests of marginalized groups, such as women and victims of sexual violence. For instance, local law enforcers could consider revising or canceling the articles on harassment and rape in the *Qanun Jinayat*, allowing the TPKS Law to be applied when cases of sexual violence are reported.

In other areas such as Semarang and Yogyakarta, the role of customary law and local law is comparatively weak. The informant, IK first of all, said that to handle criminal cases, including sexual violence, people usually refer to laws that are considered closer to their daily lives:

"The laws most often used by society are laws that are considered closer to basic law. In reality, even though national law is available, the role of local law remains stronger. For example, Perpol (Police Regulations) is often used instead of Criminal Law" (IK 2023, Interview 6 July).

Unlike other situations mentioned earlier, the experience of women activists in defending victims of sexual violence in areas such as Semarang and Yogyakarta shows that, on one hand, the implementation of the TPKS Law has been well received. However, in practice, law enforcement officials still find it challenging to fully grasp the intent of the TPKS Law, which is technically

designed to offer more victim-friendly services. According to IK, law enforcement officials still need to ensure that the provisions of the TPKS Law can be effectively implemented. This highlights the crucial role of women activists who possess knowledge and skills related to legal and gender issues. The following is IK's account of assisting a female athlete who was harassed by her coach:

"(At the time, authorities said) there was no evidence because no one witnessed the incident directly. However, under the TPKS Law, related witnesses who may not have seen the incident but have relevant knowledge can be used as evidence. It turned out that the student (the victim's friend) said: 'No one else was called by the coach.' This suggests that the perpetrator (the coach) planned his actions, as the training was meant to be conducted together. Why was only she (the victim) called? So, the testimony isn't about directly witnessing the act but about providing interconnected evidence." (IK 2023, Interview 6 July).

Based on IK's experience, she often offers to provide legal opinions to help validate that the circumstantial evidence presented by the victim is indeed credible. According to her, even with the TPKS Law in place, law enforcement officials still seem uncertain about processing reported cases of sexual violence from a different perspective, particularly regarding the standards of evidence. As told by IK below:

"Yes, she (the victim) reported the case to the police. Initially, the police were confused because the report was not accompanied by direct evidence. Then they asked, 'Is this proof?' I responded that it could be considered, especially since the case falls under category 2 or category 3 physical violence. The police then asked, 'Where could that be?' I replied, 'Okay, let me provide a legal opinion.' So, I prepared a legal opinion to help convince them." (IK 2023, Interview 6 July).

Referring to the legal culture framework developed by Freedman (1969), the findings of this study highlight both internal and external challenges. The internal aspect pertains to the limited perspectives of law enforcement officers, from police officers to prosecutors, which influences their response to reports from victims of sexual violence. This finding aligns with a study conducted in Ghana, which identifies the commitment of rulers or leaders to gender issues as the primary challenge in implementing gender policies (Anyidoho et al. 2021). In the Indonesian context, this commitment and attention are not only required from national leaders but also from local figures, such as traditional leaders, community leaders, and religious leaders, who have the authority to define and oversee

the implementation of laws in their communities. Additionally, internal challenges to legal culture are exemplified by the insensitive treatment by police, including the insufficient empathy that law enforcement officers often exhibit when dealing with victims of sexual violence (Smyth et al. 2021).

Meanwhile, challenges in the external aspect are reflected in the high level of social acceptance of stereotypical and discriminatory views that underpin the implementation of customary or local laws within the community. This social acceptance highlights the characteristics of informal norms that are established and maintained through social solidarity mechanisms in society (Manullang 2021). Consequently, laws introduced from outside are often rejected because they appear to conflict with the community's collective values and established structures (Lon & Widyawati 2021). In this study, customary or local laws are still perceived as more contextually relevant compared to national laws such as the TPKS Law.

The use of customary or local law, which often takes precedence over national law, does not imply that society entirely rejects defining sexual violence as a crime. According to the informants' experiences, even with the implementation of the TPKS Law, the ability to process reports of sexual violence through customary law demonstrates an understanding that sexual violence is both a crime and a public issue. For example, regulations involving fines indicate that sexual violence is generally recognized as a violation requiring punishment. However, the legal mechanisms in place are often not, or have not been, integrated with a gender perspective (Zahwa 2021). Challenges in legal culture are closely linked to the extent of societal awareness, knowledge, and skills in evaluating whether the principles of justice underpinning each legal process will weaken or perpetuate patriarchal domination. Additionally, the reproduction of sexual violence is influenced by the standardization of traditional gender norms that normalize the objectification of women's bodies and sexuality (Hlavka 2014; Maryam 2017; Rollero & Tartaglia 2019). The application of a gender perspective questions whether the solidarity norms behind customary law can genuinely advocate for women's interests. In a broader context, it can be said that the integration of gender perspectives, which national laws like the TPKS Law aim to promote, and the internalization of values foundational to customary law have not been fully realized.

## Closing

This study demonstrates that the enactment of state law may not be the final outcome when applied in regions with legal plurality. The diversity of social norms, religions, and customs leads to varied reactions to the TPKS Law. To harmonize concepts of justice and gender perspectives, special initiatives are needed that go beyond the mere existence of legal products. These initiatives should focus on how legal products contribute to creating a more just legal culture. The implementation of the TPKS Law should be viewed as a complex (not linear) series of activities, which also includes the development of education and the socialization of fair concepts from a gender perspective. This encompasses various methods of approach used at the individual, community, and legal institution levels. The implementation of the TPKS Law should be seen as an input aimed at transforming legal culture at the community level. Therefore, future research could explore forms of social approaches or innovations that can be developed to make the TPKS Law a catalyst for changes in legal culture related to sexual violence at the individual, community, and institutional levels.

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