

## Sexual Violence and Gender Inequality

### Editorial

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The Political Personal Realm in the Draft Law on the Elimination of Sexual Violence in Indonesia

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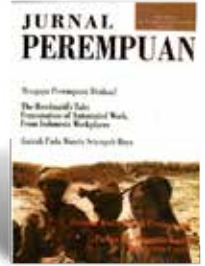
*Atnike Nova Sigiro & Bagus Takwin*

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<i>Atnike Nova Sigiro</i>	

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## Sexual Violence and Gender Inequality

Feminism frames sexual violence not merely as aggressive actions such as rape, sexual assault, sexual harassment, or other physical attacks that target a person's sexuality. Rather, it puts these actions into the context of a more complex relationship of gender and structural inequality. Essentially, a hierarchy of sexuality allows women to be one of the groups that are vulnerable to violence, including sexual violence. Sexual violence closely relates to power relation; thus, it can happen to children, gender minorities, students, persons with disabilities, domestic workers, subordinates in industrial relations, and any kinds of subordination and other hierarchies in society.

Sexual violence is socially recognized as a problem, but it tends to be seen as a matter of morality, public decency, honor, or as a crime against family and society. The essence of sexual violence as a violation of one's bodily integrity is often negated. This perspective imposes a moral burden and stigma on a victim and even her family. Therefore, the victims often feel reluctant to talk about their experience of violence. When a victim talks about the sexual violence she has experienced, her morality and sexual history tend to be judged by her family, community, and the officers of law enforcement.

Another problem of sexual violence is the fact that the legal positivism paradigm is not able to see sexual violence more broadly. This paradigm imposes the burden on legal evidence - such as penetration, evidence, witnesses; to the victim. As a result, the law often fails to dispense justice and remedies fairly to the victims, let

alone to make people aware that sexual violence is a crime.

Legislation to eliminate and prevent sexual violence is a political action to voice the issue of sexual violence. Furthermore, if sexual violence is recognized as a social problem, the opportunity to assert the position of women and other marginal groups as equal citizens is possible. It is one of the main principles of women's struggle against The Elimination of Sexual Violence Bill (RUU PKS).

In other countries, the legal definition of sexual violence has evolved. For example, rape and sexual assault are defined as acts imposed by force or coercion with a lack of consent. In addition, legal thinking on sexual violence has emphasized the dimensions of protection and support for the victims/survivors needed during the process of unveiling sexual violence, the legal process, and also after the legal process.

The number of cases of sexual violence recorded by Komnas Perempuan (The National Commission on Violence against Women) and various women's organizations for the last ten years or so has actually shown the tip of the iceberg from the depths of the situation of violence against women in Indonesia. Therefore, suspicion of attempts to position sexual violence as a social problem is a patriarchal tactic to perpetuate the status quo of gender inequality and the hierarchy of sexuality towards women. (Atnike Nova Sigiro)



Abstracts Sheet

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**Risna Desimory Tambunsaribu & Ikhaputri Widiyantini**  
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Universitas Indonesia

**The Political Personal Realm in the Draft Law on the  
Elimination of Sexual Violence in Indonesia**

Jurnal Perempuan, Vol. 26 No. 2, August 2021, page. 79-89, 1 table, 22 references

This article is using a critical interpretation based on radical feminist theory to analyze the issue of sexual violence against women in Indonesia. Based on data from Komnas Perempuan in 2020, the number of victims of sexual violence is increasing. The root of sexual violence comes from the biological differences between women and men that has been constructed in society. Men are considered to have sexual dominance on women. The existence of sexual politics maintains by the state have taken away women's authority both in private and public spheres. Using the critical and praxis feminist approach, this article assesses the data research from Komnas Perempuan, especially related to cases of sexual violence. The analysis and criticism of sexual politics in this article also highlights the Draft Law on the Elimination of Sexual Violence. The analysis proves the importance of state involvement in ensuring the lives of Indonesian female citizens, especially concerning protection from sexual violence.

Keywords: personal, public, RUU PKS, sexual politics, sexual violence

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**Livia Iskandar**

Komisioner LPSK-Lembaga Perlindungan Saksi dan Korban

**LPSK-Establishing State Presence in Protection of  
Witnesses and Victims, inclusive of Sexual Violence Crimes**

Jurnal Perempuan, Vol. 26 No. 2, August 2021, page. 91-101, 2 grafik, 4 tables, 12 references

The Indonesian Witness and Victim Protection Agency (LPSK in Indonesian) was established based on Law No.13/2006 Protection of Witness and Victims, which was later amended by Law No 31/2014. It is an independent non-structural agency headed by seven commissioners for 5-year terms. One of the Agency's priority crimes is sexual violence. The Agency protects witnesses, victims, whistleblowers, justice collaborators, and experts. For the years 2019-May 2021, the Agency has given protection to a total of 984 victims of sexual crimes, consisting of 67% children and 33% adults. Out of that, 78% are female victims compared to 22% male victims. Based on Law No. 31/2014, there are 16 types of witness and victims' rights. The three most sought-after protection programs for victims of sexual violence are Procedural Rights, Psychological Rehabilitation, and Restitution Facilitation. For prevention programs, we need to learn who are sexual violence perpetrators.

Keyword: LPSK, sexual violence, witness and victim rights

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**Sri Agustin**  
Ardhanary Institute

**The Hidden Blackbox: Corrective Rape Against Lesbian,  
Bisexual (Women) and Male Transgender**

Jurnal Perempuan, Vol. 26 No. 2, August 2021, page. 103-108, 10 references

This article discusses about the corrective rape against lesbian, bisexual (women), and male transgender that is performed by the perpetrator with aim to correct the LBT's (lesbian, bisexual, and transgender) sexuality. Such sexuality that are deemed bad, abnormal and cursed, therefore must be corrected. Corrective rape is perceived as a form of punishment, and it is everyone's responsibility to undertake correction. Corrective rape has rarely been revealed. In order to reveal the facts about corrective rape against LBT in Indonesia, this article writes the stories of four LBTs that would open up our conscience, that any form of corrective rape must be abolished, in line with our hope to abolish sexual violence against women through the legislating of the draft law on the abolition of sexual violence (RUU PKS).

Keywords: corrective rape; LBT; power relation; sexual orientation; gender identity

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**Ikhaputri Widiyantini**

Departemen Filsafat, Fakultas Ilmu Pengetahuan Budaya,  
Universitas Indonesia

**Sexual Violence at University Level: A Philosophical  
Feminism Overview**

Jurnal Perempuan, Vol. 26 No. 2, August 2021, page. 109-116, 11 references

This paper highlights the philosophical issues related to sexual violence cases at the university level. Many reports were found related to the sexual violence cases at the university level, but did not come to a solution that take sides to the victim. This is not just a problem about the unstrict law to handle the cases. There is a basic problem that underline in the mindset and behavior. Rape culture in society failed us to understand that this is a form of violence against humanity. The basis of patriarchal logic also affirms the condition. Based on the standpoint feminism method, also supported by data on sexual violence reports, I pointed the importance of using the feminist logic approach in viewing this issue. I aim to restore the point of view on siding the victim which can provide justice in handling the sexual violence cases at the university level.

Keywords: sexual violence at university level; rape culture; feminist logic; standpoint feminism

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**Titiek Kartika Hendrastiti & Noeke Sri Wardani**

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**Narrative of Denial from Five Cases of the Incestuous  
Fathers**

Jurnal Perempuan, Vol. 26 No. 2, August 2021, page. 117-128, 2 pictures, 1 table, 20 references

Various data from the society show the tendency of increasing number of incest's cases. This study aims to analyze the narratives of five cases of fathers who become perpetrators of incest. This study was conducted in 2016 to five fathers of incestuous perpetrators, who inhabited two Correctional Institutions in Bengkulu. This study was conducted using feminist narrative analysis and found that incestuous perpetrators rationalize their crimes based on their sexual identity and history to the victim. The history of the victims' sexuality, which represents corrupted, dirty, wild, and naughty bodies, became a justification for incest. Persons with disabilities faced multiple vulnerabilities, not only being humiliated through the rape by their fathers, but they were also being blamed for their inability to participate in the investigation process and court hearings. The research has found linkages between incest and early marriage, troubled marriages, and early divorce. The construction of hypersexuality and the objectification of the perpetrators towards child sexuality had failed to guide the perpetrators towards a sane relationship.

Keywords: incest narrative, feminist narrative analysis, incest rationalization, disabled incest victims

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**Sulistiyowati Irianto**

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**Power Relations and Sexual Violence in the Campus**

Jurnal Perempuan, Vol. 26 No. 2, August 2021, page. 129-135, 11 references

Sexual violence on campus is a crime against humanity that is difficult to uncover because of professors' power relations and domination over students. Power relations also manifest at the structural level so that sexual violence is often dismissed and silenced by the administrators. The campus environment's hierarchy of status and positions makes sexual crime cases go on for years without any accountability. On the other hand, there are efforts such as the collective action of lecturers

across faculties to protect victims from the perpetrators and bring the perpetrators to justice. This study describes the author's experience in dealing with sexual violence on campus and using a reflexive approach in addressing sexual violence in Indonesia.

Keywords: Keywords: sexual violence in campus, power relations, crimes against humanity

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**Recognizing the Needs and Challenges in Handling the Victims of Sexual Violence: Learning from the Experiences of 'Forum Pengada Layanan'**

Jurnal Perempuan, Vol. 26 No. 2, August 2021, page. 137-152, 3 tables, 5 grafik, 17 references

This article will describe a research on the experiences of the members of 'Forum Pengada Layanan' or Service Provider Forum (FPL), a civil society initiative, in handling the victims of sexual violence. Through FPL's experience, this article will analyze the importance of legal protection and the availability of financial and human resources, in handling and protecting victims of sexual violence. This research was conducted using mixed methods, namely quantitative methods using surveys and qualitative methods using in-depth interviews. This article concludes that the legal umbrella regarding the elimination of sexual violence with victims' perspective would provide stronger foundation for protection, legal processes, and the availability of resources in handling cases of sexual violence in Indonesia.

Keywords: sexual violence; victim's perspective; abolition of sexual violence; legislating sexual violence

## The Political Personal Realm in the Draft Law on the Elimination of Sexual Violence in Indonesia

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### Abstract

This article is using a critical interpretation based on radical feminist theory to analyze the issue of sexual violence against women in Indonesia. Based on the data from Komnas perempuan in 2020, the number of victims of sexual violence is increasing. The root of sexual violence comes from the biological differences between women and men that has been constructed in society. Men are considered to have sexual dominance over women. The existence of sexual politics maintained by the state have taken away women's authority both in private and public spheres. Using the critical and praxis feminist approach, this article assesses the data research from Komnas Perempuan, especially related to the cases of sexual violence. The analysis and criticism of sexual politics in this article also highlights the Draft Law on the Elimination of Sexual Violence (RUU PKS). The analysis proves the importance of state involvement in ensuring the lives of Indonesian female citizens, especially concerning protection from sexual violence.

Keywords: personal, public, RUU PKS, sexual politics, sexual violence

### Introduction

The battle to enact Elimination of Sexual Violence Bill (also known in Indonesian as RUU PKS) in Indonesia started in 2016. In partnership with LBH Apik, Derap Warapsari and Pusat Kajian Wanita dan Gender of Universitas Indonesia, and Komnas Perempuan has conducted several programs for legal and policy reform with human rights and gender-perspective. One of the results of their program is their effectiveness in integration of elimination of violence against women through policies, hence it will be included in the National Legislative Program (Prolegnas) of the Parliament for 2015 to 2019. This initial step continues and the bill is now in the legal drafting process as of October 2016 (Elimination of Sexual Violence Bill).

The magnitude of sexual violence cases that continue to happen even after the bill has entered into deliberation process does not trigger State's response (in its legislation) to make a decision. In the year 2016 alone, there are 259,150 reported cases of violence, in 2017 the figure increased to 348,446, in 2019 there are 431,471 cases, and in 2020 the cases reported are 299,911 (Komnas Perempuan 2020). Considering the increasing trend of cases of sexual violence, the reinterpretation on the

importance of legal framework that prevents the sexual violence and protect the victims of sexual violence is very important. This measure is very important considering that 2019 was the last year for the bill to be included in the National Legislation Program.

"Definition of sexual violence is any action that degrades, insults, assaults, and/or other action perpetrated against one's body, sexual intention, and/or reproductive functions coercively, against one's will, which makes the person unable to consent in free will, due to imbalance/unequal power relation and/or gender relation, that may lead or affect one's suffering or misery physically, psychologically, sexually, experiencing economic, social, cultural, and/or political loss." (Elimination of Sexual Violence Bill, 2016, pg. 6)

Based on the definition of sexual violence in the bill of ESV, the boundaries and justification on the act of sexual violence is now more measurable. The definition serves as the foundation that would cement our perception on what constitutes sexual violence. However, after three years of in the deliberation process, the legislative body does not show significant measures to enact the bill immediately. Government's snail response shows just how women's rights and victims' rights continue to be marginalized. Komnas Perempuan's data emphasizes on

the urgency of the enactment of ESV bill, as reflected in an increasing trend of sexual violence against women and children from time to time. The bill's presence is very important, as lenient sanctions and existing regulations do not bring the expected significant deterrence effect to the perpetrators of sexual violence. One of the reasons why this bill is not enacted is a contradiction from religious values and dogma.

The efforts to understand the reason and cause of sexual violence might be executed through tracing back women's ideas and movement. Referring to feminism perspective, the cause of sexual violence stemmed from inequality between men and women. It began in personal domain, and expanded to public domain. Many feminism scholars have detected that biological characteristics are used as grounds for dominance over women's sexuality (de Beauvoir 1949; Millet 1970; Firestone 1972). Nevertheless, since patriarchy dominance remains strong in Indonesia's society, sexual violence that women experience is not perceived as an urgency and emergency that requires immediate action to eliminate. Measures to push for enactment of Elimination of Sexual Violence bill face multifaceted difficulties in Indonesia, as in patriarchal society men are in decisive position for any decision and public policy making process. As the consequences of patriarchal society the number of female Indonesian legislator is relatively very few, which is less than 30 percent of total number of legislators. This situation reflects imbalance representation of women's interests and/or voices in government arena. Furthermore, most legislators have strong patriarchal perspective, hence the urge to enact policy on the justice for women and victims is still hampered with challenges.

Shulamith Firestone (1972) mentioned that sexual and gender realities are constructed by patriarchal dominance. In many feminism theories, discrimination against women in political domain is linked with discrimination against women's sexuality in personal domain. The impunity towards sexual violence in political domain is an extended arm of impunity towards sexual violence occurring in personal space. In personal context, domestic violence and/or dating violence occurs in the name of one's love.

In general, society still perceives that violence happening in the personal domain is something that should not be discussed in public. Sexual violence in personal domain is often seen as personal issue, hence it would be perceived as irrelevant to be discussed from legal perspective, which is a public domain. Domestication of women's body and dichotomy between private and

public domain have long been scrutinized by feminism scholars. In the context of sexual violence, for instance, the separation of these two domains has deprived victims' rights to justice especially for the victims of sexual violence.

Using the frequent occurrence of sexual violence against women as the entry point, this article will use sexual politic theory from radical feminist theorists especially from the context of political personal space. The author uses theories from radical figure Shulamith Firestone (1945-2012). The objective of using this theory is to analyze personal (private) problems—in this context related to women's sexuality—that are being politicized in the public sphere. This article specifically supports Indonesia in enacting legislation on anti-sexual violence in order to guarantee women to enjoy life as citizens in the country. This article would like to show that patriarchal culture affecting the societal thinking in Indonesia contributes to the difficulties of enacting the Elimination of Sexual Violence bill.

### Research Methodology

This article uses feminist critical approach using praxis feminism method. In feminism criticism, the feminism method is used to deliberate power, state, and social domination over women (Given 2008, p. 334). The idea is then developed in the praxis feminism method that emphasizes on integration of the existing data analysis of field research with the theory. The method is unique as it integrates theoretical discussion on feminist methodology with detailed elaboration on practical research process. The integration between practical and theoretical will sharpen analytical blades especially in developing feminist epistemology (Stanley 2014). We base this integration with sexual political theoretical framework in radical feminist thinking especially borrowing from Shulamith Firestone's (1972) idea. This theory helps in amplifying analysis in politicized personal space in patriarchal society.

As the basis of problem definition, the research uses the result from Komnas Perempuan's annual research data (2020). The data are then analyzed using critical approach from praxis feminist method in order to find the philosophical foundation of personal issues and the requisite of legal foundation for women citizens. There were already preceded researches on ESV bill by Komnas Perempuan (2020) and Jurnal Perempuan (2016).

The articles cited as the source of reference for this article among others are: (1) "*Politik Seksualitas*

*dan Pengabaian Negara Terhadap Kekerasan Seksual di Indonesia*" by Diah Irawaty, published in *Jurnal Perempuan* (2016) in its 89<sup>th</sup> edition. This article highlighted the oppression against women in the New Order regime using the Gerwani issue. In conclusion, the article placed the state as the perpetrator of violence as it created an image of submissiveness in women. (2) *Narasi "Perempuan" dan Kekerasan Seksual dalam Hukum Indonesia* by Soka Handinah Katjasungkana in 2016. This article highlighted the exploitation against women's bodies in pornography that the state should regulate. (3) *Rancangan Undang-undang Tentang Penghapusan Kekerasan Seksual: Akses Keadilan, Kebenaran dan Pemulihan bagi Korban* by Asma'ul Khusnaeny in 2016. This article contained analysis on the regulations contained in the bill of ESV, which includes types of sexual violence, as well as the analysis on women's positions in the respective articles. (4) *Kekerasan Seksual dan Simbolis: Studi Kasus di Jakarta* by Gadis Arivia and Abby Gina in 2016. The article contains information about research on women and their perception and experiences of sexual violence and how the state ignores discrimination against women in public sphere—physical and verbal violence. (5) *Hukum yang Ada tidak Berjalan Maju Secepat Perkembangan Kasus Kekerasan Seksual* by Anita Dhewy in 2016. The article interprets the increasing trend of sexual violence until 2015 towards an alarming state. Nevertheless, the state takes no aggressive measure to curb the figure.

The difference with this article from previous research is the philosophical root of sexual politics as the embryo of patriarchal culture. Sexual politics in this article highlights the shift in biological role in discriminatory relations of women in public space.

### **Feminism and Women's Sexual Politics**

Many women figures have demanded equal recognition between men and women starting from the ancient Greek era (Patu & Schrupp, 2017, p.1). The struggle to attain equality for women continues to evolve, following the changes in era. Every era will have its own characteristic. Like with Christine de Pizan (1364-1430) did in her book *The Book of the City of Ladies* (1405), Olympe de Gouges (1748—1793) criticizing Declaration of Human Rights during French Revolution, Mary Wollstonecraft (1759—1797) who was inspired by Olympe de Gouges' work and published *A Vindication of the Rights of Women* (1792), Flora Tristan (1803—1844) who wrote *The Workers' Union* (1843) five years before Marx and Engels published *The Communist Manifesto*, to

contemporary thinkers such as Julia Kristeva (1941— ) and Judith Butler (1956— ), and other women scholars. Feminism theory and waves have become reactions of knowledge penetrating to all aspects of life—especially women's private bodies and their experiences (Tong 2018).

The same valor was also shown by women heroines in Indonesia fighting against oppression—long before the era of independence. In her book *The Indonesian Woman*, Cora Vreede-De Stuers (1960) mentioned that the first women's movement in Indonesia aimed to assist the fight for Indonesian independence, hence the movement is very intimate and close (de Stuers 1960). Aside from the fight for independence, the women in Indonesia are also active in fighting for women's empowerment in education. This could be seen in women's involvement in organizations that organized the first women conference in Indonesia in 1928 (Blackburn 2007, pg.6). The big issues brought up in the conference were on marriage, polygamy, and children. Justification against women due to their biological characteristics have made women's movement and thinking entered sexual political discourses. There seems to be an effort to marginalize women's need in public space. Women are stereotyped in private domain in political analysis object.

The roots to oppression against women stemmed in biological distinction to social constructions that specifically highlighted by radical feminist thinkers. The characteristic of this radical feminist thinking is their suspicion on division of personal and public domain (personal is political) that leads to oppression against women (Arivia 2003). The jargon "the personal is political" is made known by Carol Hanisch writing in the pamphlet of *Notes from the Second Year: Women's Liberation* published in 1970 (Hanisch 2006). Hanisch stated that discrimination against women stemmed from the negligence of facts that personal are not political. She argued the idea that sex, appearance, abortion, child bearing, and division of work in domestic sphere are just personal problems without any political interests (Hanisch, 2006). To overcome this issue, Hanisch offered collective measures from women (as organized power) to fight against men's dominance in a society. Her main argument is that women should not be perceived as apolitical. For Hanisch, women's life is very political, which is reflected in how public life affects women's personal life—systematically (Hanisch 2006). Hanisch also said that the jargon came from collective discussion and is underlined by Firestone and Anne Koedt in their published pamphlets.

Based on the interpretation of women's personal space politicization, the author used the theory from Shulamith Firestone, a Canadian-American radical feminist. In the context of relation between state and policy for the life of women citizens, this requires further deliberation. Firestone offered a strong theory and helped us in understanding how the patriarchal system works comprehensively in oppressing women's lives. Firestone wrote in her book called *The Dialectic of Sex: The Case for Feminist Revolution* (1970) on the effort of tracing back sexual violence against women using sexual class history's lenses (Firestone 1972). We can use this theory to see the main reason why women experience comprehensive oppression both in personal and public spaces.

Firestone affirmed that the sexual class system is the root cause of other oppressions. Therefore, she advised on the deconstruction of the prevailing system in the society. The effort to eradicate sexism can only be executed when we radically reconstruct our society (Firestone 1972). In her article, Firestone argued that the impact of division of sexual classes has made it difficult for women to rebel when they fight alone. Women then meet within the framework of shared misery. Unfortunately, this effort is not followed by public awareness on sexual oppression. Firestone was then aware that this oppression has blended into the culture and history of thinking—especially western thinking.

Firestone analyzes the problem of sexual dichotomy (biologically). Biological differences between men and women have carved the way for sexual dominance against women in society. In her book *The Dialectic of Sex*, Firestone started with a statement that sex classes are invisible ones (Firestone 1972, p.6) as it has embodied with culture. Firestone perceived that men's dominance over women's private bodies came from the differences of biological (reproductive) roles of each sex. The initial step was to oppose biological classification that would only hindrance women. Firestone argued that gender classification is different from economic classification—which does not underline biological differences. However, in the discourse about class often the reason for inequality between men and women stems from biological classification (Firestone 1972).

Firestone had more radical analysis from Marx-Engels dialectic materialism approach. From her point of view, the economic class issue failed to understand the sexual layer in historical dialectic (Firestone 1972). Men's dominance came from familial biological interference—especially in patriarchal surroundings. As a consequence,

women are made to be dependent on men. In this context, Firestone combined psychoanalysis analysis that also aims to criticize Freud's opinion. If Marx-Engels' dialectical materialism is perceived to have failed in assessing the very basic problem—the emergence of sexual classes—, hence, Freud's psychoanalysis has manipulated women's psychosocial understanding. Freud did not place distinction on sexual class as a basic problem and make biological function as the answer to all problems of repression that women experienced (Firestone 1972). These two approaches have affirmed Firestone's position in perceiving the problems of women's sexual politics.

The oppression against women, which stemmed from undermining women's body and reproductive function that leads to prevailing stigma in the society which automatically placed women in a submissive position. One of the causes of this is negligence of sexual violence that happened against women. This is especially pronounced in more intimate relations with women's daily life: love and family relation (dating). Patriarchal culture has made the issue around "violent love" a personal issue that many think it is appropriate to discuss in public. This results in injustice that women experience as citizens. When sexual violence occurred in private sphere is not acknowledged and accommodated as public issue, women are deprived from the enjoyment of their rights as citizens in equal position as men. To borrow the term popularized by Simone de Beauvoir in *The Second Sex*, women are placed as the second sex (1989). This is something that we can understand as the impact of undermining sexual class in society. Women came in second and their existence is ignored in family and public-political relations.

Our sexual class system is not only perceived as an oppressive act coming from individual acts. If we look even further, there is indeed a role of the state in sustaining the perception of the sexual class system. When women's experiences are not recognized and accommodated in the public sphere, the state also contributes to sexual and gender injustice that happens to women. One of the problems that we can take from Indonesia's experience is how the state's policy does not take women's side, especially in sexual violence cases. Many cases of sexual violence that many institutions found, such as the ones found by Komnas Perempuan, showing how there is systemic presence of sexual class difference. The state should not ignore its women citizens' demand for their rights and protection. Firestone highlighted a concept of sexual revolution that emphasized on the meeting between esthetics and technological modes (Firestone, 1972). These modes merge the comprehension in the

intuitive area and legal aspect working in society. The Elimination of Sexual Violence bill is one of the examples of feminist' revolution as elaborated by Firestone. This policy will show state's involvement in guaranteeing changes in regulation as well as society's attitude towards sexual violence cases. If this continues, then the state only sustains gender discrimination and ignore any human rights violation against women citizens. Therefore, we need to continuously demand for the enactment of this ESV bill as a guarantee of women's involvement in the sexual political domain.

### **High Prevalence of Sexual Violence Against Women in Indonesia**

Komnas Perempuan (2021) in their annual report of 2020 recorded that the sexual violence against women had increased steadily since 2015—there were a lot of cases that did not even get any resolution. In reality, Indonesia is already in a state of emergency for sexual violence. Sexual violence happens in all places such as home, school, public transportation, workplace, and other public spaces. Considering the urgency, these cases require special attention from the government, as the state bears the obligation to facilitate protection and ensuring that victims of sexual violence are treated fair.

According to the data collected by Komnas Perempuan, the fight for enactment of the Bill on the Elimination of Sexual Violence has started since 2006. However, the progress could not catch up with the increased prevalence of sexual violence in Indonesia. The prevalence of sexual violence has increased 16 times within 12 years since the discourse on the EVS bill started.

In the feminist theories, biological function—especially women's reproductive function—could be used as the ground for undermining women's value in compared to men. Feminist' theory perceives the logic in operating in patriarchal system has generated binary opposition. Binary opposition distinguishes private and public experiences. We are made to think that every context will have an opposite hierarchically. One of them is the impact of thinking that excludes the experience of the women's body from the political realm. The women's body which is identified with the reproductive role is interpreted as the other's body, the body which is interpreted as an inhabitant of the personal-domestic realm. As a result, the concrete experience of women who are close to the issue of sexual violence is considered an irrelevant issue in public discussion. When there is violence against women's bodies, it is not considered a

crime but merely a violation of decency. Thus, the solution to this presumably private matter is sufficiently resolved through a more kinship approach. It does not stop there, discrimination against women's bodies is also reinforced by religious values and norms that are deeply rooted in the society. The perception that women's private bodies and experiences as a taboo that should not be exposed.

*"Patriarchal ideology exaggerates biological distinction between men and women, ensuring that men are always more dominant, or masculine and women are always in subordinate or feminine role." (Tong 2018)*

Kate Millet (1970) views that patriarchal ideology is based on biological differences between women and men. Men's dominance is shown through the masculine side while women with the feminine side are seen as inferior (Millet 1970). As a result of this sexual domination, women unconsciously "accept" oppression as "destiny" or natural. The impact of naturalization of sex and gender differences has an impact on the acceptance of discrimination as a normal thing in society. Men feel that committing violence and/or degrading women's bodies is a common and natural thing, while women as victims also accept the injustices they experience as natural. The naturalization of women's inferiority for the reason of their bodies makes it increasingly difficult to realize the injustice and violence in the private sphere that women experience.

The impact of discrimination on women's experience in private sphere is reflected on the difficulty of documenting reports and cases of violence against women as experienced by Komnas Perempuan. Even though Komnas Perempuan has collected hundreds of thousands of reports on violence cases against women, this figure is merely the tip of an iceberg, which means that only a small proportion are reported and documented, while most of these experiences remain hidden and ignored.

In their annual report, Komnas Perempuan always emphasizes that it is difficult to collect data on victims of sexual violence. There are many reasons why women do not come forward with their sexual violence experiences including: the existence of a patriarchal ideology that discourages women from reporting; there is no awareness that the violence they experience is part of the violence; the weakness of the legal system related to the protection of the rights of victims of sexual violence, and the difficulty of reporting and processing cases of sexual violence. At least in the midst of challenges and limitations in the reporting system for cases of violence in

Indonesia, the number of reports in Komnas Perempuan shows an increasing trend of prevalence of violence against women from year to year (Komnas Perempuan 2020).

To understand further how sexual class emerged in Indonesia, we need to look at how the myths and history of women in Indonesia were formed. The history and background of the women's movement in Indonesia is also an important factor in criticizing the patriarchal culture in Indonesia. In the history of the role of women in Indonesia, women's role was restricted only in the domestic and personal sphere since the New Order regime with the idea of "Iboe Bangsa", or the mother of the nation, which must be carried out by all women (Annisa 1997). Attaching women as "iboe", or mother, in the New Order era was an attempt to limit women's movement in the public sphere by using pseudo-religion. With the definition of "mother" again (the body of) women are domesticated and ideologically removed from public life – politics. Discrimination based on different roles and positions of men and women is the root of violence against women (Chandrakirana 2009, p. 24). This historical condition has made patriarchal culture take root to this day.

The state's effort during the New Order era to attach the term "iboe" to women was a form of state intervention in the personal sphere of women based on their biological characteristics, namely giving birth and caring for children. The state has succeeded in discriminating against women's personal sphere by limiting their role as a mother, so that women's space for movement in the public sphere is very limited.

In her book *The Indonesian Women*, Cora Vreede De Stuers wrote that even before the independence, women in Indonesia united themselves in groups, but these groups still aimed to help the struggle for independence (de Stuers 1960). Then, the women's emancipation movement emerged, which was pioneered by R.A Kartini who raised the issue of equality in education for women, thus, the first Islamic women's school in Indonesia was established. After independence, Indonesian women played less important roles, except for women's groups engaged in religious activities. Furthermore, during the Old Order, the Gerwani (Indonesian Women's Movement) emerged, which focused a lot on women's and children's issues. Gerwani was made into a myth of women's cruelty by the New Order until its existence was banned by the state. This is one of the successes of the state in playing sexual politics against women who are members of Gerwani. They are depicted as evil women who dance

and participate in killing and mutilating the generals' penises (Irawaty 2016, p. 78).

The myth of Gerwani has succeeded in building the stigma of women in Indonesia. The activism of the women's movement was restricted. The New Order increasingly closed the opportunity for women to voice their rights and bodies. The New Order government used pseudo-religion as a tool to attack Gerwani (Irawaty 2016, p. 78)—which in turn had an impact on the view of women in society. In fact, many women who were labeled as Gerwani became victims. They live in impunity of state injustice, sacrificing women with propaganda. Women are considered to play a role for the state if they are able to carry out their roles domestically. In the patriarchal ideology that continues to domesticate women's bodies, they are increasingly losing their voice in the public sphere over the authority of their bodies.

The history of the incapacitation of women's position in the public sphere has an impact on the way current era in terms of responding to sexual violence. The reasons for the pros and cons over the process of legitimizing the ESV bill come from the same approach, namely the sexual politics of women's bodies. The deliberation and development of the ESV bill has triggered disputes between religious radical groups and women activists. Ironically, most of the opposing arguments of ESV bills took the same approach as in the New Order era, pseudo-religion. People are made to forget the dark history of the Indonesian women's movement. Instead of protecting women, the counter arguments against the ESV Bill have actually worsened the inferiority of women in society. With the argument of patriarchy hidden in religious norms and values, sexual violence is not seen as an issue that threatens woman citizens, but as a domestic matter. Women are silenced for the violence that befell them. Argument of destiny (Chandrakirana 2009, p. 107) which is used in the argument against the ESV Bill.

One of the reasons for the rejection of the ESV Bill is the possibility of punishing a husband who rapes his wife. Using religious argument, a number of party representatives stated that it is natural for women to serve the sexual needs of their husbands, so that rape related punishments in a household are considered in contradiction with religious values (Nathaniel 2020). In the patriarchal ideology that is shrouded in various aspects including religion, the reproductive function of women is perceived as natural in their gender role. Women's sexuality becomes men's object of sexual satisfaction in which the meaning is regulated and determined based on their perspective. The experience

of women's bodies as well as their autonomy as human beings are not considered. With the objectification framework of women's bodies, violence against women's bodies is considered a natural and justifiable thing.

The placement of sexual class hierarchies that emerge from the myths and history of Indonesian women confirms what Firestone says about impact of the absence of sexual dialectics. Gender segregation, which is based on different biological roles, does not provide space for women to be actively involved in the public sphere. Like men, women also have the right to demand to be treated equally as individuals. However, in social life, women are required to show feminine behavior and accept the meaning and gender roles that are perpetuated by society. This context, however, is only based on people's lack of understanding of the difference in biological functions—not on the social context. This is the separation of aesthetic mode and technological mode described by Firestone (1972). The patriarchal society is used to understanding that the feminine in aesthetic fashion has nothing to do with technological fashion in the public sphere. Some feminine traits that women "must do" in their daily lives include: being kind and polite in speaking, walking, smiling, dressing, taking care of the body, beauty, face, cleanliness, neatness, and orderliness. These examples generally become the standard for the myth of "good" women in patriarchal societies. Meanwhile, in the technological mode in the public sphere, there are norms and laws that seem to regulate aesthetic mode issues (private issues). Whereas these two things in practice in a patriarchal society are clearly separated due to systemic sexual class distinctions.

The myth of women's femininity is also perpetuated in the patriarchal culture in Indonesia. Women's nature is no longer perceived biologically. There are (patriarchal) norms perceived by society in regulating women. When there is sexual violence against women, women are actually looking for faults that make them experience violence (victim blaming). Many women are actually cornered and made unable to fight. They are blamed for the way they dress, the activities that are being carried out (when sexual violence occurs), until they are considered "bad" women by the society. Women are considered responsible for men's lust for their bodies.

"Women's quality, their femininity, is something that is socialized to women, and this has promoted their eternal oppression" (Mrmysz 2012, p. 380).

The perception of women since they were born makes the feminine elements inseparable from the stereotypes

given by society. This oppression has repetitively moved with history. Women's bodies seem to be attached to social values that out women in the corner. Victims of sexual violence are often objectified by the way they are at the scene (Arivia & Gina 2016, p. 170).

The sexual hierarchy is clearly visible in understanding cases of sexual violence. There is a prevailing assumption that men dominate women sexually at all levels from grass root to decision-making level. This also makes it difficult for arguments supporting the ESV Bill to convince the state legislature to immediately ratify the law. The strong patriarchal point of view in Indonesian society makes sexual violence considered an unimportant case to be considered. This is also reinforced by the mindset of blaming the (women) victims.

The issue of sexual hierarchy that arises in the attitude of victim blaming on women has been perpetuated since in the family setting. Firestone (1972) sees that the politicization of women's private space begins when children learn anything from the family. The perception that women must respect norms makes women never have authority over their bodies. In the private sphere, the definition of female sexuality is determined by men. That is why the presence of the ESV Bill is important because it will serve as a legal basis so that women do not experience victim blaming in cases of sexual violence. However, if the group opposing the bill and the state are not aware of the politicization of women's private space, then they would cease to understand and accommodate the enactment of the law. When this condition continues, the perpetuation of sexual politics of women's bodies in Indonesia will persist.

### **ESV BILL: Guarantee for Personal Body in Public Space**

Shulamith Firestone's sexual politics stem from the perception that men created culture to construct it based on their assumption (Firestone 1972, p. 172). Men's awareness is often used as the culture constructed perception. Men's perception in social reality sustains the patriarchal culture—hence it tends to be men's culture. On the contrary, women's political issues seem to be ignored and neglected. The issue around sexual domination is ignored and neglected including sexual violence. Patriarchal culture always justifies the different power between men and women, and confirms men's domination over women (Firestone 1972).

Women are situated to have lost awareness of their own oppression. The internalization of patriarchal culture, which starts from the family, religious context, up to

educational institutions have accustomed women to be in submissive situations. As a consequence, subordination against women sustains and women would feel they are inferior from men. Men's perspective is also reflected in the law in Indonesia. The enacted policies have trapped women and made it difficult for them to move freely over their own bodies and activities.

Patriarchal culture envisions a mechanism that allows men to have authority over women's bodies. State's injustice prevails in their absence in providing legal certainty and guarantee on women's authority over their own bodies. Patriarchal culture also opens the door for exploitation against women's bodies and even violence against them. Social contract in patriarchal society is based on the regulation that comes from men's interest—through masculine lenses. Women are made into passive sexual objects, hence men's lust and desire are considered to be the active and have their dominance acknowledged in the society.

Women who are structurally positioned as the less competent group—physically, psychologically and in terms of strength—are in vulnerable situations and responsible to protect themselves from men's lust. Women are not only responsible over their own bodies and desires, but also over men's lust and desire (of women), hence when sexual violence occurs, women are not in the position to be victims who are entitled to protection. As of now, Indonesia still does not have legal instruments that provide strong prevention measures, sanctions, definition, and protection of victims of sexual violence.

Family is one of that private space where sexual violence often occurs. Marriage should be the initial step to loving family—as a peaceful home for the inhabitants. Sexual violence perpetrated in the name of love has turned "home" into place where terror and oppression often occur. Most of the cases recorded by Komnas Perempuan are usually coming from home. Domestic slavery has objectified women to their husbands' authority and turned them into domestic servitude situation. Husbands are considered to be the sole holder of power in a marriage institution legally. Often when divorce happens, women are in less fortunate situations. This is due to regulations that place the husband as the highest holder of authority in a marriage (Millet 1970, p. 99).

In Indonesia, women's role is more restricted since the new order regime enacted the Marriage Law in 1974. Women's movement is far restricted by this law as they

are defined as a mother who is responsible to take care of domestic issues, and the husbands are defined as the head of family (Chandrakirana 2009, p. 105). In its development, the law has been amended several times. However, the perception of women's role as "housewife" persists. From this stereotypical perspective, we could see how the state legalizes patriarchal culture in family and personal domains.

There are several pronounced cases including marital rape, reports of incest (most perpetrators are fathers and uncles), dating violence reported to state agencies, and increasing reports of direct complaints to Komnas Perempuan regarding cyber crime cases gender based (Komnas Perempuan 2020). The objectification of women's bodies as victims of violence in the private sphere is mostly perpetrated by fathers, uncles, and brothers. The domestic domain as a personal sphere actually contributes to the number of sexual violence against women. Kate Millet said that marriage is at the center of the wounds, doubts, oppression, and domination of male power over women.

Shulamith Firestone in her writings also views that even in the personal realm, love can be one of the tools to perpetuate patriarchal culture. The feelings and pressures of being loved by another are the clearest clues to the political significance of love. In her writings, Firestone states that "*Women and love are the foundations against which to test and you will threaten the very fabric of culture*" (Firestone 1972, p. 126).

Women are attached to the emotion of love in understanding the structure of culture. The patriarchal culture exploits these emotions with the excuse that women are "loved". Women are encouraged by this understanding to become family supporters from within. In his analysis, Firestone also discusses the statement that "*behind every man there is a woman, and women are the power behind the throne*" (Firestone 1972, p. 127). This statement reinforces the notion that women are the power behind men, and then the task is to encourage these men to become "great men". This expression is popular in society and causes women to fall into the trap of patriarchal culture: "loved" and willing to wait behind men—as "supporters"

Parasitic culture of men that manipulates women's emotion (Firestone 1972, p. 127)—constructively shaped in such a way that this leads women to believe that they are overpowered by emotion. Women are attached to the stereotype of sincerely loving without asking for anything in return—which is then associated with the "mother

role". Women's willingness to sacrifice for "love" is often misinterpreted as a woman's sacrifice. In fact, it opens the possibility of sexual violence that women are not aware of. Data on sexual violence that women experience as collected by Komnas Perempuan are mostly coming in women's private domain, in dating setting or in marriage setting.

The patriarchal ideology shrouded in the concept of love has become the reason for making women submissive to men. The number of cases of sexual violence in the name of love confirms the analysis that even in Indonesia, love is a strong medium for working patriarchal culture. Returning to Firestone's theory, women as victims of sexual violence are actually made to doubt the case they experienced because there is an illusionary distortion of the emotion of love. In this situation, women as victims of sexual violence are increasingly being oppressed politically. Neither the actors nor the state (as guarantor of the rights of women citizens) do not provide space for women's bodies. They actually make the victim's body as an object.

The number of cases of sexual violence that occurred in Indonesia proves that the state does not fully provide guarantees for female citizens to live safely. Victims of sexual violence should receive guarantees in public policy. Policies should be made by recognizing and accommodating the attraction between the personal and public domains. The personal sphere cannot be separated from the public sphere (Rogan & Budgeon 2018). The separation and neglect of women's personal experiences shows that the state has excluded women's

involvement in public life. Based on data compiled by Komnas Perempuan, in this emergency situation of sexual violence, women need a legal umbrella to guarantee their protection and rights. Therefore, it is necessary to have a state legal policy to prevent and deal with the domination of women in both the personal and public spheres. However, the challenges faced in the New Order when the marriage law was passed from extremist Islamic parties (Chandrakirana 2009, p.105) are still challenges faced by Indonesian women thinkers to date—including in pushing for a new law on the elimination of sexual violence.

As a reactions to the Elimination of Sexual Violence bill, many pros and cons opinions emerge. The opposition to ESV bill was mostly initiated by groups in the name of Islam, although of course this group did not represent Islam as a whole. This is because various progressive Islamic circles are actively pushing for the enactment bill. In patriarchal Islamic groups, the reasons raised are the assumption that the ESV Bill contains interpretations that tend to support adultery, prostitution, LGBT, and absorb liberal culture. This reason is interpreted in an extreme way in the argument against the ESV Bill.

Both groups for and against the ESV Bill have signed the online petition. Groups supporting the ESV Bill have created a petition signed by 254,100 people (Change.org 2019) and groups opposing the ESV Bill have created a petition against 44,600 signatures (Change.org 2019). The data was obtained as of May 08, 2019. The conflict between the arguments for and against the ESV Bill can be seen in Table 1.

**Table 1. Arguments on pros and cons of ESV Bill**

Arguments in favor of ESV Bill	Arguments opposing the ESV Bill
Rape victims will be protected even though the perpetrator claimed it was consensual, this does not acquit the perpetrator from sanction. In addition, adultery has been included in the penal code, hence the bill on elimination of sexual violence does not include adultery	It may open the door to legalizing adultery, since it would not be considered as violence if it is consensual.
The bill does not protect one particular group, but it protects everyone regardless of who they are (women, men, persons with disability, minors, and other vulnerable groups) from sexual violence.	The Bill will only be permissive to LGBT behavior
Protect anyone from coercive prostitution and abortion. Keep in mind that the sanction against coercive abortion is not the same as legalization of abortion. The rule on abortion has been stipulated in the penal code.	May lead to legalization of prostitution and abortion if it is done under one's free will

Arguments in favor of ESV Bill	Arguments opposing the ESV Bill
The bill defines rape, sexual slavery and other forms of sexual violence to fill in the existing legal gaps that do not render any protection of victims and tend to sustain impunity for perpetrators. The definition on the type of sexual violences in the bill, based on the facts and real cases that happened in Indonesia's society	Rape, sexual slavery and other forms of sexual violence in this bill are defined using liberal lenses and multiinterpretation.
The bill may penalize legal sexual relation as it is deemed coercive	The bill protects every person who is experiencing rape in any domain

Source: compiled from multiple sources; the table is made by author

Table 1 summarizes arguments from both opposite groups' petition to the ESV bill. The arguments of the two groups show an attempt to infiltrate women's personal/private space, especially issues around women's experiences. The politicization of the women's private sphere as proposed by radical feminism is evident in the ESV Bill along with the pros and cons that emerged. The arguments of the groups who reject the ESV Bill actually show how the stigma of submissive women is getting stronger and more perpetuated. The strong patriarchal culture makes the argument against the ESV Bill synonymous with oppressive values against women. Meanwhile, the group's arguments that support the ESV Bill actually show how criticisms of the sexual politicization of women are presented. The ESV Bill is not a tool to justify myths about norms in the name of religion, but as a guarantee for the authority over women's bodies.

The high prevalence of sexual violence against women in the personal sphere is an issue that requires critical analysis. In addressing this issue, we would need the state's role in achieving feminist revolution as proposed by Firestone. The state is responsible for providing guidelines that would react against sexual violence in society through the availability of strict laws and regulations. The state must take serious steps to address sexual violence against women. The state should not delay the enactment of the Bill on the Elimination of Sexual Violence. Thus, Indonesia can provide guarantees to female citizens, especially in efforts to eliminate sexual violence and as a guarantee for women to have authority over their bodies.

**Conclusion**

The patriarchal system is rooted in the history and culture of society—even globally, not only in certain regions. Women thinkers have critiqued thoughts and movements in every era. This inequality starts with sexual politics. Sexual politics sees that the difference in

biological characteristics between women and men is the beginning of the domination of sexuality. In sexual politics, the personal sphere, in this case the body, women's experiences, especially in the family and love, are the first areas that dominate women. This domination then developed into the public sphere. Sexual violence is one of the effects of this domination.

The results of research on victims of sexual violence in Indonesia conducted by Komnas Perempuan show that the violence that has arisen as a result of sexual politics also follows the same pattern, namely developing in the personal sphere first, then towards the public sphere. The justification is based on the fact that the highest number of sexual violence in Indonesia every year is in the personal realm. In the history of Indonesian women, there has been a problem due to the separation of the personal and public spheres regarding the role of women. State intervention in regulating women in the personal sphere further perpetuates the patriarchal culture in Indonesia. Femininity which is demanded to be inherent in women becomes the justification for the act of domination. Related to sexual violence, women are vulnerable to be victims who are also blamed. We need a revolutionary breakthrough in overcoming the problem of sexual politics, especially in eliminating the oppression experienced by women because of sexual discrimination. Therefore, the role of the state is also needed to provide rules that protect all citizens—especially in this case female citizens. The Draft Law on the Elimination of Sexual Violence (RUU PKS) is a way out to provide rules that protect women in the personal and public spheres. Thus, we can make radical changes in thinking and behavior (which have a strong legal basis), in eliminating violence against women.

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## LPSK-Establishing State Presence in Protection of Witnesses and Victims, Inclusive of Sexual Violence Crimes

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### Abstract

The Indonesian Witness and Victim Protection Agency (LPSK in Indonesian) was established based on Law No.13/2006 Protection of Witness and Victims, which was later amended by Law No 31/2014. It is an independent non-structural agency headed by seven commissioners for 5-year terms. One of the Agency's priority crimes is sexual violence. The Agency protects witnesses, victims, whistle-blowers, justice collaborators, and experts. For the years 2019-May 2021, the Agency has given protection to a total of 984 victims of sexual crimes, consisting of 67% children and 33% adults. Out of that, 78% are female victims compared to 22% male victims. Based on Law No. 31/2014, there are 16 types of witness and victims' rights. The three most sought-after protection programs for victims of sexual violence are Procedural Rights, Psychological Rehabilitation, and Restitution Facilitation. As for prevention programs, we need to learn who are sexual violence perpetrators.

**Keywords:** LPSK, sexual violence, witness and victim rights

### Introduction

This paper will focus on the responses and responsibilities of the Indonesian Witness and Victim Protection Agency (hereinafter abbreviated as LPSK) during and in the protection of witnesses and victims of sexual violence, including that perpetrated against marginalised groups such as children and people with disabilities. Treatment and advocacy for victims of sexual violence are cross-sectoral work involving various elements of society, ministries, and other non-structural agencies, ranging from assistants from local non-governmental organisations to law enforcers (i.e. the police at the subdistrict, district, and provincial levels; the district and provincial prosecution offices), the managers of community-based safe houses or social rehabilitation places provided by the Indonesian Ministry of Social Affairs, the Indonesian Ministry of Women's Empowerment and Child Protection, the Indonesian Child Protection Commission, or the National Commission on Violence Against Women. LPSK plays a role in protecting witnesses, victims, justice collaborators, whistle-blowers, and expert witnesses who are under threat and have important information about a crime.

The protection of witnesses and victims is often long and lonely work across islands, open seas, and unpaved

roads in the dark of night in remote provinces or areas throughout Indonesia. Witnesses and victims often experience either an actual or potential threat in addition to psychological intimidation that they or their family are subjected to from the perpetrators' families or other people siding with the perpetrators. In cases where the perpetrators are public officials, even the entire agency will try all means to influence the victim not to take the case to a criminal court.

Situations like this have prompted a request for protection to the LPSK. In addition to requests submitted by witnesses, victims, companions, and law enforcers, LPSK can also proactively provide protection for cases that receive public attention or need immediate handling due to their serious threat. The safety of witnesses and victims is the main factor in the limited coverage of the protection programme provided by LPSK. Therefore, many people do not know the duties and authority of LPSK.

There are still few studies on the willingness of criminal act witnesses to participate in the witness protection programme, one of which attracted attention was a study in Turkey with 732 respondents who were witnesses or victims of criminal acts (Demir 2017). The study shows that gender, socio-economic status, and whether the

witness/victim works or not are determinants of their willingness to participate in the witness and victim protection programme. Furthermore, the study found that the presence of a witness and victim protection programme increased the willingness of witnesses and victims to give testimony, allowing investigation, prosecution, and decision-making processes by judges to run smoothly until the end.

LPSK is an independent agency established based on Law No. 13/2006 on the Protection of Witnesses and Victims, which was amended through Law No. 31/2014. The law on the Protection of Witnesses and Victims is also perceived as a legal breakthrough that is focused on the perpetrator (offender-oriented) and the fulfilment of the rights of the victim or witness (victim-oriented). Sexual violence is one of the specific criminal acts stated in Article 6 of Law No. 31/2014 which is given priority for protection by LPSK.

**Table 1. The rights of witnesses and victims of criminal acts included in Article 5 of Law No. 31/2014 on the Protection of Victims and Witnesses**

The rights of witnesses and victims in Article 5 of Law No. 31/2014	<ol style="list-style-type: none"> <li>1. Obtain protection for their own safety, and the safety of their families and property, and to be free from threats related to the testimony they will give, are giving, or have given;</li> <li>2. Participate in the process of selecting and deciding the form of protection and security support;</li> <li>3. Provide information without pressure;</li> <li>4. Get a translator;</li> <li>5. Be free from trapping questions;</li> <li>6. Receive information about the development of the case;</li> <li>7. Receive information about the court decision;</li> <li>8. Receive information in the event that the convict is released;</li> <li>9. Have their identity confidential;</li> <li>10. Get a new identity;</li> <li>11. Get a temporary residence;</li> <li>12. Get a new residence;</li> <li>13. Obtain reimbursement of transport costs as needed;</li> <li>14. Get legal advice;</li> <li>15. Obtain temporary living expense support until the protection period ends; and/or</li> <li>16. Get counselling.</li> </ol>
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Source: processed from Law 31/2014 on the Protection of Witnesses and Victims

Gender-based violence is a form of violence that can occur in all parts of the world without exception. Data from the World Health Organization (WHO) indicates that one of three women in the world has suffered physical or sexual violence at least once in their life (WHO 2021). Meanwhile, the National Survey of Women's Life Experiences found that one of three women aged between 15 and 64 years old in Indonesia had experienced physical or sexual violence by their partners or other people in their lives, and one in ten women aged between 15 and 64 years old had been subjected to violence in the last 12 months (BPS 2017).

It is not easy for a woman who is a victim of sexual violence to report what happened to her and decide to take the case to legal proceedings. Sexual violence incidents are traumatic events that often undermine the victims' perception of the world that they once considered safe, and can make them hate themselves and want to hurt themselves or end their own lives. Iskandar (2016) in his article entitled "*Pengalaman Kekerasan Seksual di Masa Kanak: Upaya Sintas dan Institusi Pemulihan*" (Sexual Violence in Childhood: Survival Efforts and Recovery Organizations) cites a study from WHO (2002) which proves the relationship between experiences of sexual violence in childhood or adolescence and the pattern of

repeated victimisation in adulthood with more-severe impact on those experiencing forced penetration.

If we compare the number of complaints reported to non-structural agencies such as the National Commission on Violence Against Women, the Indonesian Child Protection Commission, and counselling providers with those which were forwarded to the women and child protection units in police stations at the subdistrict, district and provincial levels, we will see a significant difference. The Ministry of Women's Empowerment has just received a mandate in 2020 to provide direct services through Presidential Regulation No. 65/2020 on the Ministry of Women's Empowerment and Child Protection, allowing for more channels for victims to get support and thus they do not have to go through the process of seeking justice without companionship or direction from trained personnel. Judging from the number of reports filed to the women and child protection units in police stations, the number who then requested protection from the LPSK because they were threatened in their efforts to take the case to criminal legal proceedings seemed to decrease a lot.

In incest cases where the perpetrator is a member of the victim's family, the female victim – whether she is a child or over 18 years old – is also often faced with a situation where her own mother does not believe that her husband has sexually abused his own biological, adopted child, or stepchild. Coupled with the number of women who are economically dependent on their husbands who are the main breadwinner, they have difficulty making decisions to defend their children. In many cases of incest, the child has to deal with the extended family from the father's side pressuring them to withdraw the report and not go to court.

Children and women with disabilities, as the most vulnerable groups, are also targeted by perpetrators of sexual violence. In some places, they were sexually abused in turns or together with several other perpetrators and experienced sexual exploitation. These perpetrators of violence target people with hearing impairments because they know that they will have difficulties expressing the criminal incidents without an interpreter or assistant.

Cooperation is absolutely needed from the witnesses and victims to enable a criminal case to proceed to criminal justice. A victim's journey to get justice is a long and tortuous process. She has to repeat the story several times from the start of her report of the incident to a friend or family member for the first time which required tremendous courage. During the making of the investigation proceedings at the police station, the victim

has to go through the process of retelling the incident in great detail for hours. Law enforcers' attitude at the examination stage will determine the psychological condition of the victim. If she meets supportive law enforcers, it is more likely that she will be able to tell the story more easily. However, if not, imagine how she must experience prolonged re-traumatisation. During the examination of witnesses in court, the victim has to tell the chronology of the incident in detail for hours. Therefore, support from family, friends, companions, or state agencies that provide protection to witnesses and victims is urgently needed so as not to make the victim feel alone in going through all this process. Often the time required for a sexual assault case file to be complete and ready to be transferred to the trial is very long and winding, and it requires courage, determination, and patience from the victim with strong social support from those close to her.

In the discussion section, the protection programme and the fulfilment of the witnesses and victims' rights, including support provided to facilitate this long process, will be described. LPSK can provide assistance since the case is still in the investigation stage. In the case study section, two examples will be given. In the first case, the mother did not defend the child who had sexual intercourse with the mother's lover, and in the second case, the victim was a person with a disability. Further, a qualitative analysis will be carried out on who is the perpetrator of sexual experience by the LPSK protected victim from 2019 to May 2021. In the last section, I will give my reflection on my journey as a member of LPSK.

## Research Methodology

The data in this paper was taken from LPSK data from 2019 to May 2021, which consists of recapitulated data on victims of sexual crimes, types of protection programmes, a description of each of the protection programme types to which witnesses and victims are entitled, and two case studies.

This paper uses a feminist perspective which is critical in looking at problems and contains a message of women's empowerment. Minh-ha (1991) asserts that in feminist research, researchers must push the boundaries of the research to be able to describe, retranslate, and modify the research into an accountable one. Feminist research uncovers new questions and places women's lives at the centre. In this research, I, as a member of LPSK (an insider), also act as an outsider using a feminist framework.

### Recapitulated Data of Sexual Violence Victims Protected by LPSK From 2019 to May 2021

It is recorded that the total number of sexual violence victims who were protected by LPSK from 2019 to May 2021 was 984 people (see Table 2). Table 2 shows that the

number of victims who were protected in 2019 was 512 people. The number decreased to 284 people in 2020. Meanwhile, as of May 2021, it was recorded that 188 people had been protected. Thus, it can be projected that the number of protected sexual violence victims will be larger than that in 2020.

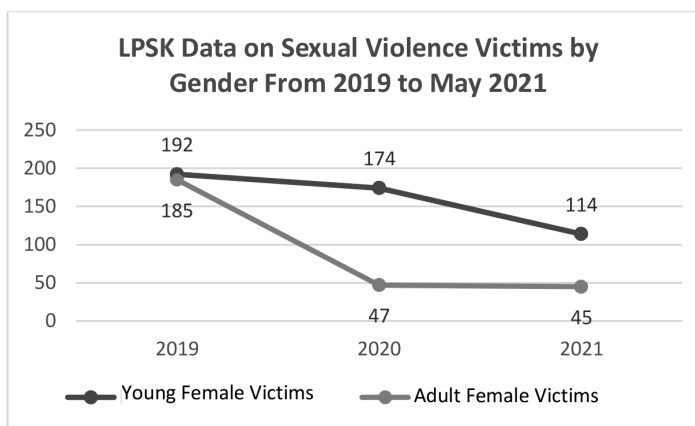
**Table 2. Recapitulated Data of Sexual Violence Victims Protected by LPSK from 2019 to May 2021**

Gender	2019		2020		2021		Total	
	Children	Adults	Children	Adults	Children	Adults		
Female	192	185	174	47	114	45	757	0.769309
Male	64	71	45	18	29	0	227	0.230691
<b>Total</b>	<b>256</b>	<b>256</b>	<b>219</b>	<b>65</b>	<b>143</b>	<b>45</b>	<b>984</b>	
Total number of protected victims and witnesses every year	512		284		188			
Total number of child victims every year	256	-	219	-	143	-	618	0.628049
Total victimised girls	192	-	174	-	114	-	480	0.776699
Total victimised women	-	185	-	47	-	45	277	0.756831
Total number of adults every year		256		65		45	366	0.371951

Source: processed from LPSK data from 2019 to May 2021

Meanwhile, it can be seen in Chart 1, the percentages of sexual violence victims by gender between 2019 and (May) 2021 are as follows: (1) 77% are girls and women,

and 23% are boys and men; protected by LPSK; (2) 78% are victimised girls, 22% are victimised boys; and (3) 76% are victimised women, 24% are victimised men.



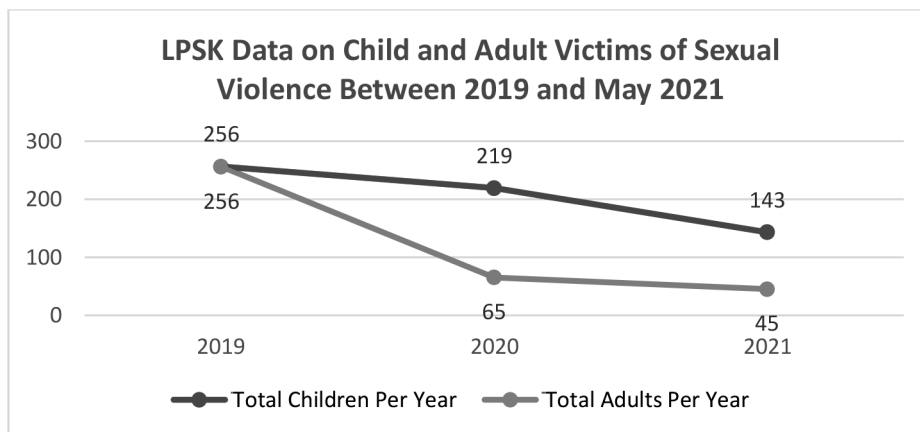
**Chart 1. Percentage of Sexual Violence Victims by Gender (2019-May 2021)**

Source: LPSK Data until May 2021

For the record, regarding data of adult male victims presented in this paper, the age recorded is the age at the time of applying for protection to the LPSK, they were still children at the time of the sexual violence incident. The LPSK database records the age at which a person

applies for protection, rather than the age at the time of the violence.

Chart 2 shows that the shares of child victims and adult victims are 63% and 37%, respectively. This data shows that children are vulnerable to sexual violence.



**Chart 2. Percentage of victims by age of children and adults**

Source: LPSK Data

From the victim data shown above, LPSK also noted that there were 23 children and women with disabilities who were protected from 2020 to May 2021. The types of disabilities possessed by the protected victims were hearing, speech, and intellectual disabilities, autism, and some suffered multiple disabilities – hearing, speech and intellectual disabilities – at once.

**Types of Protection Programmes Accessed by Sexual Violence Victims Protected by LPSK in 2020**

Based on data owned by LPSK, there are three types of protection programmes that are most needed by the victims of sexual crimes: Fulfilment of Procedural Rights, Psychological Rehabilitation, and Restitution Facilitation (Table 3).

**Table 3. Types of protection programmes provided by LPSK in 2020**

The number of protection programmes provided by LPSK is 1182	Accessed by the protected individuals in 2020
Fulfilment of Procedural Rights	520 programmes
Psychological Counselling	280 programmes
Restitution Facilitation	162 programmes
Psychosocial Support	99 programmes
Medical Support	75 programmes
Physical Protection	31 programmes
Temporary Living Cost	10 programmes
Legal Protection	2 programmes

Source: Processed from LPSK data

**Description of the Protection Programme as the Fulfilment of Witnesses and Victims’ Rights Provided to LPSK Protected Individuals in Sexual Violence Cases**

Data used in this section is quoted and adapted from Chapter 3 of LPSK Guide to Psychological Rehabilitation for Protected Individuals, about LPSK Protection

Programmes, which will be launched in September 2021. There are several programmes such as the Fulfilment of Procedural Rights, Medical Support, Psychological Rehabilitation Support, Physical Protection, Legal Protection, Rights to Information, and Restitution Facilitation.

The Fulfilment of Procedural Rights is assurance that the witnesses and victims who receive protection from LPSK can enjoy their rights. These procedural rights include administration, companionship, coordination, and other rights at each stage of the trial. It must be ensured that protected witnesses and victims can enjoy these procedural rights from the stages of preliminary and full investigation, trial, to court-decision with permanent legal force. Some of the procedural rights covered are: (1) Companionship during examination by the police until witness examination in court; (2) Information provision without pressure; (3) Support from an interpreter, including a sign language interpreter for protected individuals with hearing impairments or a language interpreter for protected individuals who cannot speak Indonesian; (4) Freedom from trapping questions; (5) Legal advice; (6) For the trial of a case involving a child, LPSK ensures that judges, the prosecutor, and the lawyer do not wear robes, the trial is closed to the public, the defendant is not present when the victim testifies, and the child is accompanied to make him/her feel comfortable and safe.

The scope of support provided for witnesses and victims by LPSK includes medical support, psychosocial rehabilitation, and psychological rehabilitation following the elucidation of Article 6 of Law 31/2014. Included in these types of support are the following:

First, medical support. This type of support is provided to restore the protected individuals' physical health through the government health-insurance scheme (BPJS) or on a regular basis, including taking care of the body of a dead victim and arranging a funeral in the event the victim dies. Medical support for sexual violence victims who are protected by LPSK includes a fee for an obstetrician to check for sexually transmitted diseases, and pregnancy care and delivery costs for impregnated victims. According to Article 75, paragraph 2(b), of Law 36/2009 on Health, exceptions to the prohibition on abortion can be granted to impregnated rape victims as the pregnancy may lead to psychological trauma. The article is further strengthened by Government Regulation 61/2014 on Reproductive Health and subsequently Regulation of Minister of Health 3/2016 on Training and Implementation of Abortion for Medical Emergency and Pregnancy as a Result of Rape.

Second, psychological rehabilitation support. This type of support is provided by psychologists to the protected individuals who are affected by the trauma or crime they have experienced, or who experience other mental problems. The purpose is to restore and

strengthen the protected individuals' mental state. With the main focus on the protected individuals, LPSK can expand its provision of support or facilitation to those close to the protected individuals. In child sexual abuse cases, for example, psychological rehabilitation can also be given to the parents who will play a large role in making their children feel safer to testify. Support from parents or guardians is a protective factor in the long-term recovery of a child who has experienced a traumatic event such as intercourse.

A book entitled *Guidelines for Psychological Rehabilitation for LPSK Protected Individuals*, which will be launched in September 2021, describes more specifically what is included in the psychological rehabilitation provided by LPSK to witnesses and victims, including Stage 1: psychological assessment, observation, tests and examinations, and risk analysis at the Application Review stage to meet one of the protection requirements stipulated in Article 28 of Law 31/2014; Stage 2: psychological strengthening of protected individuals to face witness examination in court, including recovery projection by an examining psychologist or accompanying psychologist to calculate restitution, the facilitation of which is under the authority of LPSK; Stage 3: psychotherapy and psychological intervention in the context of recovery according to the needs of the protected individuals; Stage 4: termination or extension of an LPSK protection programme. A protection programme lasts for six months and can be extended if the legal process has not been completed or if there is a request for an extension from the protected individual or his/her family or according to the psychologist's recommendation if psychological rehabilitation needs to be continued.

With regards to psychological rehabilitation, LPSK includes the final evaluation report from the psychologist. This report contains analysis, conclusions, and recommendations or proposed follow-up actions for the victim's family. The final evaluation report is part of the handover process to the family or related office to ensure that the victim can continue with his/her life as optimally as possible. To help with the psychological rehabilitation, LPSK may appoint a psychologist who has an independent practice and is registered with the Indonesian Association of Psychologists as a member with a valid practice permit.

Third, psychosocial rehabilitation. This type of support includes all forms of psychological and social support aimed at helping to relieve, protect, and restore the protected individuals' physical, psychological, social,

and spiritual conditions to enable them to carry out their social functions normally again. One of the forms of support is that LPSK tries to improve the quality of the protected individuals' life by providing clothing, food, and housing support; helping the protected individuals to find work; or providing support for the protected individuals to continue their education, in collaboration with the relevant authorities.

Physical protection is provided to ensure witnesses' and victims' senses of security, which includes the protection of the witnesses or victims themselves, their families, and property. Physical protection may include the provision of (1) a safe house, which is a temporary residence used to protect witnesses and victims per the standards determined by LPSK; (2) safeguarding, which is a preventive activity carried out by a police officer(s) to maintain the security and safety of life and property while they move from one place to another; (3) monitoring, which is the activity of monitoring the condition of a protected individual and his/her surroundings which is carried out by the police to ensure the security and safety of the protected individual's life and property; (4) new identity, which is the replacement of a witness or victim's identity carried out especially concerning an organised crime for the safety of the witness or victim's life.

In addition to physical protection, legal protection is also guaranteed. Legal protection is the protection of the legal rights of individuals protected by LPSK from counter-attack by another individual or entity, including a corporation, the suspect, or the defendant, launched as a consequence of the information or testimony given by the LPSK-protected individual to law enforcers for the disclosure of a crime.

Furthermore, LPSK-protected individuals have the rights to information and temporary living costs to the provincial or regional minimum wage standard which is consistent with the LPSK decision, and reimbursement of transport costs to access medical support and psychological rehabilitation while they are under LPSK protection. LPSK can facilitate a temporary residential place that is considered safe for a witness or victim while s/he receives medical support or undergoes psychological rehabilitation. Information to which LPSK-protected individuals have the right includes updates on the case, the court ruling, and the legal status of the convict.

LPSK ensures that protected individuals can enjoy their rights to information even if there is an appeal until a court ruling which is legally binding is issued, including if the convict gets remission or released from prison.

Another type of protection that is also guaranteed is restitution facilitation. In Law 31/2014 on Amendment to Law 13/2006 on Witness and Victim Protection, compensation for sexual violence victims can be sought through restitution, which is compensation given to a victim or his/her family from the perpetrator or a third party in the form of (1) compensation for the loss of wealth or income; (2) compensation for suffering as a result of a crime; or (3) reimbursement of medical and/or psychological treatment costs.

### **Case Studies of Sexual Violence Experienced by LPSK Protected Individuals between 2019 and 2021**

I chose two cases of sexual violence against an adult woman who was abused when she was a child and a disabled child who had never been to school. The victims in both of these case studies were protected by LPSK. It should be noted that the details of both cases are disguised so as not to reveal the identities of the people concerned. Confidentiality is one of witnesses' and victims' rights that need to always be upheld.

#### **Case Study 1: The perpetrator was the stepfather**

The protected individual was a university student. She had been experiencing sexual violence in her own home for years by her mother's lover without the mother's knowledge, until one day she could not take it anymore and told her mother what had happened to her. Her mother was very shocked to hear her story and confronted the perpetrator. However, moments later the mother changed drastically in her acceptance of the daughter and even accused her (who was still a minor at that time) that she had enjoyed the intercourse.

The protected individual was surprised by her mother's 180-degree change in attitude and moved to her grandmother's house. Then, the mother married the lover and kept defending her new husband. It was the grandmother (the mother of the protected individual's biological mother) who tried hard to get her granddaughter to get justice by bringing in expert witnesses from various professions. The perpetrator has a doctoral degree and is very proficient in law.

The protected individual's enjoyment of her procedural right was ensured. LPSK accompanied the protected individual while she was giving her testimony for four hours. The protected individual was asked to provide a detailed explanation of what had happened to her. She received legal protection because she was

counter-reported by her biological mother, and her right to information was fulfilled because the perpetrator filed an appeal.

The articles used were Article 76D in conjunction with Article 81 and Article 76E in conjunction with Article 82 of Law 35/2014 on Child Protection with a penalty of 15-year imprisonment, and a fine of 1.5 billion which can be replaced by six-month imprisonment. The panel of judges found the defendant guilty and sentenced him to 13-year imprisonment and a fine of 1.5 billion which could be replaced by six-month imprisonment. The perpetrator filed an appeal. The appellate court sentenced the perpetrator to 18-year imprisonment and a fine of 2 billion under the condition that an unpaid fine would be replaced with six-month imprisonment.

This first case study is related to the fulfilment of procedural rights in which the protected individual was briefed about what she would go through during witness hearings by the court, and was picked up, dropped off, and guarded. This case in which the perpetrator was the stepfather received huge attention from the media because of the socio-economic status and education levels of the perpetrator and the protected individual's family, and thereby a robust guarding strategy needed to be prepared by the security team and LPSK security officers (i.e. police officers assigned at LPSK).

### **Case Study 2: The perpetrator was a relative who lived next door to the protected individual**

The protected individual was a child with special needs in that she had hearing and speaking disabilities. She became a victim of a crime committed by a suspect who worked as an online motorcycle taxi driver, a neighbour who still had a family relationship with her. The victim was sexually assaulted, resulting in pregnancy and she gave birth to a baby boy. The article used was Article 81 paragraph (1) in conjunction with Article 76D of Law 35/2014 on Amendment to Law 23/2002 on Child Protection.

The protected individual's procedural right was fulfilled. She also received restitution facilitation, psychological rehabilitation and psychosocial

rehabilitation (sign language training because she had never been to school and thereby did not understand universal language, and business capital support for her mother who was the main breadwinner in the family.

LPSK cooperates with the Indonesian Disability Movement for Equality (PerDIK) and the Movement for the Welfare of Indonesian Deaf People (GERKATIN) during the process of taking the Minutes of Investigation at the police station until the trial.

The case had been decided with a sentence of 12-year imprisonment and a fine of IDR 100,000,000 which can be replaced by 2-month imprisonment for the perpetrator. However, the social impact on the protected individual was not diminished only because the case had a decision with permanent legal force. She lost her courage to leave the house because the perpetrator's family lived very close to her. They lived in a crowded settlement. It was found later that her mother suffered domestic violence in the form of psychological and economic violence committed by her husband. Therefore, LPSK strived for the mother to receive business capital support to allow her to meet the needs of a household with four children, one of which had a child as a result of sexual assault.

For victims with hearing and speaking disabilities as in case study 2, the protected individuals are ensured to receive sign language training to allow them to communicate more easily with other people with similar disabilities, rather than being isolated because they have never attended school. Recovery is often a lengthy process for the victim even after the case is finalised. Therefore, LPSK is considering providing a safehouse and long-term recovery to accommodate such needs, particularly the needs of vulnerable people such as children and people with disabilities who need more time to be able to reorganise their lives after being victimised in a crime, including to get proper training in skills needed to be able to live their lives after a crime.

It is impossible to prevent sexual violence without understanding who the perpetrators are. Therefore, Table 4 below describes qualitatively the perpetrators of crimes, of which the victims have been protected by LPSK in the last 2.5 years (from 2019 to May 2021).

**Table 4: Perpetrators of Sexual Violence Victimising Individuals Protected by LPSK (from 2019 to May 2021)**

<i>a. The perpetrator is someone in the victim's household</i>		
	Girls	Biological father, stepfather, biological or step older or younger brother
	Women	Boyfriend, ex-husband, father-in-law, uncle under the same roof
<i>b. The perpetrator is someone in the victim's extended family</i>		
	Girls	Uncle, grandfather, step grandfather, father-in-law
	Women	Uncle, grandfather
<i>c. The perpetrator is someone in the victim's residential area</i>		
	Boys and girls	Neighbour, friend, parents' friend
	Women	Neighbour
<i>d. The perpetrator is someone at the school or Quranic boarding school the victim goes to</i>		
	Boys and girls	School teacher, religion subject teacher at a religious-based educational institution, school principal
<i>e. The perpetrator is someone at the university the victim goes to</i>		
	Women	Supervisory lecturer, lecturer, friend during the student community service
<i>f. The perpetrator is someone at the religion-based institution the victim goes to</i>		
	Boys and girls	Quranic boarding school owner, priest, pastor or those who claim to be religious leaders
	Women	Priest, Quranic boarding school owner
<i>g. The perpetrator is someone closest to but does not have kinship with the victim</i>		
	Girls	Boyfriend, boyfriend's friend, the victim's friend
	Women	Friend, boyfriend
<i>h. The perpetrator is someone in the victim's workplace</i>		
	Women	Superior
<i>i. The perpetrator is an acquaintance or stranger</i>		
	Boys and girls	Stranger
	Men and Women	Stranger, Public Figure, Public Official

Source: Processed from LPSK data

Table 4 above shows that there were more perpetrators who the victims knew (points a to h) than those who the victims did not know at all. This qualitative data can be used as a reference in developing sexual violence prevention programmes in each of these scopes, from the family scope to the workplace. LPSK does not have the authority to provide prevention and thereby

has to submit the data on the perpetrators of sexual violence victimising LPSK protected individuals to the Ministry of Women's Empowerment and Child Protection, the Indonesian Child Protection Commission, and the National Commission on Violence Against Women to make the necessary prevention programmes available.

## **LPSK's Follow-Up Plan: Continuing LPSK's Support for the Bill on the Elimination of Sexual Violence**

The bill on the Elimination of Sexual Violence is a comprehensive *Lex Specialis* bill, covering prevention to victim recovery, which also emphasises the importance of fulfilling the victims' rights to restitution as compensation paid by the perpetrators. LPSK is an institution that has the authority to calculate compensation. In addition, LPSK also pioneered the issuance of a *Victim Impact Statement* – a verbal or written statement about the impacts of a crime on the victim before the judges.

LPSK has a plan to build a recovery, protection and training centre to help the victims of sexual violence. It has received a donated land plot in Cibitung, Bekasi; the centre is planned to begin construction in 2022. The centre will be used to protect testifying victims whose legal processes are still ongoing or encountering obstacles, making them require a safe house in the medium or long run. Further, the centre is planned to house victims who need physical and psychological rehabilitation as well as long-term life skills to enable them to organise their lives after the criminal justice process has been completed. This centre will also be used as a training centre for witness and victim protection.

### **Closing**

I am always grateful to be given the opportunity to be a witness and finally take part as one of the historical implementers of how services for surviving victims of sexual violence were developed in this beloved country<sup>1</sup>.

The May 1998 riot is a wake-up call to contribute to the community movement for the recovery of sexual violence victims. It was one of the darkest moments in Indonesian history. The decision to change direction from working for an international organisation to a national commission that had just been established and then dedicate myself to the issue of anti-violence against women finally changed my life until I was finally sworn in as one of the commissioners in LPSK on January 7, 2019, which was witnessed by the Indonesian President. *A road less travelled, but it made the difference*, quoting a poem from an American poet, Robert Frost.

Like all unpredictable life journeys, my journey began with an invitation from the National Commission on Violence Against Women in 1999 to become an active participant in a workshop on the establishment of a crisis centre for women and children which was organised by the National Commission on Violence Against Women, in collaboration with the United Nations Population Fund

(UNFPA) at Bumi Wiyata Hotel in Depok. One of the outputs of the workshop was the selection of a multidisciplinary team for study visits to three countries to study a crisis centre for women and children, the One-Stop Crisis Center at the Kuala Lumpur General Hospital in Malaysia, visit the Philippine General Hospital in Metropolitan Manila, the Philippines, and learn about community-based movements in a country with a conflict between an armed group and its national government, Sri Lanka.

I was lucky to be selected as a member of the team as a counselling psychologist together with Irawati Harsono (Legal aid Derap Warapsari which initiated the Women and Children Service Unit at police stations) who later became the commissioner of the National Commission on Violence Against Women; Magdalena Sitorus (a child-rights activist and later the commissioner of the National Commission on Violence Against Women); Selfiana Sanggenafa (a lawyer from Papua who later founded the Women and Children Protection and Empowerment Institute in Abepura, Papua); and dr. Meuthia Erufana (a forensic doctor at the Cipto Mangunkusumo Hospital where an integrated crisis centre was established).

One of the things that I got from the overseas trip was the opportunity to take part in the planning and establishment of an integrated crisis centre at the Cipto Mangunkusumo Hospital which was established in June 2000. At the time of the establishment, I was a national programme manager at UNFPA/UNIFEM before being invited by the Secretary-General of the National Commission on Violence Against Women to be the coordinator of services for survivors of violence against women which had just started operating at the National Commission on Violence Against Women.

One and a half years at the National Commission on Violence Against Women and having the opportunity to have dialogues or conduct training from Aceh to Papua for facilitating institutions or directly for women at the grassroots opened my eyes that the role of psychologists who work for trauma recovery for victims of violence is still very limited. Furthermore, a historic visit to South Africa with the Secretary-General of the National Commission on Violence Against Women, Kamala Chandrakirana and my senior at the Faculty of Psychology of the University of Indonesia, Kristi Poerwandari, was needed to come up with the idea of the need to establish a psychological support institute that we call PULIH.

It was only the following year, in 2002, that we succeeded in establishing PULIH, and in July 2021 it celebrated its 19<sup>th</sup> anniversary. The second office, Pulih

Aceh, was found in January 2005 after the Aceh tsunami in December 2004. The youngest Pulih office is Pulih@thePeak – a Centre for the Strengthening of Women, Youngsters and Families – which was established in April 2014, upon my return from living in the US for almost eight years (from 2006 to 2014).

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## Endnotes

- 1 The author thanks the LPSK experts: Syahrial MW, Amalia Mahsunah and Abdanev Jopa; assistants Harry Nugraha and Siti Muminah, and Dr. Saiful Mahdi.



## The Hidden Blackbox: Corrective Rape Against Lesbian, Bisexual (Women) and Male Transgender

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### Abstract

This article discusses about the corrective rape against lesbian, bisexual (women), and male transgender that is performed by the perpetrator with aim to correct the LBT's (lesbian, bisexual, and transgender) sexuality. Such sexuality that are deemed bad, abnormal and cursed, therefore must be corrected. Corrective rape is perceived as a form of punishment, and it is everyone's responsibility to undertake correction. Corrective rape has rarely been revealed. In order to reveal the facts about corrective rape against LBT in Indonesia, this article writes the stories of four LBTs that would open up our conscience, that any form of corrective rape must be abolished, in line with our hope to abolish sexual violence against women through the legislating of the draft law on the abolition of sexual violence (RUU PKS).

Keywords: corrective rape, LBT, power relation, sexual orientation, gender identity

### Preliminary

Corrective rape against lesbian, bisexual (women) and transgender men (LBT) is an act of sexual assault by one or more persons against an LBT in the form of rape aimed at "repairing" or correcting the LBT sexual orientation and/or gender identity, so that the victim becomes heterosexual or adheres to certain gender norms and identities. According to Silvio (2011), this corrective rape is seen as a form of punishment for LBT.

This paper presents four stories of corrective rape experienced by LBT in order to provide an overview of how LBT sexuality is systematically repressed through the necessity of heterosexuality. Quoting Derrida, Al-Fayyadi (2005, pp. 87-88) states that in logocentrism heterosexuality is not only differentiated but also considered to have a higher degree (privileged) over the practice of non-heterosexual sexuality. Hence, people who feel they have the privilege, build the power to control LBT sexuality with sexual punishment.

Alimi (2004, p. 38) says that in this procedure, heterosexuality is not actually based on the inherent qualities attached to it, but is based on negative labeling of non-procreative sexual practices.

From the four stories raised in this paper, it is very clear how the "body" of an LBT is controlled so that he loses what should be his "self". He must be traumatized

throughout his life, because of a bitter experience that can never be erased from his memory, even though he has hidden it so neatly in a hidden black box inside himself. The black box is a symbol of their hidden deep grieves.

In the context of power relations, the pressure (oppression) faced by LBT victims of corrective rape becomes multilayers. LBT who experienced corrective rape experienced inequality in gender relations and at the same time experienced inequality in sexual relations.

### Clarification of Terms Context of Corrective Rape against LBT

LBT refers to the use of the following terminology: 1) lesbians are women who have physical, romantic, and/or emotional attraction to women; 2) (Female) bisexual is someone who has physical, romantic, and/or emotional attraction to people of the same or different sex/gender. These interests can be at the same time, it can also be in different periods of time; 3) male transgender is someone who is assigned as female at birth but identifies himself and his life as men. Other terms commonly used in Indonesia are *priawan*, *transpria*, and transgender (Arivia & Agustine 2017).

Sexual orientation is a scientifically accurate term to express a person's physical, romantic, and/or emotional

attraction to another. A person may be attracted to people of the same sex or gender, of a different sex or gender, or attracted to both (Arivia & Agustine 2017).

Gender identity is how a person identifies himself; man, woman, transgender man, *priawan*, *transpria*, *waria*, transgender woman, *transpuan*, queer, or others. Gender identity is not "binary" (only male and female). Gender identities vary greatly (Arivia & Agustine 2017).

Gender expression is the way how a person shows his self-expression, whether he appears masculine, feminine, androgynous (masculine-feminine), queer, or other designations. Gender expression is displayed through act, dress, behavior, or when interacting socially. Gender expression is fluid, it can change at any time depending on their comfort (Arivia & Agustine 2017).

SOGI (Sexual Orientation, Gender Identity, Expression) is an international term used to raise discourses on the diversity of sexual orientations and gender identity (Arivia & Agustine 2017).

Heteronormativity is an ideology about the necessity to be heterosexual or the view that heterosexuality is the only normal and natural form of sexual relations, between a man and a woman, indisputable. Heteronormativity rejects other sexual orientations that are not oriented to hereditary reproduction such as *onani*, masturbation, or homosexuality. There is also a need for conformity between gender identity and birth-assigned sex. If he has a male anatomy, he is required to be masculine, and conversely if she has a female anatomy, she is required to be feminine (Arivia & Agustine 2017).

Corrective rape against LBT is an act of sexual assault committed against a lesbian, bisexual (woman) and transgender with the aim of "fixing" or correcting the sexual orientation and or gender identity of LBT to become heterosexual or confirm with gender stereotypes.

### The History of Corrective Rape Term

The term corrective rape was first used in South Africa in the early 2000s by human rights organizations when rapes against lesbians were on the rise. Corrective rape is when one or more lesbians are raped to make them heterosexual. Men (perpetrators) revealed that "repairing or healing" lesbian women is part of their duty as men in a community. Corrective rape is seen as a form of "punishment" for lesbians. On the other hand, men who commit sexual violence believe that raping them will make them the "real African women" (Mochtar et al. 2016, p.41).

Simphiwe Thandeka is one of the victims of corrective rape. She was raped three times at the age of 13 by her uncle. His uncle plans to marry him off to his friend in order to cure her sexual orientation. Before marriage, Simphiwe was forced to have sex by her future husband. The next day, her future husband returned Simphiwe and some money to her uncle and said that even though Simphiwe had been raped, Simphiwe was still a lesbian and her uncle's friend could not marry her. She became pregnant and was detected to have HIV. Simphiwe and her uncle's friend contracted HIV from his own uncle who at that time also raped her. However, Simphiwe's parents never told her that her own uncle had contracted HIV and passed it on to Simphiwe. After giving birth to a son, she was raped again by a priest (Mochtar et al. 2016, p.41).

From the long list of corrective rape cases that occurred in South Africa, the term corrective rape became more global when a lesbian named Eudy Simelane (11 March 1977 – 28 April 2008) made world news. Simelane was a South African footballer who played for Springs, Gauteng and the South Africa women's national football team. Eudy Simelane was seen as very accomplished, so she was entrusted with coaching four women's soccer teams and at that time she was also studying to be a referee. She was openly lesbian and was actively involved in LGBT organizations. Simelane was raped and killed in her hometown of Kwa Thema, Springs, Gauteng by three men. Her partially clothed body was found in a small river in Kwa Thema. According to police statements, Simelane was kidnapped, raped, beaten, and stabbed 25 times in the face, chest and legs (Smith 2009).

In the report of the International NGO Action Aid supported by The South African Human Rights Commission, it was stated that the rape and murder of Eudy Simelane was a hate crime because of her sexual orientation, therefore, in one of the recommendations of the report, it was stated that the South African government should include corrective rape as part of hate crimes (Smith 2009). Although the South African constitution specifically prohibits discrimination against LGBT people, crimes against LGBT are not yet categorized as hate crimes. This makes data on corrective rape against lesbians undocumented (Hughes 2009), whereas the data could help the government in analyzing and finding solutions to this corrective rape problem. The absence of regulations regarding corrective rape in existing legal instruments makes it difficult for state officials, especially the judiciary and police, to decide and punish suspected perpetrators (Mochtar et al. 2016, p. 44).

In 2009, The Lesbian and Gay Equality Project built a mini bridge in Kwa Thema, Springs, Gauteng as a tribute to Eudy Simelane, and a warning that once a corrective rape happened (Khupiso 2009). A tribute to Eudy Simelane was also given by the South African Football Association (SAFA). This incident has also stirred up many LGBT people in South Africa as well as LGBT people from other countries speaking out to tell their own stories about corrective rape.

South Africa was the first country in the world to include the term sexual orientation in its country's constitution in 1996 after breaking away from apartheid politics. South Africa also initiated a resolution entitled "Resolution on Sexual Orientation and Gender Identity" in 2011, at the United Nations (UN) in referring to cases of discrimination based on sexual orientation and gender identity. This resolution gave birth to the term SOGI (an acronym for Sexual Orientation and Gender Identity) which is now the world's term in discussing the issue of gender diversity and sexuality. South Africa is also the fifth country in the world and the only country in Africa that legalizes same-sex marriage.

### **The Need to be Heterosexual**

Social and legal structures play a role in establishing the intimate sexual relations of the community with heterosexual domination, which is based on a gendered sex system. Furthermore, the relationship must be in the form of a family, legal, legally certified issued by the state under the name of marriage. In this marriage, the gendered sex system works by building a family structure consisting of a biologically male father and a female mother who must live a happy life with children as their offspring who will continue their ideal life and teach it back to the next generation. With this habitus (Bourdieu & Wacquant 1992), the subsequent families that are formed follow a pattern according to the values and systems that have been built, then taught and internalized in their minds. So that everything runs automatically, as something natural. As Gayle Rubin said in her writings *Thinking About Sex* (2006), this process is a naturalization of heterosexuality.

This naturalization of heterosexuality gives birth to the belief that heterosexuality is a good, normal, and God-blessed sexuality, while other sexualities, especially those that are not procreative oriented, such as lesbians, women (bisexuals) and transgender men, are seen as having bad, abnormal, and condemned sexuality (Rubin 2006, p. 14). From this framework, the belief in society

that punishing and correcting people whose sexuality is considered bad, abnormal, and condemned is a must, was born. The community also builds power that the task of punishing and correcting is a shared task, everyone in the family and community has this obligation.

The doctrine of the obligation to punish and correct people whose sexuality is considered bad, abnormal and condemned is reflected in the corrective rape cases against lesbians that occurred in South Africa, where the perpetrators told the police and judges in court, that the rapes were committed to "fix or cure" lesbian women to be heterosexual, as part of their duties as men in a community.

Punishment practices to correct or cure lesbian, (female) bisexual, and male transgender (LBT) sexuality in the form of corrective rape, also occur in Indonesia where the perpetrators are both men and women. From several studies that have been conducted by the Ardhanary Institute, since 2000, related to situations of violence against LBT, the findings of corrective rape data are revealed from the stories of several respondents. In this paper, the author will present 4 stories from respondents that were told and written by the author in the form of data in 2009. Here are the 4 stories of LBT respondents who are the victims of corrective sexual violence.

### **Eliot Who Lost His Pride in Himself**

Eliot is a male transgender, from Jakarta, he is now 50 years old. He experienced corrective rape by his own biological father who resented Eliot's gender identity as a transgender male. When the incident happened, Eliot was 24 years old, at the time Eliot was enjoying his life very much. She had a job and a beautiful girlfriend. Eliot had many dreams about his future, one of which he dreamed of one day owning his own house so he could build a home life with his girlfriend. The dream was destroyed, when his father, who actually lived at his second wife's house, returned to his mother's house. Eliot's father practiced polygamy. His mother was the first wife he left when his father fell in love and remarried to a woman younger than his mother's age. Before moving to his second wife's house, his father often did domestic violence to his mother. Eliot's father's temperament was very harsh, angry easily, and he was also lazy. His mother was the breadwinner of the family.

After his father returned home, Eliot's appearance began to be questioned. His father did not like Eliot to look like a man. Eliot was forced to dress up like most women. Eliot of course refused. His father was angry. That

was the starting point of Eliot's bitter experience. He was raped by his father as a warning to Eliot, to acknowledge himself that he was a woman. Eliot's suffering did not stop there. Eliot's father betrothed and forced Eliot to enter into a marriage he did not want, in order to become a real woman. The man who was betrothed by his father was a close relative of his father.

"Every time I had to have sex with my husband, I drank alcohol until I get drunk, so I did not remember the man entering my body. When I got sober, I was disgusted and angry with myself, I sliced my hands with razor." (Eliot 2005, July interview)

During his four years in the marriage, it was also the four years Eliot felt raped. He gave birth two times, to a boy and a girl. Entering the beginning of his fifth year, Eliot finally had the courage to decide to run away from his husband's house with his two children. Eliot lives at his girlfriend's house. Eliot's two children were adopted by Eliot's girlfriend, who was economically more secure so that he could pay for their daily needs and school. Eliot has also continued to take care of them.

Eliot's bitter story, has made him angry to this day. He is furious with his father. He had lost all pride in himself. Eliot always thinks, one day he wants to kill his father.

### **July Who Keeps Her Story in a Concealed Hidden Black Box**

July is a lesbian, now 42 years old from Sangir Talaud and moved to Jakarta. July feels she has lost ownership of her body after being raped by the most respected important person in her extended family. As the most respected person hence the perpetrator is the highest authority in the house where she lives.

"I was raped by my uncle because he considered lesbians as a disgrace to the family, I had to be corrected into a real woman. That incident hurts my soul to this day. It happened when I was 18 years old, I had to live with my aunt (mother's sister) because my mother and father got divorced. I have had a girlfriend since middle school who looks tomboyish. Every weekend she visited me. My uncle did not seem to like what he saw. My uncle asked me repeatedly whether I am a lesbian. At first I was silent, my aunt often calmed him down whenever he was angry because I never answered him. However, since he asked me almost every day, I finally answered that I was a lesbian. My uncle was furious, I was scolded harshly. I didn't know how many times the word abnormal is mentioned. One day, when my aunt was not at home, he came into my room and raped me. My uncle said, "Lesbians must be raped in order to heal!" I was very angry and hated the incident, I finally ran away from my uncle's house. I went to my father's house and complained to my father about what my uncle had done. But how did

my father respond? He was not angry nor defended me, instead he forced me to have sex with him and threatened to kill me if I dared to report this incident to my mother. My father said, not only you are a lesbian, but also you are not a virgin anymore!" (July 2005, July interview)

After the incident, July decided to stay away from her uncle and father. Living with her mother, a few months later July found out she was pregnant, when her child was born, her uncle and aunt took the baby and took care of it. July and her mother then agreed to closely keep this as a secret from other relatives and neighbors. Like Eliot, July keeps it in a hidden box. July began to have the courage to open the hidden box a little when she joined as a member of an LBT organization and met friends who had the same experience. Her uncle and father are now dead, but July lives on in fear and anxiety that the nightmare will happen to her again.

### **The Perpetrator Is My Mother**

The perpetrators of the corrective rape of lesbians in South Africa are male. Unlike in Indonesia, the gender of the perpetrator can be male or female. This happens because the hateful sentiment towards LBT is internalized in both men and women. Therefore, the power to punish is also exercised by women. As experienced by Dewi, a 30-year-old lesbian who lives in a city in the province of Banten. The mother was the perpetrator who initiated the corrective rape incident against her. Dewi's mother paid a male sex worker and forced Dewi to have sex. Dewi's mother believes that lesbians can be cured if they have sex with men.

"I was 17 years old at the time. Initially I was brought for consultation with a sexologist, where I was sexually abused. My body was groped without my consent. Even though I said I didn't want to, I was still touched and asked if I can feel it. I felt really uncomfortable. A week later, my mother had a young male guest around my age named FG, who was introduced to me. Mother said FG would cure me from lesbian disease. She asked me to have sex with FG in the room, and the door had to be open. She got angry when I refused to have sex. I had to accept rude insults and slaps. Finally I followed my mother's will to have sex with the man. That incident really scared me, how could my mother had the heart to do that to me. Since I was afraid it would happen again, I ran away from home. I lived in my girlfriend's boarding house. Then my girlfriend took me to the LBT organization to seek help. I stayed at the shelter for a while. After I received psychological counseling, I felt strong again. However, I couldn't bear to report my mother to the police. Finally, I decided to keep this incident just for myself and my mother. Until now, I don't know if I can forgive what my mother did to me." (Dewi 2011, interview August)

Dewi is now back home, living with her mother. Dewi is also now taking on the role as the family's backbone, because her mother has retired and is also a single parent. Dewi herself is an only child. Living with the perpetrator of corrective rape is not easy for Dewi. Because of that, she choose not to talk about it, and so does her mother.

### **Santi's Forced Marriage**

Another corrective rape occurs in the form of forced marriage. This is experienced by Santi, a 24-year-old bisexual who lives in Semarang. Santi was forced to marry by her father with one of her close relatives when she was caught dating a woman. Santi also experienced physical violence when she refused to marry. Santi uploaded a photo of her bruised and swollen face due to her father's slaps and beatings on the LBT social media group. All group members panicked and tried to help Santi by reporting this violence to the police. However, Santi refused. She said by uploading this photo, at least she felt she had a story to tell. Santi finally married a man of her father's choice. Five months later, Santi ran away from her husband's house to the town where her girlfriend lived. Santi also asked for legal assistance from a legal aid institution (LBH) specifically for assisting women victims of violence to get a divorce from their husbands after contacting an LBT organization which then gave a referral to the LBH.

"I was tormented for 5 months in my marriage because I had to have sex with the man who became my husband. My body refused. I felt disgusted. I thought about committing suicide instead of having to endure this suffering. But my girlfriend gave me strength, she said there must be a way out. She then contacted an LBT organization, which connected me to a legal aid agency for women. The LBH through its lawyer mediated between me and my husband so that I could get a divorce, especially since my husband knew that I had a girlfriend. At first my husband was adamant that he didn't want to divorce me. He said that over time my feelings for women would disappear. He believed that being married to him could heal me. However, thankfully I can finally end the marriage prison. Another unresolved issue was my angry father because I was divorced. But now I have the courage to fight back. If I am forced to marry again, I will report it to the police." (Santi 2013, interview September)

### **Closing**

The four corrective rape stories raised in this paper are some of the stories from a long series of corrective rape incidents that happened to LBT in Indonesia. The respondent's courage to open the lid of the hidden box of corrective rape experiences was an extraordinary big

step. Steps that not only have exposed the root layers of corrective rape against LBT, but also the fact that corrective rape against LBT occurs and must be stopped in the future.

Therefore, recognition of gender diversity and sexual orientation is an important issue in Indonesia, given that discriminatory and intolerant attitudes towards various gender and sexual identity (LGBT) groups are manifested in various forms of violence, one of which is corrective rape against LBT. The privileges of society and even the state over non-heterosexual groups (which are seen as wrong so that their sexuality must be corrected), give rise to irrational prejudices on LBT sexual orientation and gender identity. These irrational prejudices against the sexual orientation and gender identity of LBT are the root causes of corrective rape crimes.

Crimes that are motivated by prejudice in some countries are part of hate crimes. In corrective rape, the motive for the crime is very clear: out of hatred for the sexual orientation and gender identity of the victim. The word hate crime implicitly contains two words: hate and crime. The hatred itself, according to Gaylin (2003, p. 28) is born from a belief in a distorted or pseudo-perception of another person or a group that is considered not the same as himself, giving rise to irrational prejudices or suspicions. It is stated by Jacobs & Potter (1998) that prejudice/suspicion of other people/groups creates distance between groups, which further sharpens and triggers hate crime acts, and fosters confidence that their actions are the truth.

In Indonesia, hate crimes do not receive adequate criminal punishment from the state, due to the absence of adequate rules to ensnare perpetrators of crimes with "hate" backgrounds. The existing regulation is only limited to hate speech, which is regulated in the multi-interpreted article and in the author's view is not appropriate, namely in Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE) as amended by Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (UU 19/2016) article 28 paragraph (2) and criminal charge in Article 45A paragraph (2) of Law 19/2016, while in the Criminal Code (KUHP) refers to Article 157.

With the complexity of corrective rape against LBT, the laws and regulations governing corrective rape as part of a sexual crime will protect and prevent sexual threats due to gender-biased prejudice against LBT. This is where the urgency of discussing and ratifying the draft of law on the abolition of sexual violence (RUU PKS).

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## Sexual Violence at University Level: A Philosophical Feminism Overview

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### Abstract

This paper highlights the philosophical issues related to sexual violence cases at the university level. Many reports were found related to the sexual violence cases at the university level, but did not come to a solution that took sides to the victim. This is not just a problem about the unstrict law to handle the cases. There is a basic problem that underlines the mindset and behavior. Rape culture in society failed us to understand that this is a form of violence against humanity. The basis of patriarchal logic also affirms the condition. Based on the standpoint feminism method, also supported by data on sexual violence reports, I pointed the importance of using the feminist logic approach in viewing this issue. I aim to restore the point of view on siding the victim which can provide justice in handling the sexual violence cases at the university level.

Keywords: sexual violence at university level, feminist logic, rape culture, standpoint feminism

### Introduction

Talking about cases of sexual violence at university level is a discussion similar to rumors when gathering with friends. It is easy for us to talk about it when we are in a "relaxed" situation. However, when we start discussing it seriously, it suddenly becomes a "heavy" topic. I encountered various obstacles that later emerged when a case of sexual violence occurred was raised as an official report, especially during my involvement in handling reports from female students on campus. When contacting friends, seniors, counselors, or lecturers on campus to report the incident they experienced, many whistleblowers choose to withdraw when the case is then reported to the department or faculty level. Meanwhile, the incident often reached the ears of other students quickly, like a casual conversation at the cafeteria table. Case after case that is in the end just a "fairytale". Perpetrators remain easy to roam and leave fear among the victim and other female students.

My attention to the many cases of sexual violence in university indeed departed from various reports at the campus where I belonged. However, this case does not only occur on one campus alone or at a certain time. This is the case in many universities and at various periods of time. One survey conducted by Komnas Perempuan in 2019 showed that out of the 16 universities in

Indonesia involved, 1011 cases of sexual violence were found (Komnas Perempuan 2020, p. 6). The forms of sexual violence found included: physical, verbal, sign, written, psychological sexual harassment, rape, sexual intimidation, and so on. The perpetrators also come from a variety of students, employees, to lecturers. These are only a handful of cases found based on a survey of 16 Universities in Indonesia. This means that if we conduct a massive survey of all universities in Indonesia, we will get more reports.

In 2017, I once wrote about the issue of the lack of awareness in handling cases of sexual violence at the university level. I highlighted the importance of documentation and also the growth of ethical awareness based on the ethics of caring (Widiyanti 2017). Four years have passed since the last research I did, in fact not much has changed. The phenomenon of sexual violence in the campus environment remains an iceberg phenomenon that continues to be ignored. One of the cases I brought up in the 2017 article was regarding the process of reporting a female student who underwent physical harassment by a lecturer. The case was successfully brought to the faculty level and formal sanctions were imposed on the perpetrator. Unfortunately, at the end of 2020, the perpetrator was still able to return to his activities and the case just

disappeared. Whereas in the decision understood by the victim's companion, one of the written sanctions is the existence of a counselor's record and also social work in institutions engaged in the issue of women's movement. These two records were not found and in the end the perpetrator was free to return to his activities without any guarantee that the case would not be repeated.

Reflecting on this case, I then questioned several things related to the discussion of sexual violence cases in universities. The first is about the dominance of rape culture which is inherent in our daily behavior. Rape culture is a culture that glorifies masculine domination and sexual violence in our daily lives (Herman 1989). It is this cultural pattern that causes us to seem to "allow" daily conversations to be full of discrimination and sexual harassment. We can find this in jokes between friends or even in popular culture through entertainment media. This negligence makes the mindset and behavior in society tend to see "sexual violence" as an unimportant issue. Without realizing it, we will be involved in jokes that play symbols through words that are full of abuse. We are also accustomed to watching visual shows or popular literature that glorify masculine domination—such as the main male character chasing the female he has a crush on with actions that seem to "force feelings". Women are stereotyped as passive and submissive characters. The cultivation of perceptions like this makes people then trapped in the mindset of victim blaming when dealing with cases of sexual violence.

The second question that I present departs from the research I conducted in 2017. I insist on the importance of documentation, but when this documentation is submitted, it ends up being a pile of files that will eventually become obsolete. How we can cultivate feminist logic in our daily life. This is related to the goal in feminist epistemology which puts forward the experience of the first subject. Donna Haraway (1998) mentions that searching through situated knowledge is needed to be able to prove the existence of patriarchal sabotage. This epistemological issue requires the basis of feminism in order to provide space for women to interpret their lives autonomously (Haraway 1998). Next, I asked about the mechanism of using feminist logic in handling cases of sexual violence in higher education specifically. This arises from the absence of rigid implementation guidelines at each university, so it is not uncommon to find that the handling process will be returned to the "policy of each program/faculty".

I make an offer on the use of feminist logic in understanding the forms of sexual violence and its

handling at the university level. This is a further offer from the effort to uncover the rape culture that is embedded in society. I see that we are used to the logic of patriarchy, even in dealing with cases of sexual violence. Laws, norms, and coaching on campus tend to treat victims with a dualistic mindset. This can be seen from the way of handling that asks for evidence or witnesses as reinforcement. It should be noted that many new cases were reported long after the incident occurred. Victims' testimonies are often considered "doubtful" because "it happened a long time ago". This kind of handling shows how a culture full of violence has eliminated the victim's experience as the first source of evidence. This is the relationship that we need to criticize and stop: the relation of culture and patriarchal logic that is full of violence.

### Research Methodology

This writing is a form of philosophical-based criticism of culture and patriarchal logic. I started by doing a search on the data that I collected independently based on my experience while on campus as well as data based on published literature and research. These data will be the capital for the analysis in this paper. The method of collecting documentation is one of the methods that we can use in understanding cases of sexual violence. I will present several reports, both reports that I got directly on campus and research publications such as from Catatan Komnas Perempuan and other publications. The use of such documentation is one way of a subject-based knowledge approach. The selected documentation is reports of victims of sexual violence, especially at the university level. Academically, individual reports are often under-recognized because of the lack of "evidence". This method shows the distinctive nuances of feminist research that prioritize experience as a source of knowledge. This is my way of initiating writing that voices the experiences of many neglected women.

Based on the available data, I then analyzed using a standpoint feminism approach (Given 2008, p. 333). Standpoint feminism is a method approach in looking at issues from a patriarchal point of view, especially in tradition. There is an attempt to raise the point of view of women—as the oppressed in the patriarchal system. The search for power over knowledge is needed to find out the position of women (or oppressed gender). This method seeks to make room for different statements and knowledge. (Given 2008, p. 333). I combine this method with a relational analysis as a research tool. This research method is part of the method of power, positionality,

and relationship in research, namely the method that prioritizes the perspective of power relations in a relationship (Given 2008, p. 334). This relationship is not limited to the survivors-the perpetrators, but also in how they are handled, who is involved and how they take control of power institutionally.

### **Rape Culture in Cases of Sexual Violence at the University Level**

The negligence of sexual violence cases comes from the internalization of knowledge and habits that normalize rape culture. The mentions of the term rape culture itself have been found since the 1970s during the second wave of the feminism movement (Burnett 2016). One of them is from Dianne Herman's academic writing which articulates the definition of rape culture as a culture of thinking and habits that is full of violence, especially in the sexual area (Herman 1989). Rape culture indicates the signifying of implicit behavioral of "rape". Rape is considered as a natural part of social life so that it is placed equal to death or sheer misfortune. There is a more significant variable in the case of rape. Rape is not something that happens naturally in human life. This normalization of rape comes from a habit that is then "accepted" unconsciously by society. Rape culture is not only experienced by women. It is an intersectional issue that cuts across gender, race, ethnicity, sexuality and many other factors (Burnett 2016).

Ann Burnett in her article discussing rape culture (2016) found that rape is an issue found all over the world. Variants of data found in the United States, Britain, Asia, the South Pacific, and several other regions indicate that rape is a global issue. In Indonesia, based on Komnas Perempuan's Annual Records for 2020, there were 299,911 reports of violence against women (2021) with sexual violence accounting for around 30 percent of incoming reports. This figure is indeed lower than the report in 2019 with 431,471 data. This decline in the number of reports does not indicate that there have been fewer cases of violence against women in Indonesia. The problem of limited access during the pandemic has also affected the decrease in the number of reporting cases of violence against women. The various violent behaviors recorded in the report include rape, abuse in the form of physical, verbal, psychological, coercion, and others.

Rape culture is strengthened through patriarchal hegemony, media, language, politics, and also the myth of rape itself. This comes from the internalization of culture that normalizes men to be aggressive and dominant (Kive 2012). Gender internalization that is

practiced for boys starts from childhood. They are taught to look strong and dominant, so that when there is a behavior anomaly that occurs, there will be sanctions given. In society, there is the naturalness of being allowed to bully boys who are "different". They experience violent behavior with the aim of "returning" the gender norm inherent in men. It is this pattern that develops slowly in the growth and development of boys, so that "rape" is not seen as an inhumane act, but a form of perpetuating their dominance (Burnett 2016).

The internalization of masculine gender in men does not stop at parenting. The media also helps to strengthen patriarchal hegemony in our process of socialization in society. The number of popular media from films, songs, novels, comics, to advertisements also helps to perpetuate rape culture in society. One of the many scenes that appear in television series or movies, for example, is the scene of a male character cornering a female character against a wall and then kissing her forcibly. In several television series and films, this scene is actually romanticized as a "tug of war" scene because the woman is considered to "play hard to get". In fact, if we look at the scene more critically, their relationship does not imply consent from both parties. Consent is one of the indications needed to say that there is no coercion in a relationship. Unfortunately, through visual presentations, the popular media ignores the importance of consent in a relationship. As a result, there is a romantic imagination that places men acting aggressively while women acting submissively.

Form of "assault" and other masculine aggressive acts are also present in normalization as a form of sexual imagination. Many fictional stories normalize rape as a normal sexual activity in society. When this becomes a natural thing in society, the impact is big. We often find reports on rape cases which then give the impression that the victim "provides an inducement" for the situation experienced. Instead of educating the public to stop rape, the media actually pack news that tends to corner the victim. This mindset and habit show how women are made objects that "deserve to be treated arbitrarily". This pattern is then not only experienced by women. In the intersectional area, we can draw a connection that those who are then weakened by patriarchal hegemony will be vulnerable to sexual violence.

Rape is no longer a manifestation of the dominance of sexual desire. Basically, there is an imbalance of power relations that are trying to be implanted. Patriarchal hegemony requires justification for their power, so when we talk about rape, we talk about arrogance in power

relations. Perpetrators want to prove that they have power over the victim. Rape culture is a culture that is built on the dominance of this relationship and power. Rape is not just a physical activity, but a symbol of domination. Misogynistic language is then used to encourage rape culture. The analogy of rape is widely used to describe the process of life. For example, a statement that I often hear as a form of joke, "life is like being raped, if you can't fight it try to enjoy it". Another example is the joke that appears when hanging out with friends like, "oh, I'll kiss you if you disagree." Statements like these are examples of how rape is considered normal in society. They think this joke should be taken lightly, which we should not allow. These false statements show that even in public dialog, rape culture is preserved.

The formation of a culture based on the normalization of rape has also influenced the mindset and behavior on campus. One of the reports presented in *Catatan Tahunan Komnas Perempuan tahun 2020* (the 2020 National Commission on Violence against Women Annual Notes) regarding cases of sexual violence perpetrated by a university student in Yogyakarta. This student received a sanction from the university by revoking the outstanding student award he had received (Komnas Perempuan--National Commission on Violence against Women 2021). In this case, the university has indeed sided with the victim. Unfortunately, the perpetrators actually challenged the decision on the pretext that there was no legal report. The perpetrators even reported LBH Yogyakarta (Yogyakarta Legal Aid Institute) on charge of violating the Law concerning Information and Electronic Transactions. What the perpetrators have done indirectly corners the victim. The victim's companions can be reported, so they are vulnerable to being reported. The perpetrator's actions show how he thought he did not do wrong and he played power in the jurisdiction. The mindset of the perpetrator shows how he thought his action was not an action that harmed others, because he actually felt that he was being harmed.

Another case I took from personal documentation based on reports and notes during the process of reporting cases of sexual violence that occurred on campus. In 2016 there was a report from a female university student who was sexually harassed by one of the lecturers. At that time the written report came in through assistance by a student organization at the study program level. This case has been handled by taking the victim's side. However, I heard firsthand and found comments from several parties who actually defended the perpetrator in the name of "colleague solidarity".

They said the sanction given was unfair because the perpetrator was already married. After the sentence duration was over, the perpetrator returned to his activities without any trade record of the action he did. This is not an action that should be justified. As if it is just a common "bad behavior" that can be easily corrected. There is no lesson that becomes a patron for behavior change in the campus environment. This mindset is a manifestation of the internalization and perpetuation of rape culture in the campus activities.

The internalization of rape culture develops further through everyday forms of communication (Burnett 2016). There are stereotypes and myths about gendered behavior related to the way women or men think and respond to one another. Several reports of sexual violence in universities indicate a lack of consent when it comes to relationships. For example, forcing sexual activity just because of feeling tempted, even though the victim never said yes. This comes from the myth about women never saying "no" when approached intimately by a man. A common assumption that is often made to the victim is "if you really don't want to, you can say no. If it (rape/sexual harassment) happens, it is definitely the woman who wants it." This kind of assumption shows a logical leap based solely on stereotypes that harm the victim. Behavior in rape culture tends to blame the victim, then throw the responsibility on the victim for the event that she experienced.

Stopping rape culture is not an easy task. There is a complexity in describing how this rape culture occurs in people's daily lives. There is a need to be aware to conduct education from an early age on the socialization of gender roles that we have been aware of. We as individuals can interrupt rape culture by rejecting rape themed jokes (Burnett 2016). We can explain that it's not funny at all. We can also educate through various ways such as reviews, criticism, or creating critical content through media or social media. Unfortunately, all these efforts will not succeed if we only talk about this with one-sided understanding. There is something wrong in the transfer of knowledge in society, based on patriarchal hegemony. All individual efforts may be able to build awareness in the closest circle, but it does not rule out that there will be many rejections because people feel it is natural to do this in everyday life. The act of "silencing" is implicitly carried out by those who are accustomed to living in the sense of rape culture. For example, by attacking statements that reject rape culture, laughing when we reject jokes with the theme of rape or sexual harassment, to bullying those who expressly point out things related to rape culture.

This mutual negligence is what continues to perpetuate rape culture, even at the university level. One example of a case I wrote about in a 2017 article was about the reactions of colleagues to a case of sexual harassment in 2016. The case itself has received good attention so that it can be resolved up to the faculty level. However, some notes from the reporting assistance process cannot be forgotten. The case itself came from a female university student report who came to the lecturer to ask about the final project proposal.

“During the guidance, CT in her written chronology said that EW licked his lips with his tongue, making CT uncomfortable. When she left, EW touched CT’s waist and scared her. This time CT immediately reported to her friend and also the Head of Study Program who served. CT asked her friend, IR, to meet me and tell me the chronology of the incident. I then contacted CT, after getting her approval and listened to CT’s story directly. The mother of CT also shared how EW treated them arbitrarily. Initially, CT and his mother wanted to settle it amicably. However, after EW’s threatening response via e-mail and EW’s treatment of CT’s mother—the unilateral cancellation of the meeting outside campus without information—they continued to report to the faculty level. At the insistence of the student association—which managed to collect more than 80% of active student signatures—the case was finally handled quickly by the Study Program and the faculty. A decree was handed down by the faculty with the sanction of not teaching and not guiding for a certain period of time.” (Widiyantini 2017)

My notes do not stop at the successful handling of cases. In fact, there is an insensitive reaction to this case. The first is seen in the reporting implementation process which does not have a standard reference. Each case will get a different treatment depending on how the team is involved and the persistence of the reporting companion team (Widiyantini 2017). Second, related to the proposed sanctions that include the counseling point. At the point of counseling, I did not find any track record showing the awareness of the perpetrator. Thus, since 2020, the perpetrator has returned to his activities without the impression that the 2016 behavioral record had existed. In fact, I found that the perpetrator could still teach as long as it was not a course specifically for students of the study program where the female student belongs. Third, the insensitive treatment of the victim and her companions by some of the perpetrator’s colleagues. They mentioned that the perpetrator was their friend. Some of the colleagues also emphasized in the staff meeting that the perpetrator needed to be pitied because he was already married (Widiyantini 2017). The words that appeared as if it was ‘unintentional’ actually relaxed the courage of the victims and their companions to continue the reporting process.

The case example in the previous paragraph is only one of a handful of cases that have been properly handled. There are still more cases that are then lost in the middle of the process because they do not have strong evidence and support. The handling of cases of sexual violence at the university level is often deadlocked because of the culture that does not take sides with the victims. In my experience of advocating for sexual violence in universities, one of the obstacles in the effort to provide justice for victims of violence in universities is the campus rules that do not explicitly consider cases of sexual violence as a reflection of academic ethics. As a result, many ignore reports of acts of sexual violence under the pretext of “preserving one’s good name”. Another problem is the imbalance of power relations in the world of higher education, for example, some assumptions that hinder the reporting process for fear of the perpetrator’s power.

The main reason why we allow a culture full of violence such as rape culture to continue in people’s lives is because people are used to the logic of patriarchy that works systemically. The large number of logical errors in society’s common sense shows that we need to change the way we think. Rape culture is one of the cultural impacts that work on our cognition. How can we accept a mindset and behavior that allows violence to occur systematically? The negligence of jokes that have the nuances of sexual violence will actually reinforce that “rape behavior” is a normal thing. Are we going to allow the normalization of rape culture behavior based on common sense that applies to society? We need to change the order of logic that works in everyday life. This includes training our cognitions to align with behaviors that don’t glorify violence. In the next section I will discuss the need to apply the use of feminist logic that offers a subject-first approach. This logic will unravel the way patriarchal logic works so that we can begin to open up a more victim-friendly approach.

### Understanding Victims’ Stories Using Feminist Logic

I recalled the process during the assistance of victims of sexual violence at the university level. I myself have been actively providing assistance on campus since 2004—at that time I was still a university student and active in student organizations at the faculty level. In 2006, together with several colleagues, I formed a community that focused on feminism issues, especially on campus. Since then, more assistance and meetings have been held to listen to stories of victims of sexual violence. This activity did not stop when I started working

as a lecturer. The experience I went through made me reflect on the difficulty of raising the issue of sexual violence on campus. This is not only experienced on the campus where I belong, but also in many campuses in Indonesia.

I often face problems such as missing reports without being resolved. There are also cases that have been officially reported, but have not yet been resolved. Realizing that there is a pattern that repeats itself every time I accompany the process of reporting cases of sexual violence, I took the initiative to collect the reporting documentation. One of them is by using a logbook in one of the classes that I teach. This logbook then becomes a communication tool with a confidentiality agreement between me and my students. Through the logbook, the students get a story room without pressure. I also found various forms of sexual violence they experienced on campus. Several times I came across cases that were urgent enough to respond to so I contacted the student who wrote them.

One of the stories that I noted was harassment by the class lecturer in the class during a discussion. The lecturer was well-known as a joker who often made jokes with sexual nuances to the female students. This incident was repeated in every batch, but not one of the students dared to report it because they have “fear of becoming a problem”. This logic of thinking bothered me. How can a victim who has been sexually harassed feel guilty if she reports this case? What kind of logic works in this situation?

The misunderstanding that occurred in the case in the previous paragraph is a common sense which also applies when cases of sexual violence are brought to the surface. I found the root of the problem of the work of patriarchal logic which is embedded through the work of reason of western philosophy. Western philosophy has built a foundation of reasoning that is so exclusive that it leaves no place for women (as well as other oppressed groups). The practice of masculine logic in western philosophy calls themselves the highest form of expression of reason. As a result, those who do not fit into this exclusive criterion will be marginalized. One of them is women. The practice of masculine logic also produces a dualistic mindset that excludes and marginalizes women to a greater extent than science and philosophy (Plumwood 2002). Plumwood mentions that this dualistic pattern is the formation of a master culture. This kind of culture will force those who are subordinated to “enter” into the identity of the master (Plumwood 1993).

Dualism is characteristic of the master’s point of view or what Val Plumwood termed as the standpoint of mastery. He mentions that the point of view is centered on the self and its relationships. Outside of the “self master” is the Other. This mindset would see the Other as radical and inferior separate (Plumwood 1993). The Other’s background disappears in the identity of the master/self. The issues of sexism, racism, capitalism and colonialism are associated with the practice from the standpoint of mastery. This identity model eventually becomes the embodiment of dominant reasoning, giving rise to a structural dualism based on existing negation and difference. In fact, differences are not something we can avoid. However, from the point of view of mastery, diversity is seen as a structural effort to build categorization and alienation. The alienation that arises as a result of this dual placement constructs a distinction in the superior/inferior area. A more systematic inner power will more justify the cultural pattern of mastery as the main culture.

The dualistic reflection is seen in the formation of binary separations such as male/female, mind/body, civilized/primitive, human/nature. The binary dichotomy of human/nature develops to the point of valuing everything outside of human as non-human. Reason is only owned by those who fit into human criteria—related to the possession of consciousness. In the development of the placement of human reasoning, the exclusivity of masculine philosophy is also manifested which discriminates against women (as not men—in this case, men are the center of human definition). As a result, women are negated in a masculine logical structure. Dualism is essentially not a universal feature of human thought, but the conceptual response on and the basis for social domination.

The main purpose of dualistic construction is a structured polarization. Men are defined as active, intellectual, selfish, competitive, and dominant, while women are defined as having complementary qualities, passive, intuitive, altruistic, nurturing, and submissive (Plumwood 2002). This polarization radically disconnects from each other so that it looks like a “colonial relationship”. Plumwood begins with a critique of the characteristics of dualistic logic through the rejection of dominant background, hyperseparation, incorporation, objectification, and the placement of stereotypes.

In tracing the dominant background, Plumwood underlines the dominance of the historical background. Dominant relations will tend to take advantage of the

historical victory of domination so that the colonized will become invisible. There is a dependency relationship created by the dominant party on the dominated. This is like we place experiences and backgrounds in the private sphere for women who are considered to have no contribution to the public sphere. In this situation, women's backgrounds are forgotten and made as if they depend on men in the public sphere (due to lack of access). For Plumwood (2002), what should be done is to raise the background of the dominated. Through recognition, the dependency relationship will be able to be eliminated.

Next is about hyperseparation which radically places every existing difference. Each side of dualism will be ranked, one lower than the other (Plumwood 2002). This hierarchy is then used to see each conflict. It's as if when we find two different things, we are directed to judge which one is better than the other. For example, when we place gender roles, that women are below men so they are not considered to have an important role in the public sphere. Plumwood argues that the continuity between the two sides of dualism should be reaffirmed and re-understood as integrated (2002). This hyperseparation problem leads us to attempt to combine the "lack" of the inferior group into the superior group. They will be used as a commodity from the needs of the superior group. For Plumwood, language and stories about what is considered inferior need to be rediscovered, and what is inferior must be recognized as having an identity of its own which is not simply a lack or absence of what is on the superior side of dualism.

When the inferior group is placed as a commodity, it will experience objectification, as a mere instrument. In this context, the inferior (non-human) group has an instrumental value for the goals that humans need. In this position, Plumwood emphasizes the rejection of objectification and recognizes the needs of the inferior group regardless of dualist superiority (2002). On the final problem, namely the placement of stereotypes, Plumwood sees the efforts of the superior group to regulate uniformity in dualist relations. Those who are different are forced to follow the standards of the superior group. The differences that exist are only used as stereotypes in an effort to "differentiate hierarchically". This attitude must be rejected, because uniformity and stereotypes actually close our eyes to diversity. Plumwood brings the concept of recognizing non-hierarchical differences as an attempt to reject the dualism of masculine logic.

Based on the presentation of the feminist logic theory offered by Val Plumwood, we can see the root problems that arise in understanding rape culture. The patriarchal logic has eliminated the position of women and other inferior groups as the Other. They are not considered a human group. Due to the application of the pattern of patriarchal logic, the story from the point of view of the inferior group is neglected. They are considered not to have the criteria to be called reason in the formation of knowledge. Like void (nothingness) in the universe, they are not simply negated, they are not counted as rational subjects from the start.

In the perspective of Plumwood's feminist logic, cases of sexual violence at the university level experience a process of eliminating the victim subjectivity. The victim's testimony was not heard as the main evidence. In fact, the experiences of the victims are the first source of reference, if we really place them as subjects. The elimination of victim subjectivity at the university level can be seen from the absence of firm rules that assist the handling process. Some campuses already have ethical behavior that regulates "immoral acts". However, it seems that there are no derivative rules that have implementation instructions in the field. The bureaucratic nuance was so obvious in the handling process. The complexity of the bureaucracy in handling cases of sexual violence shows how the standpoint of mastery works powerfully. Once again we need to remember that sexual violence occurs because of unequal power relations. Unfortunately, in many cases, it is simply simplified as immoral behavior related to lust alone.

The use of feminist logic will help us open up different horizons of reasoning. Feminist logic leaves no room for hierarchy in its various forms. This means that the victim is no longer placed as an inferior who needs to be "saved" by the superior group—in this case it means the university environment as a whole. Victims should not be afraid to report the violence they experienced. The placement of feminist logic in handling cases of sexual violence will actually provide support for the victim so that she is no longer required to prove that what happened really happened. Feminist logic will change our perspective in listening to victims' stories. They become subjects who have reason in knowledge.

In this position, I strengthen what is conveyed in the ethics of caring approach (Gilligan 1982)—listening to the experiences of victims. We are no longer just listening, but we have also carried out the process of returning the subject as a human being by reasoning. Their stories are authentic evidence of cases of sexual violence that

have occurred. Our reasoning is also in the process of understanding how cases of sexual violence actually occur around us. One of them is by understanding that many words are inappropriate to say because they can raise the possibility of the presence of a standpoint of mastery. When we think of violent thoughts and actions as mere jokes, we have placed a hierarchy in knowledge transfer; that we have power over others. Rape culture is part of the standpoint of mastery that is inherent in patriarchal logic.

The success of higher education institutions in dealing with, and even eliminating, cases of sexual violence will be indicated by changes in the rules and implementation in all forms of their activities. This will transform the mindset and behavior of the entire community involved in it. Our success as members of the academic community will be indicated by a change in mindset and behavior that rejects sexual violence. We can firmly rebuke colleagues who perpetrated sexual harassment. Victims are no longer afraid to report, knowing that there is a handling mechanism on their side. We no longer feel suspicious or uncomfortable when discussing in class or gathering with colleagues or friends. To arrive at this situation, we need to learn to change the understanding of logic and reason that we have been using. We need to put feminist logic as a way of thinking, so that there is equality of subjects. Both in reason, and in our daily actions.

## Conclusion

The cultural relationship with the patriarchal logic that applies in society is a reflection of how the handling of cases of sexual violence in universities continues to hit a dead end. I found the answer to the question of the root cause of this unresolved problem in the absence of using feminist logic in our lives. Rape culture is the formation of patriarchal logic that puts forward a hierarchy of standpoints of mastery. The negligence of the mindset and behavior of rape culture shows how we are accustomed to living in a patriarchal logic. This pattern works through the unconsciousness formed in habit until we think that this is a thought that comes to consciousness. As a result, we find it difficult to find tools that are more sensitive to the victim storytelling as the first subject. Furthermore, we live in a manipulation of thinking and behaving tools that seem to support the perpetrators of sexual violence.

This can be seen from research findings that show how institutions and individuals react in response to cases of sexual violence. Through this paper, I invite all of us to understand the systemic patterns that influence this way of thinking. Feminist logic is a radical way of changing violent thinking and behavior. We are invited to change our mindset so we can listen to the voices of victims of sexual violence. We no longer place them as objects of reason in patriarchal logic. This process will support the transformative change of the pattern of thought so that it will affect daily behavior. Understanding feminist logic can help us change the pattern from the individual level to the social level in an effort to stop sexual violence, including at the university level.

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## Denial Narratives of Five Incestuous Fathers

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### Abstract

Various data from the society show the tendency of an increased number of incest cases. This study aims to analyse the narratives of five cases of fathers who become incestuous perpetrators. This study was conducted in 2016 with five incestuous fathers, who inhabited two Correctional Institutions in Bengkulu. This study was conducted using feminist narrative analysis and found that incestuous perpetrators rationalize their crimes based on their sexual identity and history of the victims. The history of victims' sexuality, which represents corrupted, dirty, wild, and naughty bodies, became a justification for incest. Persons with disabilities faced multiple vulnerabilities, not only being humiliated through the rape by their fathers, but they were also being blamed for their inability to participate in the investigation processes and court hearings. The research has found linkages between incest and early marriage, troubled marriages, and early divorce. The construction of hypersexuality and the objectification of the perpetrators towards child sexuality failed to guide the perpetrators towards a sane relationship.

Keywords: incest narrative; feminist narrative analysis, crime of incest; sexual violence; domestic violence; sexual violence against children

### Introduction

In 2015, Bengkulu Province was startled by a report stating that the province has the highest incest rate in Indonesia. For that reason, an incest study is imperative given that research on the perpetrator's narrative is still lacking.

Incest is a concept of sexual relations between individuals in consanguinity or between family members; it can be between brother and sister, father and daughter, uncle and nephew, mother and son, and other blood relations (Ward 1982). In addition to violating norms and being a disgrace to the society, incest, according to Ward, contains a violent relationship (a form of abuse). This study of incest is based on anthropological research (Ward 1982).

In the context of violence in Indonesia, the concept of incest is used to characterise sexual case/crime, forced sexual intercourse/rape, and sexual harassment within family (Katjasungkana 2001, p. 2; Celbis et al. 2020), stating that incest is a specific form of sexual violence, which is committed either with confession or evidence of penetration or non-penetration, and has a tremendous impact on the victim.

Although it is still limited, Indonesia already has several legal instruments that provide protection to women and children. This progress in legal protection can be seen in the last two decades. Unfortunately, cultural progress is slower than the development in legal substance. This is due to the culture and biased myths that perceive girls as property. The development of the legal substance was a result of the contribution of the women's movement to the formulation of the substance of legal instruments in Indonesia (Sulistyowati & Hendrastiti 2020).

The progress in legal substance can be seen in several legislative products. For example, Indonesia has Law No. 7 of 1984 on the Ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Law No. 39 of 1999 on Human Rights. In addition, there are at least three important laws that provide protection against violence against women and children, namely Law No. 23 of 2002 on Child Protection in conjunction with Law No. 35 of 2014 on Child Protection, Law No. 23 of 2004 on the Elimination of Domestic Violence (PKDRT), and Law No. 21 of 2007 on the Eradication of the Crime of Trafficking in Persons (PTPP). The comprehensiveness of State's protection instruments for women and children is also reflected

in Law No. 36 of 2009 on Health and Government Regulation No. 61 of 2014 on Reproductive Health, and Law No. 8 of 2016 on Persons with Disabilities. The last three instruments are key to preventing and eliminating sexual crimes as well as providing protection to women, children, and persons with disabilities.

In 2017, Komnas Perempuan recorded 1,210 cases of incest (Komnas Perempuan 2017). Meanwhile, Komnas Perempuan's Annual Report, published in 2018, showed a decrease in the number of violence against women

cases with 1,471 cases, 770 of which were cases of incest (Komnas Perempuan 2018). In 2019, Komnas Perempuan documented 2,341 cases of violence, 822 of which were cases of incest (Komnas Perempuan 2019). The statistical data of incest cases that continue to grow every year is a very worrying trend (Purnamasari 2020). In 2019, 165 cases of incest by biological fathers were reported. Cases of incest have very long-lasting and far-reaching consequences on the victims and lead to the disintegration of the family.

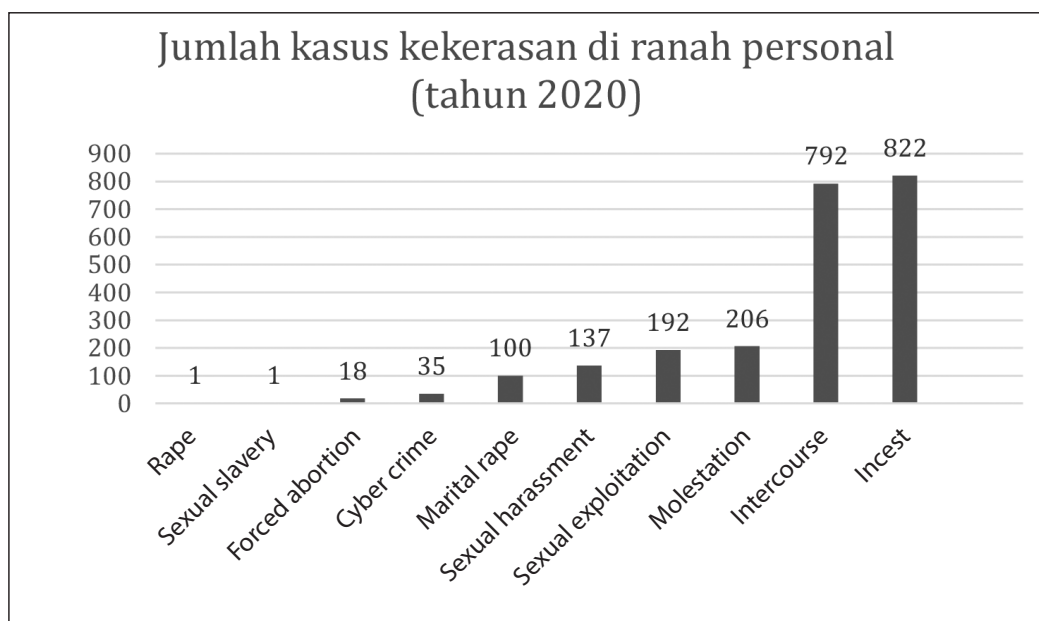


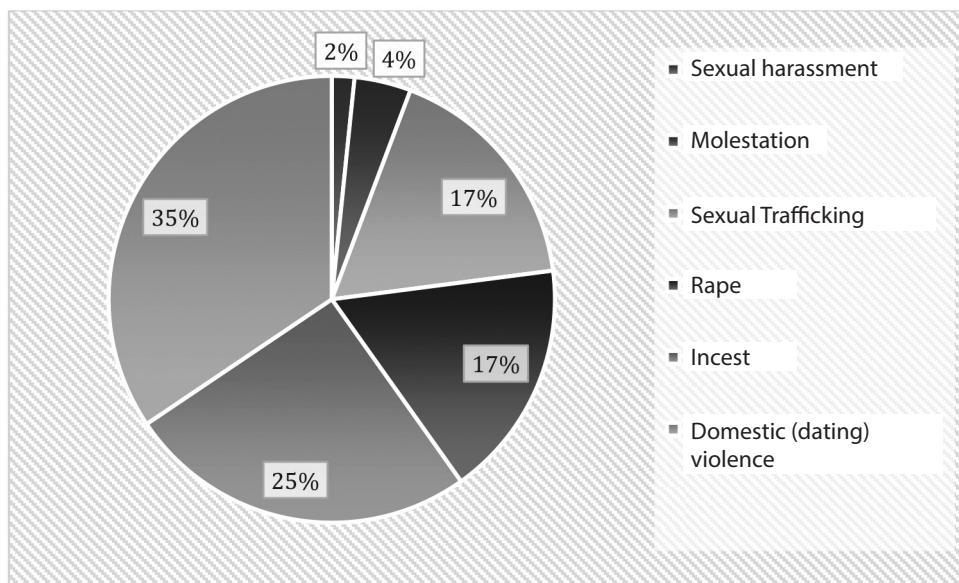
Figure 2. Cases of Sexual Violence in the Personal Sphere (2020)

Source: Komnas Perempuan (2020)

Komnas Perempuan's data of 2020 show that incest is the highest case of violence in the personal sphere (Figure 2). The increase in incest cases is frightening because most of them occur in personal friendly sphere, and the number of cases has not changed much. In fact, the number tends to increase since 2016 (Purnamasari 2020). This trend is a serious warning that home can be a very dangerous place.

### The Situation of Sexual Violence against Women in Bengkulu

Cahaya Perempuan WCC documented cases of sexual violence in Bengkulu. The types of cases included trafficking in women, sexual abuse, rape, attempted rape, sexual harassment, and incest. Cahaya Perempuan WCC's data reveal that the number of cases of incest is the second highest type of sexual violence, accounting for around 31% of the total recorded cases.



**Figure 3. Sexual Violence Cases in Bengkulu that were assisted by Cahaya Perempuan WCC (2011-2014)**

Source: Data of Case Assistance by Cahaya Perempuan WCC (2014)

One of the consequences of incest is unwanted pregnancy. Case handling data of Cahaya Perempuan WCC show that in 2011, 17.3% of sexual violence victims, which included victims of incest, had to carry unwanted pregnancies. In 2012, the percentage of unwanted pregnancy rose to 22.86%. In 2013, unwanted pregnancy cases handled by Cahaya Perempuan WCC dropped to 16.67%. In 2014, the percentage of unwanted pregnancy cases continued to drop to 7.7%. However, in the first quarter of 2015, the unwanted pregnancy rate rose dramatically to 20%.

Taking into account the data both at the national and provincial levels (i.e., in Bengkulu), the issue of incest in Bengkulu deserves greater attention.

**Research Methodology**

This research uses a narrative research methodology. Narrative methodology is a journey to the contemporary. One example is the research done by Susan E. Chase. According to Chase in Denzin and Lincoln (2010), narrative research is research with a cross-disciplinary, diverse, and innovative analytical approach that follows the vortex of biographical narratives of sources who live certain life themes.

The narrative method focuses on collecting narratives through intensive interviews, and the question that arises is how to treat the subject of the interview as a narrator, both during the interview and interpretation (Chase in Denzin & Lincoln 2010). Conducting narrative

research using explicit political narratives aims to describe the phenomenon of oppression and oppose the oppression (Beverly and Tierney in Denzin dan Lincoln 2010). Narrative studies also present life stories that show people’s views in culture and everyday life, such as Lewis’ writing (2016) about poor families in Mexico.

Narrative studies contain subjectivity, which includes historical, cultural, and social conditions (Denzin & Lincoln 2010, p. 15). The subjectivity shown by incestuous perpetrators is a drama that involves “a voice”, “playing victim”, distorting the facts, showing remorse, justifying and rationalising incest acts, police misunderstanding, police cruelty during investigation, and prosecutor’s refusal of the perpetrator’s request to take an oath. The dialogue narrative helps researchers examine why the perpetrators rape their biological children and reveal the orientation and rationalisation of the act of rape.

The data for this study were collected from July to September 2016 from two correctional institutions in Bengkulu, namely Bengkulu City Prison and Curup Prison. The selection of the sources was based on the court’s decisions that were available in both prisons. There were nine perpetrators who were proven guilty and convicted of the crime of incest; five of them were biological fathers.

**Myths and the Rationalisation of Sexual Violence**

Like rape, incest is a power issue (Ward 1982; Gerung 2011; Beard et al. 2017; Gravelin et al. 2019; Celbis et al. 2020). Rocky Gerung (2011) argues that rape is not a

sexual issue, but about power. The most natural exercise of power is in women's bodies. The exercise of power is closely related to patriarchy (Gravelin et al. 2019, p. 15). Rape is a patriarchal political conspiracy where women's bodies are objects that belong to the predators, and are considered having the potential to fight that they require coercive power by means of violence. From there it appears that rape is a control over women's bodies, and in patriarchy, it is considered a natural right of men (Gerung 2011).

Through a literature search, Gravelin et al. (2019, p. 13) believe that patriarchy is widespread across cultures and societies and feminist scientists have indicated that sexual assault is motivated by power. In patriarchy, violence against women is a function of gender roles that support the preservation and domination of masculinity and exploitation of women. Thus, in a more egalitarian society, cases of sexual violence tend to be lower (Gravelin et al. 2019).

Society views sex and sexuality discourse negatively; as a consequence, there are social, legal, and religious restrictions, which lead to political discourse (Arivia 2011, p. 56). Women's bodies become public property economically (including trade, advertisement, business, etc.), politically (many regulatory restrictions governing women's bodies), religiously (associating women's bodies with morality), and legally (focusing the legal substance on women's bodies instead of criminalising the acts of the perpetrators).

Many researchers argue that male-dominated environments such as those mentioned above are likely to promote sexist attitudes and behaviours, and may facilitate much greater risk of sexual assault and victim-blaming myths (Gravelin et al. 2019, p. 15). Rape culture is based on the idea that women's bodies are identical to commodities and objects (Arivia 2011, p. 56). Women's bodies as objects of violence. It is public's decision that determines justice for women's bodies in sexual violence. Women's bodies are associated with the commodity of the rulers as well as business interests, bureaucratic interests, and political interests, including political marketing and political branding. In the grand narrative, sex is a tool of power to subjugate women. Many historical events and tragedies have shown this.

Rape culture is usually defined as a hypermasculinised environment that glorifies coercive sexual behaviours as the centre of group identity. Worse, rape culture is maintained by the norms of silencing rape victims. In this culture, where rape myths are promoted and accepted,

victims may question their behaviours and become unsure whether to label their experience as rape or not (Gravelin et al. 2019, p. 15).

### **Myths about Rape**

Bagus Takwin (2011, p. 8), who discusses the myths of rape, including incest, explains that many people believe that rape happens to young and attractive women, and that it is not around the perpetrators. Another rape myth that is close to the issue of incest is that if the victim did not really "resist", it means that she was not actually raped (instead, it was consensual). As a result, the myth that develops around rape is that the victim has actually been attacked and responded hysterically. That argument has been debunked by the study done by Gravelin et al. (2019), where there are more rape cases by people known to the victims than by unknown perpetrators. Worse, the proportion of blaming victims on rape by a known person is greater than that of rape by a stranger.

In the article, Takwin (2011) also mentions the myth that women, who are victims of rape, are naughty women. The identity of being a naughty woman is the basis for the argument for rape. In addition, the issue of frequency is also a myth; that rape only happens once. If it happens repeatedly, then the victim is considered to be enjoying and not avoiding it, and that means it is not a coercion. In the case of incest, this kind of myth is often used, although in the victim's experience, this is not the case.

In the case of incest, the rape situation is different from sexual crimes in the community. The "conflict" between the exercise of power and the victim needing protection takes place in the same location, namely the house. The myth about the existence of evidence of physical violence of rape and the frequency of the occurrence of violence has weakened the proof of sexual violence in the family and makes it difficult to handle and prevent such cases from occurring. According to Burt, the rape myth persists and is always reinforced because of (a) the perception of rape as sexual conservation; (b) there is a belief that certain places and ways have encouraged sexual intercourse; and (c) there is still a strong acceptance of interpersonal violence (Takwin 2011, p. 10).

Society accepts the rationalisation of rape against women on the basis of the victim's appearance (physical attractiveness, gestures, style) and the specific time and place where the woman is (Takwin 2011, p. 11; and Gravelin et al. 2019, pp. 10-13). Sexual history, such as

sexual orientation and previous sexual experiences, are often used as a rationalisation scenario for rape by a known person. On the contrary, the perpetrator may be a kind, friendly, giving, patient, normal, and non-threatening person. The perpetrator does not have strong characteristics that he will become a rapist.

Meanwhile, legal instruments for cases of sexual violence against women are still not sensitive to the condition of the victim. Legal instruments and trials for rape cases that have not delivered justice to the victims have been discussed in various international forums (Merry in Irianto 2011, p. 42). There is a tendency that in the trials of rape cases the perpetrators do not admit, deny, and feel innocent (Irianto 2011). In addition, in general, the perpetrators served sentences with ease and the detention period was generally shorter than the judge's decision because they received remissions, *tamping* schemes, and were released on parole (Irianto 2011).

For victims, rape is a sexual crime and life-threatening experience. Rape includes intent, will, and plan designed by the perpetrators, especially for incest (Ward 1982; Beard et al. 2017; Gravelin et al. 2019). Common patterns of incest cases in the research conducted in Bengkulu include perpetrators "following" the myths of rape; rationalising their crimes, namely by avoiding guilt/blame; denying clear evidence; labelling victims as naughty, damaged, and idiot girls who enjoyed the sexual relationship/rape they experienced.

The rationalisation of rape is a more vicious form of idea. For victims, the remediation of stigma is very far from the context of the rationalisation made by the perpetrators. Poerwandari (2011) asserts that the remediation of the inherent stigma, of incidents that are coerced and covered up, or the denial of the existence of violence, will make it harder for victims to heal. As a result, victims will experience various forms of discrimination and negative reactions from their own home and surroundings (Gravelin et al. 2019).

Rape by closest people is related to denial, where victims are forced to forget, to pretend that the rape incident never happened, and do not get defence and protection. Gravelin et al. (2019, p. 2) emphasise that incest is the least reported form of sexual violence as it damages the good image of the family. Victims are very vulnerable to be blamed for the crime that happened to them.

## Meeting the Perpetrators

Meeting the perpetrators was a tense experience of this research, notably the measures taken to get the permission, and the opportunity to conduct discussions and observations. The identification and description of various relationships between the perpetrators, victims, and family members (nuclear family) are included in the narrative in the form of inferences. In a narrative analysis, a common thread between phenomena and case trends can be directly searched from the dialogue and observation data. For example, marriage, divorce, and complex relationships; then, children, child care, and school; also, the meaning of child sexuality; and the interrelatedness between the issue of incest and other critical issues.

The research takes a feminist perspective that focuses on the best interest of the victim. However, this research also requires an honest "voice" from the perpetrators in order to identify the patterns and root causes of the incest cases studied. In the interview process, the researcher was not allowed to make any judgments on the answers and opinions of the narrators, no matter how much the answers contradicted the views of the researcher. The researcher followed the storyline of the narrators critically and did not "resist" against narratives that degrade or insult the victims, as well as inconsistent views. However, the researcher was allowed to repeat the perpetrators' explanations as part of data clarification.

Thus, the strategy that was considered and deemed to be able to achieve the objectives of the research was to keep the standing position from the sources. Therefore, the perpetrators did not know clearly the position of the researcher on the issue of incest. They felt safe and comfortable; in that situation, they recounted their crimes of sexual violence. Although very often they convoluted and created imaginary narratives, when the questions were repeated, over time, they were willing to admit such evil acts.

The strategy for keeping the position of the researcher in line with a feminist approach was very effective for the researcher to obtain honest and complete narratives from the perpetrators. For examples, the narratives about the history of the nuclear family relationships; the occupation and economic power of the perpetrators; the acknowledgment and denial of incest cases; the repentance and remorse of the perpetrators; the meaning of sexuality and power over the victims; the experience of being investigated by the police; the perpetrators'

knowledge of the law; the situation in prison; and the perpetrators' future plans when released from prison.

**Profiles of the Five Incestuous Fathers**

The following is an overview of the profiles of five fathers – incestuous perpetrators, who are the subjects of this study (Table 1).

**Table 1. General description of the profiles of the research subjects (Fathers – incestuous perpetrators)**

Name (Initial)	Age	Profile
Ba	57 years old	<ul style="list-style-type: none"> <li>- High school graduate</li> <li>- Lives in Bengkulu city</li> <li>- Occupation: motorcycle taxi driver, bricklayer, foreman</li> <li>- Rape case against his biological child; proven guilty in court; sentenced to 12 years imprisonment.</li> </ul>
It	44 years old	<ul style="list-style-type: none"> <li>- Elementary graduate</li> <li>- Lives in Bengkulu city</li> <li>- Occupation: coffee farmer in North Bengkulu Regency</li> <li>- Status: suspect</li> </ul>
Un	50 years old	<ul style="list-style-type: none"> <li>- Never went to school</li> <li>- Lives in Rejang Lebong Regency</li> <li>- Occupation: scavenger</li> <li>- Rape case against his biological child; resulting in pregnancy and birth of a child; sentenced to 14 years imprisonment and a fine of IDR 200 million.</li> </ul>
Ap	38 years old	<ul style="list-style-type: none"> <li>- Elementary education</li> <li>- Occupation: Rice and coffee farmer</li> <li>- Rape case against his biological child; resulting in pregnancy and birth of a child; sentenced to 10 years and 6 months imprisonment.</li> </ul>
Ru	41 years old	<ul style="list-style-type: none"> <li>- Elementary Education</li> <li>- Small posture, thin, and looks fragile; speaking politely, friendly, and smart</li> <li>- Religious teacher in prison</li> <li>- Rape case against his biological child; sentenced to 12 years and 6 months imprisonment.</li> </ul>

Source: Research data processed by the researcher

**Narratives of the Five Incestuous Fathers**

**Ba: Denial of the father-daughter relationship**

Ba described the case he experienced as follows:

“... at around 4:30 am I waited at a public transport counter in Bengkulu. A woman aged around 45 years old came and asked me to take a girl aged around 14 years old, who was said to be her sister, while giving me IDR 15.000,-. The woman asked me to drop the girl off at Simpang PD; someone will pick the girl up.” (Ba 2018, August 2016 interview)

Two weeks after the incident, the police came to Ba’s house and arrested him. According to Ba’s confession, he was accused of raping the girl he dropped off (at Simpang PD). He was also accused of selling the girl to Baai Island (a prostitution site in Bengkulu).

Ba told another chronology that on his way to Simpang PD, he turned his motorbike to a hut in Sungai Rupert area. There, Ba raped the girl. After raping her, he took the girl back on his motorbike and dropped her off at Simpang PD. According to Ba, he never contacted and met with the girl until he was arrested by the police. The researcher asked Mr. Ba how he found out that the girl he raped was still related to him. Ba explained that when he met with the victim’s father at the police station, it turned out that the victim’s father was still related to his grandmother.

Ba said that during the police investigation he was tortured by the police; he was beaten with rattan, punched, and electrocuted. Because he could not endure the torture anymore, Ba then admitted to what the police

asked him about the incident. During the examination, he said he had been contacted by 3 lawyers. However, Ba did not want to get a lawyer because according to Ba, the lawyer only wanted to blackmail him. Ba also admitted that he was offered a deal by the woman who left his sister to him as long as he was willing to pay IDR 50 million.

It was only until Ba was transferred to prison that he was able to meet with his wife. His wife always sent him food and clothes. Because he had enough food and drink in prison, he asked his wife not to send food and clothes anymore. However, every Eid, his wife and son always came to visit him in prison.

In the dialogue with Ba, the research team tried to clarify the occurrence of the rape incident because of his inconsistent statements. But Ba refused to respond. He was very upset and said that the research team forced him to answer questions like the police. The research team tried to clarify the odd part of Ba's story, especially about the family relationship between himself and the victim. Finally, he confessed that he was forced to admit to raping the victim because he could no longer endure the torture by the police.

Ba then shifted the conversation from rape to his activities in prison. He told the research team that he is now the main *tamping*<sup>1</sup> in charge of the Work Guidance Unit (*Unit Bimbingan Kerja/Bimker*). According to information, the prison management and its staff highly appreciate Ba's services. For his services, he received general and special remissions during the fifth year, totalling to 29.5 months of reduced prison term. After serving three-quarter of his prison term, Ba plans to apply for assimilation and work again as a construction supervisor and a motorcycle taxi driver, and live happily with his family again.

The researcher found inconsistencies in Ba's narratives. Based on the court's judgement, Ba was found guilty of raping his 10-year-old biological child. However, to the research team he told a different story.

In articles about rape, especially incest rape, there is a common behaviour pattern of the perpetrators to shift the suffering and trauma of the victims to themselves in order to build a scenario that they are the victims. Irianto (2011) and Gravelin (2019) stressed that perpetrators tend to claim to be the victims in rape cases. Implicitly, they describe themselves as victims: imprisoned, "expelled" from the family, and still bear the family's economy.

In the interview, Ba shared the happy story of being visited by his wife and children, as well as receiving food

gifts on Eid. Ba tried to explain that there is no conflict with his family, there is no issue about his sexual crime against his biological child, and flaunted his achievements in prison. Ba tried to give the "new" person – the researcher in this case – a distorted impression of the facts about incest. Ba's narratives showed the inconsistency between the proven rape case and a good and prospective life in prison, including remission of his sentence. The narratives about the application for assimilation and the plan to live again with his family actually raised the researcher's concerns as the girl (the victim) is not yet under the protection of the state or a third party.

### ***It: Denial of the legal consequences of incest***

It lives with his wife and three children. At the time of the study, his first child (14 years old) was in the 8th grade of junior high school; the second daughter (9 years old) was in 3rd grade; and his youngest daughter (6 years old) was in kindergarten. Because his coffee plantation was far from his home, It often stayed overnight in the plantation.

It recounted that he was reported by his in-laws and brother-in-law to the police in 2016, being accused of committing lewd acts against his youngest child. To the research team, It admitted that he committed lewd acts on his child by holding and groping the child's vagina. His wife saw the acts and reported it to her parents and older sister.

During police interrogation, he claimed that the police officers took turns to beat him up. After being transferred to the prison, he felt more comfortable because he was no longer beaten. Until the time of the interview, It did not know how long his sentence would be because his trial was still ongoing. When asked why he could do such indecent acts to his daughter, he was silent and did not want to say a word. Throughout the interview It was mostly silent. He hoped to get a light sentence because he had confessed to his actions.

From the dialogues with the two perpetrators above, Ba and It denied having committed incest by rejecting the charges against them. They pleaded guilty because they could not stand the police torture anymore. With the torture argument, the perpetrators positioned themselves as victims.

Religious principles and social institutions prohibit sexual violence and harassment, especially incest. However, these social norms cannot prevent the perpetrators from committing sexual violence against their biological children. The perpetrators are not

worried about the social sanctions they will receive from the community. Social sanctions against incestuous perpetrators generally occur in the family sphere.

### **Un: Victim's sexuality as a justification for sexual violence acts**

Un is a scavenger. He once sold meatballs but went bankrupt. Un's house is located in a secluded area from the other house villages, near the bushes. Together with his family, Un occupies the land and house inherited from his parents.

The rape Un committed against his daughter occurred since the child was in the second grade of junior high school until she entered the first grade of high school. Every day, he worked from seven in the morning to seven in the evening. During work, Un often had alcoholic drinks (*arak*) to keep his body warm from the rain and cold weather.

Un told the chronology of the rape:

"... one night I came home from work to see my daughter lying there while watching TV. Unintentionally, I hugged her and asked for sexual intercourse. She did not refuse. One month since the first incident, I did it again to her without my wife knowing ..." (Un 2017, August interview)

From Un's confession, the incestuous relationship has been going on for a long time and he has had sexual intercourse many times with his daughter. According to him, his daughter also liked it and sometimes it was her who asked for sexual intercourse. However, the copy of the court's judgement stated that there was evidence of a machete. When confirmed to Un whether the machete was used to threaten the victim, Un replied that the machete was used to open a stuck door.

Un said that every time he had sexual intercourse with his daughter he gave her IDR 5.000,- to IDR 15.000,-. Un recounted that his daughter often peeked when he was having sexual intercourse with his wife. Un also said that his daughter is a lesbian because she often invited her girlfriends to sleep over and shared a blanket and that she never had a boyfriend.

One day Un's wife caught him raping their daughter – she caught him four times. At first, his wife just scolded him and asked him why he could rape his own biological child. At that time, Un apologised to his wife. However, after a while his wife left the house and complained to her parents and then reported Un to the police.

Un said that after being taken to the police station and questioned for 12 days at the police station, he experienced violence such as: being beaten, punched, and electrocuted, and even having his head banged against the wall until his nose bled. The torture has caused headaches, ringing ears, and impaired hearing.

When entering the prison, Un was contacted by a lawyer. The lawyer agreed to handle his case and guaranteed that he would only be sentenced to 7 to 8 years imprisonment. However, in the end Un was sentenced to 14 years. After the court's decision, his wife and children saw him in prison. They told him that the lawyer asked them to leave the house, claiming that the house belonged to the lawyer.

During the trial, his wife and daughter were called as victim witnesses. When giving her testimony, the victim cried. When he heard her crying, Un felt sorry for the rape. According to Un, it was done outside his consciousness. He admitted to following the devil's lure, and every time he saw his daughter, he always got aroused.

Un has no divorce experience, but he got married at a young age. Un's relationship with his wife sounded unequal. This can be seen from Un's narrative that implies that his wife could not stop him from committing incest.

Un rationalised incest and rape that occurred as consensual acts between himself and his daughter because she did not refuse the invitation to have a sexual intercourse. The father-daughter sexual relationship lasted for several years. Un wanted to prove that the erroneous sexual acts were consensual. Consensual sexual relationship argument is a narrative shared by some incestuous perpetrators. The perpetrators rationalised consensual sexual relationship to counter the allegation of rape that they committed.

Un rationalised his denial by labelling the victim's sexuality, for example, accusing her of being a lesbian. Through his rationalisation, Un felt that he could defend himself and justify raping a lesbian. Takwin (2011), Beard et al. (2017), and Gravelin et al. (2019)'s studies identify the same pattern, that the sexual history of the victim is often used as a weapon to justify acts of violence committed by the perpetrator against the victim. For example, the study of Gravelin et al. (2019, p. 9) found that people around the victim tend to blame the victim when the rape happened when the perpetrator was influenced by alcohol and drugs.

### **Ap: Family's negligence of the incestuous violence**

Ap has a wife and 2 children (both girls). The eldest child is in the third grade of junior high school, and the youngest one is in the first grade of junior high school. Ap and his family live near the farm area. Ap's wife often went to the farm to collect firewood; and it took her all day to collect them.

Ap told the incest incident that he did to his daughter. One afternoon, Ap was sleeping in his room while his wife was looking for firewood. His eldest daughter, who just got home from school, was told to go into his room and then asked to have sex. The daughter got into the bed and agreed to her father's request. After the rape incident, the daughter kept silent and left the house to work at a neighbour's shop; a job she does every day.

The sexual intercourse between the father and the daughter continued, both days and nights. According to Ap's confession, in one week he had at least two to three sexual intercourses with his daughter. Every time they had sexual intercourse; the daughter always obeyed the father's request. Ap admitted that his wife knew about the incestuous relationship, but she was never upset and tolerated it.

The rape lasted long enough until the daughter entered high school. At school, the teacher saw the change in the girl's body, and took her to the hospital for examination. The daughter was found to be pregnant. The school then reported Ap to the police. Ap was then arrested and put into custody. Ap said that the pregnancy was kept until the child, who is also his grandson, was born. As a result of the pregnancy, the daughter could not go to school anymore. After giving birth, the baby was taken and adopted by someone.

According to Ap's story, while in prison his wife visited him regularly, at least once every 15 to 20 days, bringing him food, clothes, and giving money of IDR 200.000,- to IDR 400.000,-. He said his wife earned income by cultivating farms and harvesting coffee beans. It was from the sale of the farm that his wife was able to provide him money.

When asked why Ap could rape his own child until she became pregnant and gave birth, Ap always gave the same answer: *"I don't know what to say anymore..."*. Ap admitted that he regretted his actions.

Ap's incest case has similarities with Un's case. First, the situational factors. In these two cases, the houses were located in remote areas. The isolated atmosphere

was used to rationalise the act of rape. Takwin (2011) argues that the perpetrators tend to make arguments that rationalise rape. In Ap's case, an isolated place was used as a rationalisation of time and place where humans could not avoid sexual desire, even towards their own child. The study done by Gravelin et al. (2019, p. 2) can be referred to to explain this. There are two perspectives on the analysis of sexual assault, namely individual factors and situational factors. With regard to the latter, the rationalisation that is built and based on the institutional and societal-level factors is used as an excuse by the perpetrators.

The two cases of incest (Ap and Un) also have similarities in the communication failure in marriage. In Ap's case, the wife tolerated her husband to rape her child. Ap's ability to brainwash his wife is a successful form of patriarchal politics, sexual politics, submission through power over one's body, as described by Gerung (2011). His wife's acceptance of her daughter giving her body to his father is the most severe form of patriarchal submission (Ward 1982; Millan et al. 2017; Gravelin 2019; Suyatno 2019; Celbis et al. 2020).

Victim restoration advocates also stress the importance of knowledge and empowerment of mothers/wives against the threats of everyday patriarchal practices, and the manifestations of socio-cultural control in marriage, including cases of incest. In patriarchy, under a "normal" circumstance, children are property that are neatly and beautifully displayed. Meanwhile, when children are considered damaged and disabled, their bodies are subject to the authority of their parents; in this case of incest, for example, their fathers.

Poverty in Un's case is used as a cover for violence. Un and Ap cases have "successfully" directed public opinion to the issue of poverty. Poverty as a myth rationalises the emergence of incest. However, this study proves that it was not poverty, isolated places, and the gestures of the victims that led to incestuous behaviour. Incest occurs because of power. Power in incest cases can take the form of physical violence. However, a more dangerous power is the one wrapped in subtle intimidation, a deceit from the perpetrator as a role model, the perpetrator as a protector, child's obedience as a form of respect, being obedient to parents, assurance of controlling mother's anger, and fulfilment of moral affection. This is a patriarchal deception; father to daughter (Beard et al. 2017).

### **Ru: Early marriage, early divorce**

When the research team first met Ru, he looked polite, and admitted that he was very embarrassed when asked about the case that brought him to prison. Ru and his first wife Sr, got married when they were still in junior high school; both then dropped out of school. After getting married, Ru worked as a driver and a vegetable heaver, taking the Bengkulu and Palembang route. From that marriage, they have a son named Def and a daughter named Mes. Ru's wife Sr had an affair with their neighbour, and they eventually got a divorce.

After three years of being divorce from Sr., Ru met De and later got married to her. From this second marriage, they have three children, two girls (Sel and Ri) and a boy named Ri. Ru then moved and built a house in Lubuk Linggau.

Mes was a victim of incestuous violence when she was 16 years old. One day Ru's ex-wife came to him informing that Mes was pregnant because she was raped by her biological uncle, Ko. To take care of Mes, Ru then went to Bengkulu City to report the rape case to the BA Police, in Bengkulu City. The case was supplemented by a doctor's medical examination (*visum*). After 2 weeks, the police responded to the report and arrested Ko at his house. Ru took part in Ko's arrest. However, Ko managed to run away.

Ru felt sorry for Mes, so he took her back to her mother's house. Sr's house is close to Ru's older sister's house. The rape case file was given to his sister. Two months later, a dispute arose between Ru and his sister concerning inheritance. Ru's sister wanted the land to be divided by 3, while Ru felt that the land should be divided by 8 because their deceased parents have 8 children.

Suddenly the rape case file against Mes was brought to the Chief of Police by Ru's sister. Based on the case file, which has a doctor's medical examination, Ru was finally arrested as an incestuous perpetrator. Mes, who testified in court, was silent. Ru called Mes "disabled", a term for children or people who have mental development issues (disability).

Ru admitted to being subjected to torture during police investigation, including having his toenails removed. According to Ru, the torture forced him to sign the dossier and admit to raping his biological child. Ru did not know why all the witnesses testified against him, but while he was in his cell, the witnesses apologised to him.

Mes' case was used by her family for profit. For example, Ru's sister used the case to put him in prison so that she could take the land and inheritance. When the inheritance was undertaken, the family did not care about Mes. Mes' mental health condition was getting worse due to the trauma caused by the rape she experienced. When experiencing mental health disorders, Mes often disappeared. After the court's decision, Mes disappeared. Mes' brother tried to find her, who was a key witness in this case, but several times she disappeared. Ru described his daughter's fate as karma:

"...maybe it's karma. She wasn't crazy before, but she is now." The family wanted to put Mes in a psychiatric hospital. However, she then got married and gave birth to a child; after that she disappeared again."

Ru used Mes' disability and trauma as a retaliation for the sentence he received from the court.

The analysis of incest by biological fathers written by Komnas Perempuan (2021) states that the multiple vulnerabilities experienced by victims are worse in the context of disability. Similar to the other cases above, the result of the incest study shows the phenomenon of victim-blaming precisely because they were raped by a known person. Known rapists tend to blame rape victims more than unknown perpetrators (Gravelin et al. 2019). Gravelin cites the myth about "good things happen to good people, and bad things happen to bad people". In this context, victims with disabilities become a symbol of disadvantaged children who have bad luck.

### **Conclusion**

The study of the narratives of five incestuous fathers shows the forms of denial and rationalisation of the acts of sexual violence they committed against their daughters. *First*, it relates to situational narratives, such as the location of the crime that was isolated and far from the community, the influence of alcohol, the negligence of sexual violence by their spouses, and the disintegration of the family. This unfavourable situation for the victim gave an opportunity for the perpetrator to commit his sexual crime. With these situational narratives, the perpetrator regarded himself as a victim. They seemed to send a message that the rape was not their own fault, but that the situation allowed the crime to happen.

*Second*, complex family relations and communication issues between family members were reflected in all the narratives of the perpetrators. To hide the chaos of

real-life situations, the perpetrators constructed the imagination of a happy family. The acceptance of incest by family members, such as wife, children, and others was described in the narrative as a reasonable action, especially for incest that continued to happen for years. The fate of the victim in such a tragedy was rarely discussed; even if it was mentioned, it was the victim's misbehaviour and karma.

*Third*, the history and sexual identity of the victim became elements of denial and rationalisation of the incest narrative. For example, the victim was a lesbian, the father-daughter incestuous sexual relationship was a consensual relationship, and the narrative about the victim enjoyed being raped, were said by all perpetrators. The perpetrators' narrative is a rationalisation of their actions and stigmatises their victims.

*Fourth*, there was a sexual objectification of women in the minds of the perpetrators that transcends the boundaries of humanity. This element is evidence of the very severe and atrocious daily practices of patriarchy. The body of the child who became the victim was in the perpetrator's power space or suddenly entered his power territory. This narrative not only shows the rationalisation of the patriarchal political space, but also the power of the perpetrator's economic space. The perpetrator's daughter and wife are property that must be "tame" and obedient. The victims are considered a body that expects sexual actions from the perpetrators, who are their fathers.

The findings of this study of incest by biological fathers show an interrelatedness between socio-cultural, economic, and political narratives within home or family, as well as within society that occurs in patriarchal structures and cultures.

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## Endnotes

1 Based on the Keynote Speech of the Minister of Social Affairs, Khoffifah Indarparawansa at the National Seminar on PSK-G, University of Indonesia, Depok, February, 2015. The publication was then quoted by the Chairperson of the Board of Trustees of

WCC Cahaya Perempuan Bengkulu, Zumratul Aini, who stated that incest cases in Bengkulu continued to increase, even ranked first in Indonesia. At that time, there was no mention of quantitative data. <https://news.okezone.com> downloaded on 7 March 2020, at 8.58am.

2 *Tamping* are prisoners who are trusted and employed in a correctional institution (prison). *Tamping* is employed to train the skills of other inmates and also to help with the day-to-day work of prison officers. However, based on the Minister of Law and Human Rights's Regulation No. 9 of 2019, *tamping* is prohibited from assisting officers in the fields of: office administration; technical administration; registration; security; and health medical services. <http://lapaslhoknga.kemendikham.go.id/index.php/berita-utama/giat-penguatan-tas-dan-fungsi-tahanan-pondamping>.

## Power Relations and Sexual Violence on the Campus

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### Abstract

Sexual violence on campus is a crime against humanity that is difficult to uncover because of professors' power relations and domination over students. Power relations also manifest at the structural level so that sexual violence is often dismissed and silenced by the administrators. The campus environment's hierarchy of status and positions makes sexual crime cases go on for years without any accountability. On the other hand, there are efforts such as the collective action of lecturers across faculties to protect victims from the perpetrators and bring the perpetrators to justice. This study describes the author's experience in dealing with sexual violence on campus and using a reflexive approach in addressing sexual violence in Indonesia.

Keywords: sexual violence; sexual violence in campus, power relations

### Introduction

It is unimaginable for parents who send their children to university to gain knowledge, skills, and good character but then the children became victims of sexual violence from those who are supposed to protect them. No one thought that sexual predators were also roaming in the campus looking for prey. They can "dress up" as fellow students, lecturers, even professors, or anyone on campus. After committing his actions, does the perpetrator get the punishment he deserves for his actions? Many escape punishment because it is difficult to be processed by law. Why? This paper will not explain various theories about sexual violence against women, but rather a dimension of the locus of sexual violence that has received less attention even though it has been going on for a long time, namely in the campus environment. Campus as a production house for knowledge, yet it is difficult for victims of sexual violence to get justice.

In reality, degrading humanity kinds of crimes, in the form of sexual violence, also occur in places where the educated people gather. Covered by myth, the crime is hidden, not reported, and in result the perpetrator was never punished. In some cases where the perpetrator received punishment, it is never equal with the suffering of the victim who has experienced lifelong trauma (Schwendinger & Schwendinger 1974; Olsen 2018). Generally, the victims of sexual violence on campus are

our younger generation, female students, and our own pupils. This immoral act adds to the long list of ethical defects of (some of) our intellectuals in addition to the issue of plagiarism, and university governance or allowing campuses to become an arena of practical politics interests. On the other hand, most academics are silent, they do not want to know because they consider the case to be a private matter, embarrassing the institution if it is public figure out, or denying, even blaming the victim. Some of them were afraid to speak because the perpetrators were people who had served as teachers before, had the title of professor and were needed in the department of their institution.

The next myth is that sexual violence is caused by the perpetrator's lack of religious education. Whereas religious lessons are taught from preschool to university. Generally, the public does not understand that the cause is the abuse of power, which is carried out by a trusted person, who is supposed to protect the victim, and is considered close by the victim. They include biological fathers, grandfathers, uncles, brothers, at school they are school teachers, religious teachers, and on campus they are lecturers. Law enforcers whose job is to enforce the law in places where women should be able to seek protection from crime, are actually perpetrators of sexual violence. These facts are from the evidence based of hundreds of thousands of cases reported to Komnas Perempuan (2021) from all over Indonesia to the public

every year. In the report, from year to year, sexual violence is generally carried out in private spaces, meaning that the perpetrators are people who are known to the victims, in fact is more than number of sexual violence occurred in public places. This proves that sexual violence occurs in a relationship in which there is unequal power between the victim and the perpetrator.

On campus, the perpetrators of sexual violence can be anyone, such as fellow students, administrative staff, lecturers, guest lecturers who in principle have more power than the victims. Generally, victims see the perpetrators as people who are smarter, more senior, and have the power to determine the grades and fate of students. Unfortunately, when the perpetrators are lecturers, professors, the incident is not easily believed by the head of the study program, departments, and faculties, as well as most of the lecturers. In fact, what often happens is backlash against the victim accompanied by stereotypes and stigma against women such as seducing lecturers, or volunteering for sexual transactions to pass or obtaining good grades from lecturers.

Often the institution's reputation is more important than protecting and showing compassion for victims, and trying to solve problems. There is no gender awareness and victim's perspective. Lecturers who are involved in defending the victim are often asked for evidence on the grounds and that they should not make arbitrary accusations. In this case, proving crimes against humanity in the form of sexual violence is considered as easy as finding evidence for ordinary crimes such as theft or beatings. Meanwhile, the victim is getting more and more afraid because the evidence is imposed to them as their responsibility and difficult to fulfill. This fear takes time to overcome. There are psychological, social, and cultural barriers that make victims do not dare to complain. As a result, it is increasingly difficult to provide evidence because the crime has taken place for a long time, it could be several months, years or even the victim had become an alumni, and the evidence became overdue.

If there are lecturers who commit sexual violence of whatever form and type, then in fact, the principle of the university as a moral movement in the hearts of the people as declared in the Magna Charta Universitatum 1988, loses its spirit, collapsed. It must never take place. Why? Intellectuals are seen as gatekeepers of truth. Their job is to produce science, to carry out a never-ending search for truth because there is always a new truth from the next discovery. Lecturers are places where people learn and ask questions. The university's mandate is to

respond to the needs of society through teaching and research.

The main problem is that many campuses do not have specific regulations to address the handling of sexual violence and its prevention. Similarly, we do not yet have specific national laws that protect victims and sexual violence. The current law does not accommodate the experiences and realities of victims (Olsen 2018; Bartlett 2018). As a result, if there is a lecturer who accompanies the victim, they have no clue what to do. The accompanying lecturers also deal with most of the other lecturers who do not have sexual violence literacy and victim perspectives. Lack of literacy is the second problem. Not many understand that sexual violence is a crime against humanity, because the victim can die, or be disabled for life, and the types of actions are very diverse. From catcalling, harassment, which is often taken for granted, to attempted rape, rape, forced abortion and sexual abuse. As yet catcalling (whistles, calls, comments of a sexual nature) is also dangerous. There was a female student who avoids naughty whistles every time she leaves her house by using a headset, then she crossed the train tracks, she did not hear the train coming, and then lost her life.

On my campus, services such as "first aid" are available at the initiative of caring lecturers. Among them are law lecturers who established the Legal Clinic for Women and Children since 2017, as a development of the Gender and Law course which was founded in 1992 by Professor Tapi Omas and myself. There are also lecturers from other faculties who network to provide assistance whenever there is a case of sexual violence. In addition, there are initiatives from the students themselves. Law students created several aid initiative schemes, which eventually brought forth HopeHelps UI in 2017, which were later developed in various other universities. This service forum accepts online complaints from victims of sexual violence. The emergence of academic initiatives which later gave birth to service forums for lecturers and students underscores the importance of this initiative as a best practice in handling sexual violence. Although handling cases and assisting victims is very difficult because of the legal vacuum, the growth of initiatives from the academic community is very meaningful for victims.

This article has been modified from my article in *Opini* in *Kompas*, March 26, 2021, and has been amended and researched more deeply in a scientific format. This paper explains how cases of sexual violence occur on campus. What happened to the victim? What is the process for

handling cases pursued by concerned parties on campus? What lessons can be conveyed to campus authorities so that campuses are free from sexual violence?

### Research Methods

Methodologically, it is not easy to obtain data and facts from cases of sexual violence on campus because it occurs in a closed room. Cases of sexual violence are rarely brought together by lecturers, and silence is maintained by the power relationship between the perpetrator and the victim. Cases are obtained only when there are reports from victims or people who are trusted to represent themselves to the available assistance services, which are also very limited and the overall problem is not fully described. Therefore, the appropriate method in this paper is a reflexive qualitative method. I use a feminist perspective that emphasizes the "women's experience." The position in favor of the "women's experience" was used by women activists in the West in the 1960s and 1970s. The starting point of women's experiences is used to form feminist awareness and is described in terms of "personal" and "political" by Hainisch (1970) quoted from Mansbridge (1995). This relationship is important to note because in the case of sexual violence on campus, this issue is related to educational institutions. This means that educational institutions should also be responsible for the safety of their students.

This paper is based on my own observations and experiences at the campus where I work, the University of Indonesia, and especially from cases that I have handled myself. The names of the victims and perpetrators were not mentioned (Gardiner, Rahardi & Can 2021). For this research, I will describe three cases that I think are useful for understanding sexual violence on campus.

### Sexual Violence in Numbers and Cases

The following is quantitative data collected on a limited basis as the tip of the iceberg of cases in various campuses in Indonesia. After that, several cases will be described which are taken from the author's own experience, who has been involved in handling and witnessing cases of sexual violence on campus.

#### *National Sexual Violence Rate*

Sexual violence on campus is confirmed from the Komnas Perempuan Report on Violence against Women (KTP) in the community/public domain, which is 21%

or 1,731 cases (Komnas Perempuan 2021). The most cases were sexual violence, namely 55% or 962 cases, consisting of rape (229 cases), sexual harassment (181 cases), fornication (166 cases), the rest were attempted rape. Meanwhile, 79% of KTPs occur in the private sphere or the perpetrators are people who are close to the victim, such as Domestic Violence (KDRT) (49%), dating violence (20%), the rest is violence from ex-husbands, ex-girlfriends, and violence against women domestic workers.

Overall, the KTP reports received by Komnas Perempuan in 2020 amounted to 299,911 cases, a decrease of 31.5% from the previous year (2019) of 431,471 cases. However, this decline cannot be seen as a decrease in KTP, but the impact of the pandemic, namely: (1) changes in working hours and technological unpreparedness of service institutions, (2) During PSBB (Large Scale Social Restriction), victims are afraid to report because they are at home with the perpetrator, (3) the victim's technological literacy is low.

#### *Sexual Violence Rates on Campus*

Cases of sexual violence on campus that can be reported are from 2019, which is 174 cases in 79 campuses in 29 provinces. The perpetrators are lecturers, students, staff, religious leaders on campus, clinical health workers on campus, and other residents. The scene can be on or off campus such as the location of Students Community Service, internships and student events. Ninety six percent (96%) of the victims were female students. As many as 20% did not report and 50% did not tell anyone (Zuhra 2019). Unreported cases are sinking icebergs.

Cases of violence on campus also hide in cyber gender-based violence (KBGS), because the perpetrators do it digitally. KBGS cases reported directly to Komnas Perempuan increased from 241 cases in 2019 to 940 cases in 2020. KBGS reports from service agencies also increased from 126 cases in 2019, to 510 in 2020 (Komnas Perempuan 2021).

The following is a data log from HopeHelps UI. From March to May 2020, 47 reports of sexual violence cases have been received. The victims came from various faculties. There were also cases from other universities and the general public as well. As the later cases do not fall within the scope of the HopeHelps services under the Hopehelps Articles of Association, these reports are transferred to the services of their respective jurisdictions. Therefore, the reports that were accompanied by HopeHelps UI were 39 cases, consisting of various types

of sexual violence, some of which were carried out online. The report states that the main problem faced in assisting victims is the absence of specific legal instruments to protect victims (HopeHelps 2021).

### Case study

Of the many cases, both known and hidden, the three cases below will illustrate how sexual violence on campus occurs, who the victims and perpetrators are, and how to resolve them. Of course these three cases cannot be generalized and describe all sexual violence incidents on campus. However, at least these three cases will provide a portrait or pattern that is likely to be a portrait or pattern of sexual violence cases in other cases or other campuses.

#### *Case 1: Mr. Lecturer Turns Out to Be A Predator*

Lecturer X always held lectures on Saturday afternoons, and it went on for years. No one thought that the choice of the day of the lecture had a meaning. For students, who dares refuse to attend lectures on the days and hours that have been set by the lecturer? Then came the various stories that appear and linger among the students about the behavior of the lecturer. For example, there is a student whose hair is disheveled before entering class so that she does not look beautiful and attracts the lecture's attention. Then there is also a story when a student was asked to come to the lecturer's house for a purpose, since she already knew the flirty trait of the lecturer, hence she asked her boyfriend to come with her, and the lecturer was not pleased. Or there is another story where there is a student who complains to the LKBH (Legal Consultation and Aid Institute) in her faculty, yet she is reported to the university rector, then a warning letter is issued. Nevertheless, the story continues, vaguely circulating among the campus society. Including about the victims who are generally beautiful and veiled female students, not those who are dressed in sexy clothes. The story has often been heard by students about Mr. Lecturer X but only in general and there is no continuation.

Until one day around 2007 a serious complaint occurred. The head of LKBH came to me because I have a Gender and Law course and several lecturers in my department understand women's issues. According to the story, there was a female lecturer who told LKBH that a student had experienced sexual violence, even raped by Lecturer X. The incident had passed a year ago, but she only had the courage to report it to her academic

supervisor, who then reported it to LKBH. Why is she only reporting now? Because the victim is afraid of her parents. She always remembers her mother's message, which will not tolerate if her child is no longer a virgin for whatever reason. She also mustered up her courage for a year to be brave to report to her supervisor, who then reported to the head of the Faculty's LKBH, and came to me. At that time, apparently the case had already been handled by a lawyer who accompanied the victim, and this lawyer was also a victim of Lecturer X when she was still in college. This female lawyer also knows many other friends who had been his victims.

I decided to create a consortium of lawyers consisting of several LKBH universities in Jakarta, LBH Apik and LBH Jakarta. In the course of the process of resolving this case, we encountered several incidents. For example, there are news in several local newspapers which state that there are stories of defamation from students to lecturers. Or the slow process of reporting to the police.

Finally, representatives from each institution in the consortium of lawyers decided to go to the head of the Indonesian Police Criminal Investigation Agency (Bareskrim – POLRI). When we arrived at the Bareskrim Head's room, there was the Deputy Chief of the Criminal Investigation Unit and there were about five or six other people – they happened to be police officers investigating this case. The head of the Criminal Investigation Unit asked us the reason of our visitation. Then we asked why the investigation process of this case was slow. It was Friday, so the Head of Criminal Investigation Unit had to go to the mosque for Friday prayers, and leave the continuity of this event to his deputy.

Next I want to continue the story of how this case is from the point of view of the female victim. Those of us who attended happened to have different scientific backgrounds, so we put forward arguments in philosophy, psychology, law, and gender studies. However, every time we put forward any arguments, the Bareskrim Deputy's answer was: "Change the Criminal Law Procedural Code first - the Criminal Procedural Code, ma'am." There was no other argument, as if the police have only made themselves the mouthpiece of the law. Finally, the lecturers from across faculties who were networked to accompany this case decided to arrange a meeting with the victim, which was attended by the parents of the victim. The awaited meeting happened. There may be about 10 lecturers in one of the rooms of the Psychology Clinic. The atmosphere that evening was very tense. We listened carefully to what the victim's father had to say. He was very angry, her daughter was treated like that by

her teacher. According to him, actually he wanted to take revenge with his own hands. However, his heart softened when he saw that there were so many lecturers who sympathized with his daughter.

Actually this victim is very strong, she was able to survive for one year holding thesis guidance with the predatory lecturer who harmed her, until she successfully completed her thesis and passed the bachelor degree exam. During the guidance, the victim was raped with all kinds of persuasion, including a promise to marry. Even more terrifying, according to the victim's story, she was once asked by the perpetrator for a guidance session in a hotel, because the perpetrator was staying at the hotel, in the context of his participation in an event discussing a revision of the law. This case is then ready to be submitted to the court by the lawyer accompanying the victim. However, it always runs into problems. It was impossible to provide physical evidence because the case had happened a long time ago. The only evidence was the victim's testimony. The proof of this case was planned to be asked from other victims support. There were victims who are willing to be witnesses in court. However, as soon as the time came, the victim's witness canceled on the grounds of shame that she had become a lawyer, had become someone's wife, or had become the runner-up for Putri Indonesia and so on.

In the end, this case failed because the victim herself was always in doubt whether to take this case to court or not. Eventually she decided she would not proceed with the case in court due to concerns over the public response. In this case, she had often received questions, including from police investigators, why rape occurs repeatedly, and concluded that it means consensual. The police were unable to analyze the main factor causing this case, namely the great power relationship between the perpetrator and the victim. The perpetrator was never punished for his actions. He even often appears on television talk shows and is considered a criminal expert and is called a professor. According to the victim, she felt nauseous whenever she heard the perpetrators talk about various legal norms and justice on television. Her trauma will not easily disappear from her life.

#### *Case 2: The Culprit Is An Outsider*

One day I was asked to become an expert in sexual violence cases where the victim was a student in a different faculty from the first case, around 2013. I came to Polda Metro from 9 am, then typing until 3 pm without a lunch break. My task was to analyze Article 285 of the Criminal Code (KUHP).

The article states that there are two elements of violence limitation, namely the existence of coercion and penetration. This article cannot accommodate rape in different situations. The element of "coercion" may not exist but "penetration" can occur. The unequal power relations have a very strong impact on the weakening of the victims. When the actor is considered to have mastered the source of knowledge, and gives the impression or gives hope that he can support the smooth writing of the thesis, should students be suspicious? Even when the students were asked to come to meet the person who promised that?

Sexual violence should not only be the presence of coercion and penetration, but is an act carried out in the form of violence, threats of violence, or deception, or using the condition of a person who is unable to give consent to have sexual intercourse. This condition has been stated in the draft Law on the Elimination of Sexual Violence, the latest version of the 2020 Komnas Perempuan and Civil Society Network and has been submitted to the Supporting Faction in the House of Representatives.

That was roughly what I wrote at length in answering several questions about the articles related to rape in the Criminal Code. The basis of the argument is the experience and facts of rape experienced by the students. I also got a bundle of transcripts containing digital conversations between perpetrator and victim. Later, I heard from fellow lecturers accompanying the victim that the transcript I received had been edited to give the impression that the victim was very active in approaching the perpetrator. The perpetrator was a speaker who are invited to campus to give presentations or public lectures on a specific topic. A student would write a thesis which topic is related to the perpetrator's expertise. Then communication was established between the two, which was also added by "flowery" effort from the perpetrators, such as writing poems for the victim as an attempt to win her heart. Until finally the victim was asked to come to discuss her thesis and meet in a public place, which was in a theater. However, along the way, the perpetrator sent a digital text, changing the meeting place, which was at the perpetrator's house. That was where the rape took place, which then repeated over a period of time, until finally the student became pregnant.

This case has attracted enough public attention because the perpetrator is well known in his field. There is a legal assistant for this case who is networked with lecturers across faculties. The case has reached the police investigation process. However, it is not clear exactly how, this case never made it to the trial process.

### *Case 3: Mega Scandal*

In this third case, the victims are students who are not small in number, because according to the faculty lecturers where the victims studied, the incident occurred from the 1990s to 2021 in the first semester during the pandemic. I was indirectly involved in that case, because one day there were male and female lecturers from the faculty who contacted me to share their thoughts on this case. Then the movement of the lecturers grew until one day I was invited again by the lecturers who were generally heads of departments or study programs and secretaries. Then lecturers from across faculties also joined in this movement. From these various communications, I received information that there were more than 20 victims who even set up a communication forum between victims. The victims are not only undergraduate students but also postgraduate and postgraduate masters, and many of them are already alumni. His actions varied, among them, during the pandemic when all lectures had to be conducted online, the perpetrator deliberately asked new students to come to his house for various reasons such as taking reading materials, delivering assignments, and anything. Then there were also lecturers from other faculties who said that the perpetrator also committed sexual harassment at the graduate program at their faculty, where the perpetrator taught. The actions were carried out in the classroom, taking the guidance student to a restaurant, and on the street when the perpetrator asked to be picked up by the victim.

The difficulty faced by the network of assistant lecturers in handling this case is that there is no clear and specific regulation protecting victims of sexual violence on campus. There are also no individual units available in a structured manner. Cases of sexual violence require special prevention and treatment. It cannot be equated with ordinary general offenses on campus. Access to various complaints related to academic and institutional fields at existing universities cannot be used as a complaint channel for cases of sexual violence. The victim is faced with the problem of power politics on campus, especially if the perpetrator is a lecturer and holds a position. Then there are also psychological and social barriers for victims to complain, they are afraid. In this case, the accompanying lecturers also faced obstacles because there were other lecturers even in structural positions who did not believe in the occurrence of this case, and even asked for evidence to be provided. Even though this case has been going on for decades and it is not easy to provide evidence.

### **Closing**

In this section, I present an analytical note that underscores the socio-juridical problem. Cases of sexual assault on campus rarely reach the court. There are several reasons. First, nationally, we do not yet have a special legal instrument for the elimination of sexual violence, and it has been four years since this draft law has experienced political obstacles in the parliament so that it has not been ratified. The current Criminal Code (KUHP) places sexual violence as a crime of morality, even though sexual violence is a crime against humanity, because it threatens the lives and living of the victims. In my opinion, it is necessary to think about how the law is formulated and enforced become a problem from the perspective of feminism as reviewed by Frug (1995) and Bartlett (2018). Second, it is difficult to fulfill the evidentiary procedures as stipulated in the Criminal Law Procedural Code (KUHAP) and various investigation procedures and investigations in law enforcement agencies because there must be physical evidence and witnesses. Third, there are various myths and stereotypes that blame victims which are held by law enforcement officers, or become part of their legal culture (Nelken 2014). Fourth, the myths and stereotypes that exist among law enforcers that originate in the community. This makes the victim afraid, embarrassed, worried, psychologically ill, which prevents them from reporting.

As a result, many cases of sexual violence continue. There are always cases with many victims from a perpetrator with a position and title, because the crime has been going on for years and has been left unchecked. If a victim dares to speak up, followed by the next victim, then everything is hampered by the missing evidence. The only evidence is the victim's testimony. It is also difficult to obtain because usually the victim is an alumni, or a respected person and does not want the public to know about her case. As a result, sexual violence on campus has become a closed crime and the perpetrators are not punished. There are also victims who choose to move to another campus rather than questioning their case with the faint hope of getting justice.

Sexual crimes mark the degeneration of our campus. It is paradoxical, because on the other hand, various campuses are the center of the Sustainable Development Goals (SDGs) program, including programs to eliminate violence against women and children, as well as quality education. The achievement of the SDGs is an important parameter to measure national success in improving the quality of life and human dignity. However, even in such an unfavorable situation, the initiative and courage that

grew from the campus academic community itself is a social capital that should be appreciated. Such voices and efforts are urgently needed to be echoed and supported when the law is unable to help victims of sexual violence seek justice. Hopefully in the near future at my campus, the University of Indonesia, the Rector's regulations regarding sexual violence and handling service units will be ratified.

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## Recognizing the Needs and Challenges in Handling the Victims of Sexual Violence: Learning from the Experiences of 'Forum Pengada Layanan'

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### Abstract

This article will describe a research on the experiences of the members of 'Forum Pengada Layanan' or Service Provider Forum (FPL), a civil society initiative, in handling the victims of sexual violence. Through FPL's experience, this article will analyze the importance of legal protection and the availability of financial and human resources, in handling and protecting victims of sexual violence. This research was conducted using mixed methods, namely quantitative methods using surveys and qualitative methods using in-depth interviews. This article concludes that the legal umbrella regarding the elimination of sexual violence with victims' perspective would provide stronger foundation for protection, legal processes, and the availability of resources in handling cases of sexual violence in Indonesia.

Keywords: sexual violence, victim's perspective, abolition of sexual violence, legislating sexual violence

### Introduction

According to the WHO (World Health Organization), since 2000 to 2018 at the global level, there were at least 852 million women aged fifteen years and over, who had experienced physical violence and/or sexual violence perpetrated by partners or non-partners, including both of the forms of violence (WHO 2021). Sexual violence has a negative impact on the victim's mental health, reproductive health, towards the health and the development of children (WHO 2021). It was

further stated that this form of violence against women also bring social and economic impacts, not only on individuals but also on countries.

In Indonesia, sexual violence has also become a serious problem. This can be seen from the National Commission on the Elimination of Violence Against Women's (Komnas Perempuan) Annual Records from 2017 to 2021, which recorded sexual violence as a high number of forms of violence against women.

**Table 1. Numbers of sexual violence since 2016 – 2020 according to Komnas Perempuan Annual Records**

Sphere or places where the sexual violence occurred	Numbers/scale of cases of sexual violence per year				
	2016 <sup>1)</sup>	2017 <sup>2)</sup>	2018 <sup>3)</sup>	2019 <sup>4)</sup>	2020 <sup>5)</sup>
<b>Personal sphere<sup>1</sup></b>	3,495 cases (34%) – second highest case after physical violence as of 4,281 cases (42%)	2,979 cases (31%) – second highest after physical violence (31%).	2,988 cases (31%) – second highest after physical violence (41%).	2,807 cases (25%) – second highest after physical violence (43%).	1,938 cases (30%) – second highest after physical violence as of 2,025 cases (31%).
<b>Public/community sphere<sup>2</sup></b>	The highest form of violence as of 2,270 cases (74%).	The highest form of violence as of 2,670 cases (76%).	The highest form of violence as of, 2,521 cases (64%).	The highest form of violence, 2,070 cases.	The highest form of violence, 962 cases (55%).

Source: <sup>1)</sup> CATAHU Komnas Perempuan 2017; <sup>2)</sup> CATAHU Komnas Perempuan 2018; <sup>3)</sup> CATAHU Komnas Perempuan 2019;

<sup>4)</sup> CATAHU Komnas Perempuan 2020; <sup>5)</sup> CATAHU Komnas Perempuan 2021

Data of Komnas Perempuan for the last five years shows sexual violence as one of the highest number of cases of violence against women, compared to the other forms of violence against women. In the personal sphere, sexual violence was found as the second highest case of violence after physical violence. Meanwhile, in the public/community sphere, sexual violence was found as the highest case of violence against women. It could be presumed that sexual violence occurred during cases of physical violence in the personal sphere, but these were often not disclosed (Komnas Perempuan 2016).

The number of sexual violence cases in 2020 (Table 1) appears to be declining. However, those total number of cases does not imply a decrease in the number of cases of sexual violence occurring in the community. The decline in the number of sexual violence in 2020 was estimated to occur due to a decrease in the number of questionnaires being returned by Komnas Perempuan's partner institutions by up to 50 percent (Komnas Perempuan 2021, p.1). Therefore, the documentation upon the recorded number and forms of sexual violence could be suspected to be lower than the actual cases and problems of sexual violence that have occurred within the society. This estimation is in line with the WHO's (2012) explanation regarding several reasons that made women often reluctant to report sexual violence they have experienced, namely: inadequate support systems, shame, fear of reprisals, fear of being blamed, fear of being distrusted, and worrying about and fear of being mistreated and/or being socially excluded.

According to WHO (2012), the handling of sexual violence would require comprehensive support, such as: psychological support (and referral for mental health services – if needed), emergency contraception, sexually transmitted disease prevention and services, HIV prevention if deemed necessary, information on safe abortion, and forensic examination (if a woman wishes to file a lawsuit), as well as the support of a competent legal advisor/assistant if the victim wishes to file a lawsuit.

Civil society organizations play as important actors in handling victims of sexual violence. According to OHCHR (2019), civil society organizations serve as important actors that work at community level. When the state fails to provide protection for victims of sexual violence, civil society organizations help to fill the gap by providing medical, psychological, and legal assistance (OHCHR 2019). OHCHR (2019) even mentioned that in the event where the state has the capacity and political will, victims may trust have more trust towards civil society organizations. Therefore, civil society organizations that

directly work with victims of sexual violence would have a lot of knowledge and information about the challenges and the needs in dealing with victims of sexual violence.

*Forum Pengada Layanan* (Service Provider Forum) or FPL, is a forum for civil society organizations that was formed as a result from reflection to the partial assistance for women victims of violence ([www.fpl.or.id](http://www.fpl.or.id)). It was firstly formed in 2000, with the name of *Forum Belajar* (Learning Forum). This forum was formed based on the awareness about the need for resources and sharing of resources in assisting women victims of violence. In 2014, the name of the Forum Belajar was changed into the Service Provider Forum for Women Victims of Violence (hereinafter referred to as FPL).

FPL consists of a number of civil society organizations – most of which are women's organizations, which have a vision towards the elimination of violence against women, as well as to increase support, state and community's responsibilities in fulfilling the rights of women victims, through efforts for assistances and reparation for women victims of violence throughout Indonesia. One of its missions is to promote the availability of comprehensive, holistic, inclusive, good quality, and sustainable service system that is oriented to the needs and rights of the victims. Currently, FPL has members of 115 organizations spread across 31 provinces in Indonesia (Dian Puspitasari – FPL National Secretariat 2021, interview, 5 August).

FPL works on the front line in handling cases of sexual violence in various regions. FPL was formed as an effort by civil society organizations to respond to cases of violence against women, including sexual violence, that occurred in the community. The distribution of FPL in various regions in Indonesia, as well as the experience of FPL to directly provide services for women victims of violence, could be used as a source of information and knowledge about the challenges and needs in handling victims of sexual violence in Indonesia.

This article will describe the findings and analysis over the research on FPL members in dealing with victims of sexual violence, through several information such as the forms of sexual violence that have been handled, obstacles in handling the cases, the settlement status of the cases of sexual violence, as well as other facilities and support needed to improve quality of case handling of sexual violence. Through the FPL experiences, the article will analyze the importance of the legal umbrella and the availability of resources – namely financial, physical, including expertise, in handling and protecting the victims of sexual violence.

## Research Method

The research uses mixed method research with embedded design that gives a secondary role to one data set to support another data set that serves as the main data in the research (Creswell et al. 2003). In this research, quantitative data obtained through surveys with questionnaires became the main data, while supported by qualitative data obtained through in-depth interviews to provide enrichment and a more detailed descriptions to the main data. The researchers used this design in order to answer the research question because the quantitative data needs to be deepened with the qualitative data.

The quantitative data collection was conducted using the Google Form application - accompanied with a request letter through WhatsApp and email to 91 FPL members. From all of FPL organizations contacted, 62 questionnaires out of 61 organizations were being filled out and returned.

The qualitative data was collected using in-depth online interviews, through Zoom application and telephone, towards 6 FPL administrators at the national and regional levels. The interviewees were *Sekretariat Nasional/Seknas* (the National Secretariat of FPL), Jakarta; Women Crisis Center (WCC) Pasundan Durebang, Bandung; *LBH Apik* (Women Association for Justice - Legal Aid Institute), Bali; *Himpunan Wanita Disabilitas Indonesia/HWDI* (Association of Indonesia Women with Disabilities), Jakarta; *Lingkar Pemberdayaan Perempuan dan Anak/LAPPAN* (Women and Children Empowerment Circle), Moluccas. The interview was conducted by the researcher. This research applies descriptive quantitative data analysis and descriptive qualitative data analysis.

The distribution of survey respondents by province covered of twenty-four provinces as shown in Table 2 below.

**Table 2. Distribution of Respondents by Province**

Province(s)	Number of Respondents
Aceh	2
Bali	1
Bangka Belitung	1
Bengkulu	1
DIY Yogyakarta	3
Jakarta	2
Jambi	1
Jawa Barat (West Java)	7
Jawa Tengah (Central Java)	4
Jawa Timur (East Java)	15
Kalimantan Barat (West Kalimantan)	1
Lampung	2
Maluku	2
NTB (West Nusa Tenggara)	2
NTT (East Nusa Tenggara)	4
Papua	1
Sulawesi Selatan (South Sulawesi)	2
Sulawesi Tengah (Central Sulawesi)	2
Sulawesi Tenggara (Southeast Sulawesi)	1
Sulawesi Utara (North Sulawesi)	1
Sumatra Barat (West Sumatra)	1
Sumatra Selatan (South Sumatra)	1
Sumatra Utara (North Sumatra)	4
Riau	1

The distribution of respondents from the quantitative method by position or profession is as follows (Table 3):

**Tabel 3. Distribution of respondents by position/ profession**

Position/profession	Number of respondents
Director/director's level	40
Victims' assistance/social workers	12
Lawyers	6
Others	4

**Types of Sexual Violence Handled by FPL**

WHO (2012) defines sexual violence as: *“Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or an act of trafficking or otherwise directed against a person’s sexuality using coercion, by anyone without regardless of his relationship with the victim, in any situation, including but not limited to home and work”*. Currently, there is no legislation in Indonesia that specifically regulates the definition of sexual violence.

Until now, in Indonesia, there are only four laws and regulations that regulate the crime of sexual violence, namely: the Criminal Code (*Kitab Undang-Undang Hukum Pidana/KUHPP*), Law Number 35 of 2014 concerning the Elimination of Domestic Violence (*UU PKDRT*). Law Number 35 of 2014 concerning Child Protection (*UU PA*), and Law Number 21 of 2017 concerning Eradication of the Crime of Trafficking in Persons (*UU PTPPO*). Those four laws and regulations only regulate the types of sexual

violence in a limited way. The Criminal Code, for example, only regulates the crime of rape and obscenity under the article on crimes against public decency. Meanwhile, the Child Protection Law, the Domestic Violence Law and the Trafficking in Person Law only regulate sexual crimes in general within the scope of the issue or the legal that are being regulated.

In the questionnaire, the researcher asked questions about the types of sexual violence cases that had been handled by FPL members. The types of sexual violence asked were limited to the fifteen types of sexual violence identified by Komnas Perempuan based on their monitoring results from 1998 to 2013. The fifteen types of sexual violence asked were: rape, sexual intimidation including threats or attempted rape, sexual harassment, sexual exploitation, trafficking of women for sexual purposes, forced prostitution, sexual slavery, forced marriage – including pending divorce, forced pregnancy, forced abortion, forced contraception and sterilization, sexual torture, inhumane and sexually nuanced punishments, harmful or discriminatory sexual practices against women, and sexual control-including through discriminatory rules based on morality and religion.

As also mentioned by Komnas Perempuan, the types of sexual violence that have been identified is not an exhaustive list, because of the possibility of other existing forms of sexual violence out of the fifteen that could be missed from the identification due to limited information. For example, the questionnaire does not ask about the type of online sexual violence, or the type of sexual violence based on the affected group or the perpetrator group.

**Figure 1. Forms of Sexual Violence Ever Handled by Respondents**

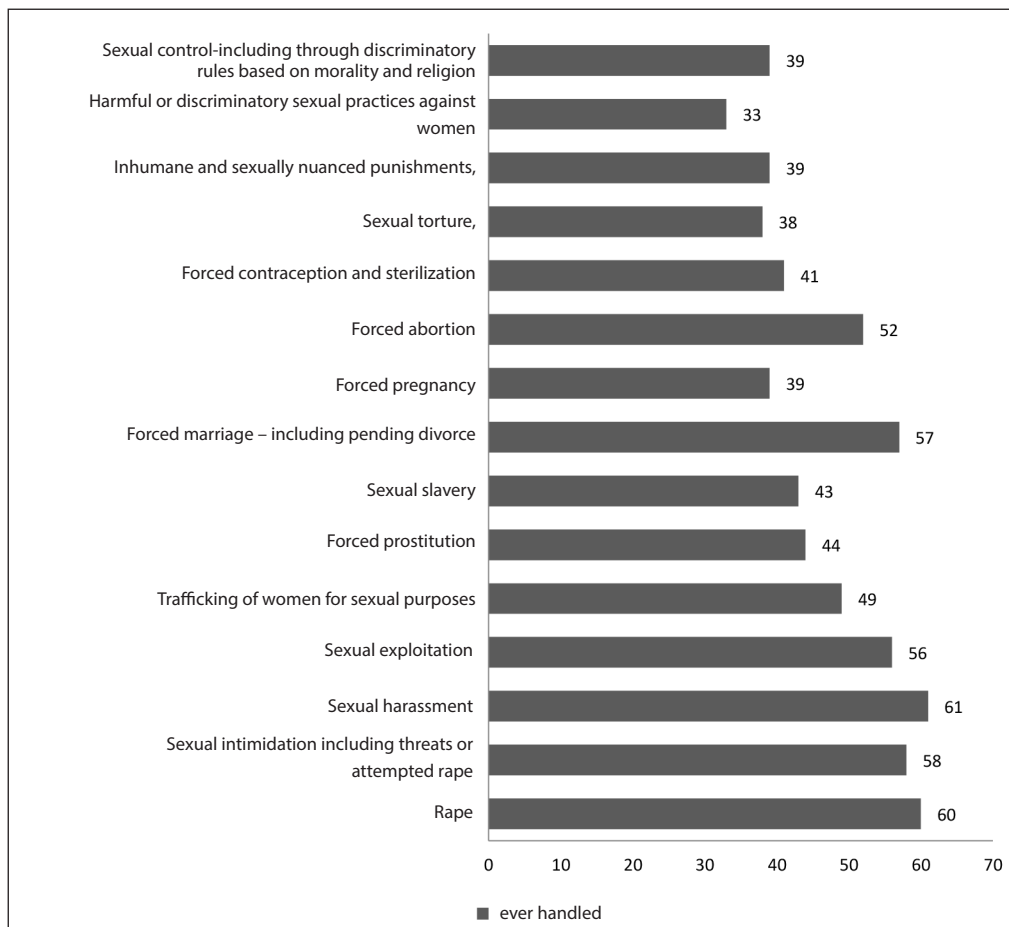


Figure 1 shows data on the types of sexual violence that had been handled by FPL members – the respondents in this study. More than fifty respondents stated that they had handled the types of sexual violence such as: rape (60), sexual intimidation (58), sexual harassment (61), sexual exploitation (56), and forced marriages – including pending divorce (57). Meanwhile, more than 40 respondents stated that they had handled the types of sexual violence such as: trafficking in women for sexual purposes (49), forced prostitution (44), sexual slavery (43), and forced contraception and sterilization (41). No less than thirty respondents stated that they had handled other forms of sexual violence, namely: forced pregnancy (39), sexual torture (38), inhumane and sexually nuanced punishment (39), traditional practices of sexual nuance that endanger women or discriminate against women (33), and sexual control—including through discriminatory rules based on morality and religion (39).

FPL member organizations who were interviewed then reconfirmed the types of sexual violence, that were recognized by FPL members respondents in the

questionnaire. LBH Apik Bali, who was interviewed by the researcher, mentioned several types of sexual violence that had been handled such as sexual violence against children (pedophilia), incest, and obscenity, committed by perpetrators from various social contexts. The following is the description made by LBH Apik Bali:

“LBH Apik Bali had dealt with pedophilia. Then, sexual violence in the form of incest committed by the closest family, such as a biological father to a biological child, an uncle to a nephew, and also sexual abuse committed by a teacher to his students. Those are some of it. And also, the most recent sexual violence – using hypnosis, committed by an online transportation driver, which we have also handled. So, there are various, that we have dealt with.” (Ni Luh Putu Nilawati-LBH Apik Bali 2021, interview, 14 August)

Not all types of sexual violence handled have been regulated in the existing laws and regulations in Indonesia. Sexual harassment, for example, is a type of sexual violence that has not been regulated as a crime in the Criminal Code or other laws and regulations. Therefore, it is not surprising, although sexual harassment is a type of sexual violence handled by many of the respondents

(61 respondents), but cases of sexual harassment are considered as a type of sexual violence that is difficult to go through legal process. This matter was explained by WCC Pasundan Durebang as follow:

“The most important thing is actually in terms of receiving legal justice, yes, the substance of the law. Because what have been known so far are only two [types of sexual violence] in the Criminal Code. Actually one, because it is rare for obscenity to be imposed on that article. Sexual harassment is very rare, especially if, for example, the perpetrator is the boyfriend, we were directed by the investigator to actually applied crime of adultery. It was very difficult, because they were considered consensual, adults, not children, and the perpetrator is the boyfriend.” (Ira – WCC Pasundan Durebang 2021, interview, 10 August)

Furthermore, WCC Pasundan Durebang explained that the weakness of legal perspective in the laws and regulations concerning sexual violence. This makes it difficult for victims to disclose their experiences of violence. The evidence system that burdening the victims exist as one of the legal challenges in handling cases of sexual violence, as explained by WCC Pasundan Durebang below:

“Also, from a legal point of view, apart from the fact on the absent of law, which favors the victim, the victims have been put in difficult situation. For example, for--she must show evidence that she has experienced violence. And we know, it is not easy for the victims of sexual violence to prove...yes, while there are usually no witnesses either. Second, the tendency of the victim to remove all evidence after experiencing sexual violence, so all of the evidence are very difficult... So, the problem is about evidence process.” (Ira Imelda-WCC Pasundan Durebang 2021, interview, 10 August 2021)

Everyone can be a victim of sexual violence, regardless of gender, age, economy, identity, and social status. During the interview it was found that the victims came from various economic, social and age groups. Women, persons with disabilities, girls and boys, gender minorities, and other marginalized groups, are some of the groups of victims being handled by FPL members interviewed. For example, the victim of one of the sexual violence cases handled by WCC Pasundan Durebang was a boy explained in the following cases:

“There was a case of sexual torture, but the victim was not a woman, but a boy. So, the father abused his son, but the target was his sexuality, it was a 10-year-old child. But the

goal was not for getting information/interrogation. But because of anger, domestic violence, but the boy's genitals were attacked.” (Ira Imelda-WCC Pasundan Durebang 2021, interview, 10 August)

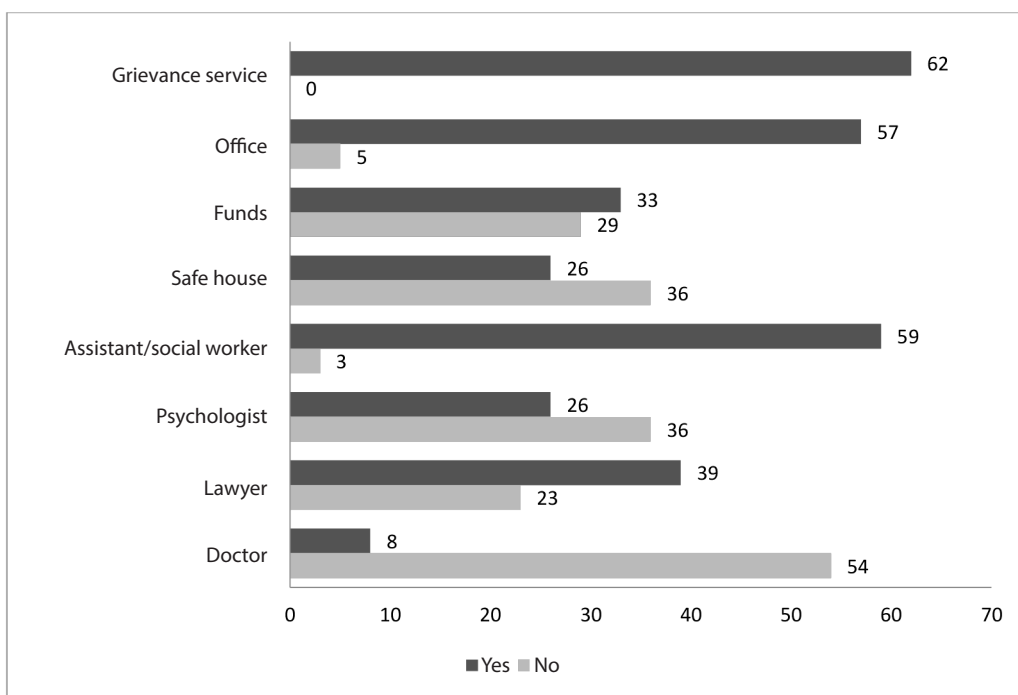
### **Available Resources in Handling Victims of Sexual Violence**

In the questionnaire, the researcher asked about the availability of resources in delivering services for victims of sexual violence, namely: doctors/medical personnel, lawyers, psychologists, assistants/social workers, safe houses, funds, offices, and grievance services. The question was asked to find out the types of resources available and needed in providing services for victims of sexual violence by the FPL members.

From the data obtained, it appears that not all types of resources are available in the services provided for the victims of sexual violence (Figure 2). The available resource in all of the FPL members surveyed is the grievance service (in the form of a hotline or case complaint section). Other resources that are also widely available are assistants/social workers (59 respondents) and offices (57 respondents). A total of 39 respondents stated that they have lawyers. Approximately half of the respondents stated that they have financial resources (33), psychologists (26), and safe houses (26). The fewest resources owned by respondents are doctors or medical personnel, which are only 8 respondents.

FPL members work in various focuses and various forms of service for victims of sexual violence. LBH Apik Bali, for example, focuses on legal aid services by providing lawyers. Meanwhile, HWDI focuses on services for persons with disabilities. In addition to providing counseling for victims, HWDI could also provide advice and input for other organizations in dealing with persons with disabilities. Meanwhile, LAPPAN in Maluku, apart from providing legal assistance, also empowers women victims; especially in the context of the archipelago region of Moluccas. WCC Pasundan Durebang provides services in the form of psychological services and counseling provided by counselors, legal consultations, medical assistance, as well as safe house. If there are other forms of service that cannot be provided by these service provider organization, the victims will be referred to other organization or professional that has the capacity or expertise relevance to the victim's needs.

**Figure 2. Availability of Resources in Handling Victims of Sexual Violence**



The lack of professionals is an important resource problem faced by FPL in providing services for victims of sexual violence. This problem was acknowledged and explained by one of the FPL members, HWDI, in an interview as follows:

“There is one heaviest challenge, our human resources are limited, *Mbak* [Miss]. As explained earlier that we are, our backgrounds are different. We are not legal experts, that is one. Second, not many of our friends with disabilities want to learn about paralegal, because its heavy the challenge, they have to learn about [laws]articles. Furthermore, to do assistance is also hard, and the risks are also heavy. So, there are not many people who want to be involved as paralegal or assistant. If we provide training and controlling or paralegals, for example, if there are fifteen people, there would only be at least two or three people who would really be committed, that is how it is, *Mbak*.” (HWDI 2021, interview, August 13)

One of the important resources for victims of violence is support of medical personnel, both for the needs of *visum et repertum* (forensic statements from doctors for legal investigation purposes); as well as to treat other physical conditions resulting from sexual violence, such as physical disorders and pregnancy. One of the services provided by WCC Pasundan Durebang is funding support for medical examinations for victims of sexual violence. The following is the explanation of WCC Pasundan Durebang regarding medical services:

“For cases of sexual violence, for example rape, especially for *visum [et repertum]*, because in Bandung city, such medical examination is still a paid service that is difficult for the victims. So, we provide such service. We also have volunteer midwives, for example victims can be handled by a midwife, such as pregnant victims, can be examined by our volunteer midwives. However, in severe cases, we would do referral. Luckily the church owns a hospital, so we could immediately make referral for medical support. Likewise for case of domestic violence, violence against wives, which are usually physical violence such as beatings and so on that require medical services, children who become victims of rape and faced unwanted pregnancies, also received support from us for medical examinations up to delivery process.” (Ira Imelda – WCC Pasundan Durebang 2021, interview, 10 August)

**Challenges in Handling Victims of Sexual Violence Crimes**

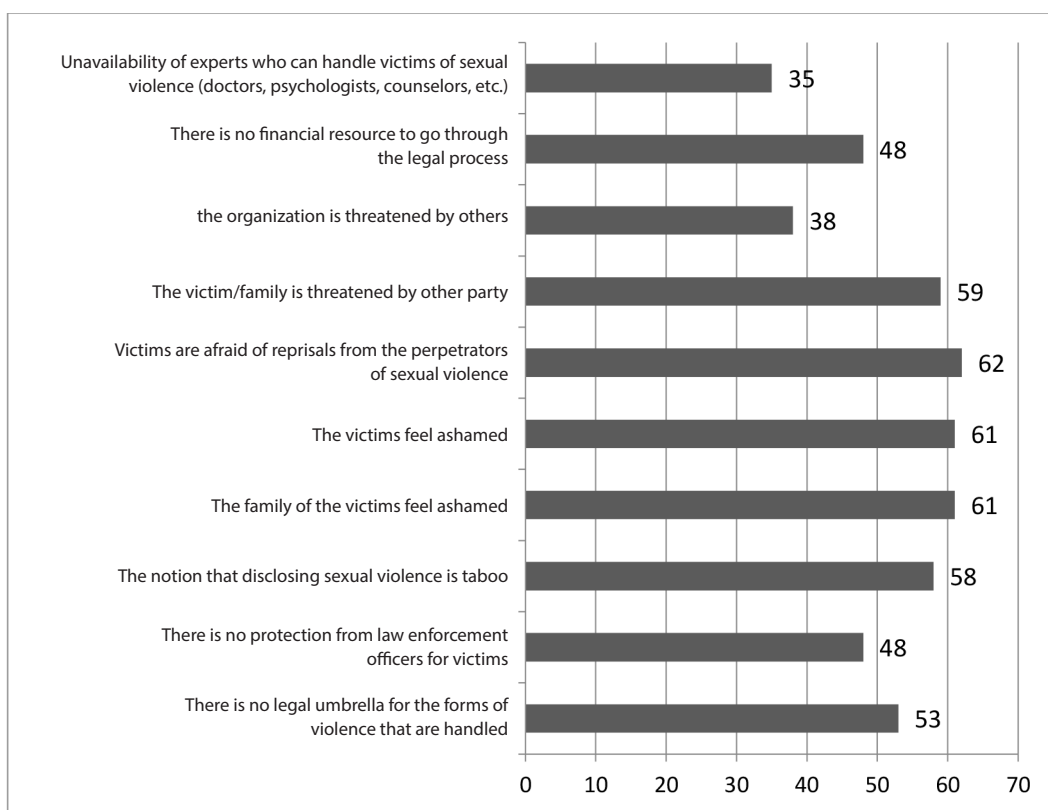
Sexual violence is often addressed in term of morality, public decency and honor, and also crimes against family or society, rather than as a violation against the integrity of the individual body. According to the United Nations (UN), this view is a problematic point of view (United Nations 2009). This kind of perspective could cause embarrassment to the victims of violence and their families upon their experience on sexual violence, which could become challenge in the handling of victims of sexual violence.

WHO (2012) mentioned several reasons that prevent women from reporting the occurred sexual violence.

Some of them are: the absence of an adequate support system, shame, fear of retaliation (from the perpetrator), fear of being blamed, fear of not being trusted, and worrisome for being mistreated and/or being socially excluded. Respondents' answers to the questions regarding the forms of challenges in handling victims of sexual violence confirmed the various forms of challenges in providing services for victims (Figure 3).

The concern of the victim and/or the victim's family is one of the challenges faced by FPL members when providing services for the victims of sexual violence. All of the respondents stated their fear of reprisals from the perpetrators (62 respondents), victims felt ashamed (61 respondents), victims' families felt ashamed (61), and the perception of disclosing sexual violence as taboo (58), as forms of challenges faced in handling the victims of sexual violence.

**Figure 3. Forms of Challenges in Handling the Victims of Sexual Violence**



The other form of challenges that was asked to the respondents were related to the availability of legal instruments and law enforcement officers in handling the victims of sexual violence. Fifty-three (53) respondents stated the absence of legal umbrella for the forms of violence that are handled, as one of the challenges in handling victims of sexual violence. Meanwhile, forty-eight (48) respondents stated there was no protection from law enforcement officers to the victims as a challenge in handling the victims of sexual violence.

The insensitive approach of the police when examining cases towards the victims of sexual violence is one of the challenges, that according to LBH Apik Bali, are often experience when they handle the victims of sexual violence. The ways of the officers ask questions to

the victims quite often corner the victim, as explained by LBH Apik Bali below:

“It can be said that the police [procedure] is already standardized, the police’s questions to the victims of sexual violence are standardized... Sometimes they still intimidate or corner the victim, where some of the questions ask the victim’s sexual experiences: “Well, how? How many boyfriends do you have? How many times have you been in love relation? You have done something like that with whom? With whom did you do such act?” So, those often come up as the question.” (Ni Luh Putu Nilawati-LBH Apik Bali 2021, interview, 14 August)

The lack of victim’s perspective in the legal apparatus’ approach in examining the victims of sexual violence would affect the legal proceeding at a later stage. As the result, the position of the victim in the legal proceeding

would increasingly marginalized, as explained by LBH Apik Bali below:

"Then another question that really cornered the victim, "How did you feel when it happened?". Besides that, in general context, he asked "What's your status?", "You? a widow?" for examples. Furthermore, "Where do you work?", for example "I work in a nightclub, I work in a cafe even though as an accountant". The subjectivity of the police and the prosecutor's office, when the case records are brought up to the next proceeding, the prosecutor will ask the same questions, so as the judges. So, the questions raised by the law enforcers in examining the victims of violence sometimes corner the victim, then the questions would be used as legal consideration that would lighten the sentence given to the perpetrator." (Ni Luh Putu Nilawati-LBH Apik Bali 2021, interview, 14 August)

Threats from other parties including the perpetrators also come as a form of challenge in handling the victims of sexual violence. Threats were experienced by both the victim/victim's family, as of fifty-nine (59) respondents; as well as threats against FPL members as victims' assistants, as of thirty-eight (38) respondents.

Due to their efforts to assist the victims of sexual violence, victims' assistants may also experience threats from other parties. WCC Pasundan Durebang explained the importance of legal protection to protect the assistants from threats when assisting the victims of sexual violence. The following is an explanation of WCC Pasundan Durebang:

"This includes protection for the assistants, in average we do too, especially for cases of sexual violence where the perpetrators are prominent figures, community leaders, sometimes they also threaten, whether they threaten to commit violence, or once ever threaten of sexual violence if assisting the victim." (Ira Imelda-WCC Pasundan Durebang 2021, interview, 10 August)

The other challenge that was asked was about the availability of resources, both human resources such as professionals, as well as financial resources. Thirty-five (35) respondents stated that the unavailability of experts who can handle victims of sexual violence (such as doctors, psychologists, counselors) as a challenge in handling victims of sexual violence. Meanwhile, forty-eight (48) respondents stated that there is no cost to go through the legal process as a challenge in handling the victims of sexual violence.

The research questionnaire did not capture the challenges in term of geographical context and the special needs of persons with disabilities. However, interviews with LAPPAN and HWDI revealed these special challenges faced by FPL in term of geographical context and the victims with special needs.

LAPPAN that works in the archipelago region in Moluccas must face the challenges of poverty and the infrastructure's scarcity of infrastructure when providing services. Services for women victims of sexual violence whose locations are spread across small islands. To provide services, LAPPAN must use land and sea transportation, such as cars, motorbikes, and also boats, as explained below:

"And with this Covid condition, it is also difficult because the victims are located distantly from each other, including distant from the facility from where they can access reproductive health services. There are several relevant facilities to Ambon. I have been to Ambon, and I went to the doctor for an ultrasound, right, an obstetrician... because there's no obstetrician here, in West Seram at that time. Then, [the victim] was taken to Ambon, where they got an ultrasound test. The age of [the victim] was 12-13 years-old was very vulnerable. Then, there are some victims whose places are isolated, poor, and we have to reach them by foot for about 10-15 Km, but first we have to go up to the mountain, parked our car, then walked. There were also victims from remote areas, the islands, we have to change vehicles, the last one [that we have to use] is a small boat, so sometimes we go home at 2 am, 3 am." (Baihajar Tualeka-LAPPAN 2021, interview, 14 August)

Services for persons with disabilities who are victims of sexual violence must face various forms of challenges, ranging from physical infrastructure, communication, as well as the law enforcement officers' approach who generally do not understand the special needs of persons with disabilities. Here is an explanation from HWDI:

"Regarding the infrastructure of the police or the court, for example, if there is a victim who files a report to..., sometimes the building is difficult to access by a friend with disabilities, who uses wheelchairs. Mostly, the service units are situated at the top floor, so it is difficult, what if they are given a place in the lower place, so they can be interviewed. Then when filing a report, for the hearing-impaired person, sometimes there is no Sign Language Interpreter, like that. Actually, when the interpreter is not available, an appointment can be made or HWDI could help to contact for assistance, they could provide the interpreter whenever the victim give testimony about the chronology." (HWDI 2021, interview, August 13)

### **Status of settlement of cases of sexual violence crimes**

Not all cases of sexual violence handled by FPL members could be resolved through legal processes. Based on the questions about the status of settlement or the status of various cases of sexual violence that have been handled, the respondents stated various experiences.

Several respondents stated that cases of sexual violence were resolved through legal procedures

(Figure 4). Fifty-one (51) respondents stated there were cases where the perpetrators of sexual violence were successfully punished by the courts. Twenty-one (21) respondents stated there were cases where the perpetrators were found not guilty by the court. Meanwhile, twelve (12) respondents stated there were cases where victims received compensation/recovery based on court decisions.

HWDI explained about one of the cases of sexual violence against persons with disabilities that was assisted by *Lembaga Perlindungan Saksi dan Korban/LPSK* (the Witness and Victim Protection Agency). The case of sexual violence was committed by a teacher of special school (*Sekolah Luar Biasa/SLB*) against his student, and in the end the perpetrator was sentenced to nine (9) years.

Meanwhile, LBH Apik Bali has experience of a case that can be legally resolved, but the victim was later married off to a relative. As explained below:

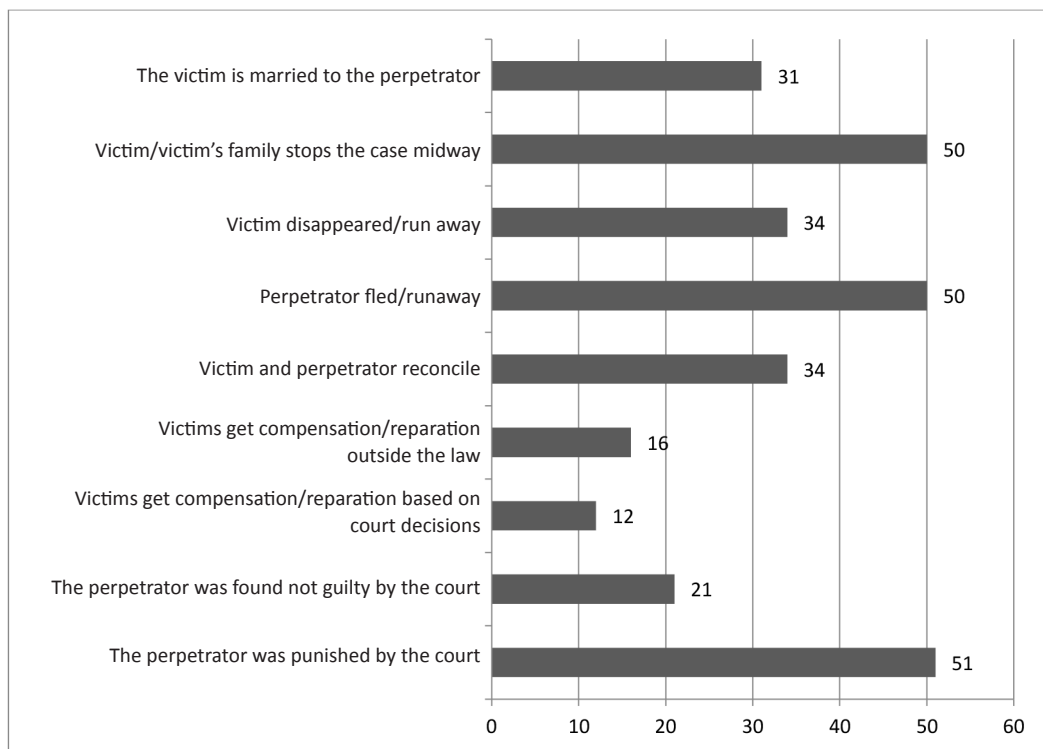
“There was indeed [occurred] more or less just last year, 2018. She is a biological child in the 3rd grade of junior high school, she had [forced] sex with her biological father, then got 8 months pregnant already, it was close to birth. So, the legal process was still carried out, where this father was

sentenced, if I am not mistaken [he received] 10 years and 8 months imprisonment. It was quite significant punishment. However, the local traditional community still put the burden on the victim’s family to carry out village cleaning-ritual, and finally because the victim and perpetrator come from the elite family, it can be said that in Bali she comes from a noble family, so she cannot leave the big family, so she as married off to her uncle.” (Ni Luh Putu Nilawati-LBH Apik Bali 2021, interview, 14 August)

When compared to the cases handled through the legal process, the number of respondents who answered the experience of resolving cases out of legal processes were relatively larger (Figure 4). Fifty (50) respondents stated there were cases where the victim or the victim’s family stopped the case midway. Meanwhile, fifty (50) respondents also stated there were cases where the perpetrator fled or runaway.

Another settlement status that was asked was reconciliation and recovery outside of legal procedures (Figure 4). Answering to this question, sixteen (16) respondents stated there were cases where the victim received compensation or reparation outside of the legal process. Meanwhile, thirty-four (34) respondents stated there were experience of extrajudicial reconciliation between the victim and the perpetrator.

**Figure 4. Status of settlement of sexual violence cases that have been handled**



The practice of marrying victims of violence with the perpetrators as a way to resolve cases of sexual violence was acknowledged by thirty-one (31) respondents. From the experience of LBH Apik Bali, according to local customary rules, to prevent disgrace to the family, victims are married to someone else, but not with the perpetrator (Ni Luh Putu Nilawati-LBH Apik Bali 2021, interview, 14 August).

According to LAPPAN, one of the reasons for the families to marry the victims of sexual violence to their perpetrators is to prevent children from being born out of wedlock. LAPPAN then tried to explain to the families and communities to stop this kind of practice, as explained by Baihajar Tualeka below:

"Some have. But after we give reinforcement, because they always think that for the child who is impregnated, this would be an illegitimate child. But we said, when they said the child would become illegitimate child, "There is no illegitimate child". You marry this child to the perpetrator, then this child will become a victim, and it will not solve the problem. So, we always empower them, so we must empower them to also build their understanding as well and we always try so that the victim would not be married to the perpetrator, but the perpetrator must be prosecuted." (Baihajar Tualeka-LAPPAN 2021, interview, 14 August)

Cases of violence against women with disabilities generally cannot be resolved through legal procedures. For women with disabilities who become victims, the problems faced are very complex, both in term of the lengthy and tiring legal procedures for victims and their families, the unfriendly legal infrastructure – such as court buildings that are not friendly to wheelchair users, as well as the lack of sensitivity and skills of law enforcement officers in communicating and dealing with persons with disabilities. This was explained by HWDI as follows:

"Most of the cases stop midway. First, because the family also decided to reconcile with the perpetrator. Second, although it had entered the court proceeding for several times, but she suddenly quit because of communication barriers as well. So, at that time, the court provided the sign language interpreter from the special school. Meanwhile, the victim cannot read and write and has never received any school education. Therefore, I have to use natural sign language. So maybe she, due to her family's psychological breakdown, finally the case stopped." (HWDI 2021, interview, August 13)

The informants of this research explained several reasons why cases of sexual violence were often handled outside the legal process. Threats from the perpetrators, both towards the victim's family and the victims' assistants, feeling of shame as a victim/family due to the view in society that sexual violence is considered to be damaging to the good name, as well as the lack of legal certainty, are some of the factors that cause the sexual violence cases cannot be resolved through legal processes. The following is an explanation from WCC Pasundan Durebang regarding the issue:

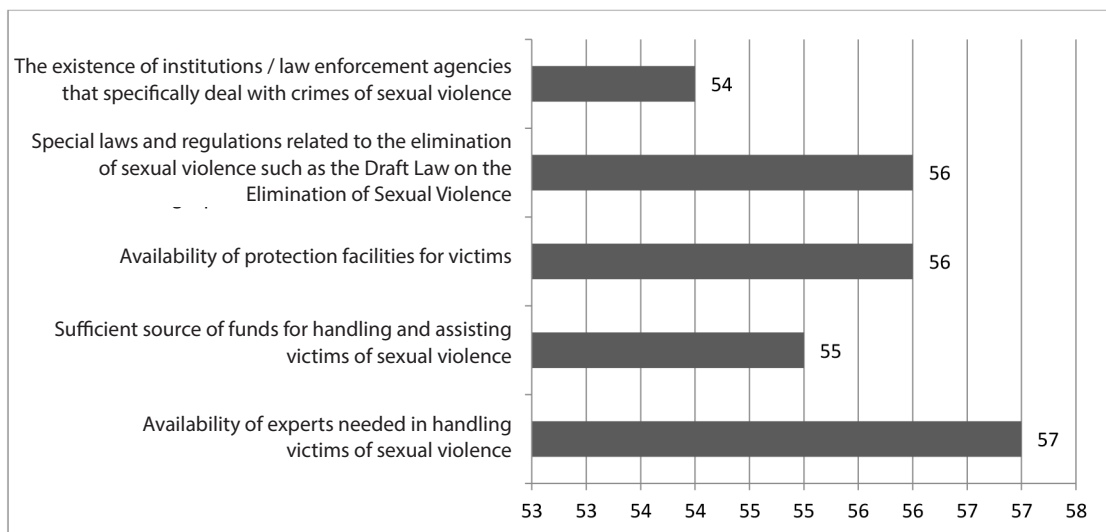
"As well as threats from the parents of the perpetrators. We who gave assistance, until she was forcibly taken to marry, married off to the perpetrator. The perpetrator was her boyfriend. But yes, perhaps it is also the perspective of the society, especially the parents. A child who becomes a victim of rape, yes, is a disgrace, how to prevent the child from this situation... So, let's just marry her with the perpetrator. So, at first the parents file a reported, but then... well... Although rape is actually not a complaint-based case, but this is also the perspective of law enforcement officers, therefore when, "Why have reconciled", then the case can be stopped. So, the societal stigma affects the victim as well as the family's view as well, but also the structure and the legal substance are not in favor to the victim." (Ira Imelda-WCC Pasundan Durebang 2021, interview, 10 August)

### **Efforts Needed to Improve the Quality of Handling Cases of Sexual Violence**

In the questionnaire, the researchers mentioned five supporting factors that can improve the quality of case-handling of sexual violence. The five factors mentioned are institutional factors or law enforcement agencies, laws and regulations, facilities, financial resource, and experts. More than fifty (50) respondents agreed that these five factors are supporting factors that can improve the quality of handling cases of sexual violence (Figure 5).

This article classifies the factors that can improve the quality of case-handling of sexual violence into three groups, namely: the legal umbrella that regulates a form of sexual violence as crime, facilities and resources for handling and protecting victims, and the required experts in dealing with victims.

**Figure 5. Forms of Support Needed to Improve the Quality of Handling Cases of Sexual Violence**



**Legal umbrella that regulates a form of sexual violence as a crime**

Based on various findings of sexual violence cases by Komnas Perempuan, there are still many types of sexual violence that have not been regulated in the laws and regulations or in the criminal law. Some forms of sexual violence that have not been regulated in the legislation include: sexual harassment, sexual exploitation, forced contraception, forced abortion, forced marriage, forced prostitution, sexual slavery, and sexual torture (Komnas Perempuan 2021 b). In addition, the laws and regulations concerning sexual violence generally do not regulate or have not regulated issues of protection and reparation for the victims (Komnas Perempuan 2021).

The Department of Economic and Social Issues – Division for the Advancement of Women of the United Nations explained rape as the main form of sexual violence that has been regulated in various criminal laws, which generally focus on proving the occurrence of penetration (United Nations 2009). This narrow definition has caused the law to ignore various other forms of sexual violence experienced by women, including the impact of sexual violence on victims or survivors. Several countries have then begun to include the definition of sexual assault to broaden the scope of forms of sexual violence, which are not only defined by the occurrence of penetration (United Nations 2009).

Based on data from the questionnaire (Figure 5), as many as fifty-six (56) respondents agreed that a specific legislation concerning to the elimination of sexual violence would support the improvement of quality of case-handling of sexual violence. In addition, fifty-four (54) respondents agreed that the existence of institution

or law enforcement agency that would specifically dealing with crimes of sexual violence would improve the quality of case-handling of sexual violence.

Specific laws and regulations will help the victims of sexual violence to get protection, justice, and also reparation. This matter was explained by Dian Puspitasari (Sekretariat Nasional FPL) as follow:

“So, it would be covered as well. There is a legal basis to handle women’s experiences including with the various forms of sexual violence. Then in term of the substance, apart from including various forms of sexual violence, also to simplify the evidence-taking process, the evidence, and their rights. The right not to be prosecuted based on criminal or civil laws, the legal protection so that she cannot be convicted or sued serve as a specific challenge. Then, the right to reparation during and after the trial, before then during and after. While the common practice so far, mostly is provided before and during [the legal process]. However, after [the legal process] are mostly not fulfilled. The right of the victim to get reparation during the trial and after the trial is not fulfilled.” (Dian Puspitasari 2021, interview, August 5)

According to WCC Pasundan Durebang, the existence of a special law to deal with sexual violence will provide positive changes, especially through the protection of victims. The following is an explanation from WCC Pasundan Durebang:

“Indeed, from the perspective of protection and the rights of the victims, the bill [on the elimination of sexual violence/ RUU PKS] would provide a larger portion for the victims, in addition to the other positive issues in this bill, such as the legal procedure. The legal procedure law, if we use the existing law of criminal procedure, is not really in favor of the victim and is not easy for the victim. Here [RUU PKS] under the criminal charge, there is also a rehabilitation

for the perpetrators, so the perpetrator would not only be punished in the sense of being imprisoned, but there is also an obligation to be rehabilitated so that the person would change. These actually are quite positive matters." (Ira Imelda-WCC Pasundan Durebang 2021, interview, 10 August)

In the interview, a resource person from HWDI explained the importance of the laws and regulations concerning the elimination of sexual violence for persons with disabilities. According to HWDI, women with disabilities are vulnerable to become victims of sexual violence, therefore a sensitive approach to the needs of persons with disabilities that are being championed in the RUU PKS, will provide more protection for persons with disabilities who become victims of sexual violence. Here is an explanation from HWDI:

"Furthermore, what is included in RUU PKS concerning disability, the issues are in line with the cases experienced by persons with disabilities. [Person with] Disability is also a legal subject. Facilities and infrastructure for handling cases and handling of victims must also be disability-friendly, in providing appropriate accommodation. In RUU PKS there is support for protection and reparation for parents, families, and victims. The advantage of having this, women with disabilities, especially the victims, will receive simpler procedure in the judicial process, whether as victims and witnesses. Then, the protection efforts, would be maximized more because the work of the government apparatus would be clearly regulated. Furthermore, there would be increasing sense of justice because of a good law enforcement mechanism that favors the [person with] disability survivors. Therefore, it will have impacts on the [person with] disability if RUU PKS is enacted, namely by the decreasing number of victims of sexual violence, then perpetrators will think twice about committing sexual violence or the repeating perpetrators, because the legal sanctions would increase and would create deterrent effect. Then, for persons with disabilities themselves, they would be more legal awareness and use of the mechanism of RUU PKS to for justice. It will be regulated in RUU PKS." (HWDI 2021, interview, August 13)

The researchers found an interesting experience in strengthening support for victims was found from the experience of LBH Apik Bali, through the practice of customary law in the community. The cost for conducting community and personal's cleaning-rituals that usually must be borne by the victims has been handed over to the perpetrator. The following is the description by LBH Apik Bali:

"...there had been a good practice from LBH Apik Bali, we have customary paralegals, particularly in Gianyar Regency. The traditional paralegals come from the traditional leaders, where most of them are men. However, it was quite good, because the traditional leaders could speak, and be heard. Although, these traditional figures are men. In fact,

we, LBH Apik Bali together with the traditional leaders from a sub-district consisting of 14 villages, we have made a customary regulation on the protection of women and children. So, regarding this customary sanction, if there is any violence against women and children occurred, be it violence, violence of any kind. Then, the paid customary sanctions should not be by the victim's family, but by the perpetrator's family." (Ni Luh Putu Nilawati-LBH Apik Bali 2021, interview, 14 August)

#### *Facilities and resources for victim's handling and protection*

Handling of sexual violence victims is a long and holistic process, which begins when the victim reveals her case, during the legal process, as well as further reparation so that the victim could return to the community.

Protection facilities is an important factor in handling of sexual violence victims, especially when the victim begins to reveal her case and take legal proceedings. Based on the questionnaire data (Figure 5), fifty-six (56) respondents agreed that protection facilities for victims is an important factor in handling sexual violence victims.

Legal proceedings in cases of sexual violence generally require a lengthy time and various forms of costs, such as for forensic examinations, transportation during the legal process, and others. Data from the questionnaire found that fifty-five (55) respondents agreed that adequate source of funds serves a factor that would improve the quality of case-handling of sexual violence.

Some amount of costs must be incurred by FPL for providing services for victims of sexual violence, whether it is for medical costs, psychologists, as well as administrative costs and living costs if they have to undergo legal process. The following is an explanation from WCC Pasundan Durebang:

"For the psychologist, since she/he is an activist, so she/he provides pro bono services, at least we just compensate the transportation cost or this fee, that's it. But for ordinary [service] and so on, it is free. As for medical [service], since case of violence is not easily be covered by BPJS [national health insurance]. BPJS does not cover things like those. We incurred expenses. Hospital is also determined by the police. There are costs that are borne by the police, for example in Bandung district, at the police resort office, there are forensic medical examination [visum] that were paid by them. But for the city of Bandung, we have to pay ourselves. So yes, for visum and so on, we have to spend money. For treatments, we have to spend money, of course, as much as we can afford, while also trying to get waiver letter to get discount from the hospital!" (Ira Imelda-WCC Pasundan Durebang 2021, interview, 10 August)

For archipelagic areas such as Moluccas, cost of transportation is not only a geographical or technical issue, but also a cost issue for the victims, families, assistants, including to the law enforcement officers. As explained by LAPPAN below:

"There was one most concerning situation, there was a father, they live in Kelang Island, but in their village the flagpoles have to go up... how many times and that they can't go to the city-district, they have to go through Ambon first, then to Piri. So, they have to do detour which cost a lot. Then, this father who has 5-year-old daughter that has been raped, they are poor people, local farmers, and they have no financial means at all. But he wanted to find justice for his daughter, although the local community said, "How can you, you poor people, seek for justice?". Finally, they borrowed a small boat, almost stranded in Tanjung Sial, they almost died. Luckily, they were saved by the local people there. Yes, he was saved, right, all of their things were lost, drowned, only one; the child's birth certificate. When the community asked him, "What is this?" he said, "Please send it first, my child was raped so I have to seek justice for my daughter, and this letter is very important for the police." (Baihajar Tualeka-LAPPAN 2021, interview, 14 August)

Furthermore, LAPPAN also explained due to the archipelagic region, the law enforcement officers, such as the police, also face resource challenges in visiting small islands.

The availability of legal facilities and procedures that are sensitive to the needs of persons with disabilities, who become victims of sexual violence, will support the victims in undergoing legal process. One example of good practice of legal procedures that is sensitive to the needs and conditions of victims is explained by HWDI as follows:

"Well, that is also the case, where the perpetrator was sentenced, the one who got impregnated by her teacher at the special school, was sentenced to 9 years. Well, during this case we were also assisted by LPSK. At that time the victim was often got hysterical, while at the court, the victim and the perpetrator were put in the same room. So, he is the victim got scared. Moreover, with the crowded atmosphere in the court room, it was so crowded that the victims were not able to speak. Finally, us, HWDI, as the assistant we did needs' assessment for the victim. Then, we proposed to hold the trial in the library room, and the law enforcement officers not to wear formal uniform, but dress casually. Finally, the perpetrator was sentenced to 9 years." (HWDI 2021, interview, 13 August 2021)

#### *Experts required for victims' handling*

Fifty-seven (57) respondents in this research (Figure 5) agreed that the availability of experts in handling

sexual violence is a factor that would supports quality improvement in case-handling for sexual violence.

Experts needed in case-handling of sexual violence, for example, are medical personnel such as doctors or nurses, psychologists, and legal advisers. However, special groups, such as persons with disabilities, also need special experts, such as sign language interpreters for the hearing disabilities.

HWDI, which has its national secretariat in Jakarta, often play role as an organization that provides advice and referrals for cases of sexual violence against persons with disabilities (HWDI 2021, interview, 13 August 2021). When a case of sexual violence against person with disability occurred in an area, then HWDI could provide information and assistance that are needed in handling the victims, for example by providing sign language interpreter assistance, or recommending lawyers needed by persons with disabilities in court proceedings.

Persons with disabilities who become victims of sexual violence would require assistance from various experts, not only lawyers or doctors, but also sign language interpreters, or social workers who understand the special characteristics of certain types of disability. The following is HWDI's explanation during the interview:

"I want to share, at the beginning HWDI was called HWDC (Himpunan Wanita Penyandang Cacat Indonesia/ Association of Women with Disabilities Indonesia). At that time, that is why until now we have no other option, but to provide assistance. At that time there was victim who was a hearing impaired, her initial is T, she..., what is the term, I cannot bear to say it, three people raped her. Well, coincidentally this child is not..., she is hearing impaired, but she never attends school. So, when HWDI assisted her, during the trial, it was so difficult. Coincidentally, at that time the Secretary General of HWDI was a law graduate, so she was a lawyer. At that time [we] collaborated with LBH Apik, if I am not mistaken, it was so difficult to seek for information since she never attends school. She could be asked nor verbally or in written. It was so difficult, Mbak. Finally, HWDC at that time, searched for a friend who also hearing impaired, or deaf. Then communication could run smoother, step by step. Well, alhamdulillah (thank God), the perpetrator was sentenced to 6 years." (HWDI 2021, interview, August 13)

Available experts, special approaches, and support from all parties, are much needed in providing service for persons with disabilities who become victims of sexual violence. This has been experienced by LAPPAN in dealing with victim with mental disability as follow:

"So, she has intellectual disability, I mean... it was 2017...2018, she was raped. So, we had to work hard with

the police to make the case record (Berita Acara Perkara/ BAP). The recording process must be more specific, because it must follow the rhythm of the victim, for example, [when] she was not comfortable inside, the [she] had to go out, she wanted to scream outside, it was different in some ways. ... we have to help in order to gather information. We provide the witnesses, because she was unable to speak clearly, and sometimes in the middle of conversation, she would scream. In the end, the whole process went well, because we cooperated with the police and the victim's family, there were also several local neighborhood association's figures. Therefore, I said that for cases involving [person with] disability, different energy is needed, and also different facilities. And friends, in the police force, should also be given a perspective regarding this matter." (Baihajar Tualeka-LAPPAN 2021, interview, 14 August)

## Conclusion

The experience of FPL in providing assistance and services for the victims of sexual violence in various regions in Indonesia show the complexity of challenges and needs of the assistant as well as the victims of sexual violence, in order to obtain protection, justice, and reparation.

The results of the survey and interviews found the existing challenges in the form of fear or shame that are experienced by victims of sexual violence and their families, in disclosing and undergoing legal proceedings, due to the views in the society that see sexual violence as bringing disgrace or a bad name to victims and their families. In addition, the legal umbrella, legal facilities and infrastructure, as well as the approach used by law enforcement officers, have not acquired sensitivity towards the victims of sexual violence. This makes it difficult for cases of sexual violence to be resolved through the legal process.

Due to the difficulty of the legal process, cases of sexual violence are then resolved or handled outside the legal process. In receiving justice and redress, the victims would be threatened and suffers from ongoing medical and psychological disorders. One example of continued violence occurs when the victim of sexual violence is married off to the perpetrator or other person for the sake of the good name of the family and the society.

FPL members mentioned about the complexity of resources needed in handling the victims of sexual violence. Financial resources as well as human resources, are needed since the beginning when victim revealed the violence that she has experienced. Support for victims is needed in the following process, from the legal process, until the legal process is completed, because in the end victims would need reparation – in term of physical, psychological, as well as economy; in order to socially

functioning within the family and society. In addition to financial resources, services for victims of sexual violence also require human resources, like experts. Doctors and midwives, for example, are needed not only for medical treatment but also in legal proceeding that require *visum et repertum*. Psychologists are urgently needed to help victims to deal with trauma in undergoing legal process and for reparation. For persons with disabilities, experts such as sign language experts and experts who have skills on the needs of people with disabilities, are required in the process in handling the victims.

The legal umbrella for eliminating sexual violence that has victim's perspective could provide the basis for strengthening the handling of sexual violence' cases. With available legal umbrella, then the institutions and law enforcement officers could improve the quality and approach in dealing with victims of sexual violence. The legal umbrella will also provide a basis for the availability of financial resources of the budget for handling sexual violence both at the national and regional levels. Due to the geographical context of Indonesia, there would be different requirement to support handling of victims of sexual violence in one area from other area.

This research is aware of the limitations of its analysis and portrait that can be covered in this article. Several issues concerning sexual violence such as sexual violence against children, against gender minorities, violence in the context of cultural practices, internet-based sexual violence, for example, have not been explored. However, the experience of civil society organizations such as FPL, has been much explorable and important to capture the reality of challenges and needs in the handling the victims of sexual violence in various regions in Indonesia. This portrait is needed specially to understand the emergency threat of sexual violence in Indonesia, and to understand the urgency of the deliberation the Draft Law on the Elimination of Sexual Violence in Indonesia – the need for a legal foundation that includes the perspectives of victims of sexual violence.

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## Legislation

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Undang-Undang Nomor 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang.

Undang-Undang Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan Dalam Rumah Tangga.

Kitab Undang-Undang Hukum Pidana.

## Endnotes

- 1 Personal/private domains include marriage, household, personal/dating relationships (Komnas Perempuan 2021). Some forms of violence against women in the personal domain include: violence against wives, violence in courtship, violence against girls, violence by ex-husbands/girlfriends, violence against domestic workers (Komnas Perempuan 2019)
- 2 The community/public domain commonly refers to the work environment, community, neighborhood associations, or educational institutions or schools (Komnas Perempuan 2021). Perpetrators of sexual violence in the community include: neighbors, friends, other people, strangers, teachers, work superiors, religious teachers, online transportation drivers, religious leaders (Komnas Perempuan 2019)

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