

Eliminating Sexual Violence and Ensuring Gender Justice

Editorial

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Articles

"We Need More Beyond the Policies": The Challenges of Integrated Services for Sexual Violence in West Kalimantan and Central Sulawesi Provinces

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Retno Daru Dewi G. S. Putri

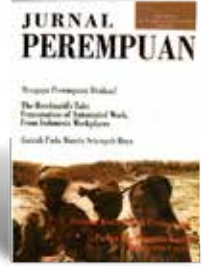
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Himah Sholihah 0818 0712 4295 (SMS/WA)

ADDRESS

Alamanda Tower, 25th Floor
Jalan T.B. Simatupang kavling 23-24, Jakarta Selatan
Telepon: (+62) 21 2965 7992
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Eliminating Sexual Violence and Ensuring Gender Justice

Nearly two years have passed since the enactment of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UUTPKS). The ratification of this law represents a significant milestone in the ongoing efforts to uphold gender justice in Indonesia. Sexual violence is a critical issue that requires a serious response to ensure the protection and fulfillment of women's rights. However, the implementation of the TPKS Law continues to face various challenges, largely due to the lack of clear derivative regulations (Sinombor 2023).

Data from the National Commission on Violence Against Women (2023) indicates that the incidence of sexual violence in Indonesia remains alarmingly high. Komnas Perempuan's records for 2022 show that sexual violence is the most prevalent form of violence against women, accounting for 2,228 cases or 38.21% of the total. It is also the form of violence that most frequently occurs in public spaces. Although there has been an increase in awareness and courage among victims to report cases following the introduction of policies such as the TPKS Law, Minister of Education and Culture, Research, and Technology Regulation Number 30 of 2021, and PMA No. 73/2022, the absence of clear implementing regulations hinders the effective enforcement of these policies.

Several feminist scholars argue that sexual violence is a fundamental element of patriarchal power structures, which both enable and perpetuate men's dominance over women (Brownmiller in Mason 2022). However, the prevailing narrative in courts, media, and policy often frames sexual violence as an individual act and responsibility. This perspective leads to reactive and partial responses, rather than comprehensive and transformative efforts for radical change.

In Indonesia, the normalisation of a culture of sexual violence remains deeply ingrained. Statements from representatives of feminist civil society organisations working at the grassroots level indicate a persistent lack of understanding, impartiality, and seriousness among law enforcement officials in handling cases of sexual violence. The absence of derivative regulations from the TPKS Law is often cited as a reason by law enforcement officials for not applying this law, particularly in rural, remote, and conflict areas (Boang Manalu & Wulandari

2023; Pertiwi 2023; Kompas 2023; Sinombor 2023). Although the TPKS Law is intended to prevent violence, provide a response, and ensure recovery for victims, its goals are frequently undermined by the non-implementation of these policies and the prevalence of gender bias among individuals, communities, and institutions.

Stigma and myths related to sexual violence are still prevalent in the handling of cases. The myth that rape is a rare crime, typically committed by strangers, often hinders the recognition and proper treatment of cases involving known individuals or occurring within romantic relationships (Masson 2023). There is also skepticism toward reports of sexual violence when the victim is not a woman, as well as in situations that do not conform to traditional myths about perpetrators and victims of violence.

The myth that victims of sexual violence 'invite' violence through their clothing or behavior often influences the handling of cases. However, sexual violence always involves an abuse of power and is intertwined with complex identities and varying power dynamics (Crenshaw 1989; Ross 2017). Victims of sexual violence often belong to vulnerable groups, including feminine men, masculine women, the elderly, people with disabilities, and others with diverse identities. Feminist scholars argue that power relations must be critically examined to reveal that sexual violence is a structural issue, rather than merely an individual problem (MacKinnon 1979; Superson 1993).

This highlights that eliminating sexual violence is a long and complex process. Anti-sexual violence policies are just one step, but aspects such as dominant societal beliefs, policy implementation, gender perspectives, and challenges within the legal system must be critically examined and addressed in a coordinated manner to ensure the right to be free from sexual violence.

JP 117 aims to offer a transdisciplinary discourse on the examination of efforts to eliminate sexual violence in Indonesia. Despite the existence of public policies addressing sexual violence, many challenges remain in their implementation. This edition of JP seeks to reflect on these efforts from a feminist perspective, particularly in the context of the second anniversary of the passing of the Sexual Violence Crime Law.

Selected writings in JP 117 include:

1. *"We Need More Beyond the Policies": The Challenges of Integrated Services for Sexual Violence in West Kalimantan and Central Sulawesi Provinces* by Andi Misbahul Pratiwi et al. This article elaborates on the challenges faced in providing integrated services for victims of sexual violence in these areas, emphasizing the need for support beyond formal policies.
2. *Cyber Sexual Harassment: Issues and Response to Case* by Antik Bintari. This article discusses sexual violence occurring online and in the cyber realm, the various challenges faced by victims, and community and law enforcement responses.
3. *The Fragile Walls of Digital Sexual Violence Victims' Protection* by Lidwina Inge Nurtjahyo. This article examines the weak legal protection for victims of sexual violence in the digital realm, and the need to strengthen regulations and support for victims.
4. *Challenging the Domination of Patriarchal Law: Experiences and Reflection of Women Activist in Advocating the Implementation of Anti Sexual Violence Law* by Desintha Dwi Asriani and Defirentia One Muharomah. This article shares the experiences and reflections of women activists who have struggled to advocate for the implementation of the TPKS Law in Indonesia, highlighting the challenges they faced.
5. *Building "Safe Spaces": Indigenous Women and Sexual Violence in Indigenous Communities* by Melya Findi Astuti et al. This article explores the sexual violence faced by Indigenous women within their communities and the efforts to achieve justice for the victims.
6. *The Need for Collective Work in Handling Sexual Violence Cases at Universitas Indonesia* by Retno Daru Dewi G. S. Putri. This article underscores the importance of collective efforts in addressing cases of sexual violence within the university environment, as well as the steps taken to create a safer and more supportive space for victims.

With these writings, JP 117 aims to make a meaningful contribution to the efforts to eliminate sexual violence and promote gender justice in Indonesia. We hope this edition serves as a source of inspiration and guidance for readers in understanding and addressing the issue of sexual violence more effectively and empathetically.

(Abby Gina Boang Manalu)

Abstracts

**Andi Misbahul Pratiwi¹, Iklilah Muzayyanah Dini Fajriyah²,
Lia Anggiasih³, Junito Drias⁴, & Ayu Siantoro⁵**

University of Leeds¹, Sekolah Kajian Strategik dan Global,
Universitas Indonesia², & Wahana Visi Indonesia^{3,4,5}

**“We Need More Beyond the Policies”: The Challenges of
Integrated Services for Sexual Violence in West Kalimantan
and Central Sulawesi Provinces**

Jurnal Perempuan, Vol. 29 No. 1, May 2024, page. 1–14, 3 tables, 38
bibliography

The Law on Sexual Violence Crimes (Indonesian: Undang-Undang Tindak Pidana Kekerasan Seksual, abbreviated as UU TPKS) brings hope amid the continuously rising rates of sexual violence in Indonesia. The UU TPKS guarantees legal certainty for victims, victims’ families, and witnesses, ensuring they receive care facilities, protection, and recovery. The UU TPKS mandates that both the central and local governments provide integrated services for handling, protecting, and recovering from sexual violence cases. These integrated services are crucial for eradicating sexual violence and preventing its recurrence in the future. This article is part of research conducted by Wahana Visi Indonesia and the Gender Research Center of the University of Indonesia in 2023. The research aimed to map the readiness of local governments in West Kalimantan and Central Sulawesi Provinces to implement the UU TPKS. The study was conducted in seven regencies/cities: Kubu Raya Regency, Bengkayang Regency, Landak Regency, Palu City, Donggala Regency, Parimo Regency, and Sigi Regency. The research found that local policies support the implementation of the UU TPKS. However, there are still various challenges in realising integrated services for victims. These challenges include a lack of commitment to ensuring the availability of budgets, human resources, and effective working mechanisms in each institution. Ultimately, these challenges hinder sexual violence victims from accessing the justice envisioned in the UU TPKS.

Keywords: local policies, sexual violence, UU TPKS, The Law on Sexual Violence Crimes, integrated services

Antik Bintari

Fakultas Ilmu Sosial dan Ilmu Politik, Universitas Padjadjaran

Cyber Sexual Harassment: Issues and Response to Case

Jurnal Perempuan, Vol. 29 No. 1, May 2024, page. 15–25, 1 table, 65
bibliography

Cyber sexual harassment is a common and dangerous form of aggression perpetrated against women, yet little attention has been paid to attitudes related to sexual violence in cyberspace. The increase in violence against women, including sexual violence in cyberspace, has become a global concern; this increase is in line with the development of social media in Indonesia. There is new hope since the enactment of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS), which is expected to provide guarantees of prevention, protection, access to justice and recovery, as well as comprehensive fulfillment of victims’ rights which have never been obtained until now. It is hoped that this will be a breath of fresh air for law enforcement against all forms of sexual violence, including cybersexual violence. However, after almost two years of having passed the TPKS Law, this regulation’s implementation still faces challenges. It is not yet optimal in handling cyber sexual violence, which tends to be considered an act of sexual violence with new methods and means in line with current technological developments. This article discusses the current phenomenon of cyber sexual harassment and further explores the

response of the Indonesian state/government to this phenomenon, along with its opportunities and challenges.

Keywords: sexual harassment, cyber sexual harassment, Sexual Violence Crime Law

Lidwina Inge Nurtjahyo

Fakultas Hukum, Universitas Indonesia

**The Fragile Walls of Digital Sexual Violence Victims’
Protection**

Jurnal Perempuan, Vol. 29 No. 1, May 2024, page. 27–38, 31 bibliography

Despite Indonesia has enacted the Anti-Sexual Violence Law, cases of sexual violence on social media platforms continue to occur and are not easy to resolve. There are problems in implementing regulations in the digital space: criminalization of the victim, regulations that do not accommodate women’s experiences, and the issue of evidence. This article discusses digital sexual violence cases, focus on the non-consensual sharing of intimate content and trespassing of private spaces. How regulations are still unable to provide a safe space in the digital sphere. This article is based on literature research including analysis of regulations, court verdict, and some news about sexual violence in digital sphere. The author uses a feminist legal studies perspective in the analysis.

Keywords: digital sexual violence, trespassing boundaries between private and public space, personal data protection.

Desintha Dwi Asriani¹ & Defirentia One Muharomah²

Departemen Sosiologi Fakultas Ilmu Sosial dan Politik
Universitas Gadjah Mada¹, Magister Perdamaian dan
Resolusi Konflik Universitas Gadjah Mada²

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

Jurnal Perempuan, Vol. 29 No. 1, May 2024, page. 39–48, 47 bibliography

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

Keywords: UU TPKS, women activists, sexual violence, legal plurality

Melya Findoi Astuti, Tracy Pasaribu, & Widya Anggraini
KEMITRAAN Partnership for Governance Reform

Building “Safe Spaces”: Indigenous Women and Sexual Violence in Indigenous Communities

Jurnal Perempuan, Vol. 29 No. 1, May 2024, page. 49–62, 1 table, 32 bibliography

Sexual violence in indigenous communities occurs because of the social structure, namely the existence of layers that have different levels and authority in indigenous communities. This condition causes certain groups to feel entitled to commit violence against other groups. Apart from that, unequal power relations are one of the roots of problems in indigenous communities, which means that victims do not have the power to fight back and defend themselves. Women, children, and people with disabilities are groups that often experience violence, this is because there is no space in traditional communities that provides a sense of security and justice for them. This journal reviews the need to know the forms of violence in traditional communities so that we can then answer the challenges of solving the problem of sexual violence in traditional communities. Through research using ethnographic methods for 3 months, it was concluded that safe spaces can be a solution in overcoming sexual violence in indigenous communities through participation in four stages, namely: participation in decision making in the community including development planning, participation in prevention and recovery programs, participation in the education of traditional leaders, village, and key opinion leader (KOL), KOL as well as the participation of indigenous communities in the program evaluation.

Keywords: Indigenous women, indigenous community, sexual violence, safe place, social protection, indigenous law

Retno Daru Dewi G. S. Putri
Jurnal Perempuan

The Need for Collective Work in Handling Sexual Violence Cases at Universitas Indonesia

Jurnal Perempuan, Vol. 29 No. 1, May 2024, page. 63–74, 1 table, 32 bibliography

The emergency situation of sexual violence in educational institutions, especially universities, triggered the issuance of Regulation of the Minister of Education, Culture, Research and Technology Number 30 of 2021 on Prevention and Handling of Sexual Violence (Permendikbudristek PPKS). In its implementation, the formation of a Task Force for the Prevention and Handling of Sexual Violence (Satuan Tugas Pencegahan dan Penanganan Kekerasan Seksual – Satgas PPKS) is an obligation for every university in Indonesia. Universitas Indonesia has three organizations that fight for justice for victims of sexual violence by accepting reports and providing assistance and protection: Satgas PPKS UI (PPKS UI Task Force), Komite PPKS FISIP UI (PPKS FISIP UI Committee), and HopeHelps UI. In their work, support from the university is a determinant of success or increasing barriers to combating sexual violence on campus. The experiences of these three organizations are analyzed in this article through Levine's (2018) three strategies for engaging organizations through Haraway's (1988) lens of objectivity. The findings in this paper show that the impact of the patriarchal culture and mindset at Universitas Indonesia still marginalizes efforts to implement strategies in fighting for justice for victims of sexual violence.

Keywords: anti-sexual violence organization, sexual violence in higher education, collective work strategies, situated knowledge

“We Need More Beyond the Policies”: The Challenges of Integrated Services for Sexual Violence in West Kalimantan and Central Sulawesi Provinces

Andi Misbahul Pratiwi¹, Iklilah Muzayyanah Dini Fajriyah², Lia Anggiasih³, Junito Drias⁴ & Ayu Siantoro⁵

University of Leeds¹, Sekolah Kajian Strategik dan Global, Universitas Indonesia², & Wahana Visi Indonesia^{3,4,5}
Leeds, UK¹, Jalan Salemba Raya Nomor 4, Jakarta Pusat², & Jalan Graha Raya Bintaro Blok GB/GK Nomor 9,
Parigi Baru, Tangerang Selatan^{3,4,5}

gyamp@leeds.ac.uk¹, iklilah.muzayyanah@ui.ac.id², lia_anggiasih@wvi.org³, Junito_Drias@wvi.org⁴, &
research.innovation.wvi@gmail.com⁵

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Abstract

The Law on Sexual Violence Crimes (Indonesian: Undang-Undang Tindak Pidana Kekerasan Seksual, abbreviated as UU TPKS) brings hope amid the continuously rising rates of sexual violence in Indonesia. The UU TPKS guarantees legal certainty for victims, victims' families, and witnesses, ensuring they receive care facilities, protection, and recovery. The UU TPKS mandates that both the central and local governments provide integrated services for handling, protecting, and recovering from sexual violence cases. These integrated services are crucial for eradicating sexual violence and preventing its recurrence in the future. This article is part of research conducted by Wahana Visi Indonesia and the Gender Research Center of the University of Indonesia in 2023. The research aimed to map the readiness of local governments in West Kalimantan and Central Sulawesi Provinces to implement the UU TPKS. The study was conducted in seven regencies/cities: Kubu Raya Regency, Bengkayang Regency, Landak Regency, Palu City, Donggala Regency, Parimo Regency, and Sigi Regency. The research found that local policies support the implementation of the UU TPKS. However, there are still various challenges in realising integrated services for victims. These challenges include a lack of commitment to ensuring the availability of budgets, human resources, and effective working mechanisms in each institution. Ultimately, these challenges hinder sexual violence victims from accessing the justice envisioned in the UU TPKS.

Keywords: Local policies, sexual violence, implementation of sexual violence crimes law, integrated services

Introduction

The enactment of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) brings hope amidst the high incidence of sexual violence in Indonesia. The KATAHU National Commission on Violence Against Women highlights that sexual violence remains a serious problem. According to Komnas Perempuan's 2022 complaint data, sexual violence is the most prevalent form of violence against women, with 2,228 reported cases, followed by psychological violence with 2,083 cases. Data from service institutions show that physical violence predominates with 6,001 cases, followed by sexual violence with 4,102 cases (Komnas Perempuan 2023).

The rate of sexual violence against girls also shows an alarming trend. The 2021 National Women's Life Experience Survey (SPPHN) indicates that 26.1 percent, or 1 in 4 women aged 15-64 years, have experienced physical and/or sexual violence by their partners or non-partners during their lives. Additionally, the Ministry

of Women's Empowerment and Child Protection (KemenPPPA) recorded at least 11,952 cases of child violence through the Women and Children Protection Online Information System (SIMFONI) in 2021. Of these cases, 7,004 (58.6 percent) were instances of sexual violence against children.

Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) is a much-anticipated legal framework, especially for victims of sexual violence in Indonesia. The TPKS Law provides guarantees for treatment, protection, and recovery for victims, their families, and witnesses. One effort to achieve this is by establishing an integrated service system. Article 72 of the TPKS Law states that integrated services are to be provided by both central and regional governments. This regulation also enhances the role and institutions of the Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA), as outlined in the Minister of Women's Empowerment and Child Protection Regulation Number 4 of 2018

concerning Guidelines for the Establishment of UPTD PPA.

After the issuance of the TPKS Law, it is crucial to ensure that local governments have a support system in place for implementing this new policy. In 2023, Wahana Visi Indonesia (WVI) and the Gender Research Center of the University of Indonesia will conduct research to assess the readiness of local governments in implementing the TPKS Law. The research will be conducted in two provinces: West Kalimantan and Central Sulawesi. These provinces were selected due to their unique characteristics and because they are areas supported by the WVI program. In West Kalimantan, there were 4,853 cases of Gender-Based Violence (KBG) against women in 2021, while Central Sulawesi reported 3,838 cases (Komnas Perempuan 2022). In both provinces, sexual violence was the most prevalent, with 328 cases in West Kalimantan and 310 cases in Central Sulawesi. Most victims are in the age range of 13-17 years and have a high school educational background or below (SIMFONI-PPA 2023).

As stated in Article 79 of the TPKS Law, these two provinces have unique conditions that merit special attention. West Kalimantan and Central Sulawesi are characterised by diverse conflicts, disasters, and geographic challenges. West Kalimantan’s proximity to the Indonesian-Malaysian border makes women

and girls particularly vulnerable to human trafficking and child marriage under the guise of mail-order brides (Valevi 2006). Meanwhile, Central Sulawesi faces significant geographical and historical challenges related to disasters (KemenPPPA 2019). Given these backgrounds, the article provides an overview of policies at the district/city level that support integrated services and the challenges they face, especially in the context of the TPKS Law for children.

Research Methods

This article further processes some of the results from WVI’s research conducted in collaboration with the Gender Research Center at the University of Indonesia, which was published as a research report in 2023. The research is qualitative, employing a feminist perspective with multiple case studies. It was conducted in two provinces and seven districts/cities: in West Kalimantan Province, focusing on Kubu Raya Regency, Bengkayang Regency, and Landak Regency; and in Central Sulawesi Province, focusing on Palu City, Donggala Regency, Parimo Regency, and Sigi Regency. The research spanned seven months, starting with document studies from January to March 2023, followed by data collection through interviews conducted online via Zoom in March and April 2023. Data processing and analysis were then carried out from April to July 2023.

Table 1. Research Subject

West Kalimantan	Central Sulawesi
1. Head of the Child Protection Division of DP3KB Kubu Raya	1. DP3A Kota Palu
2. Head of UPTD PPA Kubu Raya	2. UPTD PPA Sulteng Province
3. Head of PPPA DSP3AKB Landak	3. DP3AKB Parigi Regency (two people)
4. Head of UPTD PPA Bengkayang	4. Palu City Police PPA Unit
5. Head of PPA DSP3A Bengkayang	5. Chairperson of Alkhirat Islamic Women
6. Head of UPTD PPA Kalbar province	6. Chair of the Central Sulawesi Women’s Equality Struggle Group/Legal Assistant at the Provincial UPTD PPA
7. Head of Dinas P3A Province	7. Chair of the Women’s Holiday
8. Provincial Police Plan and Division	8. Chair of the Sikola Mombine Parigi Foundation
9. Head of Landak Police PPA unit	9. Head of Bappeda
10. Head of the Government and Human Development Division of Bappeda Kubu Raya	10. Head of Social Services, Parigi Social Services
11. Head of Social and Cultural Affairs Bappeda Landak	11. Pagiri Social Services Social Worker
12. Bappeda Bengkayang	12. WVI Coordinator CP Parigi
13. Head of KPAID Kubu Raya	13. WVI Coordinator CESP Parigi
14. WVI Coordinator CP Landak	14. WVI Manager AP Parigi
15. WVI Coordinator CP Bengkayang	15. Alliance of Indigenous Peoples of the Archipelago, Central Sulawesi Province
16. WVI Coordinator CP Kubu Raya	16. Salvation Army Church, Jono Oge Village and religion, Sigi Regency
17. Chairperson of LBH PIK Pontianak	

Source: Data processed by the author

Data collection techniques are carried out through: 1) searching policy documents; 2) interview; and 3) Focus Group Discussion (FGD). The subjects of this research involved 34 main actors on the TPKS issue consisting of 14 male actors and 20 female actors. The actors have strategic positions, including regional government, DP3AKB services, religious leaders, community leaders, traditional leaders, law enforcement officers, community-based service providers, victim advocates, children's and women's organisations. The data collected was then analysed by feminist theories about public policy. This research has limitations because at the time the research was conducted the derivative policies mandated by the TPKS Law were not yet available. Thus, further research is needed in the future after the derivative regulations become available to capture the effectiveness and challenges of implementing the TPKS Law.

Availability of Sexual Violence Elimination Policy in Two Provinces

West Kalimantan

In West Kalimantan Province, there is a Regional Regulation (Perda) aimed at protecting women and children from sexual violence. Regional Regulation Number 4 of 2015 concerning Child Protection ensures that children who are victims of sexual exploitation, violence, abuse, or neglect have the right to health recovery and maintenance services, continuity of education services, psychosocial services, and legal aid services.

Apart from the provincial level, there are regulations at the district level in Bengkayang and Kubu Raya. In the Regent's Regulation (Perbup) of Bengkayang Regency Number 56 of 2017 concerning the Implementation of Protection for Women and Children Victims of Violence, it is stated that sexual violence is part of violence against children. This regulation specifies that the prevention, handling, and recovery of violence against women and children is carried out by the regional government with community participation. Furthermore, in the Regional Regulation (Perda) of Kubu Raya Regency Number 9 of 2016 concerning the Protection of Women from Acts of Violence, it is stated that sexual violence is a form of violence that requires serious attention.

In the Regional Regulation, Article 21 states that the Regional Government is obliged and responsible for protecting victims by: (a) establishing a PPT; (b) formulating policies; (c) preparing plans and implementing programs and activities; (d) providing support for facilities and infrastructure; and (e) supervising the implementation of services for victims with minimum service standards for protection from the regional government. Additionally, local governments are required to ensure that integrated treatment for victims of child violence is available. In the Regional Regulation of West Kalimantan Province Number 4 of 2015 concerning Child Protection, it is stated that child protection is implemented through: (1) establishing policies, programs, and mechanisms related to prevention, supervision, complaints/reporting, and the development of child data information systems; and (2) integrated treatment for children who are victims.

Table 2.
Regional Regulations in West Kalimantan Province that Accommodate the Issue of Sexual Violence

Regional Regulations	Accommodate Sexual Violence?
West Kalimantan Provincial Regulation Number 4 in 2015 concerning Child Protection	Yes
Bengkayang Regency Regulation Number 56 in 2017 concerning The Implementation of Protection for Women and Child Victims of Violence	Yes
Raya Kabu District Regional Regulation Number 9 in 2016 concerning The Protection of Women from Acts of Violence	Yes
Landak District Regional Regulation Number 9 in 2020 concerning Child-Friendly Districts	Yes

Source: Processed by the author based on regional regulations in West Kalimantan Province

The policies at the provincial and district levels demonstrate that West Kalimantan Province, especially Bengkayang and Kubu Raya Regencies, has the policy framework to support the implementation of the TPKS Law. However, it is unfortunate that in Landak Regency, there is no Regional Regulation specifically addressing the protection of women and children victims of violence. Nevertheless, Landak Regency has a Regional Regulation on Child-Friendly Cities, which also includes provisions for victims of sexual violence.

Central Sulawesi

In Central Sulawesi Province, there is the Regional Regulation (Perda) Number 3 of 2019 concerning the Implementation of Protection for Women and Children from Acts of Violence. Sexual violence is identified as a form of violence against children and women in this regulation. According to the general provisions of Article 1, number 8, "Violence is any act that results in physical, psychological, sexual, and/or neglect, misery or suffering, including threats to commit acts, coercion, or unlawful deprivation of liberty." Furthermore, in Article 1, number 13, it is stated that "Sexual violence is any act in the form of sexual harassment, forced sexual relations, whether natural or undesirable, with another person for commercial and/or specific purposes." This regulation marks a significant step forward for regional policies at the provincial level.

Central Sulawesi Provincial Regulation Number 3 of 2019 specifically focuses on: 1) Preventing violence against women and children; 2) Providing further referral services for women victims of violence and for children who need special protection; 3) Strengthening and developing institutions that provide protection services for women and children in need of special protection. In 2022, the Regional Government of Central Sulawesi Province issued Regional Regulation (Perda) Number 9 of 2022 concerning the Implementation of Child Protection. This regulation comprehensively addresses child protection, including the TPKS Law as a reference, and recognizes the crime of sexual violence as a form of violence against children. This regulation complements the previous 2019 regulation.

Apart from regional regulations, there are several policies at the district/city level that support the elimination of violence against children. In Palu City, Mayor Regulation Number 1 of 2021 concerning

the Implementation of Protection and Fulfilment of Children's Rights addresses this issue. This Perwali mentions sexual violence as a form of violence against children. The scope of this Perwali includes: a) child protection; b) obligations and responsibilities; c) child participation; d) institutional framework; e) community participation; f) control, guidance, and supervision; and g) coordination and cooperation.

In Donggala Regency, there are two regulations addressing violence against women and children: Regent Regulation (Perbup) Number 5 of 2014 concerning the Protection of Women and Children and Regent Regulation (Perbup) Number 13 of 2020 concerning Procedures for Handling Cases of Violence against Women and Children. Both regulations include sexual violence as a type of violence against women and children. Perbup Number 5 of 2014 outlines the scope of protection regulations, which includes: a) the rights of women and children; b) duties and authority; c) handling acts of violence; d) financing; e) supervision; and f) community participation. In Parigi Moutong Regency, Regent Regulation (Perbup) Number 4 of 2018 concerning the Protection of Women and Children Victims of Violence addresses sexual violence as a form of violence against women and children that needs to be addressed. This regulation stipulates that regional governments are required to provide prevention, integrated services, victim empowerment, rehabilitation, and special protection for children. These efforts involve cooperation between the government, law enforcement officials, and community members.

Finally, in Sigi Regency, Regent Regulation (Perbup) Number 9 of 2016 concerning the Protection of Women and Children Victims of Violence addresses sexual violence as a form of violence against women and children, similar to the Regional Regulations at the provincial level. This Perbup outlines the implementation of protection for women and children victims of violence with the following aims: a) preventing all forms of violence against women and children; b) providing initial treatment to victims; c) offering health services for both physical and psychological victims; d) ensuring protection, security, and legal certainty for women and children victims of violence, as well as witnesses and reporters; e) supporting victim recovery and rehabilitation; f) empowering victims and facilitating their reintegration; and g) coordinating and evaluating the handling of violence against women and children.

Table 3. Regional Regulations in Central Sulawesi that Has Accommodated the Issue of Sexual Violence

Local Regulation	Accomodate Sexual Violence?
Central Sulawesi Provincial Regional Regulation Number 9 of 2022 concerning The Implementation of Child Protection	Yes
Central Sulawesi Provincial Regional Regulation Number 3 of 2019 concerning The Implementation of the Protection of Women and Children from Acts of Violence	Yes
Mayor's Regulation Number 1 of 2021 concerning The Implementation of Protection and Fulfilment of Children's Rights	Yes
Donggala Regency Regent Regulation Number 5 of 2014 concerning The Protection of Women and Children	Yes
Parigi Moutong Regency Regent Regulation Number 4 of 2018 concerning the Protection of Women and Children Victims of Violence	Yes
Sigi Regency Regent Regulation Number 9 of 2016 concerning The Protection of Women and Children Victims of Violence	Yes

Source: Processed by the author based on regional regulations in Central Sulawesi Province

The existence of Regional Regulations at the provincial, district, and city levels demonstrates that regional governments have established frameworks for preventing, handling, and protecting victims of sexual violence, especially children. This policy framework is crucial for the effective and accelerated implementation of the TPKS Law. Consequently, local governments do not need to start from scratch in building an integrated service system for victims of sexual violence, as issues related to sexual violence against women and children have already been recognized and addressed in various existing policies.

Challenges and Integrated Service Support Systems in West Kalimantan

From the results of interviews and FGDs, researchers found various challenges in implementing the TPKS Law to create integrated services for victims of sexual violence in West Kalimantan. These challenges are a) lack of socialisation; b) quantity and quality of human resources; c) absence of monitoring procedures; d) there is no integration of information; e) budget limitations. This challenge is experienced in various institutions including the Women's Empowerment, Child Protection and Family Planning Service (DP3AKB), the Regional Technical Implementation Unit for the Protection of Women & Children (UPTD PPA), the Regional Development Planning Agency (Bappeda), and the Regional Indonesian Child Protection Commission (KPAID).

First, there is a lack of massive outreach regarding the TPKS Law from the central government and regional

governments. In Kubu Raya Regency, some UPTD PPA officers studied the TPKS Law independently, and others got information from Wahana Visi Indonesia (WVI).

"We have not had any socialisation either internally or externally, in fact we hope that it might be facilitated by the central and provincial parties to be able to provide some socialisation, perhaps through socialisation. We just don't understand the TPKS Law, we're afraid we'll be wrong when we talk about it to the public" (UPTD PPA Kubu Raya Regency 2023, FGD 24 March).

Second, another challenge faced by UPTD PPA is related to human resources. According to UPTD PPA in Bengkayang Regency, they are still experiencing challenges in this area. The existing human resources are not adequate to meet the current needs and workload, particularly in terms of professional staff such as clinical psychologists.

"In Bengkayang, the only employee at UPTD is myself, Mother. So only the head is assisted by 3 honorary staff. We are also very lacking here, Mother. That's for the position structure itself, we really need clinical psychologists" (UPTD PPA Bengkayang Regency 2023, FGD 24 March).

"...the second is Social Worker (social worker), Mother. Here we decide on the TPKS Law itself because we need the results of the social report from the Social Worker, while we don't have the UPTD itself, Mother. What we have is still from the Social Service, while the Regional Government itself does not have Social Worker staff. "Third, maybe a mediator too, Ma'am, we have a mediator from the Regent but the mediator ourselves is not yet certified" (UPTD PPA Bengkayang Regency 2023, FGD 24 March).

Additionally, UPTD PPA Bengkayang needs support from human resources such as Social Workers (Peksos) and mediators, who are crucial in assisting and aiding the recovery process for victims of sexual violence. The lack of Social Workers (Peksos) is also an issue for UPTD PPA Kubu Raya. The UPTD PPA institution itself faces a shortage of human resources, particularly permanent psychologists and social workers. This shortage is particularly unfortunate for the UPTD PPA Kubu Raya Regency.

“Well, there are still many UPTD staff that don’t have any structure in the UPTD, unless we only work together like with psychologists. It’s like social workers, but even social workers still work with social services” (UPTD PPA Kubu Raya Regency 2023, FGD 24 March).

Challenges related to human resources are also experienced by Bappeda in 3 districts (Bengkayang, Kubu Raya, and Landak). The issue of limited human resources is primarily due to the insufficient number of personnel. Additionally, KPAID Kubu Raya Regency faces challenges in improving the quality of their human resources. According to KPAID Kubu Raya Regency, it is important for staff who act as mediators in handling cases to receive support or facilities to undergo certification as mediators. This certification will enhance the credibility of mediators at KPAID as professions.

“What we can do, we do. However, we are talking about legality, so far we have been talking about legality to SK, but if we were mediators, it would be good if we had clear legality as mediators like that” (KPAID Kubu Raya Regency 2023, FGD April 3).

Third, another challenge is the lack of a recovery evaluation mechanism for victims of sexual violence. The current documentation system does not include evaluative recording. According to the Kubu Raya Regency DP3KB, victims of violence often experience deep and prolonged trauma, necessitating a monitoring system for their recovery process.

“Well, our weakness is evaluating victims. Especially, ongoing evaluation of victims. We cannot monitor the victim’s progress. This (violence) causes deep trauma. If this TPKS lasts until adulthood, maybe for the rest of his life. Well, we haven’t handled things like this, how to empower them in the future, what if a lot of social conflict occurs for the victims” (DP3KB Kubu Raya Regency 2023, FGD March 24).

Fourth, the monitoring system for the victim’s recovery process needs to be supported by the integration of information regarding court decisions.

According to the Kubu Raya Regency UPTD PPA, it is important for the UPTD PPA to be informed of the results of court decisions on reported cases of violence against women and children. This information is crucial for the UPTD PPA to provide updates to interested parties (such as victims, victims’ families, and witnesses) and to serve as an integrated data centre.

“We want to compare it with the TPKS Law to see whether the punishment is fair, which is decided based on the victim’s suffering. We are still experiencing problems. Among other things, at the time of the court decision against the perpetrator, we didn’t even get information, when it happened, what the results of the decision were, then how long the decision was, then whether the restitution that had been determined was subject to, whether it had accommodated the losses suffered by the victim. (All of that) we didn’t get that information” (UPTD PPA Kubu Raya Regency 2023, FGD 24 March).

Fifth, budget limitations hinder broad outreach. The limited budget allocated to the Landak Regency DSP3AKB makes it difficult for them to reach all villages to conduct outreach, information sharing, and monitoring.

“Our limitations extend to the villages because in Landak Regency we have 156 villages. Indeed, we are also limited in being able to reach out because one of the factors is the budget factor, so our outreach is very small” (DSP3AKB Landak Regency 2023, FGD 24 March).

Budget limitations are also experienced at the Bappeda level. According to Bappeda in Kubu Raya and Landak Regencies, these budget constraints affect the number and reach of Women’s Empowerment (PP) and Child Protection (PA) programs. In Kubu Raya Regency, Bappeda is attempting to secure external funding.

“Yes, the challenges on average are almost the same, for example limited funding... So indeed we in Kubu Raya are currently looking for as many partners as possible, inviting NGO friends, and then there is also some funding from donors, then also CSR from the business world” (Bappeda Kubu Raya Regency 2023, FGD April 3).

Meanwhile, in Landak Regency, Bappeda is also facing budget challenges. Despite the limited budget for implementing Women’s Protection (PP) and Child Protection (PA) programs, Landak Regency Bappeda is seeking funding support from external parties, including through *Corporate Social Responsibility* (CSR) initiatives.

“One of the factors causing this is the limited budget, ma’am, so this is our main obstacle, then human resources

too. Then from some of the challenges that I have conveyed earlier. As for the strategy that we at Bappeda are trying together with the team to develop a strategy... So in Landak Regency itself, coincidentally in 2021 we have formed a CSR forum and yesterday we conveyed this directly through the CSR forum" (Bappeda Landak Regency 2023, FGD April 3).

Despite the many challenges faced, there is notable progress and strong efforts that deserve recognition. In Landak District, there has been a significant push to establish Children's Forums in every village. Out of a total of 156 villages, Children's Forums have been formed in 6 villages. The Village Children's Forum provides a space for implementing programs to prevent sexual violence against children.

"Because in Landak Regency itself, we frankly said that out of 156 villages, there are still only 6 villages that have formed children's forums. This is also a problem and will be our homework in the future. Then, the formation of PATBM. Especially this year, we are trying at least from 156 villages, we are trying to form PATBM in half of them. In our opinion, this is related to Law Number 12 of 2022 because victims are usually afraid to report it directly to the authorities. However, if there is something called PATBM in the village, maybe this is a place for victims to convey what they have experienced" (Bappeda Landak Regency 2023, FGD 3 April).

In addition, the establishment of Community-Based Integrated Child Protection (PATBM) has also been encouraged in this district. PATBM is a movement involving networks or groups of citizens at the community level who work in a coordinated manner to achieve child protection goals, including the prevention and protection of children from sexual violence.

Challenges and Integrated Service Support Systems in Central Sulawesi

From the results of interviews and FGDs, researchers identified several challenges in implementing the TPKS Law related to integrated services in Central Sulawesi. These challenges include: a) the quantity of expert human resources; b) budget limitations; and c) local government perspectives.

First, regarding the quantity of expert human resources, UPTD PPA Central Sulawesi Province noted that restoring the psychological health of victims of sexual violence has not yet become a top priority. The focus remains primarily on social recovery, with psychological recovery not being fully maximised. One effort to support victims' psychological recovery involves providing clinical psychologists at the district and city levels.

"If you really feel that this is important, you should also try your hand at it, especially since the TPKS Law has been confirmed and it is clear that the staff are clinical psychologists, that's it" (UPTD PPA Central Sulawesi Province 2023, FGD 13 April).

The need for expert human resources, such as clinical psychologists, was also highlighted by DP3A Palu City and DP3AKB Parigi Moutong Regency. Article 26 of the TPKS Law stipulates that victims can be accompanied by a support person at all levels of examination in the judicial process. One of these support persons can be an expert, such as a psychologist.

"DP3A Palu City needs human resources, one of which is a psychologist. If possible, clinical psychologists, because so far, when there is recruitment for psychologists, they are usually only placed in community health centres or hospitals, even though the Palu City DP3A also really needs psychologists, especially clinical psychologists" (Palu City DP3A 2023, FGD April 13).

"We really need clinical psychologists, who really don't yet exist in Parigi Moutong Regency. So for the time being, for about a few years, ma'am, we have always worked together with psychologists in the province. So, we still really, really need clinical psychologists" (DP3AKB Parimo Regency 2023, FGD 13 April).

Furthermore, in article 68 of the TPKS Law, it is stated that victims have the right to treatment. One of the rights to treatment is the right to psychological strengthening. Furthermore, Article 70 of the TPKS Law states that psychological strengthening and services are the victim's right to recovery before, during and after the judicial process. The availability of expert human resources is an inseparable part of integrated services.

Second, budget limitations. The lack of budget at the Social Service and DP3AKB has greatly influenced the process of assisting victims in Parimo Regency. The Parimo District Social Service said that geographical factors greatly influence the process of assisting in cases of violence, especially for children. The very remote location and minimal support from operational costs mean that the reach of case assistance is very limited. Several cases were said to be carried out virtually. Some cases can be accompanied by a Social Worker directly, while others cannot.

"Then in terms of handling children, I think the condition of the district is quite far, it is only handled by three professional social workers, with the distance between Parigi Moutong Regency end to end, around 432 km... With the long distance, that is the problem that I am currently experiencing. There are cases where sometimes they pick up the ball like that, there are cases where they go straight

down. So if it's only possible that the distance is close, the distance is close, it's possible, but this is the case at the very edge. Around that, on normal roads it's a 6 hour journey" (Parimo District Social Service 2023, FGD 18 April).

The Parimo Regency Social Service mentioned that there is a Tali Kasih budget from the Ministry of Social Affairs available for assisting cases of violence against children. However, this budget is insufficient for covering operational costs, particularly given the geographical challenges in Parimo Regency. The Tali Kasih Budget is part of Indonesia's social protection scheme, providing social assistance to vulnerable groups. The Tali Kasih Budget is supported by national social institutions, such as Baznas, Dompot Dhuafa, Dompot Peduli, and Peduli Kasih (Kemenkeu.go.id 2023).

"So, like this, there are indeed social workers who have a Tali of Love from the Ministry of Social Affairs, but with the existing coverage distance, it is not comparable to the existing Tali of Love budget from the Ministry or Service... God willing, next year we can still budget for it, especially if the Institution is running "Providing Social Welfare (LPKS) may have a separate budget attached to it" (Parimo Regency Social Service 2023, FGD 18 April).

Apart from issues related to operational costs, budget limitations also affect psychiatric examinations and the availability of safe houses. According to Social Workers from the Parimo Regency Social Service, there are difficulties in securing psychiatric examinations for victims of violence against children, which is particularly frustrating for Social Workers. Additionally, there are no Safe Houses available for victims of violence.

"In Parigi City, I have repeatedly gone to the Women's Empowerment Service for a psychiatric examination but they said there was *no* budget, which really made me... I cried inside my heart. Oh my God, why do they always say there's no budget... I use it as a place to live, sometimes it's a safe house like that" (Social Worker for the Parimo Regency Social Service 2023, FGD 18 April).

Third, the service provider's perspective. In Parimo Regency, issues with the service provider's perspective are still encountered in handling cases of sexual violence against children. According to a Social Worker from the Parimo Regency Social Service, there was a case of sexual violence in 2021 involving a child victim and an adult perpetrator. In resolving this case, the service provider facilitated a peace process, which was a concerning approach.

"There was also a case like that in 2021, they almost repeated it again. In this case, the child victim was still in elementary school, aged 13 years and the perpetrator

was an adult with three brothers. As a result of the sexual assault the child became pregnant, with the suspects being her neighbour's brothers. Well, yesterday the Women's Empowerment and Child Protection Service arranged peace because the perpetrator wanted to arrange peace, the caveat being that he wanted to be given a fantastic amount of money" (Social Worker for Parimo Regency Social Service 2023, FGD April 18).

The peace process in cases of sexual violence against children is very unfortunate for several parties, including Social Services and the Police. This process is often linked to the Restorative Justice approach. The mechanism for handling criminal acts through Restorative Justice is regulated by the Republic of Indonesia National Police Regulation Number 8 of 2021, which concerns the Handling of Criminal Acts Based on Restorative Justice.

Furthermore, the TPKS Law stipulates that criminal cases of sexual violence cannot be resolved outside the judicial process, except in cases involving child perpetrators, as outlined in Article 23. For sexual violence cases where the perpetrator is a child, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System applies. The Juvenile Criminal Justice System (SPPA) covers the entire process of resolving cases involving children in conflict with the law, from the investigation stage to the post-sentence guidance. This framework ensures that the rights of children involved in the legal system are protected, including those who are in conflict with the law, victims of the law, and witnesses to criminal acts.

"When the case was held, the person who was asked for an initial opinion was the Chief of Staff, who explained the case directly. That was because they didn't understand. The Department of Empowerment admitted that if you really want the case to be regulated peacefully, you might be given a nominal amount [as settlement], with the important thing being that the child is safe. How can it be like that, huh? That's what I said, ma'am, I didn't read this. This case is not an offence, this is a pure crime. Even without a formal complaint, the police are obliged to investigate, so why didn't you agree to that? Then what about the support for the mother as the child's companion" (Social Worker for the Parimo Regency Social Service 2023, FGD 18 April).

The perspective of service providers in resolving sexual violence cases plays a crucial role. This indicates that gender equality and children's rights have not yet become mainstream in handling sexual violence cases in Parimo Regency. According to Article 2 of the TPKS Law, the regulation of sexual violence crimes is based on six principles: 1) respect for human dignity; 2) non-discrimination; 3) the best interests of the victim; 4) justice; 5) expediency; and 6) legal certainty.

Additionally, one of the principles of the SPPA (Juvenile Criminal Justice System) Law is the best interests of the child, as stated in Article 2 of that law.

Despite the challenges mentioned, interviews and FGDs revealed several good practices in implementing integrated services in various regions. These practices can serve as models for handling sexual violence cases following the enactment of the TPKS Law. Notable good practices include: a) Village Children's Forums (FAD); b) Community-Based Integrated Child Protection (PATBM); c) Integrative Child Social Welfare Centers (PKSAI); d) operational financing for case resolution from the APBD (Regional Budget); e) monitoring by DP3AKB in the recovery and social reintegration of victims; and f) utilisation of PKK (Family Welfare Empowerment).

Firstly, the establishment of Village Children's Forums (FAD) in Parimo Regency has positively impacted efforts to prevent sexual violence cases. According to DP3AP2KB, children involved in FAD actively report cases of violence and help socialise programs initiated by the local government.

"In Parigi Moutong Regency, the involvement of FAD children is very helpful. From FAD, children act as reporters... and those provide a lot of information to us. In fact, many of them also socialise through all the activities in our service" (DP3AP2KB Parimo Regency 2023, FGD 13 April).

Second, Community-Based Integrated Child Protection (PATBM). In Palu City and Parimo Regency, PATBM plays a crucial role in handling, assisting, and recovering cases of sexual violence against children. For instance, PATBM, in collaboration with the Sikola Mombine Foundation, has established a process for reporting cases of violence against children, extending up to the DP3A at the city and district levels. This demonstrates how PATBM serves as one of the foundational pillars in handling cases at the village and sub-district levels.

"In several assisted areas, we operate in both villages and sub-districts, increasing the capacity of PATBMs formed by villages and sub-districts, and established a case reporting flow which will then be reported to DP3A (Palu City) and DP3AP2KB at the Regency level" (YSM 2023, FGD April 13).

In Parimo Regency, PATBM has been established in three sub-districts, supported by Wahana Visi Indonesia and the Sikola Mombine Foundation. According to DP3AP2KB Parimo Regency, the existence of PATBM is expected to help decrease the number of sexual violence cases. This goal is being pursued through

various programs and coordination between DP3AP2KB and the established PATBM.

"There are PATBMs formed in sub-districts and villages, so we have made a lot of efforts to form PATBMs in sub-districts and villages and we also thank you for the cooperation from Wahana Visi, the Sikola Mombine Foundation, which we have *shared* a lot with this year, which their focus is around 3 sub-districts. "Well, from the collaboration that we are carrying out, thank God, violence in Parigi Moutong Regency will indirectly decrease, God willing, it will be like that" (DP3AP2KB Parimo Regency 2023, FGD 13 April).

Meanwhile, in Palu City, PATBM has been established in 36 sub-districts in 8 sub-districts. This can be a modality in preventing, handling and recovering cases of sexual violence against children. The existence of PATBM can also be used as a medium for outreach to cases of violence against children down to the sub-district level.

"Then in 8 sub-districts [areas with a village head] and 36 sub-districts [within a city or district], the Palu City DP3A has formed PATBM (Community-Based Integrated Child Protection). In each sub-district, the village head has proposed a decree to the head of the Palu City DP3A." (Palu City DP3A 2023, FGD April 13).

The formation of PATBM itself is very beneficial for victims of sexual violence, especially children. According to the PATBM Guidelines issued by KPPPA in 2016, the emphasis of PATBM activities is on promotive and preventive measures to avoid violence. These activities aim to: a) build anti-violence norms; b) increase parents' ability to raise children away from violent values; and c) increase children's ability to protect themselves from potential acts of violence. PATBM helps victims to be quickly detected and assisted, allowing them to seek help easily and promptly. PATBM also assists victims and their families by referring them to service institutions that suit their problems and needs (KemenPPPA 2016).

Third, the Integrative Child Social Welfare Center (PKSAI). In 2015, the Ministry of Social Affairs of the Republic of Indonesia and UNICEF designed the Integrative Child Social Welfare Program (PKSAI) to protect vulnerable children and families, especially children who are victims of violence, abuse, exploitation, and neglect. PKSAI is implemented at regional and city government levels, aiming to improve coordination among all relevant parties and provide more effective integrative services for child protection throughout Indonesia (UNICEF 2017).

“Yes. Thank you, *Mbak*. This means that we at the Sigi Regional Government have something like PKSAI... We collaborate with several NGOs, whose leads are in the Social Service. Then they joined the Women and Children Protection Service, then Bappeda, PMD (Village Community Empowerment) Service, and several other agencies, and several NGOs which have indeed contributed to the handling of children, especially for sexual violence” (Bappeda Sigi 2023, Interview April 15).

In Sigi Regency, there was a spike in cases of sexual violence against children during the 2018 earthquake. When cases of sexual violence occur, especially against children, PKSAI assists with the case management process. PKSAI includes several institutions such as NGOs, the Social Service, Women’s Empowerment and Child Protection Service, Bappeda, and the Village Community Empowerment Service. This collaboration aims to ensure that the handling of sexual violence cases is effective and swift.

“Well, we saw that, *Mbak*, maybe you remember that in 2018, we experienced an earthquake, right? Well, at the time of the earthquake, fellow volunteers informed us that there was indeed child abuse, including sexual violence... So, we always continue to assist through PKSAI and some of those have been brought to court and some have been punished, right?” (Bappeda Sigi 2023, Interview 15 April).

Furthermore, Bappeda Sigi noted that before the existence of PKSAI, sexual violence cases were mostly resolved according to custom, using a fine payment mechanism. Legal solutions were often seen as not providing access to justice for victims. However, several cases assisted by PKSAI were resolved through the legal system. Bappeda Sigi appreciates and recognizes the benefits of this approach.

“We have a WA [WhatsApp] group, *Mbak*, yes. The PKSAI WA group is still running... Before we had PKSAI, *Mbak*, it was still directed towards custom, and there were all kinds of fines. But since PKSAI has existed since 2017, it has reached the law of the courts. It’s been processed, yes. This is indeed extraordinary, *Mbak*. This is what we have. This institution is very good, *Mbak*. It really has to be maintained because if it goes away it will come back again. Because volunteering is not easy, *Mbak*, yes. A volunteer is... oh... he has to focus, he can’t work anywhere else in my opinion. So in my opinion, we need to give appreciation, *Mbak*, to the people involved there” (Bappeda Sigi 2023, Interview 15 April).

Fourth, the APBD budget for handling cases. Bappeda provides operational budgets for case resolution. This happened in Sigi Regency. Operational costs required by victims and their families victims in the resolution of the case are covered by APBD funds. These operational costs include fees transportation of victims and victims’

families inside go through the entire case resolution process.

“Yes, that’s all, usually to accompany children to family, *Mbak*, that’s it. For example, including to. We will try the court processes. It’s there transportation costs. If it’s like this, Sigi doesn’t exist...there is no District Court yet, which is in Donggala, right. “So, we cover transportation costs, costs for various things through the APBD” (Bappeda Sigi Regency 2023, Interview April 15).

Fifth, there is monitoring from DP3AKB in the process of recovery and social reintegration of victims. In Palu City and Parimo Regency, the Women’s Empowerment and Child Protection Service conducts this monitoring. One aspect of this monitoring is ensuring that children who are victims of violence are able to return to school, as education is a right for children.

“We’re still monitoring, *Mbak*. We started from cases of assistance and monitoring, and are still monitoring the DP3A... Since we have been handling it, *Mbak*, some of them have been able to return to school” (DP3A Palu City 2023, FGD 13 April).

According to monitoring by the Palu City DP3A, children who are victims of sexual violence have been supported to ensure they can exercise their right to return to school. Similarly, DP3AKB Parimo Regency conducts monitoring to ensure that children who are victims of violence also have their right to education upheld.

“There was a case recently where the child was expelled from school, if I’m not mistaken. Then we attempted to mediate because we knew that the school had its own rules, and asked for some kind of cooperation from the school so that the expelled child could transfer... the child themselves no longer wanted to be at that school. Indirectly, we will mediate, move the child to a nearby school or advise them to go to PKBM or a Community Learning Activity Center. Whatever the form, the child still has to learn” (DP3AKB Parimo Regency 2023, FGD 13 April).

DP3AKB Parimo Regency assists children who are victims of sexual violence in school transfers. They mediate with the school to facilitate the child’s move to a new school, aligning with the child’s wishes since bullying often occurs at their original school. Additionally, DP3AKB seeks accessible educational alternatives, such as PKBM (Community Learning Activity Centers), to ensure that the child continues their education.

“Through the PKK, we established P2TP2A service posts in the sub-districts. So, if there is one working group in

the PKK, then each sub-district has one working group. We tried it in 2019 or 2020 throughout Parigi Moutong Regency, meaning 23 sub-districts, we formed it in the sub-districts. So, there is a reporting post for P2TP2A in the sub-district, like that" (DP3AKB Parigi Regency 2023, FGD 13 April).

Sixth, the use of PKK institutions to handle cases of sexual violence is notable. In Parimo Regency, P2TP2A service posts have been established in 23 sub-districts through the PKK institution. This approach is considered a good practice because the PKK, having been established for a long time, can effectively participate in new programs. This integration enhances the effectiveness of institutional responses to sexual violence cases.

Policies Are Available, but Commitment to Implementation is Required

In feminist studies, feminist thinkers have worked to establish the foundations of public policy analysis. They argue that neglecting gender justice issues in the public sphere perpetuates gender inequality in society. This perspective highlights the need to include issues such as domestic violence, reproductive health, and care work in public policy studies (Lombardo & Meier, 2015). This critique has led to a rethinking of what constitutes public policy and what should be considered public affairs (Lombardo & Meier, 2015). Carole Pateman (1983) and Susan Moller Okin (1991) challenge the traditional public-private dichotomy, which often leads to the exclusion of women's human rights issues from public policy. The feminist slogan '*the personal is political*' rejects this dichotomy and argues against excluding women's issues from the public sphere. This also counters the positivistic argument that public policy must be general and universally applicable (Lombardo & Meier, 2015).

In the context of sexual violence, Kate Millett (2000) argues that sexual violence, oppression, and discrimination against women are inherently political due to power dynamics. Unfortunately, society often views these issues as private matters, a perspective perpetuated by educational, religious, and family institutions (Millett, 2000), and this view is often reinforced through public policy. Carole Pateman refers to this as 'the sexual contract', where various taboos and moral rules biased against women's bodies are normalised (Pateman, 1989). This normalization of violence contributes to a culture of sexual violence, which is a major obstacle to eliminating it. In the implementation of public policy, it is crucial to address

this culture of violence through recognition and the development of an integrated service system that includes prevention, treatment, and recovery.

The TPKS Law represents an effort to dismantle the culture of sexual violence through both recognition and an integrated service system. Previously, regulations on sexual violence were limited to the Criminal Code (KUHP). The TPKS Law expands the scope of what constitutes sexual violence and offers protection not only for women but also for men and other sexual minority groups who are vulnerable. This law not only clarifies what constitutes sexual violence and how it should be enforced but also signifies a shift in perspective: sexual violence is now recognized as an issue in the public sphere, rather than merely a private matter.

This research found that there are regional policies supporting the implementation of the TPKS Law, with explicit mentions of protecting children and women from sexual violence. However, the definitions of types of sexual violence in these policies remain limited. These pre-existing policies indicate that violence against women and children, including sexual violence, has become an integral part of regional development. They represent a valuable modality for creating integrated services for victims of sexual violence.

Despite this, various obstacles in policy implementation were identified in the two provinces.

Carol L. Bacchi (1999) observed that, despite the availability of policy instruments, service institutions, and case reporting systems, many women still find it difficult to report cases of sexual violence. Bacchi argued that sexual violence should be viewed as a crime rather than a woman's fault, which is often erroneously attributed to creating sexual attraction. He emphasised the importance of dismantling myths and power relations in various settings—such as education, the workplace, society, and the family—to build an environment free from violence. Bacchi also highlighted the need for public policies to have clear objectives and for their implementation to align with these objectives (Bacchi 1999; 2009; 2016). The findings from the two provinces reveal consistent major themes related to obstacles in realising integrated services: budget limitations, human resources, and work mechanisms.

First, concerning budget limitations, both West Kalimantan and Central Sulawesi highlight this issue. Budget constraints hinder institutions and service

providers (such as UPTD PPA) from delivering optimal services. This problem arises from minimal budget allocations for women's empowerment and child protection at the district and city levels, especially in comparison to the more substantial budgets allocated to other development sectors, such as education and health. Despite existing policies, issues concerning women and children have not yet become a priority in budgetary politics.

In feminist studies, the concept of Gender Responsive Budgeting (ARG) is crucial for ensuring that public policies are effectively implemented with appropriate funding support. ARG analyses the different needs of men and women, ensuring that budgeting systems accommodate these differences and address discrimination (Hasan et al. 2019; UN 2018). Gender responsive budgeting is essential not only for achieving gender justice but also for fiscal justice, as it ensures that gender equality commitments are realised (Stephenson 2018). The absence of gender-responsive budget allocations at the regional level can hinder the effective and timely implementation of the TPKS Law, particularly in the context of integrated services. Support for the elimination of sexual violence must extend beyond policy availability to include practical aspects such as adequate budget and infrastructure.

Second, the issue of Human Resources (HR) presents a significant challenge. In both provinces, similar problems have been observed concerning the quantity and quality of human resources. For instance, several districts/cities lack clinical psychologists at UPTD PPA or P2TP2A who are essential experts in this field. Additionally, there is a minimal understanding of sexual violence among some human resources, requiring them to seek information and enhance their knowledge independently, often without state support. The presence and development of human resources are critical for the success of integrated services under the TPKS Law. According to feminist studies in public policy, the quantity and quality of these human resources, who play a significant role in shaping political agendas and making implementation decisions, are vital (Lombardo & Meier 2015). These actors are crucial in building and executing effective policies.

A feminist analysis of human resources in the implementation of the TPKS Law is needed. This analysis should not only ensure an adequate number of human resources but also address gender composition and perspectives. Further questions include; How many women and men are working in these integrated

services, what are their gender perspectives and their stance on sexual violence, how many female regional heads are there, and how likely are they to prioritise budgets for women's and children's issues? These questions are crucial for situating human resource issues within feminist public policy studies. Policy actors are often viewed as gender-neutral, and gender analysis is frequently overlooked in agenda setting, negotiation, implementation, or evaluation of policies (Lombardo & Meier 2015; Lukes 2015). However, analysing the gender dynamics of policy actors and human resources is essential. Reduction or non-fulfillment of feminist principles related to HR that has alignment and perspective this can create vulnerability in the victim within experiencing layered practices of injustice.

Third, there are issues with working mechanisms at the institutional or organisational level. These problems include the lack of follow-up on work mechanisms after the TPKS Law was passed, ineffective monitoring procedures, and poor communication channels between institutions. One of the main obstacles in these working mechanisms is closely related to budget politics and the availability of human resources. These issues are interconnected and must be considered together when discussing policy implementation. It is crucial to view a policy holistically by examining the relationship between the policy content (text), the instruments (human resources and budget), and the different levels of implementation (national, regional, and institutional/organisational). Policies designed to improve women's quality of life can fail in practice if the actors within the institutions do not share the same perspectives and values (Lombardo & Mergaert 2013; Lombardo & Meier 2015). Likewise, in implementing policies regarding protection of vulnerable groups, especially women and children from sexual violence can fail when synergy of working mechanisms and monitoring procedures and the evaluation is not firmly established in perspective victim.

Thus, feminist policies not only address women's issues substantively but also ensure a gender-equitable distribution of power throughout the implementation process. This involves the involvement of actors who share the same values as the stated goals and are committed to them (Bacchi 2009 & 2016). It includes ensuring that women and those who advocate for gender issues occupy key decision-making positions and receive the necessary support to challenge and change the status quo within institutions and society through public policy instruments (Krizsan & Lombardo 2013; Lombardo & Meier 2015).

Closing

There is a Regency/City Regional Government Policy under Law Number 12 of 2022 concerning the Crime of Sexual Violence, specifically aimed at addressing sexual violence in Indonesian society. This law signifies that the state recognizes sexual violence as a social problem that falls under state responsibility rather than individual responsibility. The TPKS Law outlines the roles of both central and regional governments in prevention, treatment, and recovery, emphasizing that eliminating sexual violence is a government responsibility. This represents progress in fulfilling women's human rights in Indonesia and aligns with the state's obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

In the context of local government, both provinces have adequate policies at the provincial and city/regency levels that support the implementation of the TPKS Law and the eradication of sexual violence. However, the effectiveness of these policies has been limited, as evidenced by case studies in both provinces. Despite the presence of the TPKS Law and supportive policies, challenges in implementation persist and require further attention and commitment. Policies alone are insufficient; they require concrete support and dedicated effort for effective implementation. This research, conducted one year after the passing of the TPKS Law, highlights that as of 2023, several implementing regulations for the TPKS Law had not yet been finalised. This delay has impeded the delivery of integrated services at the regional level.

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End Note

1. Presidential Regulation (Perpres) Number 55 of 2024 concerning Regional Technical Implementation Unit for Women's Protection and Children which was just published on April 22, 2024 strengthen the push for the formation of UPTD PPA.

Cyber Sexual Harassment: Issues and Response to Case

Antik Bintari

Fakultas Ilmu Sosial dan Ilmu Politik, Universitas Padjadjaran
Jalan Raya Bandung Sumedang km. 21, Hegarmanah, Jatinangor, Sumedang, Jawa Barat 45363

a.bintari@unpad.ac.id

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Abstract

Cyber sexual harassment is a common and dangerous form of aggression perpetrated against women, yet little attention has been paid to attitudes related to sexual violence in cyberspace. The increase in violence against women, including sexual violence in cyberspace, has become a global concern; this increase is in line with the development of social media in Indonesia. There is new hope since the enactment of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS), which is expected to provide guarantees of prevention, protection, access to justice and recovery, as well as comprehensive fulfillment of victims' rights which have never been obtained until now. It is hoped that this will be a breath of fresh air for law enforcement against all forms of sexual violence, including cybersexual violence. However, after almost two years of having passed the TPKS Law, this regulation's implementation still faces challenges. It is not yet optimal in handling cyber sexual violence, which tends to be considered an act of sexual violence with new methods and means in line with current technological developments. This article discusses the current phenomenon of cyber sexual harassment and further explores the response of the Indonesian state/government to this phenomenon, along with its opportunities and challenges.

Keywords: Sexual harassment, cyber sexual harassment, Sexual Violence Crime Law

Introduction

The emergence of the internet marked a paradigm shift in human communication. It marked an era of unprecedented connectivity, and encouraged the democratization of information. In the early days of the internet, there was great optimism that equality could be enhanced by transcending geographic, cultural, and social boundaries. The internet is envisioned as a space where diverse voices can thrive, challenge traditional power structures, and promote inclusivity. In its development, cyber security has emerged as a serious issue faced by countries around the world. The presence of multiple social media platforms, their unregulated design, construction and the abundance of content have increased social medias' vulnerability to crime and cyber threats (Soomro & Hussain 2019)¹. Accompanying the development of the internet, social media and mobile connectivity, cyber sexual violence is has also become widespread and frequent. Cyber violence against women has penetrated *online* spaces, targeting women and girls in various forms spanning harassment, sexual violence and cyberbullying. A phenomenon that was unimaginable thirty years ago is now having serious health, social, and economic consequences.

Apart from the problems above, women are also a group that is vulnerable to cyber-based sexual violence. Cyber sexual violence/sexual violence in the cyber realm is a common and dangerous form of aggression perpetrated against women. According to the author, the rise of cyber sexual violence against women can be seen as a manifestation of resistance to changing gender roles dynamics. Platforms that should be emancipatory have actually become instruments of oppression. As illustrated by Marganski and Melander (2021), the *agathokological*² nature of technology requires us to pay attention not only to the dangers associated with interconnectivity, but also the potential of technology to resist violations and "do good". There are two sides to the technology-coin; it can empower yet also increase vulnerability. A serious response to the threat of gender-based violence in the digital space is needed to ensure that women are the beneficiaries of technological advances, and that advances in information technology truly have an emancipatory impact on marginalized groups. Further, it is essential that online sexism, misogyny and violence is addressed in both online communal and personal spaces, such as in relationships involving the internet.

The increase in gender-based violence, including sexual violence in cyberspace, has become a global concern. This increase is in line with the development of social media in Indonesia and the millennial generation's low understanding of sexual violence in cyberspace. The Covid-19 pandemic has indirectly increased KTPAP. Meanwhile the sharp increase in violence by intimate partners during the pandemic has made their physical environments less safe. At the same time, the online world has also become more dangerous for women and girls due to increased reliance on technology and virtual communications during the pandemic (UN Women 2024). Technological developments do not necessarily empower women, because there are still many assumptions and social practices that make them objects of violence. Teenage girls who are social media users, for example, experience vulnerability to *online* crime (Jatmiko et al. 2020). Technology offers new spaces and ways for perpetrators to commit crimes. They can exploit other people to gain profit or cause harm to victims through psychological violence, whether in the form of threats of hacking, threats of rape, or even murder (Marganski 2018). Based on research by Barker and Jurasz (2019), it is known that women who participate in cyber forums often experience various forms of text-based violence such as *online* misogyny. Cyber sexual violence often cannot be easily traced because the perpetrators of the harassment are often anonymous. In addition, because it is an arena for everyday communication, internet use in many countries, including victims, can be accessed anytime and anywhere (Vilic 2013).

The 2022 data on incidents of Gender-Based Cyber Violence at the National Commission on Violence against Women shows a decrease of 1.4 case reports. There were a total of 821 cyber cases in the personal realm, which were dominated by sexual violence and most were committed by ex-boyfriends (549 cases) and girlfriends (230 cases). Meanwhile, most cyber cases in the public domain were committed by "social media friends" with 383 cases. This year, *online* loan cases increased by 225 percent, with 13 cases, compared to the previous year, with 4 cases. Meanwhile, the largest number of cyber data reported by service institutions was from NGOs with 103 cases, a 67 case decrease year on year. However, the number of cyber cases reported by service institutions as a whole has increased by 112, with the majority of perpetrators being unknown people, boyfriends and/or ex-boyfriends.

The data described in Catahu Komnas Perempuan and LBH APIK regarding the situation of Online Gender-Based Violence highlights the limitations of the Indonesian legal framework in protecting and providing access to justice for victims (Virginaputri 2021). One reason for the low number of cases reported to the police is the victims' concern that reporting might be used against them. Victims often fear that reporting could lead to their own criminalization under Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008, concerning Information and Electronic Transactions and Law Number 44 of 2008, concerning Pornography. This is a particular risk if the victim was involved in creating digital intimate content. Since the enactment of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, there is new hope for a more responsive and comprehensive approach to handling sexual violence, including electronic-based sexual violence (EBSV).

However, almost two years after the ratification of the TPKS Law, implementation of these regulations remains complex, facing multiple challenges. Such challenges include the lack of ratification of implementing regulations for the TPKS Law in the form of Government Regulations and Presidential Regulations to ensure mechanisms for protection, treatment and recovery for victims. Apart from that, the implementation of the TPKS Law to date has not been optimal and effective regarding handling EBSV which tends to be considered an act of sexual violence with new methods and methods that adapt to current technological developments. Komnas Perempuan (2018) noted that victims of sexual violence have not fully received guarantees of justice, protection and recovery from the state. Some of the obstacles and challenges include the substance of the existing law being inadequate and covering all forms of sexual violence, the number of Law Enforcement Apparatus (APH) is still limited, the existing law does not provide ample space for handling that is integrated with the recovery system for victims and culture. violence that has become pervasive and embedded in the way we think, speak and act in everyday life. This article then attempts to explore further the state's response, in this case the government in Indonesia, to EBSV cases which continue to increase every year.

Research Methods

This paper uses qualitative methods. Qualitative research originates from interpretivist and constructivist

paradigms, which seek to deeply understand research subjects rather than predict outcomes, as in the positivist paradigm (Denzin & Lincoln 2011). Interpretivism seeks to build knowledge from understanding an individual's unique viewpoint and the meaning attached to that viewpoint (Creswell & Poth 2018). This research also has a feminist perspective as stated by Cook and Fonow, because research conducted by, for and about women is emancipatory and feminist in nature (Cook & Fonow 1985). As opposed to general research practices, research with a feminist perspective explicitly states its bias. Its main objective is not the research method itself, but the potential for the research results to improve the life conditions of women who are disadvantaged due to gender, such as experiencing oppression, violence, or neglect. In other words, its orientation tends to be toward understanding and addressing the problems women face due to gender ideology. Feminists believe that prevailing gender ideologies often harm women both as members of society, and as individuals. This research uses a library research method, which involves collecting information and data from news, articles, and journal publications using documentation techniques (Hasudungan et al. 2020). Researchers use secondary data (Heaton 2012; Tight 2019b in Putera et al. 2022), which involves "analysis of data collected by other people" (Boslaugh 2007 in Martins et al. 2018). Data sources include research journals, books, research reports, and e-books, primarily related to issues of sexual violence, electronic-based sexual violence, gender-based violence, and *online* gender-based violence.

Understanding Electronic Based Sexual Violence (EBSV)

Till (1980) classified sexual harassment into five categories: (1) sexist comments or behavior; (2) invitation to engage in sexual activity with promises or rewards; (3) inappropriate and offensive sexual advances, for which there is no sanction; (4) coercion to engage in sexual activity with the threat of punishment; and (5) crimes and sexual offenses. After extensive testing, suggestions emerged (Fitzgerald et al. 1995) to change the classification of types of sexual harassment into three categories: gender-based violence, unwanted sexual attention, and sexual coercion³. These three types of sexual harassment can occur *offline* or *online*. However, due to the virtual nature of cyberspace, most expressions of sexual harassment on the Internet occur in the form of gender-based violence and unwanted sexual attention (Barak 2005).

Traditional definitions of violence may not adequately cover all forms of online violence. The rapid evolution of technology, including advancements in artificial intelligence, leads to new and varied manifestations of online violence against women (Šimonović, 2018). Existing laws may not fully address acts of sexual harassment or violence perpetrated via cell phones, the internet, social media platforms, and email. Therefore, existing laws may not effectively protect women from this new form of harassment. Moreover, terms such as cyber harassment, online violence, digital violence, and cyber violence are often used interchangeably, which can lead to confusion. Online or cyber harassment, categorized under cyber violence, involves actions or behaviors intended to torment, annoy, terrorize, offend, or threaten someone through email, instant messaging, or other digital means (Hazelwood & Koon-Magnin, 2013).

The term EBSV, or Online Gender-Based Violence (KBGO), is commonly used to define acts of violence in the cyber domain⁴. However, in Indonesia, state institutions have not officially adopted the term KBGO (Rahmawati & Saputri, 2022). Komnas Perempuan, for instance, has been addressing cyber violence since its 2016 Annual Notes (Catahu). Nevertheless, Komnas Perempuan continues to use various terms to describe online gender-based crimes, such as cyber crime in 2016, cyber crime in 2017, and cyber-based violence against women (VAW) in Catahu reports for 2018 and 2019. In 2020, the National Commission on Violence Against Women used the term cyber-based VAW, while in 2021, Komnas Perempuan referred to it as Cyber Gender-Based Violence (KBGS)⁵. This article will adopt the term Electronic Based Sexual Violence (EBSV) as defined in Article 4 of the TPKS Law. EBSV can manifest through various channels such as chat rooms, social networking sites, messages, emails, advertisements, automated links, or spam. EBSV exacerbates the existing gender digital divide by creating barriers to equality and full participation in cyberspace (Jane, 2020).

EBSV has been described by analysts as a series of aggressive or sexually harassing images or texts transmitted through digital media (Chowdhury et al., 2019). Cyber sexual violence is defined as unwanted verbal or nonverbal behaviors of a sexual nature *online*, aiming to violate a person's dignity by creating an intimidating, hostile, demeaning, humiliating, or offensive environment (Šimonović, 2018). Research indicates that sexual violence in cyberspace is prevalent, particularly among younger generations

(Reed et al., 2020). While studies on face-to-face sexual harassment are advancing, research on cyber sexual harassment remains limited. Consequently, much of the understanding about Internet-based sexual harassment is extrapolated from studies on face-to-face harassment and other online behaviors on social media platforms (Schenk, 2008).

It is estimated that one in three women worldwide experiences physical or sexual violence in their lifetime (WHO, 2021). Similarly, cyber violence against women and girls, including cyber harassment and bullying, has reached alarming levels. Studies indicate that in the European Union, 73 percent of women have been targeted by online harassment (European Union Agency for Fundamental Rights, 2014). A German survey of over 9,000 internet users aged 10 to 50 also revealed

that women were significantly more likely than men to experience cyber harassment and stalking (Straude-Müller et al., 2012). The use of various social networks and *online* technologies increases and changes the phenomenon of sexual violence in various aspects. SAFEnet (2020) stated that as long as digital platforms have interactive features between users, they have the potential to become spaces for digital violence. The use of various digital communication technologies allows victims and perpetrators to be in different locations, such as different cities, provinces, or even countries. Furthermore, Kuklyte (2018) outlines several models of sexual harassment in cyberspace, contributing to the conceptual understanding of its consequences for vulnerable groups at different levels. This can be seen in the table below:

Table 1. Models of Sexual Harassment in Cyberspace at Various Levels

Interpersonal Level	Enterprise level	State Level
Cybersexual Harassement/virtual rape/online sexual grooming.	Cybersexual harassment/cyber incivility in workplace environment.	Massive hybrid actions via social networks against specific country.
Consequences	Consequences	Consequences
Psychological damage A lack of cyber civility A lack of computer literacy and etiquette.	Financial loss Non financial damage Psychological damage Socio-demographic problems.	Psychological damage Political damage Socio-demographic problems.

Source: Kuklyte (2018)

At the state level, incidents of EBSV function as a form of hybrid conflict within digital diplomacy—a significant cyberattack targeting minorities such as children, teenagers, and women. This type of attack can lead to socio-demographic issues and influence political dynamics without the use of traditional military force (Maurer & Janz, 2014). At the interpersonal level, EBSV occurs between individuals who may not know each other personally. It involves the inappropriate distribution of content and perpetuates gender discrimination among children, adolescents, students, and others who engage with digital technology. The primary objective often includes initiating video connections or face-to-face meetings with the victim. The high degree of anonymity and power imbalances in these interactions can sustain prolonged, harmful communications that inflict psychological damage.

Research has found that women are more likely than men to experience severe forms of *online* violence, such as cyber harassment and stalking (Brody & Vangelisti

2017). According to Kuklyte (2018), *‘cyberstalking’* is a category of sexual harassment at the interpersonal level. *Cyberstalking* has been used to describe a variety of behaviors involving: (a) repeated threats and/or harassment; (b) through the use of electronic mail or other computer-based communications; and (c) that would cause a reasonable person to fear for their safety (Fisher et al. 2000; US Department of Justice 2000 in Finn 2004). The National Institute of Justice (1996) estimates that 8 percent of women and 2 percent of men experience being stalked at some point in their lives. Regarding campuses, there is evidence that stalking may have a different profile there, than nationally. A National Institute of Justice (1998) study of 4,446 female students at 223 colleges and universities in the United States found that 13.1 percent of women had been stalked during a 7-month period in 1997, and 24.7 percent of all victims reported that stalking included email stalking (Fisher et al. 2000).

In this context, companies can analyze behavior between workers on social networks, with a focus on female employees. Cyber sexual violence occurring between colleagues or leaders and subordinates has been analyzed by Giumetti et al. (2016). Cyber sexual violence can harm the well-being of the affected employee, including their health, as well as both financial and non-financial damage. Marganski (2018, p. 21) reinforces the feminist perspective on assessing technology-based crimes, including workplace harassment. This encompasses online abusive language targeting fellow employees (e.g., *online bloggers*, video game critics, sports reporters, and other public-facing writers), as well as intimidation and threats of serious injury, harm, or death. Thus, victims often experience humiliation, degradation, and insult due to the double standards of sexuality embedded in the patriarchal system. It is not uncommon for victims to withdraw from forums or leave their jobs, compounding the effects of psychological and financial pressure.

An example of EBSV at the corporate level is highlighted in a 2016 *Inter-Parliamentary Union* survey, as reported by the 2017 *Association for Progressive Communications* (APC) report. The survey found that social media had become a significant platform for psychological violence directed at female parliamentarians, including sexist and misogynistic comments, degrading images, threats, and intimidation. A member of the European Parliament said that in a period of four days, he received more than 500 rape threats on Twitter. Meanwhile, a member of parliament from Asia said that he received information about his son including his age and school location and then threatened to kidnap him.

Electronic-based Sexual Violence as A Result of Unequal Power Relations

Internet and technological phenomena cannot be fully understood without referring to gender issues. The social construction of technology theory shows that technology is shaped by its certain social contexts (Dixon et al. 2014, p. 2). In a similar vein, Bimber (2000) argued that the internet functions as an arena where class interactions dominate and are dominated. Socio-economic background and gender contribute to the existing digital divide between men and women. Men often possess economic stability, computer skills, and expertise with digital tools, which serve as capital for legitimizing their presence online. Furthermore, text and image processing applications, predominantly

developed by men, tend to favor male users. Van Zoonen (as cited in Royal, 2008) explores this relationship further, highlighting how feminist theory intersects with information technology. She noted that several studies have pointed out the exclusion of women in the discovery, creation, and design of new technologies. Ultimately, these dynamics perpetuate sexist behavior and patriarchal dominance online, with detrimental effects on women both in virtual spaces and in real life.

The existence of women will always be considered the *second sex* (de Beauvoir 1989). On the other hand, patriarchal domination will become increasingly stronger with the occupation of this new world. Marganski and Melander (2021, p. 22) argue that technology is often used as a tool for aggression and to assert masculinity against already marginalized groups, reinforcing male-dominated spaces and further oppressing those groups. The 2015 Internet Governance Forum highlighted the diverse impacts of KBGO, including psychological effects such as depression, anxiety, and suicide, as well as self-censorship, mobility restrictions, and damage to career prospects (SAFE.net, 2022). Moreover, the report underscores that the impact of KBGO extends beyond individuals to wider society, creating an environment where women feel unsafe, exacerbating gender inequality, and reinforcing a culture of sexism and misogyny.

Various studies indicate that inequality in power relations is a primary cause of sexual violence. Power relations serve as a tool of oppression, defined by hierarchical relationships where one individual holds a higher or lower position relative to another. In cases of sexual violence, power dynamics are manifested through the perpetrator's control over the victim's vulnerability. The perpetrator typically holds power over the victim in the relationship. Having power means possessing the ability to influence the behavior or attitudes of others according to one's own desires. This influence extends to victims of sexual violence cases, both offline and in cyberspace. According to a study by UN Women, cyber sexual violence must be addressed from a multidimensional perspective, considering various forms of discrimination and inequality such as age, race, poverty, and sexual orientation that make different groups of women particularly vulnerable. These factors similarly shape cyber sexual violence.

Cyber research focusing on gender has seen rapid growth in recent years, evident from the substantial number of relevant studies, including dissertation abstracts. Carstarphen and Lambiase's (1998) study

indicates that gender barriers in cyberspace are influenced by language, codes, and the rhetoric of cyberspace, which mirror power structures and hierarchical domination discourse. Similarly, in an ethnographic study, Cushing (1996) found a lack of female voices and actors on the Internet, suggesting that male rituals and language patterns dominate. Content on the Internet often produces symbolic violence through hateful words, images, and communications with racist or sexist backgrounds—cyber sexism (Heitmeyer & Hagan 2005). Furthermore, Schroeder (2020) explains that algorithms significantly influence how gender is experienced, processed, and recirculated in contemporary consumer culture. As consumers and researchers embrace broader conceptions of gender, online marketplaces are attempting to rewrite stereotypical notions of gender. These studies demonstrate that even as society progresses toward a more modern world, it cannot allow women to become mere subjects of the prevailing norms.

The domination and gender inequality experienced by women in cyberspace is strong evidence of patriarchal control. In this context, sex plays a crucial role in determining societal status. As the dominant social group, men engage in behaviors that establish a hierarchical social structure, reinforcing the patriarchal system. Consequently, social power is reflected in men as a function of their dominant masculine status (Veevers & Henley 1979). As stated by Bourdieu, cyber sexism is a form of ‘soft violence’ because it occurs within relationships where the targets are often unaware that they are victims. Victims of cyber sexism may not realize they are being victimized. Additionally, this form of violence is practiced repeatedly in everyday online interactions. The strong dominance of patriarchy in society is the root of sexism in both the real world and cyberspace. Patriarchy consistently views women as objects, leading to injustice, stereotypes, marginalization, and even violence and harassment. Society has adopted patriarchal norms in all aspects of life, making them seem natural and ordinary (Lerner in Rakoczy 2004). Therefore, digital technology or the Internet is not the only factor contributing to EBSV. Various contexts and perspectives, especially those rooted in deep-seated structures of power relations and patriarchy, play a significant role in perpetuating gender-based violence.

Response and Prevention Efforts: Recurrence of Electronic-Based Sexual Violence Cases in Indonesia

Like sexual violence that occurs offline which is often not handled seriously or does not receive an effective response and solution, EBSV cases are also often neglected so that victims/survivors have to struggle alone in dealing with the cases they experience without support from various parties, especially the state/government. In the United Nations General Assembly Report, Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences on Online Violence Against Women and Girls from a Human Rights Perspective (Special Rapporteur on Violence against Women, its Causes and Impacts on Violence against Women and Girls Online from a Human Rights Perspective) in 2018 explained that the state is obliged to ensure that state and non-state actors do not discriminate against women. Thus, the state has an obligation to prevent, investigate and punish acts of violence against women, including when the violence is committed by the private sector, such as electronic system operators or internet providers (SAFE-net 2022). Although there is no standard international legal framework that specifically regulates Cyber Sexual Violence, various instruments have recognized the intensity of the problem and addressed the need to develop clear laws and prosecution guidelines. Recommendation 35 of The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) expands the definition of violence against women beyond physical spaces to include “technologically mediated environments”. Thus, addressing online violence and violence facilitated by Technology, Information and Communication (ICT) against women (United Nations 2017).

Research conducted by the National Commission on Violence Against Women (2022) revealed that seven countries have regulations regarding Electronic-Based Sexual Violence (EBSV). These countries are Germany, Great Britain, South Korea, Australia, the Philippines, India, and Pakistan. Among these, only three countries—Australia, the Philippines, and Pakistan—have comprehensive rules. These three countries have specific policies addressing EBSV, while the others incorporate EBSV actions within general criminal acts on internet media. Government regulations and policies are crucial in preventing Electronic-Based Sexual Violence (EBSV). Key elements include legislation and law enforcement, changes in social-organizational culture, and education

and training for both potential victims and perpetrators (Paludi & Paludi 2003; Sbraga & O'Donohue 2000). Legislation is essential to establish clear boundaries for sex-related behavior and to define the sanctions for unlawful actions (Wiener & Gutek 1999; Riger 1991). It also plays a vital social role by communicating societal norms and values. Law enforcement ensures that these laws are not just theoretical but are actively implemented. While legislation and law enforcement are top priorities in the real world and are present in all societies, their effectiveness in cyberspace is limited for several well-known reasons.

What about the Indonesian government itself? In principle, criminal acts committed via electronic media in Indonesia are regulated under Law Number 19 of 2016, which amends Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE). This law includes provisions for criminal acts committed via the internet. Specifically, regulations related to criminal acts via electronic media are outlined in Articles 27 and 28 of the ITE Law. However, the provisions of Articles 27 and 28 of the ITE Law often lead to multiple interpretations in law enforcement. This ambiguity arises from the unclear formulation of the offense, particularly the phrase "content violates decency." Barda Nawawi Arief suggests that specific laws and regulations should contain general formulations and explanations, not just those related to criminal acts. This ensures that statutory regulations can serve as a legal umbrella or guideline for law enforcers (Fitania & Wirasila 2019).

Furthermore, Indonesia experienced ups and downs in the process of discussing a law specifically addressing sexual violence. The two-year journey of the TPKS Law was a significant learning period. The TPKS Law represents a new milestone, serving as a legal umbrella that can provide certainty and accelerate the fulfillment of victims' rights, deliver justice for victims, and ensure effective law enforcement. Additionally, the TPKS Law aims to protect vulnerable groups, including women with disabilities and children, from various acts of sexual violence. Intersectional characteristics, such as age, race, and disability, make certain groups more vulnerable and frequent targets of sexual violence. Regarding EBSV, the TPKS Law specifically addresses this issue. Article 4, paragraph 1, letter i, in conjunction with Article 14, letter a, defines EBSV behavior to include: recording and/or taking images or screenshots of a sexual nature without the consent of the person involved; transmitting electronic information and/or documents containing sexual content against the

recipient's will; and using electronic systems to stalk or track individuals for sexual purposes.

Another policy that deserves recognition is Ministerial Regulation Number 30 of 2021, concerning the Prevention and Handling of Sexual Violence in Higher Education Environments. This regulation also addresses Cyber Sexual Violence (KSS) in Article 5 (1), which states that sexual violence includes actions carried out verbally, physically, non-physically, or through online means. Although not explicitly categorized as KSS, paragraph 2 of the Ministerial Regulation describes several types of sexual violence included in KSS. These include: 1) sending messages, jokes, images, photos, audio, and/or videos with sexual content to the victim despite their objections; 2) taking, recording, and/or distributing photos and/or audio or visual recordings of the victim with sexual content without the victim's consent; 3) uploading photos of the victim's body and/or personal information with sexual content without the victim's consent; and 4) distributing information about the victim's body and/or personality with sexual content without the victim's consent. Additionally, the Ministry of Communication and Information Technology has taken two steps to support the implementation of the regulations in the TPKS Law: creating an application for reporting TPKS and conducting public communication for prevention.

Even though the state appears to be increasingly aware and concerned about the issue of sexual violence in Indonesia, the implementation of these policies still requires supervision from various parties. Addressing sexual violence requires not only supportive laws and policies but also cultural change. It is essential to promote equality between women and men in fulfilling their rights as humans and citizens, which can be achieved through education for both parties, building sensitivity and awareness within the community. Lack of sensitivity can obscure the essence of the TPKS Law and other regulations that support the elimination of sexual violence, especially EBSV. For example, the increase in EBSV often does not align with the handling and protection of victims. Frequently, victims are criminalized or experience revictimization. EBSV victims often face psychological challenges and obstacles such as shame, fear, and power dynamics that prevent them from reporting. While this is largely due to patriarchal culture, concerns about protecting the family's or community's reputation can also prevent victims from reporting incidents. This was evident in the case of a female artist with the initials RK, whose intimate

content was spread without permission. Ironically, the discussion focused more on her role in the content rather than the fact that she was a victim of *non-consensual intimate images* (NCII)⁶. Furthermore, RK was criminalized due to public reports to the police about the intimate content. According to the TPKS Law, NCII is part of electronic-based sexual violence, and RK should have been recognized as a victim and protected. The perpetrators who spread the content should have been prosecuted according to applicable laws and regulations (Konde 2023).

Another significant finding regarding the handling of EBSV is that many victims choose not to report their cases to the police, opt to leave the matter unresolved, relocate, or pursue mediation instead. A recurring issue is the difficulty in securing witnesses and substantial evidence, leading to police inaction on reported cases, even when evidence is compelling. In many instances, victims are encouraged to mediate with perpetrators and advised against pursuing legal action (Intania & Satria 2022).

It is crucial to note that in Indonesia, with its tiered governance structure involving central, provincial, and district/city governments, the TPKS Law requires extensive socialization efforts. Often, at the regional level, there is limited understanding of terms such as EBSV, KBGO, and KBGS. Consequently, reporting of KSS cases, similar to other forms of sexual violence, occurs more frequently in the regions. Many parties, especially law enforcement officials (APH) in the regions, still do not fully understand the terms and complexities of KSS. This lack of understanding is compounded by low sensitivity to gender issues and inequality among law enforcement officials. According to SAFEnet (2020), the processes and enforcement of laws are critical areas requiring reform in addressing KBGS. Law enforcement officers sometimes fail to adopt a victim-centered perspective and may engage in victim-blaming. They often struggle with understanding digital technology and the dynamics of cyber violence. Lengthy legal procedures may not effectively address the nature of online violence. Moreover, efforts to secure evidence, including the misinterpretation of evidence, can potentially criminalize victims rather than protect them within the legal framework.

Closing

The government in Indonesia is committed to preventing and addressing cyber sexual violence, although existing policies may not fully encompass the

diverse forms of this issue. Additionally, the country faces challenges in effectively implementing these policies, especially in ensuring that they are applied consistently from the central government down to the regional level. Addressing cyber sexual violence requires more than just policies; it is crucial to raise public awareness to support vulnerable groups and understand the risks posed by unchecked technological advancements that perpetuate gender inequality. However, this research faces limitations due to the widespread nature of cyber sexual violence alongside rapid technological developments, and the varied analytical perspectives used. Therefore, further studies are needed to explore how government actors formulate gender-responsive policies, particularly in the context of cyber sexual violence. This includes examining collaborations among government entities to synergize efforts to prevent and respond to cyber sexual violence in Indonesia.

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End Note

- 1 The history of cybercrime in the information technology industry traces back to the late 1970s. Since then, it has evolved from basic forms like spam to more sophisticated tactics such as viruses and malware. Cybercrime encompasses a range of illegal activities conducted by criminals in cyberspace through internet-connected electronic devices. These criminals often target vulnerable individuals, exploiting their technological knowledge and vulnerabilities. Through various methods, they deceive users to obtain personal data (Soomro & Hussain, 2019).
- 2 Agathokakological or agathokological is an adjective which means consisting of good and evil. This word is not commonly used in everyday language, but it has a historical and linguistic basis.
- 3 Gender harassment involves unwanted verbal and visual communications and comments that degrade individuals based on their gender or use stimuli intended to provoke negative emotions. This includes actions like posting pornographic images in public places, telling chauvinistic jokes, and making derogatory gender-related comments. Unwanted sexual attention encompasses behaviors ranging from unwanted touching and causing fear or distress to name-calling, sexual harassment, rape, and sexual assault. It can occur between individuals of the same or different sexes. Sexual coercion spans a continuum, from physical rape to non-physical pressures that compel women to engage in sexual activities against their will, often under threat of severe physical or social consequences (Barak, 2005).
- 4 KBGO, or Online Gender-Based Violence (OGBV) as defined by The United Nations Declaration on the Elimination of Violence Against Women, encompasses acts that cause sexual, physical, and psychological harm, leading to suffering among women. These acts include coercion, threats, and arbitrary deprivation of liberty in both private and public spheres (Areta et al., 2021). The term applies inclusively to all genders affected by sexual violence, defining KBGO as gender-based violence occurring in digital media spaces. According to the Association for Progressive Communications (APC), KBGO refers to gender-based violence carried out, supported, or exacerbated through information and communications technology (ICT) channels such as mobile phones, the internet, social media platforms, and email (Association for Progressive Communications, 2017).
- 5 The TPKS Law defines Electronic-Based Sexual Violence (KSBE) as sexual violence facilitated by information technology and electronics. Previously, terms such as Gender-Based Sexual Violence (KSBG) against Women, Cyber Violence against Women (Cyber KTP), Online Gender-Based Violence (KBGO), and Cyber Gender-Based Violence (KBGS) were used interchangeably to describe the same phenomenon. These terms collectively refer to any violation or harassment of a person's sexual rights using Technology, Information, and Communication (ICT). Additionally, Komnas Perempuan has formulated a definition of gender-based violence against women facilitated by ICT as: "Every act of gender-based violence that is committed, supported, or exacerbated in part or in whole by the use of ICT, targeting women or disproportionately affecting women, resulting in or potentially resulting in physical, sexual, or psychological suffering, including threats of coercion or arbitrary deprivation of liberty, whether occurring in public or private life" (National Commission on Women, 2021).
- 6 *Non-Consensual Intimate Images Violence* (NCII) constitutes a form of *online* gender-based violence where perpetrators use intimate or sexual content (such as photos and videos) depicting the victim to threaten and intimidate them into complying with the perpetrator's demands. Using victim-centered terminology is crucial for understanding the case and fostering empathy towards the victim. Victims of NCII may experience various forms of violence beyond the distribution of content via digital media, such as receiving threats to distribute non-consensual intimate content to coerce or intimidate them into unwanted actions. Another form of NCII involves the non-consensual production of intimate content, achieved through methods like secret recording, coercion, or the use of artificial *intelligence* technologies like *deepfake* (Kompasiana 2023).

The Fragile Walls of Digital Sexual Violence Victims' Protection

Lidwina Inge Nurtjahyo

Faculty of Law, University of Indonesia
Jalan Prof. Mr. Djokosoetono, Pondok Cina, Beji, Depok, Jawa Barat 16424

lidwina.inge@ui.ac.id

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Abstract

Despite Indonesia has enacted the Anti-Sexual Violence Law, cases of sexual violence on social media platforms continue to occur and are not easy to resolve. There are problems in implementing regulations in the digital space: criminalization of the victim, regulations that do not accommodate women's experiences, and the issue of evidence. This article discusses digital sexual violence cases, focus on the non-consensual sharing of intimate content and trespassing of private spaces. How regulations are still unable to provide a safe space in the digital sphere. This article is based on literature research including analysis of regulations, court verdict, and some news about sexual violence in digital sphere. The author uses a feminist legal studies perspective in the analysis.

Keywords: digital sexual violence, personal data protection, trespassing boundaries between private and public space

Introduction

This article explores how various laws and regulations reflect the state's perspective on the position of victims of digital-based sexual violence. The focus is on a specific form of sexual violence: the non-consensual dissemination of intimate content, commonly referred to as *non-consensual dissemination of intimate images* (NCII). This act, often termed 'revenge porn,' can be motivated by desires for sexual gratification, financial gain, or the intent to humiliate an ex-partner.

In today's digital interactions, strangers can freely comment on photos or videos uploaded by others on social media. In one case involving an Indonesian singer, an unknown individual commented on a photo uploaded by the singer's child, using the term 'Loli,' which is commonly associated with the pedophile community (Febrian 2017). 'Loli' is derived from the word 'Lolita,' referring to children with a beautiful appearance who may be sexually objectified (Connolly 2009)¹. One of the author's colleagues was also forced to temporarily close his account and delete all photos of his children after discovering that a stranger had re-uploaded the photos with the comment 'beautiful children.' The account in question featured numerous photos of children in various poses, taken from other people's social media accounts. It appeared that this account had several followers, many of whom displayed profile photos of adult men.

Stalking and hacking into private spaces in the digital world can escalate into sexual violence. For example, an unknown person might send private messages containing non-consensual sexual content, even without prior interaction in the real or digital world, causing discomfort for the recipient. In the case of the aforementioned artist, unknown individuals not only sent sexually charged messages but also followed them to their apartment and invited them to interact (Hadiansyah 2023). This indicates that acts of stalking and hacking in the digital world can not only involve sexual violence but also extend into physical spaces. The cases of digital sexual violence discussed in this article primarily focus on the non-consensual distribution of intimate content.

Indonesia has already established a series of regulations concerning the distribution of non-consensual intimate content. The assumption is that actions in the digital space involving sexual violence can be prevented, controlled, and addressed. The key regulations established by the Indonesian Government related to digital interactions include: Law Number 27 of 2022 concerning Protection of Personal Data; Law Number 12 of 2022 concerning the Crime of Sexual Violence; Law Number 44 of 2008 concerning Pornography—though this was drafted long before the widespread occurrence of digital sexual violence, and its

provisions often risk criminalizing victims, especially in digital contexts; and Law Number 11 of 2008 concerning Information and Electronic Transactions.

Legal instruments are expected to act as protective barriers, but in practice, they have not significantly impacted the prevention and handling of digital sexual violence cases. This article specifically addresses the following issues: First, why has this set of regulations failed to significantly curb digital-based sexual crimes? Second, how does the state perceive the position of victims of digital-based sexual violence through its legal frameworks, particularly in the Indonesian context, both in terms of digital space governance and sexual violence? Third, what perspectives are strongly represented in these regulations, and what are the consequences for victims of sexual violence, especially female victims?

Research Methods

This article is based on research utilizing secondary materials and observations of interactions in social media spaces. The analysis of secondary materials includes various regulations related to digital-based sexual violence, specifically: Law Number 27 of 2022 concerning Protection of Personal Data, Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, Law Number 44 of 2008 concerning Pornography, and Law Number 11 of 2008 concerning Information and Electronic Transactions. The analysis of these legal regulations involved selecting relevant articles using keywords such as electronic content, content containing nudity, and sexual violence in digital spaces.

The analysis of the Pandeglang District Court Decision Number 71/Pid.Sus/2023/PN PdI, which was later appealed to the Banten High Court and resulted in High Court Decision Number 96/Pid.Sus/2023/PT BTN (Andomo 2023), reflects broader issues. These two decisions were selected because the cases tried by the Banten High Court involved both physical and digital sexual violence. However, the legal process primarily focused on the aspect of non-consensual intimate content distribution in digital spaces, rather than addressing the sexual violence itself. The High Court's decision also overturned part of the previous ruling, specifically the additional sentence from the Pandeglang District Court that prohibited the convicts from accessing the internet for eight years. This verdict highlights a lack of literacy and sensitivity among law enforcement officials regarding digital-based sexual violence. Another reason for choosing this decision is

that, although the Sexual Violence Crime Law was in effect at the time, the legal process concentrated on the distribution of content prohibited under the ITE Law.

Data in the form of news about digital-based sexual violence was collected using keywords in digital searches, namely sexual violence, digital space, the TPKS Law, and criminalization of victims of sexual violence. Three news stories about five relevant cases were selected, and the content uploads and comments responding to these cases were analyzed. The selection of these three cases was due to time constraints for tracking and analysis. The three cases are, first, the case of non-consensual distribution of intimate content in Pandeglang, Banten, which was then processed through legal channels. Second, in a case in East Nusa Tenggara province where a teenage girl suicided as a result of non-consensual intimate content involving her were spread through her community (Bere & Assifa 2023). The third case was the case experienced by two women whose photos were edited to make them appear nude and distributed by an online loan management company that lent them money (Assifa 2021).

According to a feminist legal perspective, legal products absorb and represent societal values—including patriarchal values—and are therefore never entirely objective. Women's experiences, especially when considering the context of social and economic class, are often overlooked in many legal products produced by those in positions of authority (Fineman 2005). This perspective differs from the paradigm of positive legal science, which views law as a set of positive norms that are general and should be objective (West 2018). Consequently, the law needs to be critically examined to determine whether legal texts have considered gender constructions that may restrict access to rights for men and women. It is crucial to assess whether a legal product accommodates protection for vulnerable groups due to gender constructions or whether it may result in injustice for those who actually need legal protection (Irianto & Nurtjahyo 2020). In other words, it is necessary to evaluate whether a legal regulation might have a detrimental impact on children and women, particularly those from impoverished backgrounds.

In this legal study from a feminist perspective, it is important to understand that the analysis is not aimed at 'justifying women.' A common misconception among conventional legal scholars is the joke that if a woman commits a criminal act, feminist legal studies will justify it. This is not the case. The focus of the analysis is not on

the criminal act itself, but on three key aspects (Irianto & Nurtjahyo 2020): First, whether the substance of a rule, both at the textual level and in its implementation, has a different impact on men and women, possibly placing a heavier burden on women. Second, whether the interpretation of a legal rule is influenced by gender and patriarchal constructions held by law enforcement officials. Third, what is the impact of this interpretation on women?

In the context of this article, the focus is on examining the legal regulations governing the protection of victims in cases of digital sexual violence. A series of regulations in Indonesia have stipulated that content depicting female intimacy, bodies, and sexuality is prohibited from being created and distributed. However, it is important to question whether the perception of bodyhood in these regulations actually targets the victim rather than the perpetrator. This discussion should explore whether these legal regulations also consider that the creation and dissemination of intimate content can occur without consent and under coercion, constituting a form of sexual violence. In cases of digital sexual violence, the objectification of women's bodies and their sexuality is prevalent. Unfortunately, discussing women's bodies and sexuality is often taboo, which hinders the prioritization of victims' experiences (Tambunsaribu & Widiyanti 2021, p. 83). As is evident in both the case studies in this article and broader narratives about digital sexual violence, the experiences and suffering of female victims are often neglected.

Cases of digital sexual violence share similar characteristics and impacts with acts of sexual violence that occur in physical spaces. Both types of violence stem from issues of unequal power relations between genders. Whether occurring in face-to-face interactions or digital spaces, sexual violence is an attack on a person's body, sexuality, and/or reproductive organs. The impact of this violence results in physical injuries, psychological trauma, and socio-economic and political losses. These elements are consistent with those of sexual violence in the physical world, often with broader and deeper impacts. Digital sexual violence, as defined by Attrill et al. (2015), involves accessing and distributing content that is harmful, hurtful, or dangerous. This content is typically online material, and the consequences include emotional, psychological, and/or physical harm. According to the Cyber Safe research team (2017), the forms of distributed material can vary and include electronic mail, text messages containing unwanted sexually explicit content, inappropriate or offensive

statements with sexual content made on social networking sites or internet chat rooms, and threats of physical and/or sexual violence sent via electronic mail or other online messages.

In this article, the term 'digital sexual violence' is used, taking into account that several references, such as the Catahu Komnas Perempuan and Safe Net, use the term 'Electronic Based Sexual Violence (KSBE)'. The author chooses 'digital sexual violence' to emphasize that the crimes occur within digital spaces and involve digital media.

The primary difference between cases of digital sexual violence and physical sexual violence lies in the use of digital technology as a medium to commit the act. However, it is crucial to understand that even though these acts of sexual violence occur within the digital space, they can originate from physical acts or lead to physical acts. For example, in a grooming case on the Facebook platform, the perpetrator observed the victim's habits and then approached the victim through online interactions. The perpetrator coerced the victim into sending intimate pictures, which he then used to blackmail them. The situation escalated further when the perpetrator arranged to meet the victim in person, where he committed acts of physical sexual violence. This highlights how such crimes are not confined to the digital space but can extend to physical sexual violence.

Sexual violence in the digital space grew rapidly during the COVID-19 pandemic. This increase was due to the shift of nearly all work and study activities to online or work-from-home setups. As work and study moved online, so too did most human interactions, which had previously occurred face-to-face (Nurtjahyo 2020). This trend continued from early 2020 to mid-2023.

In their Annual Notes, the National Commission on Violence Against Women published data related to cases of sexual violence in the digital space. During the COVID-19 pandemic, the Commission noted a significant increase in gender-based violence in the digital space, with cases rising from 241 in 2019 to 940 in 2020. In 2022, the Commission reported a total of 1,371 cases occurring in the digital space within the personal domain, involving perpetrators such as boyfriends, ex-boyfriends, and ex-husbands. Additionally, 1,658 cases of sexual violence were reported in the public domain of digital spaces. According to the Commission, the number of these cases decreased in 2023, with 821 cases of electronic-based sexual violence reported in the personal domain and 383 cases in the public domain,

committed by strangers or acquaintances interacting on social media. Unfortunately, this decrease in numbers does not indicate a reduction in sexual violence cases in Indonesia. Rather, there has been a shift in the area or format of the violence from digital spaces back to face-to-face interactions.

How does Indonesian legislation regulate this? The following section of this article discusses several regulations relevant to protecting personal data and regulating interactions in the digital space. These regulations include Law Number 27 of 2022 concerning Protection of Personal Data, Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, Law Number 44 of 2008 concerning Pornography, and Law Number 11 of 2008 concerning Information and Electronic Transactions.

Law Number 11 of 2008, known as the Electronic Information and Transactions (EIT) Law, is relevant to the discussion of sexual violence in the digital space, particularly in Article 1. This article defines the scope and forms of electronic data, including writing, sound, images, photos, and electronic mail. However, it does not explicitly mention video recordings. In practice, intimate content is often disseminated non-consensually in various forms, including voice recordings, screenshots of written conversations, or electronic letters. In the Indonesian context, the dissemination of photos and video recordings on social media platforms is particularly common. Article 1 of the EIT Law reflects the state's perception of electronic information as consisting of writing, sound, and images, however it does not fully accommodate the reality that digital-based sexual violence can also involve video content.

In particular, acts of sexual violence in digital spaces are not explicitly mentioned in the EIT Law, as this law is specifically intended to regulate information sharing interactions. However, in the context of sharing information, the law outlines several criteria for prohibited acts. These prohibited acts are regulated under Article 27 of the EIT Law. The criteria relevant to the issue of sexual violence are found in Paragraph (1) of Article 27, which states that every person who intentionally and without right distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents containing content that violates decency is committing a prohibited act.

The EIT Law does not explicitly define 'content that violates decency' in its Explanation section. However,

referring to the New Criminal Code, specifically Law Number 1 of 2023, the Explanation to Article 406 letter A states that 'violating decency' includes acts such as displaying nudity, genitals, and sexual activities that contradict societal values at the place and time the act is committed. This definition implies that victims of digital sexual violence, whose bodies and sexuality are shared as content in any format, could be perceived as 'displaying nudity, genitals, and sexual activities' if the content is spread in public spaces. If law enforcement authorities are not careful in handling cases of digital sexual violence, particularly those involving the non-consensual dissemination of intimate content, there is a risk that victims—especially female victims—could be criminalized for allegedly violating decency. This is especially concerning in cases where the content creation was a result of coercion or manipulation, leading the victim to be photographed or recorded.

In the Pandeglang, Banten case, the victim was subjected to both sexual violence and the additional psychological violence of having the incident recorded by the perpetrator. The case proceeded to the Pandeglang District Court, resulting in Decision Number 71/Pid.Sus/2023/PN Pdl, which was then appealed to the Banten High Court, leading to PT Decision Number 96/Pid.Sus/2023/PT BTN. In both the District Court and High Court decisions, the Panel of Judges recognized that the victim had suffered violence as neither the creation nor the dissemination of the content was consensual. The focus of the Panel of Judges was rightly on the perpetrator as the creator and disseminator of the content. It is also crucial to consider whether law enforcement officials fully understand that victims can still experience violence, manipulation, and coercion in creating digital content containing sexual violence, even if it does not manifest in physical forms such as beating, dragging or grabbing.

Another relevant article of the EIT Law concerning the issue of sexual violence in the digital space is Article 44. This article addresses the admissibility of evidence in investigations, prosecutions, and court hearings. It includes evidence as defined in other laws, such as witness testimony, expert testimony, relevant documents, and examination results, as regulated in the Criminal Procedure Code. Additionally, Article 44 mentions other necessary evidence, including Electronic Information and/or Electronic Documents as described in Article 1, numbers 1 and 4, as well as Article 5, paragraphs (1), (2), and (3).

In this context, Electronic Information as evidence can include photos, videos, or audio recordings, all of which may capture intimate content of the victim that was disseminated without consent. However, this law does not specifically address sexual violence occurring in digital spaces, including instances where the perpetrator is a stranger to the victim.

Another legal framework that addresses intimate content in the digital space is Law Number 44 of 2008 concerning Pornography. While this law defines what constitutes pornography, it does not specifically address sexual violence that occurs in digital spaces. The issue can be observed in Article 1 of the Pornography Law, which defines pornography as images, sketches, illustrations, photos, writings, sounds, moving images, animations, cartoons, conversations, body movements, or other forms of messages transmitted through various forms of communication media and/or public performances, which contain obscenity or sexual exploitation that violates societal norms of decency.

This provision does not consider the context behind content that meets the criteria outlined in Article 1 of the Pornography Law. The content may be created with the full awareness and consent of the parties involved. However, it may also be produced under conditions of unequal power relations. For example, this could occur in a toxic dating relationship, as experienced by R in the Pandeglang Case, or due to debt issues, as seen in the case where two women's photos were manipulated and distributed as nude images by individuals from an online loan management institution (Assifa 2021).

Another relevant article in the Pornography Law concerning the dissemination of intimate content in digital spaces is Article 4, paragraph (1). This article prohibits any person from producing, creating, reproducing, duplicating, distributing, broadcasting, importing, exporting, offering, buying and selling, renting, or providing pornographic products. The term 'pornographic products' includes those that explicitly depict sexual activity. All forms of sexual intercourse are prohibited, including deviant acts such as sexual violence, masturbation, nudity or displays suggesting nudity, and the depiction of genitals or pornography involving children.

Article 4, paragraph (1) of the Pornography Law principally prohibits individuals from creating, distributing, reproducing, or offering any production that contains pornographic elements. These elements are outlined in Article 1 and further detailed in this

article. However, the law does not account for the possibility that the creation of such content may involve violence, including threats, coercion, or physical and psychological harm inflicted on one of the parties involved.

In the Pornography Law, Article 8 prohibits individuals from intentionally or willingly becoming the subject or model of pornographic content. At first glance, this article appears neutral, objective, and straightforward to apply. However, it fails to account for situations where victims are coerced into being recorded or photographed, with the resulting media used to further manipulate or control them. As a result, victims of such violence could potentially face criminalization and subsequent punishment under Article 8, which undermines the sense of justice. This is especially problematic if law enforcement officials do not thoroughly investigate whether the victim's participation was coerced or genuinely consensual.

Regarding sexual violence in the digital space, particularly the dissemination of non-consensual intimate content, this act not only involves violence against a person's body and sexuality but also raises issues of personal data protection. Unfortunately, Law Number 27 of 2022 concerning Personal Data Protection (PDP) does not explicitly address the protection of personal data for victims of sexual violence in the digital space. Article 4 of the PDP Law specifies that personal data includes both specific data and general personal data. In cases where victims' personal data is widely disseminated without their consent, such as in instances of digital sexual violence, this data should be considered under the provisions of specific personal data in paragraph (1) of Article 4 of the PDP Law.

It can be concluded that these regulations have not been effective in providing significant protection, particularly for those vulnerable groups—such as women, teenagers, and children—who need safeguarding when navigating and interacting in digital spaces. Although the digital space is intended to be a platform where women can freely express themselves, it often fails to offer adequate protection. For example, in the Indian context, the digital space has been utilized as a medium for women to respond to the need for cultural change, especially regarding the perception of women's roles in modern society. It has become a space where women find their heroes and voices advocating against gender-based violence. This is especially true when women challenge patriarchal norms and cultural practices that perpetuate violence, including sexual

violence and rape, which are prevalent issues in India (Chakraborty 2022).

The digital space is crucial for women, not only as a platform to actively combat gender-based violence but also as a communication channel that helps them fulfill emotional needs. In Miller's (2018) research on female Filipino migrant workers, it was found that the internet significantly benefited these women. They could communicate with their families, especially their children, more quickly and easily. Communication via electronic mail or social media helped reduce the emotional distance caused by physical separation, as it mitigated the time and distance constraints associated with traditional mail. Thus, the digital world can diminish the sense of separation between mothers and their children (Miller 2018). While the internet has the potential to be used positively, it is not without its challenges.

Indonesia has another specific legal product aimed at addressing sexual violence: Law Number 12 of 2022. This law provides protection against sexual violence in the digital space, specifically defining electronic-based sexual violence (EBSV) as a criminal act. The elements of EBSV are detailed in Article 14. According to Article 14 paragraph (1), acts classified as EBSV and punishable by law include the non-consensual recording of images or screenshots containing intimate or sexual content, the transmission of sexually explicit information or electronic documents against the recipient's will for the sender's sexual gratification, and/or cyberstalking or tracking individuals for sexual purposes. The penalties for these offenses include a maximum imprisonment of four years and/or a maximum fine of IDR 200,000,000 (two hundred million rupiah).

Further, Article 14 paragraph 2 stipulates that if the act is carried out with the intent to blackmail, threaten, mislead, and/or manipulate someone into committing or allowing an act, or not committing an act, it constitutes a criminal offense. The penalty for such actions is a maximum imprisonment of six years and/or a fine of IDR 300,000,000 (three hundred million rupiah). This provision addresses cases where intimate content is recorded or captured non-consensually and used to coerce or threaten the victim into complying with the perpetrator's demands. The rules in this paragraph are grounded in the reality that digital sexual violence can escalate to physical sexual violence, or vice versa. For instance, in the Pandeglang case, the victim was coerced into complying with the perpetrator's demands under the threat of public exposure of intimate content. This

content was also evidence of physical sexual violence perpetrated against the victim. In contrast, in a case involving two women and an online loan company, the perpetrator digitally manipulated the victims' photos and threatened to distribute them to force compliance. These examples underscore the severity and complexity of EBSV cases.

Article 14 of the TPKS Law provides a breath of fresh air for the protection of victims of sexual violence in the digital space, especially in cases of non-consensual distribution of intimate content. However, there are specific notes regarding Article 14 of this law. Notably, Paragraph 3 stipulates that electronic-based sexual violence, as referred to in Paragraph 1, falls into the category of complaint offenses, except when the victim is a child or a person with a disability. This means that in cases of the dissemination of non-consensual intimate content, law enforcement officials can only intervene if the victim submits a complaint or report.

Questioning Cyber-Based Sexual Violence

As we all understand, in cases of sexual violence, both physical and non-physical, victims often feel afraid and embarrassed to report the incidents. This feeling of fear and shame was also experienced by the victims in the Pandeglang case in East Nusa Tenggara province and by two women from Semarang and Sukabumi. Therefore, in relation to Paragraph 3 of Article 14 of the TPKS Law, the presence of a companion who can support and strengthen the victim is crucial. This support is necessary for the victim to recover while also preparing a strategy for reporting. This strategy includes how to collect evidence, which, in the context of sexual violence in the digital space, is not always easy because perpetrators may quickly erase or delete it.

Article 14, paragraph 3 also does not take into account that not all regions in Indonesia have access to education or outreach regarding reporting procedures and data collection strategies. While it is true that the majority of Indonesians have internet access, this does not necessarily mean they understand how to report incidents if they experience sexual violence, bullying, or even breaches of personal data in digital spaces.

Taking a feminist perspective in legal analysis involves carefully examining whether legal rules accommodate the experiences and needs of men and women equally and fairly (Irianto & Nurtjahyo 2020). After analyzing these rules, researchers should also investigate real-world situations to understand the consequences of

implementing these regulations for different genders. This includes assessing whether certain sexes and/or genders experience more severe impacts due to the application of these legal rules. The need to examine the consequences of implementing these regulations on society guides the following section which discusses three cases of sexual violence that occurred in digital spaces. First, the case that occurred in Pandeglang involved a perpetrator named A and a victim named R (a pseudonym). This Pandeglang case went through a legal process involving the Pandeglang District Court and then Banten High Court as the perpetrator filed an appeal. The court decisions for this case are Pandeglang District Court Decision Number 71/Pid.Sus/2023/PN Pdl and PT Decision Number 96/Pid.Sus/2023/PT BTN. Second, the case that occurred in East Nusa Tenggara province was experienced by teenager and student Nona (a pseudonym). As a result of the trauma and shame of the case, Nona took her own life. Third, the cases in Semarang and Sukabumi involved intimidation by online loan companies against two women who were accused of failing to meet their loan payment obligations. The intimidation included threats to disseminate manipulated photos of the women, which were altered to appear as nude images.

Pandeglang Case

This case was adjudicated in both the Pandeglang District Court and the Banten High Court. The case details are based on the narrative provided in the Pandeglang District Court Decision Number 71/Pid.Sus/2023/PN Pdl, which was subsequently appealed to the Banten High Court, resulting in PT Decision Number 96/Pid.Sus/2023/PT BTN. The chronology of the reporting and the perpetrators' reactions were further detailed through news analysis from online newspapers. This case will be referred to as the Pandeglang Case.

In the Pandeglang case, the perpetrator, identified as A, recorded the rape he committed against the victim, R. A had repeatedly subjected R to sexual and physical violence within a violent and manipulative relationship. He threatened R with the dissemination of videos of their sexual encounters to coerce her into staying with him. When R decided to leave A, he retaliated by sending the video to R's older brother via social media, using a feature that allowed the message to be viewed only once, so the video would disappear after viewing. Despite this, R's older brother reported the incident to the authorities.

The violence perpetrated by A, including both the rape and the non-consensual dissemination of intimate content, exemplifies a form of sexual violence that is prevalent in abusive dating relationships and is addressed under the TPKS Law. However, Indonesia lacks specific laws that address violence within dating relationships. While the crime of sexual violence is regulated under the TPKS Law, this legislation does not specifically address sexual violence in the context of dating relationships (Dhewy 2017). This contrasts with the regulations for the family context. Article 1 of the TPKS Law, specifically Point 7, defines the family as individuals directly related by blood in a straight line upwards, as well as those related laterally up to the third degree, such as uncles, aunts, nephews, and grand-nephews. It also includes individuals related by marriage, such as spouses, stepchildren, and stepparents, as well as dependents of witnesses and/or victims, including adopted children or those living and working in the household. Given this, it is crucial to include regulations that address sexual violence occurring within dating relationships. However, this presents challenges, as societal norms in some cultures may view dating relationships as morally or religiously inappropriate. Such norms can lead to secrecy and vulnerability, making individuals more susceptible to threats and manipulation by perpetrators. In these situations, perpetrators may use intimate photos or recordings to coerce victims, exploiting the power imbalance inherent in dating relationships.

In the context of the Pandeglang case, it was reported that one of the prosecutors met with R's family and encouraged them to reach a settlement with the perpetrator. During this meeting, the prosecutor suggested that R should not be accompanied by legal counsel, explaining to R's brother that R, as the victim, was already represented by the prosecutor—the Public Prosecutor (JPU). According to this account, which was detailed in an article by Andomo (2023), the prosecutor claimed to serve as a legal advisor to the victim. This approach is problematic because the Public Prosecutor (JPU) is supposed to represent the state and is tasked with bringing charges against the perpetrator while ensuring that the victim's rights to justice are upheld. The prosecutor's authority is defined in Article 14 of Law Number 8 of 1981 concerning Criminal Procedure Law. This article outlines that a public prosecutor has the authority to receive and examine investigation case files, conduct pre-prosecution procedures if deficiencies are found, grant or extend detention, make indictments,

hand over cases to court, and carry out prosecutions, among other responsibilities. Notably, there is no provision within this authority that allows a prosecutor to 'represent the victim.' Instead, the prosecutor acts on behalf of the state to prosecute the perpetrator for violating the law.

To assist victims in understanding their rights and navigating the legal process, it is essential to have a legal advisor or victim companion. These individuals play a crucial role in providing guidance, support, and ensuring victims are prepared to testify truthfully in court. According to Article 1, Point 14 of the TPKS Law, a companion is defined as someone trusted by the victim who has the competence to help them access treatment, protection, and recovery rights. Article 26, Paragraph (2) of the TPKS Law specifies that potential companions include LPSK officers, UPTD PPA officers, health workers, psychologists, social workers, social welfare workers, psychiatrists, legal assistance providers (such as advocates and paralegals), and officers from Community-Based Service Provider Institutions, among others. Notably, the role of a prosecutor is not included in this list of companions or advisors. Instead, the prosecutor represents the state and is responsible for prosecuting the perpetrator, rather than directly assisting or advising the victim.

Another notable aspect is the use of the ITE Law in this case, rather than the TPKS Law. According to interviews with the victim's brother and law enforcement officials, the choice to apply the ITE Law was based on the view that the primary legal issue was the dissemination of intimate content. Although it is clear that the video in question depicts the rape committed by the perpetrator against the victim, law enforcement officials might have considered the ITE Law more applicable because the case involved the dissemination of content, and because the victim and perpetrator were known to each other and were in a dating relationship. This perspective suggests that law enforcement may have viewed the sexual violence as a less direct issue, focusing instead on the unauthorized distribution of intimate content.

Statements from law enforcement officials suggest that they view the dissemination of non-consensual intimate content as falling under the ITE Law rather than constituting sexual violence. This perspective overlooks the relevance of the TPKS Law, particularly its provisions addressing sexual violence in digital spaces. The assumption by law enforcement that sexual violence in R's case is less clear reflects a broader denial within a patriarchal society that sexual violence constitutes

violence. This perspective illustrates how the state legal system often fails to recognize and address the violence affecting private spaces like the body and sexuality (Tambunsaribu & Widiyanti 2021).

In this case, the perpetrator did not express remorse, claiming instead that he was simply unlucky to have been caught (Andomo 2023). The case was prosecuted under the ITE Law rather than the TPKS Law. However, the judges were able to uncover that R was indeed a victim and had been unaware that she was being recorded during the assault. A was sentenced to six years in prison, with the District Court also imposing an additional eight-year ban on internet use. This additional punishment, however, was later overturned by the Banten High Court. While the additional punishment imposed by the District Court was a significant legal step, a key issue remains: determining which party is responsible for monitoring and evaluating the implementation of such sanctions.

Another important issue concerning the Banten High Court decision is that the victim's name was not fully concealed in the case documents. Specifically, the victim's full name appears in one section of the decision. To protect the victim's privacy, especially since the decision is published in the Supreme Court Decision Directory² and is accessible to the public, the victim's name should have been fully anonymized.

Nona's Case in East Nusa Tenggara

The 17 year old teenagers Nona and Jong (both pseudonyms) were in a dating relationship, in which they exchanged intimate content including nude photos. However, one of their friends found out and without Jong's or Nona's consent, distributed a photo of Nona on the internet via his Facebook account, where members of their school and community found out. This sharing of non-consensual intimate content spread to the surrounding community (Bere & Assifa 2023). This shame of the incident pushed Nona to end her life. This case is still being handled by the local police, and must be explored more deeply, whether the third party as the disseminator of the content obtained it outside of Nona's or Jong's knowledge and/or consent.

In Nona's case, while the exchange of intimate content between Nona and Jong was consensual, the subsequent distribution of Nona's photo by Jong's friend was not. This act of spreading the photo on social media without consent falls under Article 14, Paragraph 1 of the TPKS Law, which addresses non-consensual

dissemination of intimate content. This provision stipulates that such acts, which involve the illegal or non-consensual recording and sharing of intimate content, are punishable. However, it must be confirmed whether the third party who distributed the photo is a minor, as they would be subject to the provisions of the Juvenile Justice Act.

In this case, education about the limits of interaction and message sharing in the digital space is crucial, particularly for children and teenagers. It's important to understand how to share personal data, such as photos, responsibly, and the consequences of disseminating such information widely without proper consent. Awareness of these issues is vital for all, especially for the perpetrator who distributed Nona's photo in public spaces, leading to devastating consequences.

Victim of Photo Manipulation by Online Loan Companies

The third case discussed in this article involves two women whose photos were edited and manipulated to appear as if they were naked. These altered photos were then widely distributed by an online loan company that had lent money to the victims (Assifa 2021). The two victims came from different areas: one from Semarang and the other from Sukabumi.

In the Semarang case, the online lending company offered easy loans without collateral. The victim, who needed money for her child's milk, took out the loan. In the Sukabumi case, the victim discovered money had been deposited into her account without her applying for a loan. Initially, the victims attempted to repay the debt, but the amount grew rapidly due to exorbitant interest rates, eventually making it impossible for them to settle the debt. When the victims were unable to pay off the debt, the online lender began contacting them with harsh and intimidating messages. The situation escalated when the lender edited and manipulated the victims' photos to make it appear as though they were naked. The victims were then threatened with having these manipulated photos widely distributed.

This intimidation caused the victims significant fear, distress and feelings of isolation, not knowing who to turn to for help. The constant threats and the fear of public exposure disrupted their daily lives and work, as they worried about the spread of the manipulated photos. Additionally, they suffered financial losses due to ongoing demands from the lender for money. Overwhelmed by the situation, the victims eventually shared their ordeal with their husbands and extended

families. Ultimately, accompanied by their families, the victims reported the harassment to the police.

In the cases involving the victims from Semarang and Sukabumi, the protection of personal data is as crucial as addressing the sexual violence perpetrated by the online lending company. In these cases, it is pertinent that Article 35 and Article 36 of the ITE Law were included in the indictment and considered in the judge's decision. Article 35 specifically addresses actions such as manipulation, creation, and editing of data that are performed without authorization and cause harm to others. The online lending companies not only intimidated and humiliated the victims but also invaded their private space without consent. They manipulated and altered the victims' photos, resulting in significant trauma and social and financial damage to the victims, as reported by them.

The case of intimidation by online loan companies is notably prevalent among women. Many women are drawn to online loans due to their easy requirements, quick disbursement, and relatively small amounts borrowed. Research by Lestari et al. (2021) indicates that women, particularly housewives, often turn to online loans when they urgently need funds and lack other sources of income (Lestari et al. 2021). The victims from Semarang and Sukabumi, both teachers, faced a unique set of challenges. The threats from the online loan companies were particularly effective because of their professional status. As respected and well-known figures in their communities, the potential dissemination of manipulated nude photos severely compromised their professional image and personal dignity. This fear of public humiliation and reputational damage significantly intensified their distress.

In the three cases discussed, derived from court decisions and online newspaper reports, it becomes evident that while the TPKS Law provides specific protection for women victims of digital sexual violence, there is still a need for improvements in related regulations. Both the ITE Law and the Pornography Law, for instance, primarily focus on penalizing the creation and dissemination of content featuring women's bodies and sexuality, particularly involving nudity or sexual activity. However, these laws do not adequately address the issues of 'intention,' the parties orchestrating the acts, or whether intimidation or manipulation was involved in the creation and/or dissemination of such content.

From the perspective of law enforcement officials, there are still views that fail to recognize digital sexual violence as a form of sexual violence. Instead, it is often seen merely as a matter of moral violations or pornography. This perspective leads to a focus on upholding taboos about sexuality that are deemed inappropriate for public expression. Consequently, efforts are often concentrated on punishing those involved, including the victim, in order to re-establish community morals. In contrast, viewing digital sexual violence as a form sexual violence shifts the focus toward preventing further harm. This approach prioritizes stopping the circulation of harmful content, supporting the victim, and deterring the perpetrator. With this perspective, it is understood that in cases of digital sexual violence, the victim is the individual whose body and sexuality are exploited as objects in the content. As a result, this perspective helps prevent the criminalization of victims.

Another important issue related to digital sexual violence is that law enforcement officials often fail to recognize that victims experience the same psychological impact as those of physical sexual violence. Victims of digital sexual violence endure significant shame and distress. It is crucial for law enforcement officials to understand the severity of this impact. Consequently, mediation between the victim and the perpetrator, or attempts to halt the process of addressing digital sexual violence cases, should not occur, as the victim has already suffered enough.

Closing

There are two important aspects in addressing sexual violence in the digital space: First, the challenges faced in handling cases of sexual violence that occur in digital spaces in Indonesia. Second, recommendations for improving Indonesian government policies to better address and manage cases of sexual violence in the digital realm.

The challenges in handling sexual violence cases in the digital space include several key issues. First, law enforcement officials often hold a conventional view of sexual violence, which typically requires physical acts with visible impacts on the victim. However, digital sexual violence does not always involve physical actions, yet its consequences can be as severe as those of physical sexual violence. For example, in the cases discussed, the impacts include trauma leading to a reluctance to meet people, hesitation to interact on

social media, financial losses due to extortion by the perpetrator, and severe psychological effects such as depression and health problems, as experienced by R in the Pandeglang case. In extreme instances, it can even lead to suicide, as seen in the case from Nusa Tenggara Province.

Apart from questions about the boundaries of what constitutes sexual violence, law enforcement officials often feel the need to investigate the sexual history of victims in both physical and digital cases. This exploration of the victim's sexual history and their relationship with the perpetrator frequently becomes a barrier to justice, affecting both the processing of their cases and the pursuit of justice. For instance, in the R case in Pandeglang, the police and prosecutors deemed the case not as sexual violence but rather as an issue related to information technology, leading to its reassignment. Additionally, the consideration of the victim's sexual history in several judicial decisions resulted in less severe sanctions, under the assumption that the 'damage' was not as severe compared to victims who had never engaged in sexual relations (Ramadhan 2016).

The second challenge is related to people's digital literacy. In R's case, A believed that using the one-view feature to send the video would make it disappear. A overlooked that digital traces are not easily erased and can be forwarded, saved, and shared multiple times. Similarly, in Nona's case, Jong and Nona's friends who distributed her photo on Facebook did not consider that once a photo is uploaded to the digital space, it can spread rapidly. They likely did not anticipate the severe consequences for Nona, who, upon discovering the spread of her photo, experienced anxiety, embarrassment, and depression, ultimately leading to her decision to end her life. In another case involving two teachers in Semarang and Sukabumi, an online loan company, in its pursuit of maximum financial profit, used photos of the victims, digitally manipulated them, and distributed them. This company failed to recognize that its actions violated both the ITE Law and the TPKS Law.

The third challenge concerns the protection of victims of sexual violence in the digital space. These victims experience trauma, fear, and shame similar to those of physical sexual violence. It is crucial to establish appropriate mechanisms for providing protection and counseling to help victims recover. Efforts to protect victims are essential to prevent cases from escalating to extreme consequences, as seen in Nona's case. The role

of the Witness and Victim Protection Agency is vital in offering support and protection, including counseling, for victims of digital sexual violence (Iskandar 2021). Such services should extend beyond physical sexual violence to encompass victims and witnesses of digital sexual violence, who face comparable challenges. In digital cases, perpetrators can easily locate and terrorize victims through social media, with transgressing barriers of time and space.

What, then, is the strategy to address these challenges? Several recommendations related to Indonesian government policies can improve the handling of sexual violence cases in the digital space. First, it is crucial to educate law enforcement officers about the concept of sexual violence as outlined in Witness and Victim Protection Laws. The goal is to ensure that law enforcement officials understand that sexual violence encompasses more than just rape or attempted rape. This education will help officers, especially those on the front lines handling public reports, respond appropriately to cases of digital sexual violence.

Second, education on safe interactions, surfing, and sharing information in digital spaces is essential. This education should be structured and incorporated into the curriculum, not just offered through webinars, seminars, and workshops. It should be part of classroom teaching materials from basic education, covering topics such as what information can be safely shared online, respectful behavior in digital spaces, and how to protect personal data.

Third, the role of the Witness and Victim Protection Agency is crucial in providing protection for victims of digital sexual violence. It is necessary to expand the scope of protection offered to ensure comprehensive support for these victims.

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End Note

- 1 Lolita is the name of a character in Vladimir Nabokov's novel *Lolita* (1955), which depicts an unusual relationship between an adult man and a 13-14-year-old girl named Lolita. The novel describes the male protagonist's sexual interest in Lolita. This novel has been widely discussed in academic articles and books (Connolly 2009).
- 2 The author does not specify the page number of the decision where the victim's name appears to avoid further dissemination of the victim's personal data.

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

Desintha Dwi Asriani¹ & Defirentia One Muharomah²

Departemen Sosiologi, Fakultas Ilmu Sosial dan Politik, Universitas Gadjah Mada¹ &
Magister Perdamaian dan Resolusi Konflik, Universitas Gadjah Mada²
Jalan Socio Yusticia Nomor 1, Bulaksumur, Yogyakarta¹ & Gedung Sekolah Pascasarjana UGM,
Jalan Pogung Kidul, Sleman²

desintha@ugm.ac.id¹ & defirentiaone90@mail.ugm.ac.id²

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Abstract

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

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

Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Research Methods

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

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

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

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

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

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

Reflections on the Dynamics of Sexual Violence Issues in the Community

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Forms and Challenges of Advocacy in Sexual Violence Cases

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

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

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

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

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

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

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

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

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

complicate matters for women who are victims of violence:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Closing

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

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Building “Safe Spaces”: Indigenous Women and Sexual Violence in Indigenous Communities

Melya Findi Astuti¹, Tracy Pasaribu², & Widya Anggraini³

KEMITRAAN Partnership for Governance Reform¹²³

Jalan Taman Margasatwa 26C, Ragunan, Pasar Minggu, Jakarta Selatan 12550¹²³

melya.findi@kemitraan.or.id¹, tracy.pasaribu@kemitraan.or.id², & widya.anggraini@kemitraan.or.id³

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Abstract

Sexual violence in Indigenous communities occurs because of the social structure, namely the existence of layers that have different levels and authority in Indigenous communities. This condition causes certain groups to feel entitled to commit violence against other groups. Apart from that, unequal power relations are one of the roots of problems in Indigenous communities, which means that victims do not have the power to fight back and defend themselves. Women, children, and people with disabilities are groups that often experience violence, this is because there is no space in traditional communities that provides a sense of security and justice for them. This journal reviews the need to know the forms of violence in traditional communities so that we can then answer the challenges of solving the problem of sexual violence in traditional communities. Through research using ethnographic methods for three months, it was concluded that safe spaces can be a solution in overcoming sexual violence in Indigenous communities through participation in four stages, namely: participation in decision making in the community including development planning, participation in prevention and recovery programs, participation in the education of traditional leaders, village, and key opinion leader (KOL), KOL as well as the participation of Indigenous communities in the program evaluation.

Keywords: Indigenous women, Indigenous community, sexual violence, safe place, social protection, Indigenous law

Introduction

The issue of Indigenous women requires special attention when discussing Indigenous communities. Indigenous women are often recognized in three key roles: as guardians of knowledge on food sovereignty within families and communities, as holders of authority over the sustainability of livelihood sources, and as custodians of areas managed by women, which are closely linked to these livelihood sources. Their roles demonstrate that Indigenous women have a deeper understanding of plant diversity compared to men (Lope-Alzina 2020). However, despite their significant contributions, attention to the specific needs of Indigenous women is often overlooked. They remain more vulnerable to violence due to a lack of gender-based understanding at decision-making levels, both in customary practices and state institutions.

Indigenous women and girls face complex, intersectional forms of violence rooted in patriarchal structures, racial and ethnic discrimination, and socio-economic inequality. Evidence from various countries, as reported by the Human Rights Council and the Special Rapporteur on violence against Indigenous women and

girls, highlights that Indigenous women are particularly vulnerable to severe forms of gender-based violence. These include forced sterilization, human trafficking, gender-related or ‘honor’ killings, forced displacement, kidnapping, forced labor, harmful traditional practices, and sexual and gender-based violence in the contexts of displacement, migration, and conflict settings (IASG 2014).

These acts of violence are perpetrated by various actors, including the state, private companies, criminal groups, members of Indigenous communities, and even family members. This violence is largely driven by the desire to occupy and control Indigenous territories and resources, often accompanied by militarization. The structural violence embedded in the daily lives of Indigenous communities also deeply affects Indigenous women. Their bodily experiences are often overlooked due to patriarchal structures that position women as second-class citizens. As a result, Indigenous women are more vulnerable to violence, with serious negative implications for the fulfillment of their human rights (Corpuz 2015).

A clear example is the conflict arising from the construction of the Lambo Reservoir in Nagekeo Regency, East Nusa Tenggara Province. The development plan threatens to displace residents from three villages, causing them to lose their homes, fields, and land. In this case, Indigenous women have been at the forefront of opposing the reservoir's construction, feeling criminalized by non-participatory policies that prioritize investment over their rights. Similarly, the case of iron sand mining by a company in Serawai Pasar Seluma, Bengkulu, has faced opposition from traditional women since 2010. The mining operations, located on traditional land, have damaged sacred forests. The primary impact on women is the loss of living and farming spaces. Additionally, women face an increasing double burden, as they not only provide food for their families but are also responsible for educating younger generations about their customs. The threat posed by mining jeopardizes their ability to preserve and pass down these practices, which have been sustained for generations (Sepriandi 2024). The main impact for women is the loss of space live both for living and farming. More Therefore, women experience an increased burden Double because it's not just about providing food for families, but also requires education young women to have knowledge about their customs. Threats over the presence of mining is that they no longer have the spaces for upholding and developing what has been passed down from generation to generation.

Gender-based violence against Indigenous women and girls is rarely reported, and perpetrators often enjoy impunity—especially when they hold powerful positions within Indigenous communities. One example is the case in Malancan Village, Mentawai Islands, where village regulations for handling sexual violence are already in place. However, imposing customary fines as a sanction has not been an effective deterrent, particularly when the perpetrators are influential figures, such as traditional elders or landowners (KEMITRAAN 2023).

Indigenous women and girls encounter significant barriers in accessing justice, whether within their communities or through state institutions. These barriers include discrimination, bias, fear of stigmatization, language obstacles, and the risk of re-victimization. Consequently, when they experience violence, Indigenous women and girls often do not receive adequate support for recovery. They also endure the effects of trauma, which, if left untreated, can be passed onto future generations (Raphael et al. 1998; Duran et al. 1998).

Komnas Perempuan notes that sexual violence frequently occurs in personal spaces and is often perpetrated by individuals close to the victim or within relationships and environments that should be safe from violence (Komnas Perempuan 2023). In this context, findings from focus group discussions (FGDs) conducted for the sexual violence Safe Space *Kertas Kerja* by KEMITRAAN, as well as research on sexual violence, reveal that perpetrators often include close relatives such as uncles, siblings, and even elders within the Indigenous community. In such cases, recovery becomes particularly challenging due to the lack of support for victims from both their family and the community.

Intersectional issues—defined as forms of interrelated discrimination stemming from multiple variables in a person's identity (Crenshaw 1989)—are evident in cases of gender-based violence experienced by Indigenous women and girls with diverse identities or characteristics. This is particularly true for those living far from their hometowns or in remote areas away from major cities. For example, a case of sexual violence against Indigenous girls attending school in a district capital was resolved through customary mechanisms, which involved a fine of 30 million rupiah. Despite being resolved according to custom, the coalition network in West Sumatra continues to address the case within the legal framework (results from field notes and interviews with YCMM).

Indigenous women with disabilities are more vulnerable experiencing violence. A study in Nepal in 2021 against 210 indigenous women with disabilities disability or non-disability shows that.

Indigenous women with disabilities have higher risk of violence. This is because it is negative stigma of disability and lack of awareness regarding the rights of indigenous women and people with disabilities (NIDWAN 2023).

To understand social inequality and systemic injustice, it is essential to use an intersectional approach. This approach helps us recognize that the experiences of individuals or groups vary significantly from those of others. For example, the experiences of women with disabilities differ from those of women without disabilities. Similarly, the experiences of women from religious or ethnic minorities are distinct and are further influenced by their socio-economic situation (based on data processed by INCLUSION).

Indigenous women with disabilities are more prone to experiencing violence. A 2021 study conducted in Nepal, which surveyed 210 Indigenous women both with and without disabilities, found that those with disabilities faced a higher risk of violence. This increased vulnerability is due to negative stigma associated with disabilities and a lack of awareness about the rights of Indigenous women and people with disabilities (NIDWAN 2023). Discrimination against Indigenous peoples often arises from the intersection of gender, disability, and status within Indigenous communities. The lack of access to education can further hinder Indigenous women and girls with disabilities in recognizing, defining, and articulating the violence they experience (NIDWAN 2023). Additionally, Indigenous women and girls may face obstacles and violence both within their communities and from state or non-state actors outside their communities. However, these experiences can vary depending on the nature of the traditional community and its region. For example, in some communities, diversity in sexual orientation and gender identity is accepted. An instance of this is the Bugis community in Sulawesi, which recognizes five genders, including the Bissu, who are believed to possess mystical powers and play significant roles in Bugis traditional ceremonies (Suliyati 2018).

It is important to distinguish between gender-based violence against Indigenous women and gender-based violence targeting Indigenous communities as a whole (Koukkanen 2012). This distinction relates to the recognition of the rights of Indigenous women as individuals and collective rights, as acknowledged in The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which states that Indigenous women and men are equal. The occurrence of violence against Indigenous women indicates a failure in understanding Human Rights. Currently, there is limited detailed examination of what Indigenous women and girls experience when their human rights are violated in relation to their individual and collective identities, particularly how Indigenous women and girls face systemic discrimination within both customary and non-customary justice systems, and the barriers they encounter in accessing effective justice.

The existence of government institutions does not guarantee protection for women from violence, as these institutions often remain gender-biased. For example, in Papua, state institutions typically only handle cases that are reported and have not been proactive in investigating or addressing violence against women. The police, as the primary body responsible for inquiries

and investigations, have also not prioritized cases related to sexual violence. Meanwhile, traditional institutions often impose sanctions in the form of fines, which can harm victims and discourage them from pursuing justice through formal channels (Pona & Wahyuni 2002).

In the Indonesian context, there is limited literature on sexual violence occurring in Indigenous communities. This article aims to identify the forms of sexual violence within these communities and analyze their root causes. This analysis seeks to define an appropriate concept of "safe space" tailored to the context of Indigenous communities. KEMITRAAN has completed the *Kertas Kerja*: "Space for Justice and Guarantee of Protection for Indigenous Women from Sexual Violence," which was developed based on the experiences of traditional facilitators, academics, interviews with experts and research institutions, literature reviews, and other secondary data.

Research Methods

This research began with the preparation of the *Kertas Kerja*: "Space for Justice and Guarantee of Protection for Indigenous Women from Sexual Violence" in 2022 through focus group discussions with field facilitators from 10 civil society organizations across 7 provinces, which support Indigenous communities in 42 villages. During its preparation, interviews were conducted with academics, literature reviews were performed, and three existing policies were reviewed: the Law on Sexual Violence (TPKS), the Penal Code (KUHP), and the Draft Law (RUU) on Indigenous Legal Communities (MHA). The discussions identified a common thread that sexual violence occurring in Indigenous communities is a form of gender-based violence that has long been entrenched in these communities. The *Kertas Kerja* has been disseminated and received extensive feedback highlighting the need for further research on sexual violence within Indigenous communities, focusing particularly on Indigenous women and women with disabilities.

KEMITRAAN then advanced the proposals from various parties by conducting ethnographic research in collaboration with the Anthropology Laboratory (LAURA) at Gadjah Mada University (UGM), which was completed in December 2023. This research focused on two locations: Wangga Meti Village in Matawai La Pawu District, East Sumba, and Desa Malancan in North Siberut District, Mentawai Islands. The research method employed included ethnography with anthropological, phenomenological, ethnosience,

and sensory-experience approaches. The field research was conducted over three months, during which three field researchers lived in the research villages and immersed themselves in the community. This involved participating in daily activities (participation-observation) and conducting ethnographic interviews (unstructured and informal) with victims of sexual violence and traditional elders and community leaders.

The selection of the two locations was based on differences in ‘customary law’ characteristics, geographical conditions, and the status of women within each community. These differences provide valuable comparative material for examining variations in viewpoints (ethnographic semantics) and sense-experiences of Indigenous peoples regarding sexual violence and the surrounding socio-cultural relations (Sturtevant 1964; Perchonock & Werner 1969; Ahimsa-Putra 1985). The research aims to identify local terms and concepts related to sexual violence to reveal the unique knowledge of each community. This unique perspective is then compared between the two studied communities. Wanggameti Village in East Sumba was chosen for its use of customary law, particularly for addressing sexual violence. Malancan Village in the Mentawai Islands was selected for its formulation of customary law within village regulations and as a representative example of Indigenous communities in coastal and remote island areas.

This research also classifies forms of sexual violence using an ethnoscience approach to reveal Indigenous people’s perspectives on the issue. Ethnoscience research focuses on understanding culture as a mental construct that shapes perception and serves as a model for classifying social situations (Sudarmin 2014). This approach aims to uncover social issues deemed important by the community and how these issues are organized within the community’s Indigenous knowledge systems and science. Ethnoscience specifically examines the community’s knowledge system as expressed through local language and communication (Sturtevant 1964; Perchonock & Werner 1969; Ahimsa-Putra 1985).

Forms of Sexual Violence in Indigenous Communities

Sexual violence can be defined as any unwanted sexual act, which includes sexual comments or advances that use coercion, whether involving physical touching or other forms of coercion related to someone’s sexuality. This encompasses various forms of non-consensual sexual acts, such as unwanted comments, kissing, sexual touching of body parts, forced masturbation, attempted rape, and rape (Martiany 2017). According to Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS), sexual violence is categorized into nine forms: non-physical sexual harassment, physical sexual harassment, forced contraception, forced sterilization, forced marriage, sexual torture, sexual exploitation, sexual slavery, and electronic-based sexual violence.

In research conducted by KEMITRAAN in collaboration with LAURA UGM, various forms of sexual violence within Indigenous communities were identified and classified into three categories based on an ethnoscience approach: (a) severe sexual violence, (b) moderate sexual violence, and (c) minor sexual violence. Severe sexual violence is defined as acts that involve direct harm to women’s intimate organs, such as unwanted force applied to the genitals. Moderate and minor sexual violence include acts that do not involve physical assault. Examples of these include infidelity, which can lead to household destruction, polygamy, and domestic violence (KDRT), as well as verbal sexual harassment, stalking, and elopement (such as captive marriage in East Sumba). This categorization reflects the experiences of Indigenous women as detailed in the research findings by KEMITRAAN and LAURA UGM.

The research conducted by KEMITRAAN in collaboration with LAURA UGM from September to November 2023 examined forms of violence prevalent in Indigenous communities in East Sumba and Mentawai. The study categorized the identified forms of sexual violence into the three categories, with each region using its own specific terms.

Table 1. Forms of Sexual Violence

No.	Location	Severe Forms of Sexual Violence	Moderate Forms of Sexual Violence	Minor Forms of Violence
1.	Mentawai	Rape, which is referred to in the local language as ‘Katotembai’	Infidelity - ‘Katoratcak’	Verbal sexual assault - ‘Katokailo’
2.	Sumba Timur	Rape, which is referred to in the local language as ‘Paputa Rambang’ or ‘Panjalu Dangu’	Domestic violence - ‘Papalu’ Infidelity - ‘Kiikau’	Stalking Verbal Abuse Elopement

Source: Data processed based on KEMITRAAN and LAURA UGM research on sexual violence in Indigenous communities and ethnic minorities.

Based on monitoring results from the National Commission on Violence Against Women over a period of 15 years (1998-2013), 15 forms of sexual violence were recorded (Komnas Perempuan 2023). According to the monitoring module and reference instrument issued by the National Commission, these forms of sexual violence include rape, sexual intimidation, sexual harassment, sexual exploitation, trafficking in women, forced prostitution, sexual slavery, forced marriage, forced abortion, forced contraception, sexual torture, inhumane punishments with sexual nuances, traditional practices with sexual nuances, and sexual control. Many of these forms of sexual violence align with the category of severe sexual violence as formulated in the research results.

***Kertas Kerja*: Space for Justice and Guarantee of Protection for Indigenous Women from a Culture of Sexual Violence**

The results of the research on sexual violence in Indigenous communities build upon the *Kertas Kerja* prepared by KEMITRAAN in 2022-2023. This *Kertas Kerja* aims to identify forms of sexual violence in Indigenous communities and provide recommendations for three pieces of legislation: the Criminal Code, the Indigenous Peoples Bill, and the TPKS Law. The *Kertas Kerja* was developed based on the experiences and knowledge of facilitators, expert focus group discussions (FGDs), and supporting secondary data to address the needs of Indigenous women. The method for preparing this policy paper involved reviewing these three laws.

This *Kertas Kerja* also defines sexual violence as a form of gender-based violence. According to Jeanne Ward, as quoted in the *Kertas Kerja*, violence against women constitutes gender-based violence itself (Nafi et al. 2016). Specifically, this is described as any form of sexual crime committed against a person's will that negatively impacts their physical or psychological health, development, and identity. Such violence results from gender inequality that exploits the differences between men and women. Although it does not only occur in women and girls, gender-based violence essentially affects them in all cultures. Violence can manifest in physical, psychological, economic, and sociocultural forms.

The findings from this research indicate that the high prevalence of sexual violence in Indigenous communities is influenced by social hierarchies and power imbalances stemming from customary and kinship systems—based on class, gender, and material

wealth. Additionally, the research found that sexual violence often occurs in private spaces due to changes in social organization, such as the shift from communal to nuclear families living in relatively distant homes.

The KEMITRAAN *Kertas Kerja* assesses that the complex issues related to the prevention and protection of Indigenous women are not adequately addressed in the TPKS Law (KEMITRAAN 2023). This law does not accommodate the specific needs of Indigenous communities concerning sexual violence, such as the principles of harmonization between humans and their natural surroundings, and the roles of men and women in case resolution, restitution, and customary justice. Traditional institutions and customary courts play a crucial role in resolving cases at the village level because they are accessible, cost-effective, and use language that is familiar to the community. However, informal justice systems like customary law can be biased against women due to their limited political capital, resulting in inadequate protection and sometimes ignoring women's needs to maintain communal harmony (World Bank 2008). Consequently, finding a "safe space" for women facing sexual violence remains a challenge. While some Indigenous communities are actively working to prevent sexual violence against women, further exploration and integration with the TPKS Law and its derivative regulations are necessary.

The research findings are based on the narratives of local traditional women. Over three months of data collection, the study identified 15 reported cases of violence against Indigenous women in Sumba and Mentawai. It is important to acknowledge that there may be additional unreported cases due to victims' reluctance, fear, or intimidation. This reluctance to report, or silence, contributes to the perpetuation of rape culture.

Rape culture refers to a phenomenon where the act of rape is normalized within a society. Widiyanti (2021), in her article titled "*Sexual Violence at the Higher Education Level: An Overview of Philosophical Feminism*," describes rape culture as a situation where behaviors implying "rape" are regarded as a normal part of social life. This normalization is further elaborated by Dianne Herman, who argues that rape culture involves the dominance of cultural associations between violence and sexuality, leading to heterosexual relationships being based on a sexual model of rape (Herman 1989).

Based on the description above, as quoted from the 11th Principle Consent organization page, there is an

illustration of a rape culture pyramid (Cervix & Chandra 2018) that explains how rape culture manifests through three levels (from bottom to top): normalization, degradation, and violence or attack. For example, consider a case of sexual violence that occurred in East Sumba:

“The victim was raped by her own father. The perpetrator was a former village head. This incident took place in 2014/2015. The incident was significant as the PPPA [Ministry of Women's and Child Protection] and the police intervened to handle this case. It was reported that the perpetrator even threatened the victim's family, bribed village officials, police, and parties involved in handling this case with animals. This former village head is a person who is highly respected because he is an elder, has many animals, children in the house even though he does not live in the same house. This incident began when the victim's biological mother was killed by her own biological father. After killing, the victim was raped. The closest relative who found out about this reported the case to the local police for murder. Meanwhile the victim ran to the village head's house at that time to get protection. However, while staying at the village head's house, she was raped. The victim ran to a neighbor's house and told him about the incident. Neighbors who heard this reported it to the Church Council and then reported it to the police. The victim was accompanied by a local NGO during the investigation process, until finally the Village Head was sentenced to 15 years in prison for raping a minor” (Estungkara Research Report 2023).

The case illustrates how rape culture operates, especially when victims seek a safe space and protection. The victim experienced repeated rape from powerful individuals in the area. Although the perpetrator was eventually sentenced to prison, thanks to the efforts of the church and the victim's neighbors who reported and handled the case, the situation highlights the problematic dynamics of power. The perpetrator, a former village head, abused his position of authority to further his own interests. His actions reflect a normalization of rape, as he continued to assault the victim even while she sought protection.

Rape is no longer merely a manifestation of sexual desire but is increasingly seen as a demonstration of unequal power relations (Widiantini 2021). In the context of Indigenous communities, this dynamic is evident in the behavior of the village head towards the victim. The perpetrator's actions aim to assert and demonstrate his power over the victim. Rape culture, therefore, is built on the dominance of such power relationships. Rape is not just a physical act but also a symbol of domination (Widiantini 2021).

Discussing rape culture, a case from East Sumba highlights the dynamics between *maramba* (masters) and *ata* (servants/slaves). In this context, when a person experiences rape, there is often no protection provided. In fact, incidents of rape involving an *ata* are sometimes tolerated because it is seen as beneficial to the *maramba*. If an *ata* becomes pregnant, it is perceived as an advantage since it increases the number of workers available to the *maramba*.

In the context of Indigenous communities, based on research results and the experiences of program assistance since 2022, many victims who should have received protection were instead blamed. For instance, in East Sumba, it was considered normal for a wife to endure domestic violence if she could not bear children. Similarly, in Mentawai, a child was blamed for being perceived as teasing their grandfather. Such instances of victim-blaming contribute to the perpetuation of rape culture. This culture is sustained by various factors, including power relations and gender stereotypes, which shape the perceptions of perpetrators.

Power Relations and Sexual Violence

Komnas Perempuan emphasized that unequal power relations between perpetrators and victims are at the root of sexual violence. This power inequality is not limited to gender but is more pronounced when one party (the perpetrator) holds more control over the victim (usually women). This control can manifest in various forms, including resources like knowledge, economic power, social status, and social capital. Additionally, control can arise from patron-client relationships or feudalistic patterns, such as those between parents and children, employers and workers, community leaders and residents, and armed groups or officials and civilians (Martiany 2017). According to Supreme Court Regulation Number 3 of 2017 on Guidelines for Trying Women's Cases, power relations are inherently hierarchical, characterized by inequalities or dependencies related to social, cultural, educational, or economic status. In the context of gender relations, this results in domination by one party over another, disadvantageous to those in lower positions, who are often women.

One of the rape victims in East Sumba reported that many incidents of rape were committed by *maramba* (masters) or live-in fathers (adoptive fathers) against *ata* (servants/slaves) or live-in children (adopted

children). These incidents were often ignored by the victim's family and the local community. The victim and their family are often powerless because they lack the financial resources and connections needed to challenge the perpetrator, who typically possesses significant land, money, and influential relationships within the community.

However, power relations in Indigenous communities also manifest in another form: the dominance of power centered around certain figures. In the East Sumba community, priests from the Marapu faith lead religious ceremonies, while traditional leaders are crucial for daily life and maintaining harmony among residents. Traditional leaders come from various social groups, including both *ata* (servants) and *maramba* (nobles). Generally, the *maramba* group is expected to protect and provide for its citizens, including addressing community problems. They are the primary contact for residents seeking assistance or advice. This research shows that the *maramba* group typically owns substantial land, which leads to an extensive network due to their agricultural and trading activities. Aristocrats often have close connections with government officials, churches, and frequently hold important positions within villages and religious institutions.

In the Mentawai Indigenous community, the situation is similar. Each tribe has its traditional figures, and although local names or languages may vary, there are three key traditional roles: *Si Mabajak Lagai*, the oldest person in the tribe; *Rimata*, the tribal chief appointed by *Si Mabajak Lagai*; and *Sikerei*, who serves as a healer for health issues. Historically, there was also a *Sikerei* specifically responsible for political issues and maintaining harmony among residents. However, with the advent of development and government influence, this political role of the *Sikerei* has diminished. The tribal chief has become the primary point of contact for reporting problems and issues. Researchers found that tribal chiefs are well-known to government officials and often act as representatives in community and government activities. The findings of this research highlight how the close relationship between tribal chiefs and *Sikerei* as traditional figures significantly influences the policies and actions of law enforcement officials.

This is a major factor in the perpetuation of sexual violence in Indigenous communities and exacerbates the plight of victims. The Research Team (KEMITRAAN

and LAURA UGM) initially assumed that sexual violence cases struggled to receive formal legal attention due to limited access to police stations and minimal interaction between Indigenous communities and government officials, which was attributed to language and other barriers. However, the many stories shared by victims and families about their experiences reveal that some traditional leaders have very close connections with the police and government officials, even at the district or city level. Consequently, the resolution of these cases often rests in the hands of these traditional leaders.

KSR Case

In an interview in October 2023, KSR described to LAURA UGM researchers the rape they experienced. When they were 13 years old, they were raped by GO, a 70-year-old grandfather, in the village they both lived in. KSR suffers from epilepsy and has burn scars on several parts of their body from when they were a toddler and fell into a fire during an epileptic fit. Due to inadequate medical treatment, the burns took a long time to heal. KSR's parents worked in the fields from dawn until late evening each day, leaving KSR to play with GO's siblings and grandchildren. In Malancan village, where only 13 families live and which is quite isolated, it is common for children to be left unsupervised while their parents are in the fields.

In the interview process, KSR told researchers that GO raped her several times at the time KSR's parents go to the fields. Rape committed in the bedroom and in the bathroom. GO usually will went to KSR and asked him to withdraw gray hair. When they are close together, GO groped KSR's body and raped him. According to KSR admitted that GO also often threatened him "Don't scream, if you scream they will come and die We." The repeated threats scared KSR tell his parents even though it hurts what he felt. KSR has pain in the vaginal area every time urinate and wash with water. But because of taste Afraid, KSR didn't dare to tell anyone. "Father and mother will definitely be angry if I tell you," he said.

This case came to light when KSR began traveling to Medan for epilepsy treatments, with aid funds from a nurse. While waiting for departure, KSR confided in Nurse MA about the rape. Nurse MA reacted with anger, blamed KSR, and even hit them. This information was then passed on to KSR's parents, who responded similarly. They did not believe KSR's account and blamed KSR instead. They found it hard to believe that GO,

who was known to be kind and religious, could have committed such an act. Consequently, they decided to consult MSR, their tribal elder, to seek advice on the matter.

MSR also responded with disbelief to the story. He knew GO as a good person and couldn't imagine him committing such an act. MSR thought KSR might be lying and said, "At first I didn't believe it, that's why I called and asked KSR directly, he's still my grandson too." Despite his doubts, MSR helped report the incident to the police and requested a post-mortem. The examination confirmed that KSR had indeed been raped. Once it was established that KSR was telling the truth and that GO was guilty, the tribe imposed penalties on GO. He was fined and removed from the tribe's inheritance rights, including land, fields, and ponds. Additionally, GO was fined with pig, pots, and other items.

According to KSR's mother, despite the decision to impose a customary fine, GO had not paid it. From a formal law enforcement perspective, the police arrested GO after he was proven guilty based on the post-mortem report. However, GO attempted suicide in front of the Malancan Village office by stabbing himself in the stomach. He was then hospitalized, and the police released him under the pretext of allowing him time to recover. When questioned about this, MSR expressed skepticism about GO's illness, noting that GO continued to attend gambling venues and wedding parties. As the tribal leader, MSR had the authority to enforce the customary fines, but he did not take any firm action against GO. Despite the customary process establishing GO's guilt and the family's demands for accountability, the customary punishment remained unenforced, and MSR chose not to act. Similarly, formal law enforcement failed to address the issue effectively. MSR could have reported GO's apparent health to the police to ensure justice for KSR and his family, but as of the writing of this article, GO remained free.

MBJ Case

In another case, it was observed that MSR handled issues of sexual violence differently compared to the case of GO and KSR. MSR's response to the case involving MBJ, an 18-year-old woman who was raped by her half-brother, differed significantly. MBJ and the perpetrator share the same mother but had lived separately for a long time. However, in 2021, after returning home from sailing, the perpetrator began to live at MBJ's house.

Similar to the previous case, MBJ, who is also an only child, was frequently left alone by her parents. The perpetrator started to approach MBJ and often slept in the same room. Initially, MBJ felt pleased to receive attention and affection from the perpetrator, whom she considered a real brother, given her usual solitude. MBJ also noted that the perpetrator frequently watched pornographic videos when they were together.

The rape occurred at night while MBJ's parents were still in the garden. The perpetrator threatened to kill MBJ if she screamed, and she complied, being forced to remain silent. MBJ reported to researchers that she felt pain in her vagina for several days afterward. The situation worsened when the perpetrator raped MBJ again while her parents were still in the garden and no one else was home. Following these incidents, MBJ noted a change in her feelings towards the perpetrator. She admitted that she developed feelings for him and described their sexual relationship as based on mutual feelings.

The physical changes in MBJ were eventually noticed by her mother, leading to her being taken to a midwife in May 2022, where it was confirmed that she was 4 months pregnant. MBJ and the perpetrator, who were in a romantic relationship, fled to another village. It was at this point that MSR's role as a traditional leader became apparent. Unbeknownst to MBJ and the perpetrator, MSR had reported the perpetrator to the police, leading to his arrest in the new village. The perpetrator was subsequently sentenced to 5 years in prison and was still serving his sentence at the time this article was written.

MSR explained to researchers that he had initially planned to conduct a customary trial. However, because the perpetrator and victim had fled, MSR felt that they were disrespecting the customs. Consequently, he acted swiftly by contacting the police to have the perpetrator arrested. MSR also views MBJ's child and the perpetrator as a disgrace. Upon the perpetrator's release from prison, MSR demanded that the child be removed from their village and brought to the perpetrator's tribe. Currently, MBJ and the child, named RC, lack a birth certificate because the church rejected the child, and RC does not have an ethnic name due to perceived violations of custom. Additionally, the relationship between MBJ and the perpetrator cannot be re-established, as it breaches customary law.

Double-Headed Staff: Customary Law versus Formal Law

As observed in the KSR and MBJ cases, the responses and actions of MSR as a traditional leader have significantly impacted the fate of both perpetrators and victims of sexual violence. In the KSR case, the perpetrator (GO) had a personal connection with MSR, being related and regarded as one of the elders in the traditional community. MSR's responses and actions were lenient and accommodating towards GO, partly because GO was considered 'religious' and thus 'unlikely to commit ethnic violations.' This status afforded GO considerable respect within the community. Consequently, MSR allowed GO to avoid customary fines, even though these sanctions were legally mandated by the customary court and acknowledged by the community. Furthermore, MSR permitted GO to remain free from prison, with no residents reporting the situation to the police. This case illustrates how power imbalances between the perpetrator and the victim not only leave the victim powerless during the rape (due to physical, age, and social status differences) but also in the case-handling process. The perpetrator's strong control, stemming from his kinship with MSR, enabled him to evade both state (prison) and customary (fines) legal responsibilities.

In contrast, MSR responded swiftly to the MBJ case by contacting the police, which led to the perpetrator being sentenced to 5 years in prison. Unlike GO, the perpetrator in the MBJ case was considered a "nobody" in the community—he was an immigrant from a different tribe, had no close relationship with MSR, and lacked significant land, property, or influence. This lack of social standing led to his immediate arrest and imprisonment. This situation underscores the considerable influence MSR has over both customary and formal law.

MSR became so firm in defending the harmony of customary and tribal law that he even imposed 'punishment' on RC, a young child who had done nothing wrong. This case shows that, upon entering the case resolution stage, victims are made vulnerable because they lack access to economic resources, knowledge, and social status.

MSR's power is so great that he can hold customary court sessions and contact the police. However, this power is unable to provide justice when dealing with the perpetrator GO, a respected elder with a good reputation in the church, community, and with whom he has an emotional connection. This means that

in cases of sexual violence, customary courts and customary law are 'played' by traditional elders, and depend on the elder's bias. Traditional elders have the power to determine whether a case will be brought to customary law and/or formal law. It is even possible for them to influence the outcome and decision of a case. This tendency is what we call the 'magic wand,' which represents the bias held by traditional elders. Through their position, they have significant authority and can decide whether perpetrators of sexual violence will receive customary punishment, formal punishment, or even both. Beyond that, the rigor of enforcement of both laws will also greatly depend on the traditional elder.

Based on the author's observations, we see that, in the context of customary law, traditions and culture actually contribute to the compounded vulnerability of women and children in Indigenous communities regarding sexual violence. Another root cause is the imbalanced power relations exerted by traditional leaders who have control over economic resources, knowledge, and even the ability to confer high social status on members of their community—in this context, including making decisions about the lives of Indigenous women. The sexual violence that occurs stems from multiple layers of oppression, including sexism, racism, ageism, and heterosexism (Martiany 2017). In Indigenous societies, inequality and discrimination against women remain strong with women often having limited opportunities to participate in development processes and to access education, healthcare, and economic opportunities.

Meanwhile, in reference to state law, the protection of women within Indigenous communities is closely tied to the implementation of the TPKS Law. However, the existence of this law alone will not directly address the complex problems at hand. It requires the involvement of various parties, particularly efforts focused on victim-centered protection. These protective efforts should be incorporated into state law through the application of criminal law, prevention without punishment, and by shaping public perceptions of crime and punishment via the mass media (Wulandari 2020). Efforts to protect Indigenous women from sexual violence must consider the relationship between the provisions of the TPKS Law and how they are applied in Indigenous contexts. Additionally, community participation is essential in creating safe spaces.

Social Protection Through Safe Spaces

A safe space is not merely a physical location but a trusted zone where victims feel secure. It is essential to protect individuals from threats to their right to life, ensuring safety from physical and psychological dangers such as disasters and health risks. Furthermore, safe spaces must also be socially secure, as vulnerabilities to discrimination and violence often trigger insecurities—whether physical, psychological, economic, or spiritual (Chuzafah 2022). Indonesian law guarantees the right to a safe space, as outlined in Article 28G(1) of the 1945 Constitution, which states: Every person has the right to the protection of themselves, their family, honor, dignity, and property under their control, as well as the right to a sense of security and protection from the threat of fear in doing or not doing something that is a human right.

Stories from victims during the research process reveal that spaces in Indigenous communities often fail to provide a sense of security. Instead, these spaces reinforce layers of discrimination that worsen the victims' circumstances. Victims who dared to speak out and seek help were met with violence from their mothers, older siblings, nurses, and faced bullying from their communities, leading to repeated victimization. This not only affects the victims but also those who support them. For instance, one Indigenous community companion shared how they were warned by village officials and police for 'exaggerating' a case of sexual violence.

It is important to examine the TPKS Law for answers. When the law was passed, it was widely praised for prioritizing the victim's perspective throughout its provisions. Unlike previous approaches, where cases of sexual violence often stalled after being reported, this law includes principles of protection and recovery for victims. Many of its articles focus on victim-centered responses and protection. However, the implementation of the law still faces challenges, particularly from law enforcers.

Specifically, in examining the implementation of the TPKS Law within Indigenous communities, we see in the case of KSR, a person with a disability in Mentawai, that the punishment for the perpetrator of the rape was not enforced by authorities. The perpetrator cited illness as an excuse and has remained out of jail at the time of writing this article. Article 19 of the TPKS Law states: 'Anyone who deliberately prevents, obstructs,

or frustrates, directly or indirectly, the investigation, prosecution, and/or examination in court of suspects, defendants, or witnesses in cases of Sexual Violence Crimes shall be punished with imprisonment for up to five years.' The question then arises: who ensures that law enforcement is carried out according to this provision?

Another experience shared by an Indigenous community facilitator with the researcher in early 2024 highlighted the mishandling of a case involving a victim of sexual violence under 17 years old. The facilitator explained that workers from the social services department approached the victim, asked questions about the rape case in front of several people, and then took a photo of the victim while handing over a relief package. This photo was later shared in the department's WhatsApp group. Despite the facilitator's reminder to protect the victim's confidentiality by not revealing their face or name, the workers claimed the photo was for internal documentation purposes only, to record the aid and services provided. The TPKS Law contains several articles addressing assistance and protection for victims and witnesses. Article 26 outlines the assistance process, while Article 69(d) ensures victims' right to protection, including the confidentiality of their identity. Unfortunately, the comprehensive implementation of justice for sexual violence victims in Indigenous communities, as well as recovery procedures outlined in Article 70, has yet to be fully realized. The law guarantees victims the right to physical recovery, psychological services, educational support, and spiritual guidance. However, the research found that these recovery rights were minimally fulfilled. Some victims were even expelled from school due to pregnancy, and psychological services were not available, even in the district capital. Sexual violence victims in areas assisted by KEMITRAAN ultimately received healthcare services and legal assistance through the KEMITRAAN program and its collaborations with other NGOs. However, due to the remote location of Indigenous communities and the lack of basic service facilities, fulfilling rehabilitation rights becomes extremely difficult. LAURA UGM researchers even discovered a case where a victim with a disability was fitted with an intrauterine device (IUD) to prevent pregnancy. This is truly heartbreaking, as it suggests that society and law enforcement have failed to adequately protect victims.

In the past 1.5 years, sub-district governments, humanitarian organizations, and civil society

organizations have raised awareness about sexual violence and the TPKS Law. Several findings emerged from these activities, including a general public sentiment that reporting to law enforcement is futile. In addition to being expensive and complicated, victims often face further hardships, such as bullying, being blamed by neighbors or relatives, and even being expelled from school, which worsens their situation and that of their families. Moreover, Indigenous community facilitators reported that some government speakers involved in addressing sexual violence are themselves perpetrators or have problematic backgrounds, such as police investigators with multiple wives or village leaders who are either perpetrators or fathers of perpetrators. This undermines community trust in the system and leads to inadequate responses and follow-up on sexual violence cases.

In the broader Indonesian context beyond Indigenous communities, weak law enforcement is a significant issue. This weakness is partly due to the stigma surrounding sexual violence, which is often framed as a domestic issue, and the patriarchal perspective that downplays women's issues. Many high-profile cases in Indonesia have started with the police's reluctance to follow up on Domestic Violence (KDRT) reports made by wives, which then escalated into more severe outcomes, such as murder. Victim blaming remains prevalent, with society often attributing blame to victims based on their clothing or profession.

Women's Participation in Promoting Gender Equality and Safe Spaces for Indigenous Women

Victims of sexual violence and Indigenous community advocates emphasize that the main challenge in addressing sexual violence is the patriarchal culture, which causes victims and their families to be reluctant to speak out and even feel guilty for disturbing the peace and balance of the community. Additionally, victims often feel ashamed and powerless. This patriarchal culture is rooted in the unequal power dynamics between men and women. For example, a victim from East Sumba reported that her husband consistently beat her, both at home and in public, with no neighbors or relatives coming to her defense. Gender discrimination allows men to beat, rape, and insult women, as their social status is considered superior to that of women. This situation is further compounded by control over resources—social, political, and economic—by Indigenous elders. These elders play a significant role

in Indigenous communities, as they conduct customary courts, influence customary decisions, enforce or ignore these decisions, and have access to law enforcement, which they can negotiate or influence.

It is crucial to enhance the participation of Indigenous women in their communities. Women's voices, including their ideas and concepts, need to be heard at all levels—from families and communities to traditional institutions and development meetings. Several forms of participation are important for preventing sexual violence and building safe spaces (Mulyadi 2017). First, participation in decision-making involves community involvement in decisions related to the prevention and resolution of sexual violence cases. The cases collected in this research indicate that traditional elders often make decisions influenced by personal interests and bias, rather than involving families and other community members. In 2022, the Estungkara program from KEMITRAAN conducted research on women's participation in 39 villages in Indonesia, including the village where this research took place. The study revealed that the limited participation of women in development planning stemmed in part from the perception that women lack capacity. This is a perception not confined to Indigenous communities, but remains widespread throughout Indonesia. Women's issues, especially those related to violence, are often overshadowed by economic or infrastructure agendas. The minimal representation of women's voices, the persistence of strong patriarchal norms, and the dominance of traditional leaders—who are frequently intertwined with government officials and law enforcers—contribute to development programs and approaches to violence against women that fail to promote gender equality.

Secondly, it is crucial for women to participate in the implementation of sexual violence prevention and recovery programs. While the previous point focused on participation, consolidating women's voices can help identify safe spaces, individuals, or mechanisms within communities that can both prevent sexual violence and support victim recovery. According to the findings of this research, some victims receive help from churches, temples, and Indigenous community companions. Women's daily experiences can guide the development of safe mechanisms and spaces for protection and support. For example, the situation of Mentawai Indigenous women working long hours in the fields and children in Sumba needing a safe space to share

their experiences highlight urgent social issues that must be addressed to prevent sexual violence. Article 79, paragraph 1 of the TPKS Law states that prevention should be implemented across various fields, including education, government, culture, and religion. The involvement of religious institutions and Indigenous community companions in handling cases supports this provision and should be further strengthened within Indigenous communities.

Thirdly, the participation of leaders, or more precisely Key Opinion Leaders (KOLs)—such as village heads, traditional elders, administrators of traditional institutions, and religious leaders—is crucial. In Indigenous communities, KOLs have significant influence and can mobilize the community effectively. For example, the Mentawai Indigenous community has a mediator in customary justice known as *sipatalaga*. While changing the perspectives of traditional elders may be challenging, there are other traditional leaders who can be approached and encouraged to be more sensitive to gender equality issues. According to Article 81 of the TPKS Law, prevention involves education and training for law enforcement officers, government service personnel, and those at Community-Based Service Provider Institutions. Research findings indicate that traditional elders often have intertwined and influential relationships with officials and government personnel. Therefore, engaging KOLs from the outset—through initiatives to follow up on sexual violence cases, socializations, and training—is essential for effective prevention and response.

Fourth, participation in evaluation is crucial. When decisions regarding perpetrators of sexual violence are not implemented, the community needs a mechanism for voicing complaints. Customary institutions, as integral parts of each community, are suitable venues for this. Effective implementation requires that women actively participate in the public sphere and that their issues are heard in discussion spaces, with leaders of these institutions being sensitive to women's issues. Customary institutions present opportunities for preventive and rehabilitative actions, as mandated by Article 54 of the TPKS Law, particularly paragraphs 2 and 3. Indigenous communities typically have customary institutions that serve as representatives and facilitate consolidation among residents. Paragraphs 2 a, b, and c address literacy efforts, socialization, and the creation of conducive environments, where customary institutions can play a key role. An initiative by Bumi Lestari, a civil

society organization in East Sumba, aims to increase women's representation in customary institution leadership. This effort seeks to revitalize traditional institutions to support gender equality and ensure women's issues receive the attention they deserve.

High levels of community participation significantly impact the success of development programs (Mulyadi 2017). Development is influenced not only by the organizers (such as the government) but also by the involvement of the community, which can determine the success or failure of a program. Safe spaces must be designed in a participatory manner, with mechanisms that are mutually agreed upon and recognized, and their implementation should involve various community groups.

Closing

Sexual violence in Indigenous communities is correlated with the power relations within their social structures. This correlation illustrates how cultural practices in these communities impact the handling of such cases. Patriarchy places men in more dominant and decision-making roles, which influences how cases are managed and often results in inadequate justice for victims, the majority of whom are women, children, and individuals with disabilities.

The cases detailed in this article illustrate how power is used to perpetuate sexual violence, both by perpetrators and those involved in handling cases. Ideally, communal Indigenous communities should be safe spaces that protect women, children, and individuals with disabilities, but this is not always the case. Safe Spaces can be interpreted in several ways. Physically, they might include places that offer protection from perpetrators, such as churches and traditional schools. Philosophically, Safe Spaces can encompass legislation, customary laws, and rules that create a protective environment. They also include opportunities for women's participation in decision-making and program planning aimed at safeguarding them from violence. Moreover, Safe Spaces involve participation in prevention and recovery efforts, such as educating traditional leaders, village members, and key opinion leaders (KOLs), while fostering a community-wide commitment to combat sexual violence. This recommendation aligns with the *Kertas Kerja's* suggestion to revitalize traditional institutions and customary justice systems as safe spaces for preventing sexual violence.

The TPKS Law is intended to serve as a safe space that addresses the challenges of sexual violence in Indigenous communities. However, in practice, it has not effectively guaranteed protection. As noted in the *Kertas Kerja* prepared by KEMITRAAN in 2023, the TPKS Law does not specifically address sexual violence within the context of Indigenous communities. While the TPKS Law includes provisions for assisting and protecting victims and witnesses—such as physical recovery, psychological services, educational facilities, and spiritual guidance—these services are rarely provided in practice. Given the distinct characteristics and patterns of Indigenous communities compared to non-Indigenous ones, special attention is needed in implementing the TPKS Law, particularly in ensuring the participation of Indigenous women in decision-making processes. Involving Indigenous women in these processes would allow for the incorporation of elements that better address local customs and traditions, including customary laws that center on the experiences and needs of Indigenous women.

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The Need for Collective Work in Handling Sexual Violence Cases at Universitas Indonesia

Retno Daru Dewi G. S. Putri

Jurnal Perempuan

Jalan T. B. Simatupang kavling 23-24, Jakarta Selatan, DKI Jakarta 12430

daru@jurnalperempuan.com

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Abstract

The emergency situation of sexual violence in educational institutions, especially universities, triggered the issuance of Regulation of the Minister of Education, Culture, Research and Technology Number 30 of 2021 on Prevention and Handling of Sexual Violence (Permendikbudristek PPKS). In its implementation, the formation of a Task Force for the Prevention and Handling of Sexual Violence (Satuan Tugas Pencegahan dan Penanganan Kekerasan Seksual – Satgas PPKS) is an obligation for every university in Indonesia. Universitas Indonesia has three organizations that fight for justice for victims of sexual violence by accepting reports and providing assistance and protection: Satgas PPKS UI (PPKS UI Task Force), Komite PPKS FISIP UI (PPKS FISIP UI Committee), and HopeHelps UI. In their work, support from the university is a determinant of success or increasing barriers to combating sexual violence on campus. The experiences of these three organizations are analyzed in this article through Levine's (2018) three strategies for engaging organizations through Haraway's (1988) lens of objectivity. The findings in this paper show that the impact of the patriarchal culture and mindset at Universitas Indonesia still marginalizes efforts to implement strategies in fighting for justice for victims of sexual violence.

Keywords: anti-sexual violence organization, sexual violence in higher education, collective work strategies, situated knowledge

Introduction

In 2017, a friend introduced me to their junior, who were completing their final assignment as a requirement for graduation from the University of Indonesia (UI). One student admitted to struggling with their writing due to experiencing verbal sexual violence from their supervisor. Changing topics or supervisors was no longer an option, as the lecturer had deep expertise in the student's chosen theme, which was central to their final assignment. A week after our meeting, the student did not respond to my follow-up message about their progress. It seemed they needed a safe space to confide in and guidance on what steps to take if the situation worsened.

The sexual violence experienced by the victim was a form of sexual exploitation, which often occurs due to an abuse of power between lecturers and their students (Noer et al., 2022; Howard, 2016; Ahmed, 2023). Sulistyowati Irianto, a professor at the Faculty of Law, University of Indonesia, argues that responses to reports of sexual violence by lecturers often involve reversing the inequality, placing blame on the victim rather than the perpetrator (Irianto, 2021). Activities

such as assignment guidance and research provide spaces that perpetrators exploit to commit their actions. Victims feel compelled to endure the violence in order to graduate quickly, hoping that this will minimize the frequency of the abuse they experience.

In the same year, I experienced physical sexual violence perpetrated by a co-worker and fellow teacher. Despite the presence of witnesses and evidence from text messages, I still did not feel secure because there was no formal avenue for complaints within the academic community. Additionally, my position as a part-time lecturer, based solely on UI's Specific Time Work Agreement contract, was not as strong as the perpetrator's status as a permanent lecturer candidate, who would have been better protected had I filed a complaint. These power dynamics, characterized by oppression (Wooten, 2015; Howard, 2007; Ahmed, 2023), contribute to the increasing number of female workers who quit or frequently change jobs. According to Davis (2017), workplace sexual violence resulted in 41 percent of women leaving their jobs. Irianto (2021) and Widiyanti (2021) emphasize that this is particularly prevalent in academic settings due to the absence of

systems that accommodate and follow up on reports of such cases.

Inequality based on power dynamics like these ultimately led me and several other victims to build a *sisterhood* (Radina, 2017; Putri et al., 2022) as a form of solidarity to protect victims from the same perpetrator. We hoped that this collective safe space, initiated by members of the academic community, would also help prevent harm to other potential victims. However, these efforts underscore the lack of institutional awareness on campus to provide a formal channel for complaints and enforce appropriate punishment for perpetrators. Similar to the previous offender, my colleague, the second perpetrator of sexual violence, continues to teach on campus without consequence.

Four years later, in 2021, the urgency of addressing sexual violence in higher education institutions prompted the issuance of the Regulation of the Minister of Education, Culture, Research, and Technology Number 30 of 2021, concerning the Prevention and Handling of Sexual Violence (Permendikbudristek PPKS) in the academic environment. Article 5, paragraph 2 of this regulation outlines 21 specific actions that are classified as types of sexual violence. In addition to these definitions, Permendikbudristek PPKS (2021) also emphasizes measures for prevention, assistance, and protection for victims, institutions, and witnesses of sexual violence.

Resistance to sexual violence gained momentum when the Draft Law on Criminal Acts of Sexual Violence was passed into the Law on Criminal Acts of Sexual Violence (UU TPKS) on April 12, 2022, after a decade of advocacy (Nurhadi, 2022). Similar to the Permendikbudristek PPKS by the Ministry of Education and Culture, the TPKS Law includes articles that govern reporting, handling, and protecting victims. These regulations aim to ensure a victim-centered legal process (Nurita & Wibowo, 2022).

The implementation of Permendikbudristek PPKS and the TPKS Law represents significant progress in the movement to eliminate sexual violence in Indonesia. However, the existence of these policies does not immediately eradicate the deeply rooted cases of sexual violence within educational environments. The increasing number of reports received by the National Commission on Violence Against Women (Komnas Perempuan) highlights two key points: growing awareness and the courage of victims to speak out and resist, but also confirms that sexual violence remains pervasive in our society (Putri, 2024). According to

the 2023 Annual Records (Catahu) of the National Commission on Violence Against Women, 2,228 cases of sexual violence were reported in 2022, with 37 of these cases occurring in educational institutions (Komnas Perempuan, 2023). Catahu 2023 also notes that there has been increased courage among whistleblowers since the implementation of the Permendikbudristek PPKS Regulation and the TPKS Law. While these regulations mark an achievement in promoting policy changes aimed at encouraging bodily respect and commitment to eliminating sexual violence, policy alone is insufficient. Success should be measured by the extent of transformative impact on vulnerable groups once the policy is enacted. In the context of the University of Indonesia, a significant obstacle to eliminating sexual violence is the lack of full institutional awareness regarding the importance of implementing these laws and regulations. This is evident from the inadequate responses from campuses in processing cases of sexual violence, particularly before dedicated organizations began consistently advocating for this issue.

Based on my experience as a member of the academic community at the University of Indonesia and as a feminist activist, I would like to critique the handling of sexual violence, drawing from the experiences of three organizations composed of academic community members at the University of Indonesia. This critique is set against the backdrop of inadequate institutional awareness and support for their advocacy and efforts to combat sexual violence.

Research Methods

The framework in this paper focuses on the role of organizations in combating sexual violence in higher education institutions, particularly at the University of Indonesia. Gender-based violence against women, including sexual violence, is perpetuated by the patriarchal structures embedded in society (Heise, 1998). Heise's *Ecological Framework* (1998) highlights the importance of organizational roles, emphasizing that sociocultural factors significantly contribute to both the occurrence of sexual violence and the ongoing efforts in prevention, assistance, and protection of victims.

The ecological framework also underpins other works that focus on the collective efforts of organizations in combating sexual violence. "*Engaging the Community*" by Levine (2018) is an article with a similar focus and serves as a foundation for the thinking in this paper. In Levine's work, the guiding questions provided were adapted for my interviews with three representatives

from three organizations: the PPKS UI Task Force, the PPKS FISIP UI Committee, and HopeHelps UI. Three important aspects to consider when evaluating the commitment to eliminating sexual violence include: building profitable partnerships, fostering awareness and prevention, and reframing the problem.

In this article, I also discuss the challenges and opportunities in preventing and addressing sexual violence in higher education. Referring to Noer et al. (2022) in *"Strengthening the Role of Communities in the Prevention of Sexual Violence in Higher Education: Opportunities and Challenges,"* the persistence of patriarchal culture is identified as a common phenomenon. This work serves as a reference for exploring the obstacles faced and the support received by the three organizations featured in this article.

The results of the interviews will be analyzed using Donna Haraway's (1988) concept of objectivity, which posits that the interests of those in power influence movements and activism within an organization or community. Haraway's perspective on objectivity highlights how dominant patriarchal thinking in higher education can either support or hinder the efforts of the organizations discussed in this article. Both Haraway (1988) and Harding (1988) argue that knowledge is not neutral or objective; it is always intertwined with social, political, and historical contexts. In this view, power is not seen as separate from knowledge but as an integral part of it, underscoring the interconnectedness of science, power, and knowledge.

Haraway's (1988) concepts of situated knowledge and the deconstruction of objectivity are particularly relevant here. Campuses, as educational institutions that produce knowledge, are deeply intertwined with ideological and social activities. These institutions, along with their members, engage not only with scientific methods but also with various interests and power dynamics. From a feminist perspective, neutrality and objectivity are not inherent qualities of science or educational institutions. In fact, campuses have an imperative to foster social transformation. Neutrality is not a form of justice; rather, it is a guise that can obscure and perpetuate sexism, discrimination, and injustice (Ahmed, 2023). Transformative knowledge, on the other hand, is knowledge that supports marginalized groups and seeks to address and rectify inequalities (Haraway, 1988; Harding, 1988; Ahmed, 2023).

This research will examine how the PPKS UI Task Force, PPKS FISIP UI Committee, and HopeHelps UI operate using the concept of situated knowledge to

incorporate inclusive perspectives. A feminist viewpoint is employed to demonstrate the need for alignment and solidarity, which are expressed through collaborative actions as a form of resistance. Additionally, a feminist perspective is used to critique how objectivity functions as a regime that perpetuates power (Haraway, 1988; Harding, 1988).

This article presents the experiences, challenges, and support encountered by the University of Indonesia's Task Force for Preventing and Handling Sexual Violence (PPKS UI Task Force), HopeHelps UI, and the Committee for Preventing and Handling Sexual Violence at the Faculty of Social and Political Sciences, University of Indonesia (PPKS FISIP UI Committee). It highlights the collective efforts of these organizations in combating sexual violence despite limited support from one of Indonesia and Asia's leading state universities (QS Top Universities, 2024). The sources interviewed for this article include key leaders from each organization: Manneke Budiman (Chair of the PPKS UI Task Force), Mamik Sri Supatmi (Chair of the PPKS FISIP UI Lecturer Member Committee), and Mawla Atqiyya Muhdiar (Deputy Director of HopeHelps UI). Interviews were conducted directly with Manneke Budiman on March 15, 2024, and Mamik Sri Supatmi on March 18, 2024, while Mawla Atqiyya Muhdiar was interviewed online. The selection of these top-level sources represents their entire teams and provides insights into the work of their organizations and communities. From these interviews, the author gained an understanding of the experiences of sexual violence abolition activists at UI and critically examined the lack of support from the campus.

Patriarchal Culture in Higher Education and the Perpetuation of Sexual Violence

Factors contributing to the occurrence of sexual violence include personal, situational, and sociocultural elements (Heise, 1998). In the pursuit of justice for victims, patriarchal socio-cultural norms often serve as obstacles due to traditional gender roles that tend to position women as subordinate to men. In higher education, these strong socio-cultural influences make it challenging to eliminate perspectives that lack a victim-centered approach. Lecturers, who are seen as authorities and sources of knowledge, often abuse their relationships and power within the campus environment (Irianto, 2021). This dynamic is further compounded by power imbalances and oppressive dynamics, which can lead to sexual violence being perpetrated against students (Wooten, 2015; Howard, 2016; Ahmed, 2017; Ahmed, 2023).

Haraway (1988) argues that within any environment, the understanding of all actions taken by organizations or community groups is influenced by dominant thought patterns. The knowledge that constitutes truth is shaped by those who hold power over the groups they lead, making the concept of objectivity heavily influenced by these dominant perspectives. Consequently, the dominant ideas within an organization or community are reflected in the social relations and outcomes of their actions.

The formation of statutory regulations can be one example. In the sexual violence issue, the common obstacles that occur are still characterized by blaming the victim or ignoring the cases that occur so that the realization of regulations that side with the victim and provide appropriate rewards for the perpetrators is still rare. As for regulations and groups that guarantee their implementation, a patriarchal situation cannot necessarily facilitate justice for victims. In the context of the campus world, Ahmed (2017) stated that educational institutions often only provide jargon about justice, equality and humanity. In fact, in implementation, various crimes are ignored, including sexual violence.

Not only is the understanding of knowledge and thinking patriarchal, the unequal power relations that are abused also worsen the elimination, treatment, assistance and protection of victims. The top-down culture or top-down communication implemented by the higher education bureaucracy is one of the difficult problems in resolving issues of sexual violence. This confirms that the perpetrator has a more powerful position than the victim (Irianto 2021). In cases of sexual violence at universities, many victims or witnesses know about the case but choose to remain silent because fighting back can cause multiple vulnerabilities, starting from exclusion, loss of power, and others (Ahmed 2017).

The three elements of perpetrators and victims based on their power relations in higher education consist of lecturers, students, and staff or educational staff (Noer et al. 2022). In 2023, the Ministry of Education and Culture found that the highest number of cases in the education sector was in universities where perpetrators of sexual violence were dominated by civil servant lecturers, which means the cases occurred in state universities. The lack of implementation of gender issues in the higher education curriculum makes it increasingly difficult to implement an understanding of sexual violence due to unequal power relations among the academic community. Gender and feminism issues surrounding sexual violence are also still considered

women's issues and are not the responsibility of the campus.

The Gender Mainstreaming Instruction issued in 2000 has not been implemented effectively, leading to a limited understanding of sexual violence issues in the tertiary sector. This lack of understanding persists across both natural sciences and social sciences, where weaknesses in addressing gender issues and sexual violence remain evident. The UI PPKS Task Force statistical report supports this observation, showing a high number of cases in the Faculty of Cultural Sciences as of November 22, 2023, and in the Faculty of Engineering as of December 31, 2023 (University of Indonesia PPKS Task Force, 2024).

The disparity in how universities respond to sexual violence has led victims and advocates to seek their own solutions to address the issue. With objectivity often overshadowed by patriarchal knowledge and mindsets, pursuing justice for victims of sexual violence in higher education becomes increasingly challenging. Many feminists argue that combating gender discrimination, including sexual violence, is difficult and frequently encounters resistance. Therefore, collective resistance, solidarity, and collaborative efforts are seen as crucial for progress (Haraway, 1988; Harding, 1988; Ahmed, 2017; Ahmed, 2023).

Strategic Offers in Combating Sexual Violence in Higher Education

The importance of addressing sexual violence as an organizational or community priority was not fully recognized until feminists highlighted it (Dominelli, 1995). Prioritizing the collective experiences of women, particularly victims of sexual violence, is crucial for ensuring justice, providing assistance, and offering protection.

Unfortunately, as Irianto (2021) notes, similar initiatives have rarely emerged from higher education institutions as a whole. While some lecturers advocate against sexual violence, they are a minority among the many educators and academic community members who could support victims. This lack of attention is attributed to the entrenched patriarchal mindset and seniority culture within higher education institutions, affecting lecturers, students, and staff alike (Noer et al., 2022). This culture reinforces Haraway's (1988) concept of objectivity, which emphasizes how situated knowledge is influenced by dominant patriarchal perspectives. Sara Ahmed (2017) similarly argues that persistent sexism

and racism in educational institutions hinder efforts to challenge and deconstruct discriminatory ideas and the feminist movement on campus.

Previous research on the elimination of sexual violence indicates that a lack of resources and data, along with negative reactions to addressing sexual violence, are two major problems in higher education (Levine, 2018, pp. 89-90). For example, the UI PPKS Task Force, with only 13 team members, is tasked with handling 80 cases. To address these challenges, three strategies can be implemented: building effective partnerships, emphasizing the importance of awareness and prevention, and reframing the problem.

In the first strategy, building partnerships within universities to address sexual violence involves engaging both external and internal experts. Internal experts are particularly valuable due to their deeper understanding of institutional culture, which is crucial for deconstructing patriarchal thought patterns that do not support victims. It is essential to involve and accommodate various stakeholders in the policy-making and program development process, including victims, sexual violence support groups, lecturers with expertise in sexual violence and feminism, and relevant practitioners. Additionally, securing funding is crucial for sustaining efforts to combat sexual violence over time. According to Haraway's (1988) framework, incorporating inclusive experiences and knowledge, and accommodating marginalized perspectives, is necessary to achieve transformative change.

The second strategy, fostering awareness and prevention, is crucial for changing the culture and patriarchal mindset within higher education (Levine, 2018). Enhanced awareness is expected to reduce the number of sexual violence cases and promote shared responsibility for prevention. However, internal campus challenges often impede these efforts, as some individuals may perpetuate sexual violence by remaining silent or opposing those seeking justice, including victims, support staff, and lecturers (Ahmed, 2017; Ahmed, 2023).

The third strategy, reframing the problem, is essential for strengthening organizational efforts to eliminate sexual violence. Often, campuses may neglect to support victims and continue the process due to concerns about maintaining the institution's reputation (Irianto, 2021). This mindset needs to be challenged through education and outreach on gender issues and sexual violence. It is important to raise awareness that concealing ongoing cases will ultimately harm

the institution's reputation more than addressing them openly. Additionally, universities must recognize that inadequate handling of sexual violence cases can negatively impact the academic performance of the community, potentially diminishing the institution's overall competence.

The three strategies proposed by Levine will serve as the basis for analysis in this paper. The work, obstacles, and campus support experienced by three organizations advocating for the abolition of sexual violence—the PPKS UI Task Force, the PPKS UI Committee, and HopeHelps UI—will be examined through the lens of Levine's (2018) strategies for involving organizations and communities in addressing this issue.

The Role of Organizations in Combating Sexual Violence at UI

The data presented in this article comes from interviews with Manneke Budiman (Chair of the PPKS UI Task Force), Mamik Sri Supatmi (Chair of the PPKS FISIP UI Lecturer Member Committee), and Mawla Atqiyya Muhdiar (Deputy Director of HopeHelps UI). These individuals provided insights into their work, the obstacles they faced, and the support they received in advocating for the eradication of sexual violence at the University of Indonesia. Their experiences are analyzed using Levine's (2018) strategies and the concepts of objectivity and situational knowledge as outlined by Haraway (1988).

University of Indonesia PPKS Task Force

Established in 2022 under UI Chancellor's Regulation Number 91 of 2022 concerning the Prevention and Handling of Sexual Violence in the University of Indonesia Environment (Pertor PPKS), the UI PPKS Task Force serves as a support system for victims at the university who report cases of sexual violence. Over a period of 1 year and 4 months, the Task Force has received 80 cases. The assistance provided by its 13 members is primarily focused on psychological support. This includes both directing victims to psychological counseling or psychiatrists for recovery as well as ensuring a safe space when responding to reports and visiting victims. According to Manneke Budiman, in an interview on Friday, March 15, 2024, victims sometimes request visits or accompaniment to prevent further harm from perpetrators. These requests have occurred not only during working hours but also late at night and early in the morning.

“The task force must respond no later than 1 x 24 hours after the report is received. There are instant ones, at 11 pm, asking to be met right then and there outside campus, and the meeting can last until 2 am. So, the task force can't wait until tomorrow, right? Direct. We asked PLK to accompany us because we were afraid that this Task Force would be framed. Wow, the condition is so serious, everyone wants to commit suicide, we can't wait until the next day at 9 in the morning. So, that's straight forward. Respond immediately, please determine the meeting place for the victim. They're scared, right? Some were even followed by the perpetrators. So, he followed him wherever he went. So, they can suggest 'can I meet you at a food stall'. So, the Task Force must go there” (Manneke Budiman 2024, Interview 15 March).

The PPKS Task Force cannot work alone; to process a case, the Task Force must coordinate and collaborate with campus security, the Resort Police's Women and Child Protection Unit, counseling support from the UI Faculty of Psychology, the Student Executive Board, other anti-sexual violence groups, the campus press community, and others. The involvement of all these parties shows that the prevention, management, and recovery aspects of sexual violence require collaborative work (Haraway 1988; Levine 2018; Ahmed 2023).

The educational aspect mentioned by Levine (2018) has been implemented by the UI PPKS Task Force through Instagram, one of its main channels for disseminating information on sexual violence. The Instagram account not only shares infographics containing knowledge but also publishes documents related to reporting and assisting victims. These documents include a reporting form, a published apology statement from a perpetrator of sexual violence, the official position statement of the UI PPKS Task Force, and two legal bases for the formation of the UI PPKS Task Force: UI Chancellor's Regulation Number 91 of 2022 and Permendikbudristek PPKS Number 30 of 2021 (Task Force Instagram PPKS UI 2024).

However, despite its efforts in assisting victims, networking, and educating the public, the UI PPKS Task Force largely relies on individual and community initiatives and resources. Their work is far from ideal, reflecting the minimal commitment of the university to eliminating sexual violence. In an interview, Manneke expressed regret that the UI PPKS Task Force is still viewed as separate from other university work units.

“The task force is a unit, the same (as other work units). However, if we need anything, every activity has to make a TOR (Terms of References), make a RAB (Cost Budget Plan), all kinds of things are included, like we are making a committee. So, that's when the funds will be released. That's not possible, how is it possible? So, the term Task

Force should be like an ER (Emergency Room). He is always in an emergency situation, never routinely. All cases are emergencies” (Manneke Budiman 2024, Interview 15 March).

The situation described above illustrates how objectivity and neutrality can lead to injustice. As Haraway (1988) argues, knowledge and policy should favor the marginalized, but this partiality is lacking. This is evident in the absence of specific funding policies for university PPKS Task Force activities, including those at UI, within the PPKS regulations from the Ministry of Education and Culture. While the UI Chancellor's Regulations include funding provisions for the PPKS Task Force, the disbursement process is lengthy without pressure from the Ministry. Sanctions from the Ministry of Education and Culture only apply if a university lacks a PPKS Task Force, with no assessment of Task Force performance, which further limits support.

The lack of institutional support has forced the UI PPKS Task Force to rely on personal funds to carry out its activities. This situation is particularly challenging as the team, led by Manneke, is largely made up of students who are not financially strong.

“These children already have difficulties to pay their tuition every semester. Yet they still have to spend their own money. Then, the UI can't just behave like 'ah, as long as they want to do it, that's fine'. That's human exploitation” (Manneke Budiman 2024, Interview 15 March).

Unfortunately, if the UI PPKS Task Force team cannot access personal funding quickly, the response time for providing assistance may be delayed, which could further endanger victims. In response to these challenges, the Faculty of Psychology at the University of Indonesia has started offering free psychological assistance to circumvent bureaucratic obstacles, ensuring that victims of sexual violence on campus receive timely support.

Budget limitations, the need for safe housing, and the challenges of providing education to the academic community across all faculties hinder efforts to eliminate sexual violence. Due to limited resources, the UI PPKS Task Force can only educate faculty leaders and other work units when directed by the Chancellor or invited by specific parties. However, comprehensive education that reaches all members of the community is essential for the effective elimination of sexual violence.

The lack of support from the university led the UI PPKS Task Force to cease submitting sexual violence case reports, with the first reporting channel being halted on

July 24, 2023. In the Official Position Statement released by the UI PPKS Task Force on their Instagram account (Instagram PPKS UI Task Force 2023), it was stated that the university had not provided the necessary facilities and operational assistance. Furthermore, requests for meetings and discussions with the Chancellor were never fulfilled.

“Not only do we have no funds, we are handling dozens of cases. How can we move when there is no support and no office? So, when we interviewed people it was in my office, in Mrs. Kristi’s office, in the canteen; because they weren’t given a place. When the announcement (terminating the reporting channel) came out, suddenly there was an office for us” (Manneke Budiman 2024, Interview 15 March).

After the official position statement was published, the university finally provided facilities in the form of a workspace located in the Old Library Building, UI Depok Campus. On the news page of the official University of Indonesia website, the campus stated that the provision of the workspace was proof of its commitment to the work of the UI PPKS Task Force (Admin 2023). On September 1, 2023, the reporting channel was reopened, only to be closed again on March 4, 2024. This time, the reason posted on the official Instagram account of the UI PPKS Task Force was due to administrative issues (Instagram UI PPKS Task Force 2024), showing that the support in the form of workspace facilities was still insufficient to meet the needs of the victim assistance and protection program.

University of Indonesia PPKS FISIP Committee

The FISIP UI PPKS Committee began working effectively on August 10, 2022 (FISIP UI PPKS Committee, 2024), based on FISIP UI Dean’s Regulation Number 2 of 2022 concerning General Guidelines for Handling and Preventing Sexual Violence at the Faculty of Social and Political Sciences, University of Indonesia. In an interview on Monday, March 18, 2024, Mamik Sri Supatmi, Chair of the Lecturer Elements Committee, explained that the formation of the FISIP UI PPKS Committee was triggered by a sexual violence case at the beginning of 2020 involving a professor. The reports from dozens of victims to the faculty created pressure to establish a system that advocates for victims of sexual violence at FISIP UI.

Since its formation, the FISIP UI PPKS Committee, consisting of 7 members—4 female lecturers, 1 male lecturer, 1 female staff member, and 1 female student—has received 5 case reports in 2022, 7 cases in 2023, and 4 cases in 2024. Victim assistance provided so far includes psychological counseling. Perpetrators are also offered

rehabilitation programs to help them recognize their mistakes and prevent recurrence of these actions in the future. Additionally, the committee’s work is supported by educational programs targeting the entire FISIP UI academic community. This includes visible efforts such as posters and banners around the FISIP UI campus that campaign against sexual violence. During the celebration of International Women’s Day (IWD), public education efforts are intensified, featuring activities like film screenings and discussions.

What is noteworthy about the FISIP UI PPKS Committee’s educational efforts is the socialization and training provided to all members of the FISIP UI community. Information about sexual violence and its various forms is disseminated to students through representatives of the Student Association, BEM, and autonomous bodies at FISIP, as well as to new students, staff, work unit staff, security guards, cleaning service personnel, and canteen vendors through targeted training sessions. This approach underscores the PPKS FISIP UI Committee’s commitment to raising awareness across diverse groups, emphasizing that the fight against and elimination of sexual violence is a shared responsibility.

The PPKS FISIP UI Committee collaborates actively with other groups and does not work in isolation. Regular meetings with faculty student associations help to broaden the dissemination of knowledge about anti-sexual violence initiatives, reaching a larger audience. The Committee also participates in one of the routine sessions of the Introduction to the Faculty Academic System activity each year, where they educate new students about the fight against sexual violence on the FISIP UI campus.

The autonomy of the FISIP UI PPKS Committee has so far supported their work against sexual violence, including education, outreach, and victim support. However, Mamik and her team still face challenges. Similar to the UI PPKS Task Force, the funds provided by the leadership, in this case the dean, are not easily accessible. Various bureaucratic procedures must be followed to finance the victim assistance process. As a solution, the FISIP UI PPKS Committee requested additional staff to handle finances, but this request has not yet been fulfilled.

“Our main job is to teach. We do this voluntarily. But it becomes complicated if you have to receive reports and take care of finances too” (Mamik Sri Supatmi 2024, Interview 18 March).

Apart from administrative obstacles, there are challenges in the educational process with respect to lecturers. According to Mamik, other FISIP UI members, such as staff, work unit staff, security guards, cleaning service personnel, and canteen vendors, are more readily informed about efforts to eliminate sexual violence. However, educating lecturers is much more challenging because some of them believe they already understand the issue, even though they don't. This aligns with Haraway's (1988) idea that knowledge and power relations are inseparable. Disseminating knowledge about sexual violence to those in power, such as lecturers, senior lecturers, and campus officials, proves to be more difficult. Some individuals perceive the issue of sexual violence as exaggerated, while others argue that the campus should not handle sexual violence cases, as they are considered criminal matters.

Apart from the challenges in providing education, the UI PPKS Committee's experience with interviewing perpetrators reveals the difficulty that lecturers, as perpetrators of sexual violence, have in accepting their mistakes and the proposed sanctions and rehabilitation. Consequently, regulations impose stricter sanctions on lecturers, ranging from being prohibited from teaching to removal from their positions if they are currently serving. This insensitivity among lecturers contrasts with the more manageable situation with students, who are easier to sanction due to their limited power. Most student perpetrators handled by the PPKS FISIP UI Committee have been cooperative, readily admitting their violations. They are more easily educated and sanctioned to prevent repeat offenses in the future.

"Hopefully not only students, but all campus residents, especially lecturers, faculty leaders and professors understand and respect the bodies of every person, every woman, including those who are not part of heteronormative bodies" (Mamik Sri Supatmi 2024, Interview 18 March).

HopeHelps UI

Compared to the PPKS UI Task Force and the PPKS FISIP UI Committee, HopeHelps UI has been operational for a longer period, since 2017. The initiative was triggered by unreported cases of sexual violence, led primarily by students and alumni from the Faculty of Law, University of Indonesia (FH UI). This group founded HopeHelps UI, which has since grown into a network covering 17 different campuses, including both state and private universities, under the HopeHelps Network officially established in 2020.

Interviewed on Friday, March 15, 2024, Mawla Atqiyya Muhdiar, the Deputy Director of HopeHelps UI, began her activism as staff in the advocacy division in 2022. Unlike the UI PPKS Task Force and the UI FISIP Committee, HopeHelps benefits from a substantial human resources base, consisting of 36 active student members. They also receive support from alumni, particularly the founders of HopeHelps UI. According to Mawla, these alumni were involved in drafting Permendikbudristek PPKS Number 30 of 2022 and advocated for the establishment of a PPKS Task Force on each campus. This involvement highlights the awareness and understanding of the legal system and legislation among UI law faculty students and alumni.

"So HopeHelps first started around 2017. And initially, as far as I remember, the instigators were FH UI alumni. Why? Because that year there was one case of sexual violence that was not handled on campus. The victim doesn't know who to report to, so a group of students took the initiative to create HopeHelps. And it turns out that in 2020, HopeHelps became HopeHelps Net. So it's not just at UI" (Mawla Atqiyya Muhdiar 2024, Interview 15 March).

As mentioned by Ahmed, this movement exemplifies feminist solidarity. Solidarity occurs when we not only feel frustration about a situation but also empathy and concern for others who are suffering. It involves a sense of mutuality or shared experience in adverse circumstances. Solidarity means not allowing someone to struggle alone but actively participating in their fight (Ahmed 2017, p. 217).

When Mawla worked as advocacy division staff from 2022 to 2023, she and her team received 110 reports, with 9 reports anticipated in 2024. This reflects the seriousness of the response to sexual violence on the University of Indonesia campus. Additionally, due to the absence of a reporting center at that time—such as the UI PPKS Task Force, which only became effective in 2022—HopeHelps served as a crucial place for victims to file complaints.

To meet the needs of victims, HopeHelps UI is responsible for collecting reports and preparing the necessary documentation so that cases can be forwarded to the PPKS UI Task Force for further handling. According to Mawla, many victims initially reported to HopeHelps before being directed to forward their complaints to the PPKS UI Task Force, either individually or through HopeHelps UI.

"In my opinion, HopeHelps serves as an emergency first aid for sexual violence cases. I imagine a victim who has just

experienced sexual violence, unsure of where to report or who to talk to; the Task Force might seem intimidating, and friends might not understand. At least HopeHelps can provide that first aid and encourage them until they are ready to report to the appropriate figures who can handle the case further. We also help restore their confidence” (Mawla Atqiyya Muhdiar 2024, Interview March 15).

Apart from the PPKS UI Task Force, HopeHelps UI has collaborated with BEM, HIMA, and the Student Representative Council (DPM) from various faculties. This allows reports received by BEM to be forwarded directly to HopeHelps UI for more professional handling. Psychological counseling is also part of the support provided. HopeHelps UI has successfully established collaborations with the Psychology Bureau of Atma Jaya Catholic University. For legal assistance, they partner with the Gender Justice Advocates Collective (KAKG), the Indonesian Women’s Association for Justice Legal Aid Institute (LBH APIK), and the Southeast Asia Freedom of Expression Network (SAFE-net) to handle sexual violence cases requiring legal advocacy.

HopeHelps UI’s success in networking and responding quickly to victim complaints is not without obstacles. The reliance on voluntary contributions means that HopeHelps UI lost two members of its advocacy team in 2023. Additionally, although they have some funds, financial support is uncertain and depends on available sponsorships. Challenges also arise from the perception

of HopeHelps UI, which is composed of active students, being underestimated by their peers. This lack of trust becomes an additional barrier when reporting involves campus organization officials as perpetrators. Mawla also noted pressure from campus ‘older brothers’ who were hostile towards HopeHelps UI.

“HopeHelps is quite disliked by the campus ‘older brothers’. We have become a common enemy because we advocate for the voices of victims. They sometimes mock us as SJWs (Social Justice Warriors). These campus ‘older brothers’ are basically perpetrators and their group. They usually have a reputation with their gang or clique” (Mawla Atqiyya Muhdiar 2024, Interview March 18).

According to Ahmed (2023), stereotypes are used to silence victims of sexual violence and those who advocate for them. Their efforts are minimized, stigmatized, and demonized to the point that they may feel afraid and cease to voice their concerns. It is not uncommon for victims to withdraw their reports in such circumstances.

Highlighting the Handling of Sexual Violence at the University of Indonesia

From the experiences of the three anti-sexual violence organizations at the University of Indonesia, the following table illustrates the implementation of the three strategies described by Levine (2018).

Table 1. Implementation of the Collective Work Strategy of Anti-Sexual Violence Organizations at UI

Organization	Building Partnership	Increasing Awareness and Prevention	Reframing the Problem
PPKS UI Task Force	It cannot be carried out optimally because the UI PPKS Task Force’s activities are limited to assignments from the Chancellor and invitations from interested parties only.	Education is currently limited to BEM circles, other anti-sexual violence communities, and the campus press community.	It was challenging because the leadership did not view resistance to sexual violence as a priority. The lack of prioritization in supporting the UI PPKS Task Force’s work is evident, as the Chancellor has yet to fulfill the request for a discussion that was submitted.
PPKS FISIP UI Committee	Externally, the committee has established connections with HIMA, staff, security guards, and canteen employees. Psychologists have been brought in to assist victims and rehabilitate perpetrators.	Challenges arise due to the power imbalance, particularly the seniority between lecturers, which makes it difficult to educate them on sexual violence issues. The work of the PPKS FISIP UI Committee is often marked by silencing, ridicule, innuendo, and minimal support.	There has been no initiative, let alone concrete steps, from FISIP UI to include material on gender issues and sexual violence in lectures or curricula, or to ensure that each work unit has a code of ethics with a zero-tolerance policy for violence, especially sexual violence.

Organization	Building Partnership	Increasing Awareness and Prevention	Reframing the Problem
HopeHelps UI	<p>HopeHelps UI demonstrates very flexible networking and fundraising efforts.</p> <p>Unlike the UI PPKS Task Force, which requires a formal assignment from the Chancellor to expand its educational outreach,</p> <p>HopeHelps UI, consists of active students who deeply understand the urgency of combating sexual violence, can freely engage in networking and education across multiple faculties.</p>	<p>HopeHelps UI has successfully involved BEM, HIMA, and DPM from various faculties. The advantage of having fellow students as members is the ease of communication and a shared understanding of the importance of combating sexual violence.</p>	<p>HopeHelps UI excels at challenging the patriarchal mindset within the campus community, particularly among students, due to its extensive outreach.</p> <p>The equality of knowledge and mindset among HopeHelps UI staff members, as well as their partners in BEM (Student Executive Board), HIMA (Student Association), and DPM (Student Representative Council), contributes to this effectiveness.</p>

Source: Processed by the author based on interviews with Anti-sexual violence Organizations at UI

The obstacles faced by the UI PPKS Task Force are rooted in a mindset that not only perpetuates but also fosters sexual violence on campus. This indicates that the situational knowledge about the culture of unequal relations among the academic community—lecturers, students, and staff—remains prevalent. Additionally, members of the UI PPKS Task Force often use personal funds to assist victims. Despite attempts to implement Levine’s three strategies, campus support has not improved. According to Haraway (1988), this situation is influenced by the objectivity of knowledge, which is dominated by a patriarchal mindset. Sara Ahmed (2017) also observed that the lack of sensitivity towards sexual violence leads campuses to deprioritize victims’ experiences. Although the three strategies have been applied, the low awareness within higher education institutions regarding the need for optimal support continues to hinder the PPKS Task Force’s efforts to seek justice for sexual violence victims at the University of Indonesia. Consequently, on April 1, 2024, the members of the PPKS UI Task Force resigned (PPKS UI Task Force 2024).

The lack of support from university leaders indicates that the formation of the UI PPKS Task Force was merely a formality to comply with the Ministry of Education, Culture, Research, and Technology’s mandate. Consequently, the UI PPKS Task Force’s performance has been suboptimal. For the author, the resignation of the Task Force represents a clear statement of disappointment and frustration with the institution’s unfulfilled promises. While the formation of the Task Force was intended to combat sexual violence, its

implementation has been undermined by insufficient support.

Regarding the work of the PPKS FISIP UI Committee, it can be concluded that the organization’s collective efforts often encounter obstacles due to the platforms they operate within. For instance, the slow financial process hinders the ability to fund victim assistance effectively. FISIP UI is responsible for addressing and eradicating sexual violence within its academic community. However, according to Haraway’s (1988) concept, the prevailing patriarchal knowledge and culture, which perpetuates seniority and prioritizes the institution’s image by covering up cases of sexual violence, undermine the implementation of the three strategies proposed by Levine (2018). As a result, the execution of these strategies at FISIP UI remains less than ideal.

In contrast to the PPKS UI Task Force, the work carried out by HopeHelps UI, as analyzed through the three strategies explained by Levine (2018), demonstrates greater freedom because it operates independently from the campus structure. Mawla and her team are supported by parties with a strong awareness of gender issues and sensitivity to sexual violence. According to Haraway’s (1988) concept of objectivity, this heightened awareness helps HopeHelps UI in combating sexual violence, as their partners do not perpetuate sexism or sexual violence.

HopeHelps UI’s efforts in networking are still hindered by uncertain sponsorships, stereotypes, and the demonization of their resistance against sexual

violence. While HopeHelps UI has successfully engaged student organizations through education and outreach, they face challenges in a campus environment dominated by patriarchal knowledge and mindsets. This dominance creates groups that oppose or undermine their efforts.

The challenges faced by these three organizations in addressing sexual violence at the University of Indonesia highlight a lack of comprehensive support from the highest levels of campus leadership—those who are responsible for policy-making. If these efforts are viewed as isolated tasks for each organization, without recognizing that combating sexual violence is a shared responsibility, achieving meaningful progress at the university level will remain difficult. Therefore, it is crucial to foster systematic collective action to build a unified perception that sexual violence is a critical issue that must be addressed collaboratively.

Closing

To create a campus environment free from sexual violence, strong commitment from educational institutions is essential. It's not enough to have regulations and a Task Force without real support in the form of funding. Three key aspects need to be addressed in collective efforts to eliminate sexual violence: effective cooperation, comprehensive education, and problem reframing based on Levine's (2018) concepts. However, Levine's approach should be complemented with a feminist perspective that incorporates situated knowledge, critiques of objectivity and neutrality that can perpetuate inequality, the importance of inclusive and marginal perspectives, power dynamics, and feminist solidarity.

Based on the explanation in the article above, a number of collective efforts to eliminate sexual violence have faced their respective successes and challenges. However, this article highlights that the presence of Permendikbudristek Number 30 of 2021 and the mandate to form the PPKS Task Force are not enough. The commitment of all parties, especially the campus, must be strong. It is very unfortunate that funding as one of the main needs for their activities is not included in these regulations and independent funds from campuses are difficult to access at critical times in supporting victims of sexual violence. The parties involved become seen as doing work voluntarily outside of their main work as academics. Providing support in the form of funding and involving situational

knowledge of relevant groups, such as victims, activists for the elimination of sexual violence on campus, lecturers with a feminist perspective, support groups, and various other relevant parties must be involved and accommodated in policies and programs for the elimination of sexual violence at the campus and faculty level.

The experiences of the three organizations discussed in this article illustrate how the power of collective action drives change. The PPKS Task Force, the FISIP UI PPKS Committee, and HopeHelps UI have all demonstrated a commitment to justice for victims, empathy, and solidarity in their efforts to combat sexual violence. However, campus commitment to eliminating sexual violence must extend beyond merely forming a Task Force to include administrative support and adequate funding. The resignation of the PPKS Task Force as of April 1, 2024, reflects the anger and frustration of its members. From a feminist perspective, the campus's neutral stance and disregard for the Task Force's calls reveal a lack of genuine commitment to addressing and eliminating sexual violence.

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AUTHOR GUIDELINES

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Alamanda Tower, 25th Floor,
Jalan T.B. Simatupang kavling 23-24,
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