

# GENDER EQUALITY BAROMETER: QUANTITATIVE STUDY REPORT

Public Responses and Attitudes toward the Anti-Sexual Violence Bill and  
Law No. 16/2019 on Amendments to Law No. 1/1974 on Marriage



Prepared by  
INFID Research Team

Jakarta September 2020



# GENDER EQUALITY BAROMETER: QUANTITATIVE STUDY REPORT

Public Responses and Attitudes toward the Anti-Sexual Violence Bill and Law No. 16/2019 on Amendments to Law No. 1/1974 on Marriage

## **Authors:**

1. Dio Ashar Wicaksana
2. Bestha Inatsan Ashila
3. Arsa Ilmi Budiarti
4. Tatat
5. Megawati
6. Rizka Antika

## **Reviewers:**

1. Dian Kartika Sari
2. Dirga Ardiansa
3. Lidwina Inge Nurcahyo

## **Editor:**

Farida Indriastuti

The first publication, September 2020

# LIST OF CONTENTS

|   |           |
|---|-----------|
| List of Figures and Tables                                      | iii       |
| Acronyms and Abbreviations                                      | vi        |
| Preface   | viii      |
| Executive Summary   | x         |
| <b>CHAPTER I INTRODUCTION</b>                                   | <b>1</b>  |
| Background  | 1         |
| Research Questions  | 6         |
| Research Aim  | 6         |
| Research Methodology  | 6         |
| <b>CHAPTER 2 CONCEPTUAL FRAMEWORK</b>                           | <b>15</b> |
| Prevalence of Sexual Violence                                   | 17        |
| Prevalence of Child Marriage                                    | 21        |
| Responses to The Elimination of Sexual Violence Bill (RUU P-KS) | 19        |
| Responses to Law No. 16/2019 on Marriage                        | 29        |
| <b>CHAPTER 3 RESULTS AND ANALYSIS</b>                           | <b>33</b> |
| <b>Responses to Legislation Against Sexual Violence</b>         | <b>33</b> |
| Responses to The RUU P-KS                                       | 33        |
| Women’s Position in The Private and Public Spheres              | 36        |
| Prevention of Sexual Violence                                   | 42        |
| The Handling of Sexual Violence Cases                           | 46        |
| Protection From Sexual Violence                                 | 50        |
| Recovery For Victims Of Sexual Violence                         | 55        |
| Punishment For Sexual Violence                                  | 57        |
| Prevalence of Sexual Violence                                   | 59        |
| <b>Responses to Law No. 16/2019</b>                             | <b>68</b> |
| Responses to Minimum Age Of Marriage                            | 68        |

|  |           |
|--|-----------|
| Responses to Reasons For Child Marriage          | 72        |
| Risks of Child Marriage                          | 73        |
| Prevalence of Child Marriage                     | 74        |
| <b>CHAPTER 4 CONCLUSIONS AND RECOMMENDATIONS</b> | <b>79</b> |
| Conclusions                                      | 79        |
| Recommendations                                  | 83        |
| <b>REFERENCES</b>                                | <b>88</b> |

## LIST OF FIGURES AND TABLES

|            |  |    |
|------------|--|----|
| Figure a.1 | Respondents by Age   | 9  |
| Figure a.2 | Respondents by Gender  | 10 |
| Figure a.3 | Respondents by Marital Status  | 10 |
| Figure a.4 | Respondents by Religion  | 10 |
| Figure a.5 | Respondents by Educational Attainment  | 11 |
| Figure a.6 | Respondents by Occupation  | 11 |
| Figure a.7 | Respondents by Monthly Expenditure   | 11 |
| Figure a.8 | Respondents by Disability Status   | 12 |
| Figure a.9 | Respondents by Place of Residence  | 12 |
| Table 2.1  | Conceptual Framework   | 15 |
| Figure 1   | Knowledge of RUU P-KS  | 33 |
| Figure 1.a | Knowledge of those who have heard of RUU P-KS                                    | 34 |
| Figure 1.b | Sexual violence experiences of those who have never heard of RUU P-KS            | 34 |
| Figure 2   | Perceptions of the RUU P-KS  | 34 |
| Figure 2.a | Knowledge of RUU P-KS among those who agree with its immediate enactment         | 35 |
| Figure 2.b | Sexual violence experiences of those who agree with the bill's immediate passage | 35 |
| Figure 2.c | Respondents who disagree with the passage of RUU P-KS, by gender                 | 35 |

|             |  |    |
|-------------|--|----|
| Figure 2.d  | Sexual violence experiences of those who disagree with the bill's immediate passage  | 35 |
| Figure 3    | Perceptions of women's duties in the private sphere-1                                | 36 |
| Figure 4.a  | Perceptions of women's responsibilities in the private sphere-2                      | 37 |
| Figure 4.b  | Perceptions of women's responsibilities in the public sphere                         | 38 |
| Figure 5    | Stereotypes about women  | 39 |
| Figure 6    | Perceptions of women as sex objects and the target of violence                       | 40 |
| Figure 7    | Respondents' sources of information/knowledge on sexual violence                     | 42 |
| Figure 8    | Sources of sexual violence information/knowledge that respondents consider important | 42 |
| Figure 9    | Locations where sexual violence is more likely to occur                              | 44 |
| Figure 10   | Understanding of reporting mechanism for sexual violence                             | 46 |
| Figure 10.a | Knowledge of reporting for those who know where to get help                          | 48 |
| Figure 11   | Perceptions of law enforcement's handling of sexual violence cases                   | 48 |
| Figure 11.a | Sexual violence experiences of those who answered "responsive"                       | 48 |
| Figure 11.b | Sexual violence experiences of those who answered "not responsive"                   | 48 |
| Figure 12   | Perceptions of victim rights in case-handling of sexual violence                     | 49 |
| Figure 13   | Perceptions of the importance of protecting victim rights                            | 50 |
| Figure 14   | Perceptions of the reasons for the occurrence of sexual violence                     | 52 |
| Figure 15   | Perceptions of the criminalization of victims  | 53 |
| Figure 16   | Perceptions of the impact of sexual violence on victims                              | 55 |
| Figure 17   | Perceptions of the victim's right to recovery  | 56 |
| Figure 18   | Perceptions of punishment for perpetrators of sexual violence                        | 57 |
| Figure 19   | Perceptions of the victim's sexual history and sentence reduction                    | 58 |

|             |   |    |
|-------------|---|----|
| Figure 20   | Experiences of sexual violence                                      | 59 |
| Figure 20.a | Personal experience of those who have experienced sexual violence   | 59 |
| Figure 20.b | Personal experience of sexual violence, by gender                   | 59 |
| Figure 21   | Cases of sexual violence, by type                                   | 61 |
| Figure 21.a | Personal experience of those who have experienced sexual harassment | 62 |
| Figure 21.b | Personal experience of sexual harassment by gender                  | 62 |
| Figure 22.a | Sexual violence experience by perpetrator type                      | 63 |
| Figure 22.b | Perpetrators of sexual violence – someone is known to the victim    | 64 |
| Figure 22.c | Sexual violence experience, by location                             | 65 |
| Figure 22.d | Sexual violence experience, by reporting behavior                   | 66 |
| Figure 22.e | Reasons for not reporting sexual violence                           | 66 |
| Figure 22.f | Resolution of sexual violence cases                                 | 67 |
| Figure 23   | Knowledge of regulations restricting the age of marriage            | 68 |
| Figure 24   | Perceptions of the need for a minimum age of marriage               | 69 |
| Figure 24.a | Reasons why the State need not regulate the age of marriage         | 69 |
| Figure 25   | Perceptions of child marriage                                       | 70 |
| Figure 26   | Perceptions of reasons for child marriage                           | 72 |
| Figure 27   | Perception of the risks of child marriage                           | 73 |
| Figure 28   | Experiences of child marriage                                       | 74 |
| Figure 28.a | Experiences of child marriage, by gender                            | 75 |
| Figure 28.b | Respondents' experience of child marriage                           | 75 |

# ACRONYMS AND ABBREVIATIONS

|                         |  |
|-------------------------|--|
| <b>Bappenas</b>         | <i>Badan Pembangunan dan Perencanaan Nasional / National Development Planning Agency</i>   |
| <b>BKKBN</b>            | <i>Badan Kependudukan dan Keluarga Berencana Nasional / National Population and Family Planning Board</i>  |
| <b>BPS</b>              | <i>Badan Pusat Statistik / Statistics Indonesia</i>  |
| <b>CATAHU</b>           | <i>Catatan Tahunan / Annual Notes</i>  |
| <b>COVID-19</b>         | Corona Virus Disease 2019  |
| <b>DPR</b>              | <i>Dewan Perwakilan Rakyat / House of Representatives</i>  |
| <b>INFID</b>            | International NGO Forum on Indonesian Development  |
| <b>Komnas Perempuan</b> | National Commission on Violence Against Women  |
| <b>KPAD</b>             | <i>Kelompok Perlindungan Anak / Child Protection Group</i>   |
| <b>KUHAP</b>            | <i>Kitab Undang-Undang Hukum Acara Pidana / Code of Criminal Procedure</i>   |
| <b>KUHP</b>             | <i>Kitab Undang-Undang Hukum Pidana / Criminal Code</i>  |
| <b>LBH</b>              | <i>Lembaga Bantuan Hukum / Legal Aid Institute</i>   |
| <b>LEA</b>              | Law Enforcement Agency   |
| <b>LGBT</b>             | Lesbian, Gay, Bisexual, Transgender  |
| <b>MaPPI FHUI</b>       | <i>Masyarakat Pemantau Peradilan Indonesia Fakultas Hukum Universitas Indonesia / Judicial Monitoring Society of the Faculty of Law of the University of Indonesia</i> |
| <b>NGO</b>              | Non-Governmental Organization  |
| <b>OGBV</b>             | Online Gender-Based Violence   |
| <b>P-KS</b>             | <i>Penghapusan Kekerasan Seksual / Elimination of Sexual Violence</i>  |
| <b>PATBM</b>            | <i>Perlindungan Anak Terpadu Berbasis Masyarakat / Integrated Community-Based Child Protection</i>   |
| <b>PERMA</b>            | <i>Peraturan Mahkamah Agung / Supreme Court Regulation</i>   |
| <b>RPJMN</b>            | <i>Rencana Pembangunan Jangka Menengah Nasional / National Medium-Term Development Plan</i>  |

|                         |   |
|-------------------------|---|
| <b>RUU<br/>RUU P-KS</b> | <i>Rancangan Undang-Undang / Bill</i><br>Rancangan Undang-Undang Penghapusan Kekerasan Seksual / Elimination of Sexual Violence Bill                          |
| <b>SPHPN</b>            | <i>Survei Pengalaman Hidup Perempuan Nasional /</i><br>National Survey of Women's Life Experiences  |
| <b>SPPT-PKKTP</b>       | <i>Sistem Peradilan Pidana Terpadu Penanganan Kasus Kekerasan Terhadap Perempuan / Integrated Criminal Justice System for Cases of Violence against Women</i> |
| <b>SUSENAS</b>          | <i>Survei Sosial Ekonomi Nasional / National Socioeconomic Survey</i>   |
| <b>UNICEF</b>           | United Nations Children's Fund  |
| <b>UU</b>               | <i>Undang-Undang / Law</i>  |
| <b>UU ITE</b>           | <i>Undang-Undang Informasi dan Transaksi Elektronik /</i><br>Law on Electronic Information and Transactions   |
| <b>UU PKDRT</b>         | <i>Undang-Undang Penghapusan Kekerasan Dalam Rumah Tangga / Law on the Elimination of Domestic Violence</i>   |
| <b>UU TPPO</b>          | <i>Undang-Undang Tindak Pidana Perdagangan Orang /</i><br>Law on the Crime of Trafficking of Persons  |
| <b>UUD</b>              | <i>Undang-Undang Dasar / Constitution</i>   |

# PREFACE

Reducing gender inequality is one of the commitments to the mandate vested upon INFID (International NGO Forum on Indonesian Development) to contribute towards economic, social, political, and human resource development in Indonesia. The worrisome statistics around sexual violence constitute a significant challenge in achieving gender equality. The elimination of various forms of violence, including against women and children, is one of the targets under Sustainable Development Goal (SDG) 5.

Figures from Komnas Perempuan's annual report and the Ministry of Women's Empowerment and Child Protection's Online Information System on the Protection of Women and Children (SIMFONI PPA) on violence against women and children have consistently shown a rising trend. Women and children are subjected to various forms and types of violence. The policies already in place to address this issue, such as the Criminal Code (KUHP), Law on Domestic Violence, and Law on Child Protection, however, focus primarily on the specific types and loci of violence against women and children. Meanwhile, countless cases of violence, especially sexual violence against women and children, remain unsolved. It is due to the absence of a proper umbrella law for dealing with these cases.

The Elimination of Sexual Violence Bill (RUU P-KS) provides a comprehensive legal framework. Not only does it address the case handling process, but it also places particular attention on victims. The RUU P-KS is victim-oriented in terms of protection, case handling, recovery, and prevention. INFID finds it essential to launch a quantitative study, mainly to gauge public perceptions and support toward the Anti-Sexual Violence Bill and Law No. 16/2019 on Amendments to the 1974 Marriage Law.

The study is a collaborative effort between INFID, the Indonesia Judicial Research Society (IJRS), and the Demographic Institute of the University of Indonesia (LD UI). It was launched in 34 provinces across Indonesia from May

to July 2020, involving 2.020 respondents. The chosen research methodology was a phone survey, considering the social distancing rules and restrictions following the COVID-19 outbreak in Indonesia, which the first confirmed case was in March 2020.

It is INFID's first experience in using the said methodology. Despite challenges, the survey was eventually completed. INFID hoped that this research report could be an insightful resource for policymakers and the broader public in Indonesia. It presents the latest factual data and information regarding the importance of the Anti-Sexual Violence Bill in Indonesia.

We hope that the research can complement the existing knowledge on the issue, which we ultimately expect to strengthen ongoing advocacy work. We want to conclude by thanking all those involved throughout the entire process towards completing the study.

Jakarta, 30 September 2020

**Tatat**

INFID Program Manager

# EXECUTIVE SUMMARY

## PUBLIC RESPONSES TO RUU P-KS AND LAW NO. 16/2019 ON MARRIAGE

From May to July 2020, INFID conducted a survey to explore public attitudes and responses toward the Elimination of Sexual Violence Bill (RUU P-KS) and Law No. 16/2019 on Marriage. The survey was specifically designed to gauge public responses to sexual violence and child marriage regulation and the prevalence of the two phenomena. Launched nationwide across 34 provinces, this is the first study of its kind in Indonesia that investigates public responses to planned policies on eliminating sexual violence. Survey findings are expected to inform regulatory drafting for preventing and responding to cases of sexual violence and child marriage that is thoughtfully tailored to society's needs and current situation.

The survey was conducted by telephone and involved 2,210 respondents. Survey participants were selected through multistage cluster sampling, where the sampling units are the cluster samples from previous studies. A population of at least 19,800 phone numbers was drawn and aggregated into a unified list of phone numbers from the cluster samples, which serves as the sample. Potential problems in phone data were anticipated by oversampling, which generated a sample of 2,210 respondents (2 percent margin of error) that covers capital cities, municipalities, and districts. It provides a representative distribution of respondents in each province. The survey most importantly probes public responses to the RUU P-KS and Law No. 16/2019. Several key findings are provided below:

1. The majority of respondents (70.5 percent) saw the need for regulation to ensure protection from sexual violence. All in favor of the law would have liked for its immediate enactment. Meanwhile, 57.2 percent had never heard of the RUU P-KS, and the remaining 49.7 percent had personally experienced sexual violence at some point in their lives.
2. At least 71.8 percent of respondents or 5 in 7 of them had personally experienced sexual violence or knew of a family member or someone else

they know who had gone through the ordeal. It shows that sexual violence does not only happen to women but also men. Most respondents (57.3 percent) had experienced some form of sexual violence but did not come forward due to fear (33.5%) or not knowing whom to report to (23.5%). Consequently, there was no effective remedy for most of them, or their cases dropped altogether (57.0%).

3. A general lack of public awareness of sexual violence in Indonesia is evidenced by the many preconceived ideas and stereotypes about women. It is believed that women are sexually assaulted or harassed because of their provocative clothing (69.7%), or women are simply more likely to be victimized than men (62.8%).
4. Regarding prevention, most respondents had seen, heard, and received information about sexual violence either in primary, middle, or high school (51.9%) or in the mass media or social media (64.1%).
5. In terms of case-handling, most respondents (93.4%) knew where to go if they were to experience sexual violence. At least 43.8 percent (would) report to the police and 41.6 percent would confide in a family member.
6. Concerning recovery, most respondents mentioned that victims would mainly have to deal with the physical and psychosocial impacts of sexual violence. These include physical injury (73.0%), reproductive organ injury (83.2%), psychological trauma, feelings of fear or shame (94.5%), and other consequences, such as social ostracism (56.7%). Regarding conviction, most respondents would like to see the perpetrator sentenced to the maximum term of imprisonment (80.7%) and pay compensation to the victim (56.8%).
7. Regarding the age of marriage, most respondents agreed that it should be regulated by the government (64.3%). However, 35.4 percent of respondents disagreed on a minimum age prescribed for marriage, which they considered a private matter (51.4%).

8. Regarding the reasons for child marriage, most respondents agreed that if a girl falls pregnant (84.5%) or has been sexually active (61.0%), she should marry at once, regardless of age. 62.4 percent of respondents believed that marriage before the age of 19 could lead to domestic violence (62.4%), maternal death (52.4%), and the risk of a miscarriage (55.6%). It shows that the public is indeed aware of the harmful consequences of child marriage. However, due to society's fears over premarital sex and pregnancy, the short-term solution would marry young.

Based on the findings above, the following recommendations on the issue of sexual violence and child marriage are put forward:

1. The government and DPR (House of Representatives) should fast-track the RUU P-KS deliberation, given the public support for regulation to address the issue of sexual violence. Any lingering resistance from the public means that they have not been fully informed about the RUU P-KS and what it stands for. Hence, the need to educate the public and ensure the transparency of the legislative process.
2. The government needs to play an active and strategic role, ensuring that a mechanism is in place to prevent sexual violence. For example, by providing the right information on sexual violence, primarily through the educational route, and making the most of mass media and social media in a way that they complement each other.
3. The government should guarantee a judicial process that considers the victim's perspectives and needs. The victim should not be revictimized, blamed, or criminalized by the justice system. The government must concretely guarantee the victim's safety and protection, especially regarding their physical, psychological, and social recovery.
4. There is a need for a more in-depth analysis in subsequent studies on the grading of criminal sanctions and additional penalties, commensurate with the nature of the crime of sexual violence committed by the perpetrator.

5. The government must educate and inform all society elements on the purpose and significance of the RUU P-KS. This is necessary to avoid misinformation and misunderstanding about the bill and the need to guarantee victims' protection.
6. Legal aid institutions, service providers, and other similar agencies need to make their services more widely known to the public. It ensures that society is better informed about these institutions to report sexual violence to get the help and support needed.
7. Law enforcement agencies, especially the police, need to improve their services for a more humanistic approach in handling reports. For example, by optimizing a designated room for victim services, assigning officers and investigators with a gender perspective, providing referrals to forensic examination and legal counsel, ensuring protection for the victim's safety, building police capacity in handling cases, and other necessary measures. These efforts will provide better protection for victims.
8. The government is expected to improve the substantive content of legal instruments on marriage, specifically Law No. 16/2019 on the permissible reasons necessitating a petition for marriage dispensation.
9. The Supreme Court needs to establish technical guidelines for judges as a follow-up to Supreme Court Regulation (PERMA) No. 5/2019 on marriage dispensation, where decisions should give primary consideration to the child's best interests.
10. The government must optimize the role and capacity of public figures, religious leaders, and traditional elders to prevent child marriage.



# INTRODUCTION

## 1.1 Background

In recent developments in Indonesia, incidents of sexual violence are occurring at alarming rates. According to Komnas Perempuan's annual reports from 2016 to 2018, there are 17,088 cases of sexual violence<sup>1</sup> of which 8,797 are rape. Komnas Perempuan found that at least 35 women are sexually victimized daily, and these victims' age has become increasingly younger.<sup>2</sup> The National Statistical Office (BPS) in its 2018 Criminal Statistics listed the ten regions in Indonesia with the highest rate of crimes against morality (rape and sexual harassment), namely North Sulawesi, West Java, West Sumatra, South Sulawesi, Aceh, Central Java, East Java, Central Sulawesi, West Kalimantan, and North Sumatra.<sup>3</sup> The 2016 National Survey on Women's Life Experiences (SPHPN) showed that 1 in 3 women aged 15-64 have experienced physical and (or) sexual violence by their partners or by someone else at some point in their lives. The statistics could be much higher, given the dark figure of unreported cases.<sup>4</sup>

The high prevalence of sexual violence reflects State negligence in protecting citizens and the failure of the government and law enforcement agencies (LEAs) to uphold the rule of law as the cornerstone for preventing criminal offenses and taking action against the perpetrators.<sup>5</sup> Victims of sexual violence face three significant barriers: legal substance, legal structure, and legal culture.<sup>6</sup> In terms of legal substance, despite the regulations in place to protect women from violence and discrimination, not all types of sexual violence are addressed

1 Komnas Perempuan, Catatan Tahunan Tentang Kekerasan Terhadap Perempuan (Jakarta: Komnas Perempuan, 2018), p. 3.

2 Komnas Perempuan, 15 Bentuk Kekerasan Seksual: Sebuah Pengenalan (Jakarta: Komnas Perempuan, 2017), p. 3.

3 Dwi Hadya Jayani, "Di Provinsi Mana Kejahatan Asusila Paling Banyak Dilaporkan?", Databox, accessed from <https://databoks.katadata.co.id/datapublish/2019/07/24/di-provinsi-mana-kejahatan-asusila-paling-banyak-dilaporkan>, on 23 April 2020

4 Abdul Wahid dan Muhammad Irfan, Perlindungan Terhadap Korban Kekerasan Seksual: Advokasi atas Hak Asasi Perempuan (Bandung: Refika Aditama, 2001), p.12.

5 Ibid, p.19.

6 Lawrence M. Friedman, *The Legal System: A Social Science Perspective*, (New York: Russell Sage Foundation, 1975), in an academic paper on the Bill on the Elimination of Sexual Violence, p. 5.

in the Indonesian legal system. Legislation on sexual violence, primarily the Criminal Code (KUHP), is restricted only to rape and acts of indecency, whether with violence or threat of violence.<sup>7</sup> Law No. 23/2004 on the Elimination of Sexual Violence, Law No. 23/2002 that was replaced with Law No. 35/2014 on Child Protection, and Law No. 21/2007 on Eradication of the Crime of Trafficking of Persons are still confined to a narrow scope of sexual violence. It is limited only to sexual violence that occurs in the domestic realm and the trafficking of persons.<sup>8</sup>

Regarding legal culture, select response units and procedures for handling sexual violence cases are not available at every level of the criminal justice system, nor are they equipped with the proper facilities or gender-sensitive enough. Concerning legal culture, the patriarchal mindset remains deeply entrenched in a system where the victims feel invisible, and victim-blaming is the norm.<sup>9</sup> Bringing cases to court often means revictimization<sup>10</sup> as victims are confronted with a barrage of tough, trick questions bordering on harassment. From their experiences in counseling victims of sexual violence, LBH APIK Jakarta had come across situations where the victims are revictimized. For example, LEAs pose vulgar questions; victims are yelled at for not providing clear statements; victims' counsel or family members are prevented from entering the courtroom, and law enforcement officers assume that they enjoy sexual violence.<sup>11</sup>

In response to the issues mentioned above, Komnas Perempuan in 2014 proposed the Bill on the Elimination of Sexual Violence (RUU P-KS). The philosophy underpinning the bill is the guarantee of the human rights and dignity of every Indonesian citizen. In this regard, the government has the responsibility to lay down the foundation for fulfilling victims' rights and guarantee its citizens' welfare and security, including protecting them from violence, discrimination, and inhuman treatment.

---

7 Kunthi Tridewiyanti, dkk., Mewujudkan Perlindungan Hak-hak Perempuan Korban dalam Kebijakan: Himpunan Kertas Posisi dan Kajian dari Berbagai Kebijakan Tahun 2010-2013, (Jakarta: Komnas Perempuan, 2014), in an academic paper on the Bill on the Elimination of Sexual Violence, p. 5.

8 Indonesia, Academic Paper on the Bill on the Elimination of Sexual Violence, p. 5.

9 Ibid, p. 6.

10 Jessica Anderson, Revictimization In Interpersonal Violence Survivors, <https://www.betterhelp.com/advice/abuse/revictimization-in-interpersonal-violence-survivors/> retrieved 30 August 2020

11 Kelompok Kerja Perempuan dan Anak Mahkamah Agung RI & MaPPI-FHUI, Pedoman Mengadili Perkara Perempuan Berhadapan dengan Hukum, (Jakarta: Mahkamah Agung RI, 2018), p.33

The RUU P-KS is a legislative breakthrough in responding to the issue of sexual violence in Indonesia in the following ways:

1. The bill addresses nine types of sexual violence that are not regulated in previous laws: 1) sexual harassment; 2) sexual exploitation; 3) forced contraception; 4) forced abortion; 5) rape; 6) forced marriage; 7) forced prostitution; 8) sexual slavery, and 9) sexual torture.
2. To recognize victims, families, and witnesses' rights, including the right to properly handle their cases, protection, and recovery.
3. The State must fulfill the victim's rights, ensure law enforcement, promote the prevention of sexual violence, allocate an adequate budget at the national and subnational levels for prevention, protection, and victim recovery. It is also essential to establish the necessary regulations or policies to build law enforcement officers' capacity to be more responsive to victim needs through training curriculum and certification.
4. Cases of sexual violence are processed through an Integrated Criminal Justice System (SPPT-PKKTP), where law enforcement authorities are interconnected for more effective case handling and easy access to victim services in every stage of the judicial process.
5. To certify law enforcement officers in sexual violence case-handling. The RUU P-KS includes mandatory training on case handling, protection, recovery, and victim rights fulfillment provided by relevant government ministries and law enforcement institutions.
6. To broaden the range of admissible evidence other than those laid out in the Code of Criminal Procedure (KUHAP) as additional evidence, such as medical records, a medical certificate issued by a psychologist or psychiatrist, and electronic other documentation that can provide crime-related information.

The RUU P-KS is currently tabled as a priority bill in the National Legislation Program for 2020<sup>12</sup> after being shelved during the 2014-2019 term of office of the government and parliament. The political processes hamper its deliberation and passage in both the government and parliament. On the other hand, the public is divided between those in favor of and those against the bill. According to Ratna Batara Munti, one of the challenges in advocating for the RUU P-KS is the spread of fake news. The bill is labeled as liberal and pro-LGBT and is thought to criminalize sexual relations in marriage. Certain groups seek to criminalize adultery, fornication, and sexually deviant behavior. Also, parliamentary discussions over the draft bill never materialize, and public engagement in the deliberative process is kept at a minimum level.<sup>13</sup>

Apart from the RUU P-KS, the revised Marriage Law is another piece of legislation on women and children who went through a long and arduous advocacy process, specifically revising marriage's legal age for girls in Law No. 16/2019. In the amended Article 7 clause (1), the minimum age at which a person can legally tie the knot is raised from 16 to 19 for girls, making it equal to the boy's marriage age. If a marriage is to be conducted by a person who has not reached age 19, a request for dispensation can be filed with the court for grave and urgent reasons and supported by sufficient evidence. Under the revised law, the court will consider the child's views in a marriage dispensation petition.<sup>14</sup> The revised law was deemed necessary considering the harmful consequences of child marriage. Such as the deprivation of the child's right to grow and develop and to education, sexual and reproductive health problems associated with childbirth at a young age, the risk of becoming victims of domestic violence, dropping out of school, trapped in the poverty cycle, and lack of qualifications for decent work.<sup>15</sup>

---

12 The Minister of Law and Human Rights, Yasonna Laoly, as quoted from "RUU P-KS Masuk Prolegnas 2020, 5 Alasan Aturan Itu Harus Disahkan", Tempo.co, accessed at <https://nasional.tempo.co/read/1296182/ruu-p-ks-masuk-prolegnas-2020-5-alasan-aturan-itu-harus-disahkan> on 8 April 2020

13 As explained by Ratna Batara Munti, Executive Board of LBH Apik Association Indonesia, on Civil Society's Challenges and Agenda in Advocating for the Anti-Sexual Violence Bill, at a Workshop and Public Discussion on Pro-Women Prolegnas, 2020-2024, "Developing Legislation that Promotes the Rights of Women and Vulnerable Groups", Friday, 29 November 2019 at KKI Room, MPR/DPR Building, organized by the parliamentary Women's Caucus and JKP3.

14 Indonesia, Law No. 16/2019 on Marriage, Article 7 clause (4)

15 United Nation Children's Fund (UNICEF) dan Badan Pusat Statistik (BPS), *Kemajuan yang Tertunda: Analisis Data perkawinan Usia Anak di Indonesia*, (Jakarta: BPS, 2015), p. 1.

Based on a UNICEF (United Nations Children’s Fund) report, Indonesia has the second-highest number of child marriages in ASEAN and seventh highest globally.<sup>16</sup> In 2018, UNICEF estimated that 190,533 girls in Indonesia were married below age 16<sup>17</sup>. UNICEF went on to project that in 2020 a total of 1.2 million women aged 20-24 will be married before reaching 18.<sup>18</sup> Such high child marriage rates are partly attributable to poverty, where low-income parents tend to marry their children off to ease the family’s economic burden.<sup>19</sup> Religious fundamentalism, on the other hand, renders any discussion on sexuality taboo. Furthermore, due to lack of access to sexual and reproductive health services and education, parents worry that their daughters might get pregnant, and therefore see marriage to avoid premarital sex.<sup>20</sup>

One of the considerations for legislative reform on sexual violence and child marriage is the dynamics (development) of law in society. To make sure that laws are enforceable and acceptable to society, they should not undermine the people’s sense of justice.<sup>21</sup> According to Roscoe Pound, a proponent of the school of sociological jurisprudence, legal realism, in essence, is a public demand, and the law as a tool for social engineering must protect public interests, social interests, and individual interests. Social interests refer to general needs, claims, requests, and aspirations that people wish to satisfy and make real in their social lives, such as guaranteeing safety, health, security, and order.<sup>22</sup> The law should be adaptive to changes in society. The public, on the other hand, must be able to adapt to changes in the law. The Government should uphold the rule of law in step with reforms in legislation, the capacity building of LEAs, and changes in the legal culture. Hence, the importance of listening to public opinion on sexual violence and child marriage and how they should best be legislated. Citizens can provide policymakers with critical input for developing evidence-based legislation on sexual violence and child marriage.

---

16 Katriana, “Menteri PPPA: Perkawinan anak di Indonesia sangat memprihatinkan”, Antara News, accessed at <https://www.antaraneews.com/berita/1059064/menteri-pppa-perkawinan-anak-di-indonesia-sangat-memprihatinkan> on 10 May 2020

17 Survei Sosial Ekonomi Nasional/SUSENAS, 2018

18 Infographic on “Child Marriage in Indonesia,” UNICEF, January 2020, accessed at <https://www.unicef.org/indonesia/media/2816/file/Child-Marriage-Factsheet-2020.pdf> on 10 May 2020

19 Dewi Candraningrum, Pernikahan Anak: Status Anak Perempuan, *Jurnal Perempuan* Vol 21, No. 1, February 2016, pp. 6-7

20 Mayadina Rohmi, Pernikahan Dini dan Upaya Perlindungan Anak di Indonesia, *Jurnal Hukum dan Syariah* Vol. 8, No.2, 2016, pp. 64-73.

21 Saifullah, *Refleksi Sosiologi Hukum* (Semarang: Refika Aditama, 2007), p. 24.

22 Marret Leibof and Mark Thomas, *Legal Theories in Principle* (Sydney: Thomson Lawbook Co, 2004), p. 212, in *Padjajaran Jurnal Ilmu Hukum*, Volume 1, No.2, Tahun 2014, p. 415.

## 1.2` Research Questions

Based on the background provided above, the research seeks to answer the following questions:

- a. How has the public responded to regulations addressing sexual violence and child marriage?
- b. What is the prevalence and types of sexual violence experienced by women and children in Indonesia?
- c. What is the prevalence of child marriage in Indonesia?

## 1.3 Research Aim

Based on the research questions, the study aims to:

- a. Explore public responses to regulations addressing sexual violence and child marriage.
- b. Identify the prevalence and types of sexual violence experienced by women and children in Indonesia.
- c. Identify the prevalence of child marriage in Indonesia.

## 1.4 Research Methodology

Survey research was conducted over the telephone with 2,210 respondents in 34 provinces across Indonesia. It was held for two months, from May to July 2020. Discussions on the research methodology will focus on four aspects: development of research instruments, sampling technique, research limitations, and the profile of respondents.

### 1.4.1 Development of Research Instrument

A questionnaire, as the research instrument, is developed through the following stages:

#### 1.4.1.1 Developing the conceptual framework

The first step in developing a questionnaire is to formulate a conceptual framework that comprises the variables, dimensions, and indicators that the questionnaire hopes to measure. The variables, measurements, and indicators are based on the research purpose and literature review. The selected variables

are then examined further to identify the dimensions and indicators within the conceptual framework.

### **1.4.1.2 Peer review and expert interviews**

Once the conceptual framework is constructed, a peer review and expert interview are carried out to obtain input. Two experts were chosen for their experiences as an academic, practitioner, and activist dealing with sexual violence and child marriage. The experts provide inputs on the conceptual framework, specifically whether the interviews cover the critical areas of sexual violence and child marriage. The inputs are then matched with the research needs and the necessary changes made.

### **1.4.1.3 Developing the initial questionnaire**

The questionnaire was developed according to the indicators in the conceptual framework. In designing the questions, attention is given to the flow and sequence of questions, simplicity of language, and ease in completing the questionnaire and asking respondents questions.

### **1.4.1.4 Piloting the initial questionnaire**

The initial questionnaire is then randomly tested (without any criteria) online to 20 respondents to obtain feedback and observe how they answer the questionnaire. The researcher team found that the order and diction of questions needed improvement as it was hard for respondents to understand. There were also too many questions, which was ineffective if conducted over the phone as it would take 66 minutes to complete a survey. Also, the language needed to be simplified, the sequencing of questions improved, and the questions made more concise before finalizing the data collection questionnaire.

### **1.4.1.5 Developing the final questionnaire**

The questionnaire that has been revised according to the pilot test results and feedback from experts would then serve as the final questionnaire for gathering information from respondents. The number of questions in the revised questionnaire has been reduced from 189 in the initial questionnaire to the revised 127 questions and would take 20-30 minutes to fill out the survey by phone. The questionnaire's data are then synthesized as critical findings and

analyzed according to the research needs outlined in the research purpose. The questionnaire is enclosed in the final section of this report.

## 1.4.2 Sampling Technique

The survey research, which was conducted by phone, uses respondents' data with the accompanying phone numbers drawn from national surveys carried out over the past five years by the Demographic Institute of the Faculty of Economics and Business of the University of Indonesia (LD FEB UI). The sampling units are drawn from cluster samples from earlier studies through multistage cluster sampling<sup>23</sup>. Some 19,800 respondents with phone numbers were selected as the research population from the past surveys' entire clusters. The identified population of interest is a combination of respondents from previous surveys. The quantitative outcome (percentage value) and the calculation of the margin of error of this survey apply only to the population and not the national level. The population is an aggregate of the national population's random sampling and is, therefore, the best method to capture our current situation. Trends, proportions, and ranks can still serve as reference points, but the absolute percentage value and margin of error cannot be applied nationally.

The respondents' population with phone numbers is randomly selected from each cluster and aggregated into a unified phone number list. To anticipate the possibility of inactive phone numbers, respondent's rejection, and other constraints, an oversampling was necessary with 4,000 respondents in 34 provinces throughout Indonesia from the initial target of 2,210 respondents (2% margin of error). As analysis is conducted at the national level, there is no need for the equivalent at the provincial or lower-tier administrative divisions. As respondents' data from earlier studies cover capital cities, municipalities, and districts of provinces, the survey respondents already represent the said administrative divisions in terms of distribution.

---

23 Multistage cluster sampling is a sampling method that involves two or more stages. This method is used when the research has no sampling frame or population. Through this method, particular clusters are first selected from which the sub-clusters are then identified as the research sample—all of which are drawn randomly (Cochran, 1977, p. 314), see also [https://www.who.int/ncds/surveillance/steps/Part2\\_Section2.pdf](https://www.who.int/ncds/surveillance/steps/Part2_Section2.pdf)

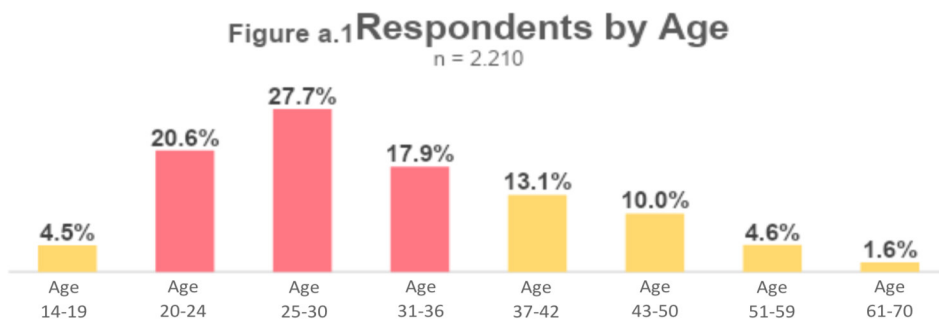
### 1.4.3 Research Limitations

Every research has limitations that define the scope of the study. This empirical research shall provide the basis for subsequent studies for improvement. The scope of the study is as follows:

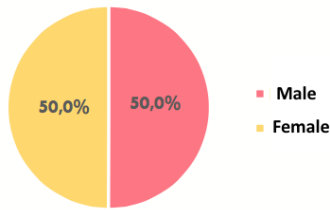
1. The phone survey is an alternative to an in-person survey that was not possible due to the COVID-19 pandemic;
2. This research is confined to the descriptive statistical analysis of data to gain insights on distribution and does not include inferential statistics to test the correlation between variables or a significance or hypothesis test;
3. A source of bias is in the selection of the sample, which is drawn from a population of respondents who can be reached by phone based on the list of phone numbers available from previous research;
4. Another source of bias is the overrepresentation of respondents with high educational attainment (high school or higher, or the equivalent). However, the analysis data are not weighted as respondents' distribution by gender (male-to-female ratio) and age is kept proportional. Nevertheless, the bias in educational attainment fairly influences the outcomes provided in Section 2.4 on the Prevalence of Child Marriage, where this issue will be explained further.

### 1.4.4 Profile of respondents

The profile of respondents as the subject of research is provided below:



**Figure a.2**  
**Respondents by Gender**  
 n = 2.210



**Figure a.3**  
**Respondents by Marital Status**  
 n = 2.210

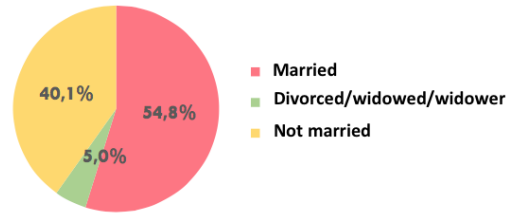
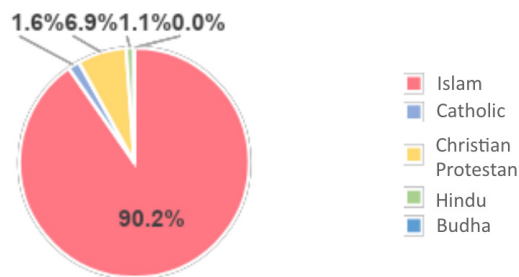


Figure a.2 illustrates an equal representation of male and female respondents. Meanwhile, Figure a.3 shows that most respondents (54.8 percent) were married, and 40.1 percent were not married.

**Figure a.4**  
**Respondents by Religion**  
 n = 2.210



As illustrated in Figure a.4, the respondents were predominantly Muslims at 90.2 percent, and 6.9 percent were Protestant Christians.

**Figure a.5** **Respondents by Educational Attainment** n = 2.210

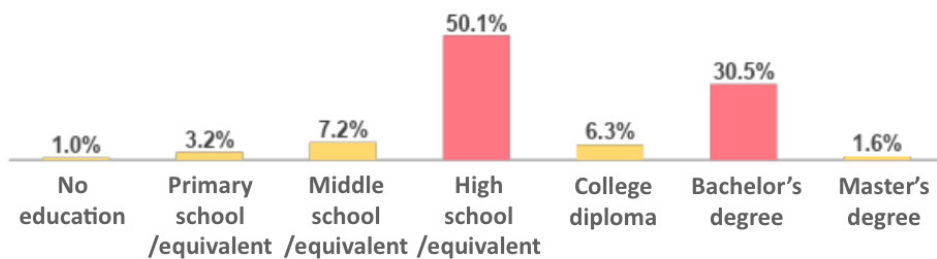
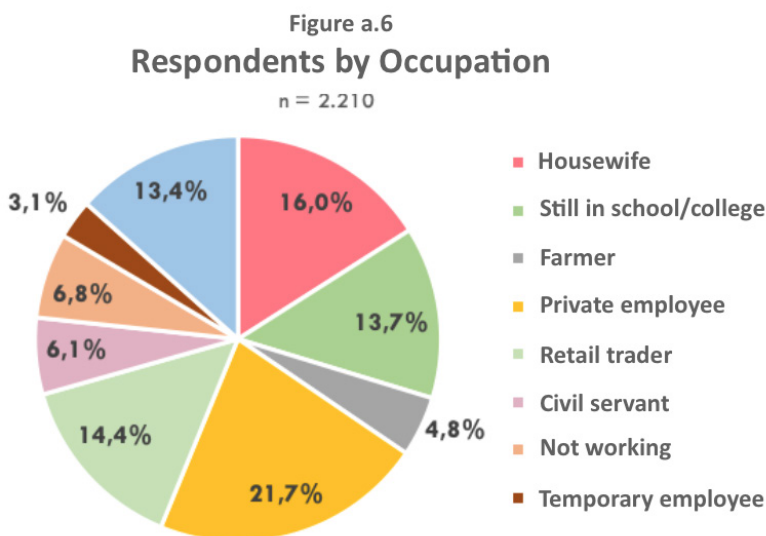


Figure a.5 shows that most respondents (50.1 percent) had completed high school or the equivalent, and 30.1 percent had earned a bachelor’s degree. In other words, the level of education of a larger share of respondents is a secondary school or higher as the available population frame is limited only to educational attainment.



As shown in Figure a.6, at least 21.7 percent of respondents were private employees, 16 percent were housewives, 14.4 percent worked as retail traders (as a worker or non-worker), and 13.7 percent were still in school or college.

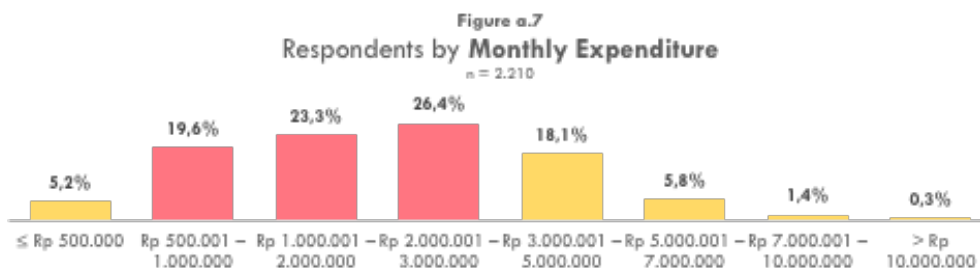
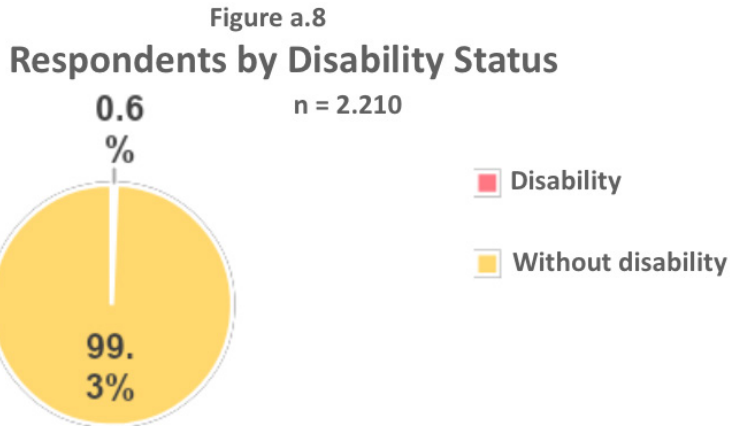
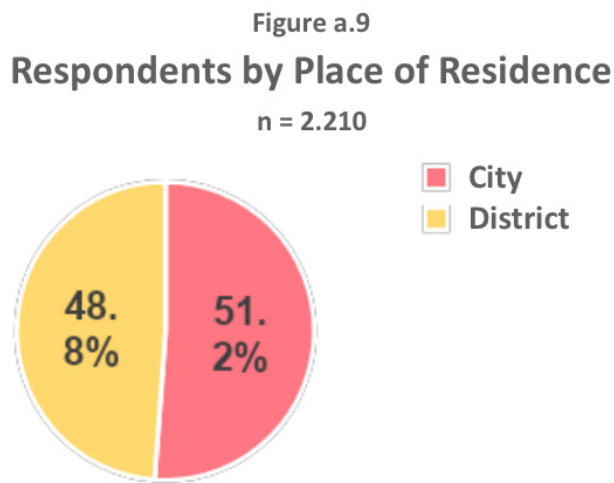


Figure a.7 reveals that 26.4 percent of respondents’ monthly expenditure was IDR 2-3 million, while 23.3 percent spent IDR 1-2 million each month, and 19.6 percent spent IDR 0.5-1 million per month.



In Figure a.8, it is shown that almost all respondents did not have a disability. Meanwhile, out of the 0.6 percent of respondents with some form of disability, 0.3 percent of them were physically disabled.



Based on Figure a.9, at least 51.5 percent of respondents lived in municipalities, and 48.8 percent in districts.





## CHAPTER 2

# CONCEPTUAL FRAMEWORK

This study's conceptual underpinnings provide the basis for exploring public attitudes and support toward the RUU P-KS and Law No. 16/2019. Drawn from previous research, these concepts lay the foundation for deep-diving into sexual violence and child marriage and providing answers to the research questions. The demographic variables and four key variables and the dimensions and indicators are outlined in Table 2.1 and discussed further in the following sections.

**Table 2.1. Conceptual Framework**

| Variable                         | Dimension                                | Indicator                                    |
|----------------------------------|--|--|
| Demographic                      |  | 1. Education                                 |
|                                  |  | 2. Monthly expenditure                       |
|                                  |  | 3. Gender                                    |
|                                  |  | 4. Age                                       |
|                                  |  | 5. Religion                                  |
|                                  |  | 6. Occupation                                |
|                                  |  | 7. Marital status                            |
|                                  |  | 8. Disability status                         |
|                                  |  | 9. Place of residence (urban/rural)          |
| 1. Prevalence of sexual violence | 1. Experience of sexual violence         | 1. Have or never experienced sexual violence |
|                                  |  | 2. Type of sexual violence experienced       |
|                                  | 2. Details of sexual violence experience | 1. Relationship to the perpetrator           |
|                                  |  | 2. Location of sexual violence               |
|                                  |  | 3. Others involved                           |
|                                  |  | 4. Reporting experience                      |
|                                  |  | 5. Case follow-up                            |
| 2. Prevalence of child marriage  | 1. Age at first marriage                 | 1. Ownage at marriage                        |
|                                  |  | 2. Partner's age at marriage                 |

| Variable  | Dimension  | Indicator   |
|---|--|---|
| 3. Public responses to regulations for the elimination of sexual violence | 1. Perceptions of gender inequality                                  | 1. Perceptions of women's position in the domestic sphere         |
|   |  | 2. Perceptions of women's position in the public sphere           |
|   |  | 3. Perceptions of stereotypes about women                         |
|   |  | 4. Perceptions of women as sex objects and the target of violence |
|   | 2. Responses to sexual violence prevention                           | 1. Responses to prevention in the education                       |
|   |  | 2. Responses to prevention in the infrastructure                  |
|   |  | 3. Responses to prevention in institutional governance            |
|   |  | 4. Responses to prevention in the economic field                  |
|   |  | 5. Responses to prevention in the sociocultural field             |
|   | 3. Responses to sexual violence case handling                        | 1. Responses to the reporting mechanism                           |
|   |  | 2. Responses to the case processing mechanism                     |
|   |  | 3. Knowledge of victim's rights during case handling              |
|   | 4. Responses to the protection of sexual violence victims            | 1. Perceptions of the victim's right to protection                |
|   |  | 2. Perceptions of the causal factors of sexual violence           |
|   |  | 3. Perceptions of the victims' criminalization                    |
|   | 5. Responses to the recovery of sexual violence victims              | 1. Knowledge of the impact of sexual violence                     |
|   |  | 2. Perceptions of the victim's right to recovery                  |
|   | 6. Responses to the prosecution against sexual violence perpetrators | 1. Perceptions of punishment for sexual violence perpetrators     |
|   | 7. Responses to RUU P-KS   | 1. Knowledge of RUU P-KS  |
|   |  | 2. Responses to the enactment of RUU P-KS                         |

| Variable                               | Dimension                                  | Indicator  |
|--|--|--|
| 4. Public responses to Law No. 16/2019 | 1. Responses to child marriage             | 1. Knowledge of the minimum age of marriage                        |
|  |  | 2. Perceptions of the minimum age of marriage ordered by the State |
|  |  | 3. Perceptions of child marriage                                   |
|  | 2. Responses to reasons for child marriage | 1. Perceptions of reasons for child marriage                       |
|  |  | 2. Knowledge of the risks of child marriage                        |

## 1. PREVALENCE OF SEXUAL VIOLENCE

As defined in KBBI,<sup>1</sup> the official dictionary of the Indonesian language, the word prevalence refers to something general or common. In epidemiology, prevalence means the number of people in a population who have a particular disease, disorder, or condition at a specific time in proportion to the size of the people from which the cases are drawn.<sup>2</sup>

Based on the definition above, this study presents the number and trend of cases of sexual violence in general. Based on the prevalence of such incidents, sexual violence can be described as a form of offense that attacks an individual's dignity and sexual integrity, physically and psychologically.<sup>3</sup> Sexual violence is an act that degrades, humiliates, and attacks the human body that involves the use of force for sexual gratification and (or) coerced reproduction. These are acts committed against a person's will where consent is not freely given. Such manifestations of gender power imbalance cause physical and psychological pain and anguish and impair sexual function, not to mention the economic, social, cultural, and political consequences.<sup>4</sup> In the final draft RUU P-KS, nine types of sexual violence are identified: (1) sexual harassment, which includes attacks in the form of sexual coercion that does not involve intercourse, involving the use of violence, threat of violence, held against the person's will, psychological pressure, and abuse of power; (2) sexual exploitation, which includes abuse

1 See the word "prevalence," Kamus Besar Bahasa Indonesia, accessed at <https://kbbi.web.id> on 10 March 2020

2 Thomas C. Timmreck, *Epidemiologi: Suatu Pengantar Edisi 2* (Jakarta: Penerbit Buku Kedokteran EGC, 2001), p. 5.

3 Choky Ramadhan, et al., *Asesmen Konsistensi Putusan Pengadilan Kasus-Kasus Kekerasan terhadap Perempuan* (Depok: Badan Penerbit Fakultas Hukum Universitas Indonesia, 2018), p. 10.

4 Indonesia, Bill on the Elimination of Sexual Violence, Article 1 point (1)

of power or trust for sexual gratification, such as taking advantage of poor women for prostitution; (3) forced contraception; (4) forced abortion; (5) rape; (6) forced marriage; (7) forced prostitution; (8) sexual slavery, which includes the exertion of control over a woman's body where the perpetrator does as he pleases; (9) sexual torture, which provides for attacks specifically directed at a woman's sexual organs and sexuality that causes physical, mental, and sexual trauma.

This variable consists of two key dimensions: sexual violence experience and details of sexual violence experience. The two indicators of sexual violence experience are whether the person has ever or never been sexually violated and the type of sexual violence experienced. Details of the incident are then examined from the following five indicators: relationship to the offender, location of the crime, accomplice, reporting experience, and case follow-up. The connection to the offender signifies how power relations correlate with the crime location, hence the importance of providing information on settings where acts of sexual violence are more likely to occur. It is equally important to probe into the victim's reporting experience, those involved, and follow-up to the case to understand the victim's behavioral pattern, whom she confides in first, the ease of reporting, and how the case is solved. Such data are useful to provide deeper insights into victim behavior, which can also serve as input for victims' reporting and redress mechanisms.

## 2. PREVALENCE OF CHILD MARRIAGE

Unlike the concept of sexual violence prevalence, which refers to the number of cases of sexual violence, child marriage, on the other hand, starts with the age of respondents and their partners at first marriage. It is to identify the number of respondents who got married before age 19 (according to Law No. 16/2019 on Amendments to the Marriage Law). Apart from the age at which the respondent married, information on the partner's age is also necessary to learn about the age gap. Couples with a wide age gap would more likely lead to either one, particularly the woman, to feel powerless, and therefore unable to contribute to decision-making and to negotiate, and tend to be financially dependent.<sup>5</sup> Under such circumstances, these women are at greater risk of

<sup>5</sup> UNFPA, et al., *Ending Child Marriage* (London: IPPF, 2006) <https://www.unfpa.org/sites/default/files/pub-pdf/endchild-marriage.pdf>, p. 11-12

domestic violence, may even tolerate the abuse and find it hard to leave their partners due to dependency.<sup>6</sup> Information on the age of both partners will therefore provide a more detailed picture of child marriage.

Furthermore, the age-related information will give an idea of the trends in child marriage disaggregated by gender. A study indexing court judgments on divorce cases<sup>7</sup> reveals that based on the 500,000 decisions handed down in 2014-2018 by the religious court, 1 in 4 women (24%) got married when still a minor. Only 1 in 50 (2%) men tied the knot at a young age. This shows the different trends in child marriage for men and women. By asking both partners' age, the researcher captured a broader picture of child marriage to observe the trend by gender better and obtain more detailed information to inform subsequent studies.

### **3. RESPONSES TO THE ELIMINATION OF SEXUAL VIOLENCE BILL (RUU P-KS)**

According to KBBI, the word response refers to a reaction and is explained in the Black Law's Dictionary<sup>8</sup> as a reaction or behavior to an event or situation. A response can either be a positive or negative reaction from the public.<sup>9</sup> It is also a result or outcome of perceptions from an individual arising from a particular stimulus.<sup>10</sup> The stimulus may come from an emotion, a thinking process, and the myriad of experiences of an individual. Therefore, a response is evoked from having a perception, one of which is an individual's knowledge of a particular situation. When speaking of public response, it refers to a reply or reaction formed by public perception and understanding, whether positive or negative, towards a specific matter.

Regarding responses toward regulations on sexual violence, it is essential to look at it from the perspective of ending sexual violence. Legal instruments aimed at ensuring protection from sexual violence are vital to fulfilling the constitutional right to be free from threat, discrimination, and violence as

---

6 Ibid

7 Australia Indonesia Partnership for Justice 2 (AIPJ2), Decision Analysis of Marriage Dispensation Cases in Indonesia, 2019, accessed at <https://aipj.or.id/pages/publication/decision-analysis-of-marriage-dispensation-cases-in-indonesia> on 4 April 2020

8 See the word "response," Black Law Dictionary, accessed at <https://thelawdictionary.org/response/> on 3 April 2020

9 Poewardaminta, Kamus Umum Bahasa Indonesia (Jakarta: Balai Pustaka), p. 30.

10 Bimo Walgito, Pengantar Psikologi Umum (Yogyakarta: Andi Yogyakarta, 2010), p. 89.

enshrined in Article 281 of the UUD 1945 (Constitution).<sup>11</sup> Such legislation seeks to serve justice for justice seekers, especially victims, as outlined in the theory of restorative justice, through restitution and reparation.<sup>12</sup> The academic paper of the RUU P-KS also affirms that victims as survivors have the right to appropriate redress of cases, protection, and recovery to ensure that justice is served. Survivors are entitled to be kept informed about their cases, participate in court proceedings, and have their circumstances and interests considered for offenders' fair sentencing.

A victim's right to access justice, fair trial, and equality before the law are fundamental rights like the right to be free from discrimination, equality, protection, and remedy. In reality, however, numerous barriers hamper victims from accessing justice. The obstacles arise from a criminal procedure system that focuses primarily on the suspect and defendant's rights, a law enforcement structure that is not integrated into the victim recovery process, and a legal culture that continues to blame the victim.<sup>13</sup> In the final draft, apart from protection and recovery, the RUU P-KS also addresses the prevention and the prosecution of sexual violence offenders.

The explanation above shows how public responses to legislating against sexual violence hinge on many aspects. Public perceptions of gender inequality are among the causal factors of sexual violence, where a particular gender is perceived to be more dominant than the other. Also, measuring the variable of public responses to regulations on the elimination of sexual violence should consider the dimensions that delineate the scope of the RUU P-KS, which covers prevention and the handling of sexual violence cases, victim protection and recovery, prosecution of offenders, and public responses to the bill itself.

---

11 Indonesian Constitution, Article 281

12 Indonesia, Academic paper to RUU P-KS, pp. 18-19

13 Ibid, pp. 5-6

### 3.1. Perceptions of Gender Inequality

The concept of gender here refers to the roles, functions, and responsibilities between men and women, which carry consequences and may evolve and change in line with society's socio-cultural circumstances.<sup>14</sup> The different gender characteristics, positions, and roles give rise to asymmetrical gender relations leading life as part of society.<sup>15</sup> Women are considered the weaker sex and more emotional than men, and in an unequal playing field, there is the perception that women are not cut out to be leaders. Gender disparities in social constructions occur due to unequal opportunities and rights as human beings in contributing and participating in various fields.<sup>16</sup>

Sulistiyowati Irianto (2006) classifies gender injustice into different types:<sup>17</sup>

1. Subordination, where women are held in a lower position than men in both the private and public spheres;
2. Gender stereotyping, where gender or sex, is attached with specific labels or perceptions. For instance, women who wear makeup are assumed to do so out of a desire to attract the opposite sex. Due to such lopsided perceptions, in a sexual violence or harassment case, society would tend to put the woman in a weaker position (in the wrong);
3. A dual burden, where a person undertakes the work, is heavier than that of another based on their gender. For example, women as housewives are expected to bear the bulk of domestic responsibilities but are undervalued and often have to shoulder the dual burden of earning an income.
4. Marginalization, where women face restrictions, are denied access to resources, or experience povertization due to gender constructions. In oil palm labor households, for example, women help their husbands out at work, but only the household head (male) would get paid;
5. Violence, where women are perceived as weak individuals, resigned to fate, and therefore are treated by men as sex objects and violence targets.

---

14 Kelompok Kerja Perempuan dan Anak Mahkamah Agung RI & MaPPI-FHUI, *Pedoman Mengadili Perkara Perempuan Berhadapan dengan Hukum*, (Jakarta: Mahkamah Agung RI, 2018), p. 14.

15 Ibid

16 Supreme Court, Supreme Court Regulation No. 3/2017 on Cases Involving Women, Article 1 point (4).

17 Sulistiyowati Irianto as excerpted from the Supreme Court's Working Group on Women and Children & MaPPI-FHUI, *op. cit.*, p. 20

Given the explanation above, this dimension measures how public perception is closely correlated to gender inequality in society through the following indicators:

1. Public perceptions of women's position in the private domain. This indicator covers questions on women's room to maneuver domestically sphere (household), such as the opportunity to work, and not to be confined to household duties, earning a higher income, and the ability to freely express opinions in every decision-making;
2. Public perceptions of women's position in the public sphere. This indicator covers questions on the opportunities for women to exercise their right to work and to education, which include high-level educational attainment and better leadership skills than men;
3. Public perceptions of female stereotypes. Questions under this indicator revolve around public perceptions of women. For example, women who have lost their virginity, who like to go out at night, and wear revealing clothes are considered a woman of disrepute. Women face stigma when they are sexually harassed, and their choice of clothing is the cause. Single women are seen as seducers and are supposed to marry as soon as possible, and many other female stereotypes. Men, on the other hand, display objectionable behavior and the tendency to harass women;
4. Public perceptions of women as sex objects and as targets of violence. For this indicator, questions focus on women in the contemporary social structure who continue to be targets of sexual objectification and violence. For example, public perceptions of catcalling (wolf-whistles, inappropriate comments, sexual remarks, etc.) and women's physical weakness renders them vulnerable, such as in situations where a woman is forced to comply with her husband's demands for sex.

## 3.2 Public Responses to Sexual Violence Prevention

Sexual violence prevention is an effort to stop it from happening in the first place, whether a single incident or multiple incidents.<sup>18</sup> Prevention is a crucial component in eliminating sexual violence. It should involve all parties concerned, including the public's active participation, through a whole-of-government approach.<sup>19</sup> Prevention shall cover the following fields:<sup>20</sup>

1. Education:
  - a. Inclusion of learning materials on sexual violence prevention into the curriculum, non-curriculum, and (or) extracurricular activities from early childhood education to university.
  - b. Educators from preschool to university should provide learning materials on sexual violence prevention.
  - c. Enactment of anti-sexual violence policies within educational settings.
2. Infrastructure, public service, and spatial planning:
  - a. To make available public spaces and facilities that are safe and convenient for all genders.
  - b. To establish an integrated security system in residential areas and open public spaces.
3. Institutional governance:
  - a. To disseminate information on sexual violence prevention.
  - b. Provision of programs and budgets for sexual violence prevention.
  - c. To develop anti-sexual violence policies that apply to all state agencies, the central government, and local governments.
  - d. To build the commitment to end sexual violence in public office recruitment, placement, and promotion.
  - e. To include sexual violence prevention into public officials and law enforcement officers' education and training curricula.
  - f. To develop and integrate sexual violence data into the national database system.

---

18 Indonesia, Bill on the Elimination of Sexual Violence, Article 1 point (11)

19 Komnas Perempuan, *op. cit.*, p. 99

20 Indonesia, Bill on the Elimination of Sexual Violence, Articles 5-10

4. The economic field covers establishing anti-sexual violence policies in corporations, trade unions, and business associations of employers and recruitment agencies.
5. Sociocultural and religious fields:
  - a. To disseminate information on sexual violence prevention to families, mass media, social media, and societal organizations.
  - b. To improve sexual violence prevention knowledge for the community, religious, indigenous faith, and customary institutions or groups.

Measuring this dimension will provide data on public responses and perceptions toward their experiences, prevention, and more detailed information, along with the following dimensions and indicators:

Public responses to prevention through education. This indicator covers the public's experiences in knowing, hearing, and receiving information, training, or knowledge on sexual violence from educational institutions, from primary to tertiary education;

1. Public responses to prevention through infrastructure. This indicator covers the public's experiences in knowing, hearing, and receiving information, training, or knowledge on sexual violence from public spaces (malls, stadiums, parks, railway stations, and others), housing or residential complexes, and public transportation.
2. Public responses to prevention through institutional governance. This indicator covers the public's experiences in knowing, hearing, and receiving information, training, or knowledge on sexual violence from law enforcement agencies, such as the police, prosecutor's office, and the court;
3. Public responses to prevention in the economic field. This indicator covers the public's experiences in knowing, hearing, and receiving information, training, or knowledge on sexual violence from offices or workplaces.
4. Public responses to prevention in the socio-cultural and religious fields. This indicator covers the public's experiences in knowing, hearing, and receiving information, training, or knowledge on sexual violence from the mass media, social media, families, places of worship, and NGO training.

### 3.3 Public Responses to Handling of Sexual Violence Cases

The academic paper for the RUU P-KS emphasizes regulating sexual violence cases by paying attention to victims, mostly women, and children, as vulnerable groups. In treating victims of sexual violence, several existing pieces of legislation have laid down their rights. However, Indonesia's procedural law's normative aspect does not explicitly and comprehensively specify the victim's right to access justice.

Victims come across multiple stumbling blocks at every stage in the criminal justice system: (1) Pre-trial stage, where the victim suffers from mental, physical, and social stress. As the victim contemplates reporting the police experience, she would become fearful due to threats from the perpetrator. There are also budget shortages for forensic medical examination to collect vital evidence; (2) The Trial stage, where the victim must pay for her expenses to attend court proceedings. It is compounded by the psychological stress of having to relive the harrowing ordeal in court. The victim will be in a further disadvantaged position when the perpetrator comes from a higher social class than the victim; (3) Post-trial stage, where the victim may not be recompensated. Not to mention possible ostracism by her family and community. The victim may become even more emotionally distressed upon knowing that the perpetrator has received a light sentence or acquitted altogether.<sup>21</sup>

In response to the situation above, this dimension comprises of the following indicators:

1. Public perceptions of the reporting mechanism for sexual violence. This indicator covers questions on whether people will come forward if they were to experience sexual violence and to whom they will confide in first. Possible options to where a victim can help include family members, close friends, Komnas Perempuan, hotline, the police, and others.
2. Public perceptions of the redress mechanism for sexual violence. This indicator covers questions on the public's preferred avenue for seeking justice, whether they will take legal action or not;
3. Public responses to victim's rights in terms of case handling. This indicator covers whether keeping the victim's identity confidential is essential and whether the victim should be examined separately from the perpetrator.

---

21 Komnas Perempuan, *op. cit.* p. 45

Members of the public are also asked about how responsive law enforcement is in handling sexual violence cases. Another question is whether additional evidence is needed for a victim to report her experience of sexual violence.

### 3.4 Public Responses to Protection of Sexual Violence Victims

Protection is provided to give a sense of safety to victims, their families, and (or) witnesses.<sup>22</sup> The evidentiary process for the crime of sexual violence as set out in the KUHP remains problematic, particularly when officers of law choose not to believe the victim's witness statement. Due to a lack of gender perspective, law enforcement officers tend to associate the crime with the victim's behavior, attire, and sexual history. There have even been instances where the police investigator blames the victim for not shouting for help during the attack.<sup>23</sup> Therefore, one of the barriers to accessing justice is the lack of gender perspective among law enforcement officers in handling sexual violence cases. Victims have often been criminalized, dealing with extortion counterclaims filed by the perpetrators.

In response to the findings above, this dimension shall cover the following indicators:

1. Public perceptions of the fulfillment of the victim's right to protection. This indicator includes questions on whether the right to information and legal aid is essential. Questions will also touch on how important it is for the victim to be examined by a female officer, on the victim's past sexual experience, placement in a safe house, as well as the availability of proper physical and psychological treatment, and an interpreter, if necessary;
2. Public perceptions of victim-blaming attitudes. Questions for this indicator cover sexual violence in light of the victim's sexual history (whether she has been sexually active, or has a boyfriend, etc.), clothing choice, or behavior;
3. Public perceptions of the criminalization of victims. Questions for this indicator include the issue of a countersuit filed by the perpetrator against the victim. Examples include victims who are punished for self-defense, for termination of pregnancy due to rape, for sharing pictures and videos proving the attack took place, and allegedly defaming the perpetrator.

---

22 Indonesia, Bill on the Elimination of Sexual Violence, Article 1 point (14)

23 Komnas Perempuan, *op. cit.*, p. 46

### 3.5 Public Responses to the Recovery of Sexual Violence Victims

A person subjected to sexual violence experiences physical injuries, psychological disorders, sexual trauma, unwanted pregnancy, and the risk of death and sexually transmitted diseases. The adverse effects of sexual violence can also extend to the victim's family. They may have to deal with threats, restrictions, exclusion, denial of rights, social, political, and economic discrimination.<sup>24</sup>

Given the risk of experiencing multiple long-term trauma levels, victims and their families are in dire need of a comprehensive, integrated, first-rate, and sustainable response, protection, remedy, and recovery system. In the RUU P-KS, recovery refers to providing support to victims of sexual violence in bringing their cases to court and (or) rebuilding their lives and regaining dignity as part of the realization of victim rights. The scope of victim rights covers the following aspects (i) physical; (ii) psychological; (iii) economic; (iv) socio-cultural; and (v) restitution.

In response to the findings above, this dimension shall cover the following indicators:

1. Public perceptions of the impact of sexual violence on the victim. Questions for this indicator revolve around whether the public agrees or disagrees with the statement that sexual violence causes physical (injury, bleeding, wound, etc.), psychological (trauma, fear, shame, low self-esteem, etc.), economic (costs of treatment, medico-legal examination, case-handling, and lost earnings, etc.), and socio-cultural (labeled a dishonorable woman, rejected by the family, etc.) harm to the victim;
2. Public perceptions of the fulfillment of the victim's right to recovery. This indicator covers questions on how important is the victim's right to physical (heal from physical injuries, wounds, etc.), psychological (regain mental health, recover from trauma, etc.), economic (place to stay, job, etc.), and sociocultural (family and community support, etc.) recovery, and restitution (to cover all case-related expenses incurred by the victim).

---

<sup>24</sup> Ibid, p. 53

### **3.6 Public Responses to the Prosecution of Sexual Violence Perpetrators**

One of the forms of justice for victims is the prosecution and conviction of the offender. In the prosecution process, law enforcement should adhere to the principles<sup>25</sup> of respect to human integrity and dignity, non-discrimination, the victim's best interests, justice, utility, and legal certainty.

A study conducted by MaPPI FHUI and LBH APIK Jakarta in 2015 uncovered facts regarding the sentencing of cases of sexual violence against women. These facts include inconsistent sentencing, a lighter sentence for repeated rape, and the imposition of sentences below the statutory minimum in child rape cases.<sup>26</sup>

In response to the findings above, this dimension covers indicators of perceptions of gender culture in society. These indicators comprise questions on the aggravating and mitigating factors in sentencing sex offenders. For instance, the offender's willingness to marry the victim, victim-offender conciliation, the offender shows remorse, expresses an apology to the victim and her family, or holds a higher social status than the victim.

### **3.7 Responses to the RUU P-KS**

As explained earlier, the RUU P-KS focuses on prevention, protection, case-handling, prosecution, and victim recovery, which are then established as the dimensions examined in this study. In each indicator, the focus areas will help look into actual public responses and perceptions toward sexual violence as a whole. An in-depth analysis provides a more comprehensive picture of the substantive content of the RUU P-KS. Lastly, it is equally vital to implicitly ask citizens for their knowledge of the RUU P-KS and their responses to the bill's enactment.

---

25 Ibid, p. 94

26 Choky Ramadhan, et al., op. cit., pp. 36-37

## 4. RESPONSES TO LAW NO. 16/2019 ON MARRIAGE

Regarding Law No. 16/2019, a pivotal point to note is the revisions to Law No. 1/1974, specifically Article 7, clause (1), on the minimum age for women to marry, which was raised from 16 to 19, making it the same as the legal age of marriage for men. Changes were also made to Article 7 clause (2), which initially stipulated that marriage for those aged below 19 should file a petition for dispensation with the court or other public official appointed by both the intended bride and groom's parents. A request for dispensation can only be made in the case of an emergency with supporting evidence provided. Clause (3) was also revised with the insertion of the additional phrase "the granting of dispensation by the court, as outlined in the clause" (2), and the obligation to consider the views of the prospective bride and groom. According to Law No. 16/2019, Article 7, clause (3), which in Law No. 1/1974 becomes clause (4), the two main points of discussion are the change in marriage age and the marriage dispensation mechanism. This study, therefore, presents public responses to the two said issues in particular.

### 4.1 Response to the age of marriage

Several studies have shown the ideal marriageable age ranges between 21-25 and 28-32 years. According to the National Population and Family Planning Agency (BKKBN), the right age to get married is indicated by biological and psychological readiness, ages 20-25 for women and ages 25-30 for men. The age ranges are considered the best time for first marriage, where individuals can behave and think maturely.<sup>27</sup> Another study similarly concluded that marriage's ideal age is ages 28-32 by considering the risk of divorce. At this age range, the likelihood of divorce is lower.<sup>28</sup> About Law No. 16/2019, there are different perceptions of the ideal age of first marriage and the minimum age of marriage prescribed by the government. Under Law No. 35/2014, Article 1, a child is defined as a person who has not reached 18. Child marriage is described as any formal marriage or informal union between a child aged below 18 and

27 "BKKBN: Usia Pernikahan Ideal 21-25 Tahun", BKKBN, 2017, accessed at <https://www.bkkbn.go.id/detailpost/bkkbn-usia-pernikahan-ideal-21-25-tahun> on 10 April 2020

28 Nicholas Wolfinger, "Want to Avoid Divorce? Wait to Get Married, But Not Too Long" (New York: Institute for Family Studies, 2015) accessed at <https://ifstudies.org/blog/want-to-avoid-divorce-wait-to-get-married-but-not-too-long/> on 10 April 2020

another child or an adult.<sup>29</sup> In other words, marriage dispensation allows for a petition to be filed for a child under 18, and if the request is granted, it would mean that a child marriage would take place.

Given the discrepancy between the prescribed ideal age of marriage and the age outlined in the legal definition of a child, this dimension covers three factors:

1. Knowledge of the minimum age of marriage as established by the government. This indicator can provide insights into how the new legal age of marriage is known to respondents.
2. Perceptions of the minimum age of marriage as set by the government. This indicator can provide insights into respondents' views on whether they agree or disagree with the minimum age, which will serve as the basis for further analysis.
3. Perceptions of child marriage. This indicator examines whether respondents would allow a child to marry or not and what the reasons are. It provides a snapshot of public responses to child marriage and its future trend.

## 4.2 Responses to reasons for child marriage

Previous research identified five key drivers of child marriage: rational rule, custom rule, moral rule, social norm, and descriptive rule.<sup>30</sup> An example of a rational rule is that giving a child in marriage can ease the family's burden with one less mouth to feed and help improve the family's economic well-being or break the cycle of poverty.<sup>31</sup> In terms of the custom rule, child marriage is a longstanding tradition passed on from generation to generation. The moral rule dictates that daughters should be quickly married off at the first opportunity to ensure they remain a virgin until marriage. A social norm, for example, is when a community normalizes marriage at young ages. Women who put off marriage for too long have been labeled a spinster.<sup>32</sup> The descriptive rule arises when parents are convinced that others are also marrying their children young. This stems from their own experiences of marrying at a young age, hence the positive perception of child marriage. Also, society believes that marrying young would prevent premarital sex, harm, sinning, and unwanted pregnancy.<sup>33</sup>

29 <https://www.unicef.org/protection/child-marriage> accessed 1 September 2020

30 UNICEF, "Child Marriage: Knowledge, Attitudes, and Perceptions among Affected Communities in Albania," accessed at <https://www.unicef.org/albania/media/1031/file> on 6 April 2020

31 PUSKAPA UI, *op cit*, p. 44

32 PUSKAPA UI, *op cit*, p. 45.

33 Eddy Fadlyana, et al., *loc cit*.

The analysis and indexing of court decisions on marriage dispensation showed how judges are key actors in the dispensation process. Judges have been granting dispensation with the understanding that it will preserve religious norms and traditions. Considerations for court approval of such requests are in situations where the girl has fallen pregnant (31%), the risk of violating religious values (21%), the child has engaged in sexual intercourse (16%), and the risk of breaching social norms (8%).<sup>34</sup> These are reasons invoked to justify child marriage. Child marriage is indirectly a form of violation and deprivation of the rights of a child. A child bride or groom is forced to take on adult responsibilities that they may not be prepared for, consequently cutting off a decent education opportunity.<sup>35</sup> Underage girls who enter into marriage are vulnerable to intimate partner violence due to unequal power relations.<sup>36</sup> On top of that, pregnancy for girls under age 17 is at higher risk of medical complications, endangering both the mother and baby. Girls aged 10-14 are more medically at-risk as they are five times more likely to die during pregnancy or childbirth than those aged 20-24, a risk which will increase two-fold for girls aged 15-19.<sup>37</sup>

The reasons for and risks of child marriage are interrelated and need to be examined within the child marriage context. This study, therefore, synthesizes public responses to the following two aspects:

- a. Perceptions of the reasons for child marriage. This indicator covers questions on whether the public agrees or disagrees with the practice. Regardless of the age, the child should be married off if she is already pregnant, has engaged in sexual intercourse, and other reasons. The indicator can explain why society considers it essential to justify child marriage, even when they are not ready or mature enough.
- b. Knowledge of the risks of child marriage. This indicator includes questions on how much the public is aware of child marriage's adverse effects, such as infant death, maternal death, domestic violence, uterine rupture, and other implications. The indicator sheds light on the extent to which the public knows about child marriage risks, providing additional information for analysis.

---

34 Australia Indonesia Partnership for Justice, op. cit

35 PUSKAPA UI, op cit, p. 46

36 UNFPA, loc.cit

37 PUSKAPA UI, op. cit., p. 28



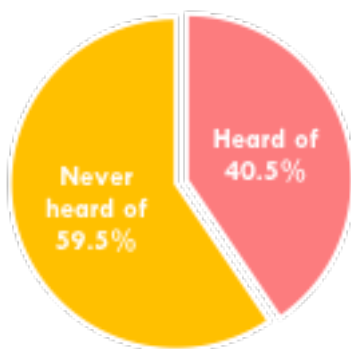
# RESULTS AND ANALYSIS

This research explores public responses to regulations on sexual violence and the revised law relating to child marriage. In this chapter, a more detailed explanation of public responses to the regulation of sexual violence and the variables are presented to throw light on how society views sexual violence and the issue per se. Likewise, on child marriage, public responses to the marriage law reform will be examined. Other variables will also be studied to provide deeper insights into public reactions to child marriage.

## 3.1 RESPONSES TO LEGISLATION AGAINST SEXUAL VIOLENCE

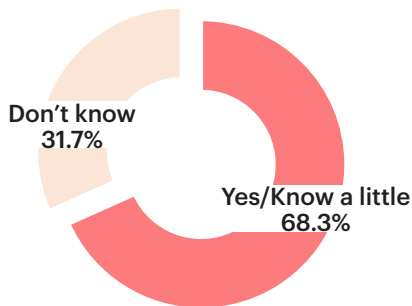
### 3.1.1 RESPONSES TO THE RUU P-KS

Figure 1. Knowledge of the RUU P-KS  
n = 2.210

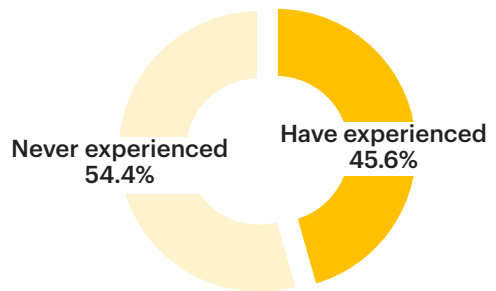


As shown in Figure 1, most respondents (59.5 percent) had never heard about the RUU P-KS, while the remaining 40.5 percent had heard of the bill.

**Figure 1.a. Knowledge of those who have heard of the RUU P-KS**  
n = 896

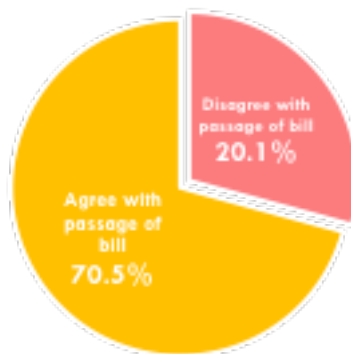


**Figure 1.b. Sexual violence experiences of those who have never heard of the RUU P-KS**  
n = 1.314



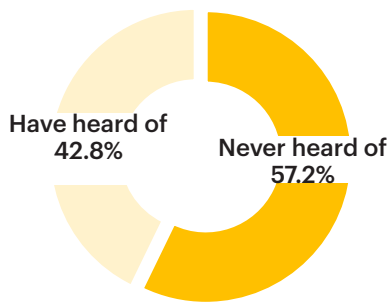
Of those who have heard of the RUU P-KS, at least 68.3 percent replied 'yes' or 'know a little,' and 31.7 percent had only heard of it but didn't know anything about the bill. More specifically, 45.6 percent of respondents who have never heard of the bill were those who had personally experienced some form of sexual violence. Meanwhile, of those who knew the bill, 48 percent had personally been sexually violated.

**Figure 2. Perceptions of the RUU P-KS**  
n = 2.210

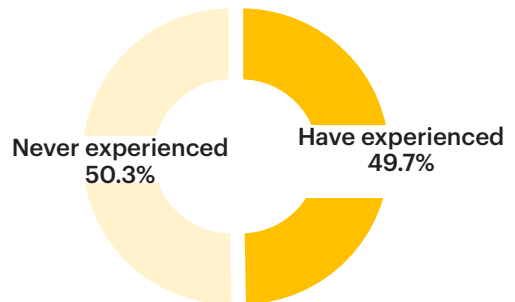


As seen in Figure 2, most respondents (70.5 percent) agreed with the immediate passage and enactment of the RUU P-KS.

**Figure 2.a Knowledge of RUU P-KS among those who agree with its immediate passage**  
n = 1.559

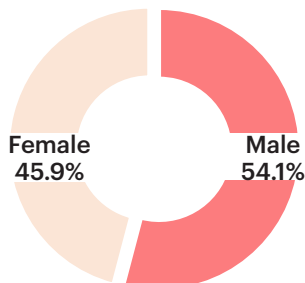


**Figure 2.b Sexual violence experiences of those who agree with the bill's immediate passage**  
n = 1.559

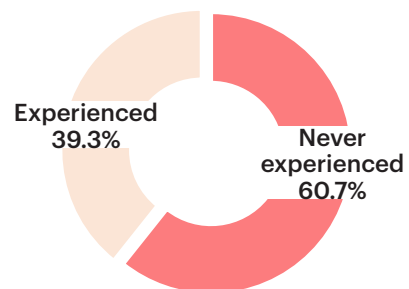


Of those who agreed with the bill's immediate passage, 57.2 percent were those who knew nothing of it, while 49.7 percent had personally experienced sexual violence.

**Figure 2.c Respondents who disagree with the passage of RUU P-KS, by gender**  
n = 643



**Figure 2.d Sexual violence experiences of those who disagree with the bill's immediate passage**  
n = 643

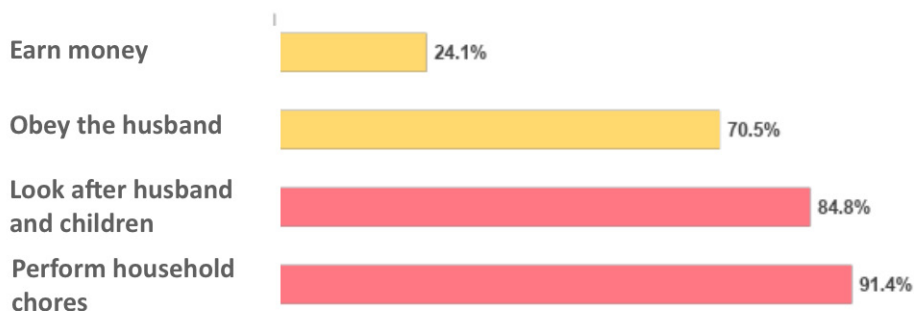


Of the 20.1 percent of respondents who disagreed with the immediate passage of the RUU PK-S, 54.1 percent were men, and 60.7 percent had never personally experienced sexual violence. This survey finding shows that the majority of respondents, in general, have never heard of the bill. Furthermore, not all respondents who have experienced sexual violence have heard of the bill. Based on an overall analysis of the data, most respondents considered it necessary to facilitate protection from sexual violence. Resistance from the public against regulations on sexual violence is due to a lack of knowledge about the RUU P-KS. Figure 2.d also shows that most of those who disagreed were respondents who had never experienced sexual violence.

### 3.1.2 WOMEN'S POSITION IN THE PRIVATE AND PUBLIC SPHERES

Figure 3. Perceptions of women's duties in the private sphere-1  
n = 2.210

\*respondents provided multiple answers



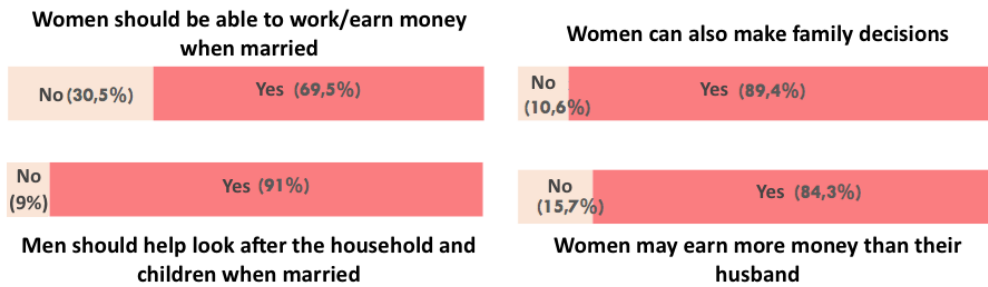
The public sphere provides space in which people work and engage in activities as part of society. An individual, for example, can actively participate in the economic, social, and political sectors. On the other hand, the domestic sphere is where the family unit is kept together and maintained.<sup>1</sup> Figure 3 reveals public responses to women's primary duties of looking after the household, husband, and children, and obedience to the husband. An overwhelming 91.4 percent of respondents agreed that women are responsible for most of the housework, such as cooking, washing, and other household chores, of whom 55 percent of them were married. Like the earlier finding, 84.8 percent of respondents agreed that women's primary role is to serve the husband and raise the children. Meanwhile, 70.5 percent of respondents expected women to be obedient wives. Only 24.1 percent agreed that a woman has to earn a living. Overall, there is no significant difference in the answers provided by women and men, where the majority tend to give the same responses. In other words, most women and men agree with the abovementioned domestic duties that women are expected to perform.

1 Nuri Suseno, *Kewarganegaraan: Tafsir, Tradisi, dan Isu-Isu Kontemporer*. Depok: Universitas Indonesia, 2011, p.136

## Perceptions of women's duties in the private sphere

Figure 4.a

n = 2.210



As provided in Figure 4.a., the majority of respondents agreed that women could go to work (69.5%), make family decisions (89.4%), and earn more than their husbands (15.7%). Most respondents even thought that men should assist in performing household duties when married (91%). In general, there is no variation in the answers provided by male and female respondents, except on the aspect of women earning a living, where 79.3 percent of female respondents agreed with this. Meanwhile, only 59.8 percent of male respondents concurred on the said aspect. From findings on the overall situation for women and their position in the domestic realm, it was found that different roles, functions, and responsibilities are prescribed to men and women. This is known as the social construction of gender.<sup>2</sup>

In Indonesia, the prevailing social norms dictate that girls should be raised to be good wives and doting mothers. Women are relegated to the domestic realm as homemakers and also secondary breadwinners. Men, on the other hand, are considered the primary financial providers. The division of gender roles results in a power imbalance between men and women.<sup>3</sup>

According to Bappenas (National Development Planning Agency), as disclosed in the RPJMN (National Medium-Term Development Plan) of 2015-2019, there has been an upward trend in the number of poor female-headed households.

2 Herni Sri Nurbayanti, Konsep-Konsep Utama Hukum dan Gender, in Sulistyowati, Irianto, Hukum Perlindungan Perempuan dan Anak.(-,USAID, The Asia Foundation dan Kemitraan,-) p. 88

3 Ibid, p. 92

Based on the 2014 data released by BPS (Statistics Indonesia), 14.84 percent of households in Indonesia are headed by women<sup>4</sup> for various reasons, such as their husbands' death, divorce, in a polygamous marriage, and husband's illness. Under such circumstances, women are left with no other choice but to step in as the primary breadwinner, assuming their role as homemakers.

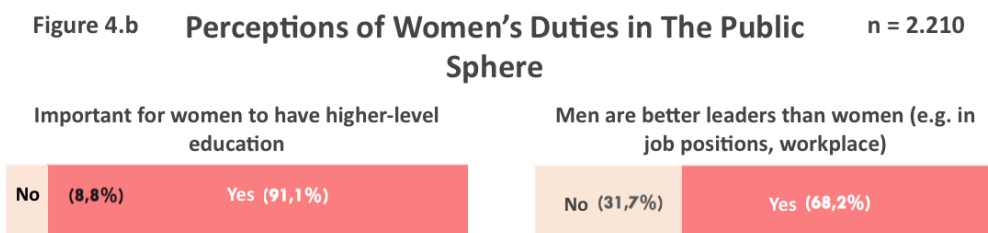


Figure 4.b presents the perceptions of respondents toward women in the public sphere. Some 91.1 percent of respondents agreed that it was important for women to pursue higher levels of education. The 2018 SUSENAS (National Socioeconomic Survey) revealed a gender gap in literacy. Women have a lower level of literacy (93.99%) than men (97.33%). Also, the percentage of men aged 15 above who finished high school is higher (37.30%) than women (32.53%). In terms of higher education, women still lag far behind men. Meanwhile, more women (20.74%) than men (15.29%) aged 15 above did not complete primary education and did not continue or have never continued their education.<sup>5</sup> It reflects women's lack of opportunity to further their studies compared to men, despite perceptions that higher education levels are essential for women. Given this, female participation in education should be encouraged and promoted.

Furthermore, 68.2 percent of respondents agreed that men are better leaders than women, especially in the workplace, strategic job positions, etc. These views are consistent with the Gender Social Norms Index on biases in politics, economics, and education in 75 countries. According to the report, half of men and women worldwide feel that men make better political leaders than women. As might be expected, there are fewer female heads of government compared to five years ago. In 2020, only ten countries out of 193 had women

4 Badan Pusat Statistik, 2014, Perempuan dan Laki-laki di Indonesia 2014 dalam Siaran Pers Kementerian Pemberdayaan Perempuan dan Perlindungan Anak RI No. b-141/Set/Rokum/MP 15/12/2016 retrieved at <https://www.kemennppa.go.id/index.php/page/read/29/1286/menteri-pppa-canangkan-pekka-perintis> on 26 July 2020

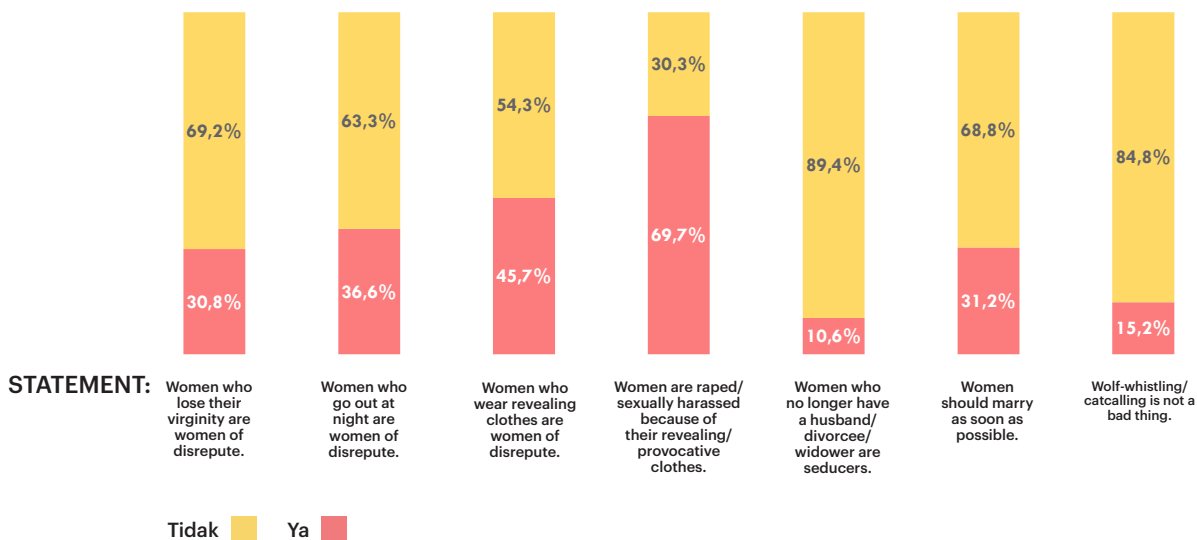
5 Hasil Susenas Maret 2018, in Gaib Hakiki, et al., Profil Perempuan Indonesia 2019, (Jakarta: Kementerian Pemberdayaan Perempuan dan perlindungan Anak, 2020), pp. 6-15

as their leaders. It is a decline from 15 in 2014.<sup>6</sup> In terms of female labor force participation, Indonesia ranks lower (38%) than other countries such as Malaysia (54%), Vietnam (48%), and Singapore (44%). The participation rate drops to below 20 percent for senior management and board-level positions.<sup>7</sup>

The perception that men are more qualified to lead reflects gender inequality, where women are subordinate to men. It arises from a patriarchal culture deeply rooted in society. In the social, cultural, and religious systems, the patriarchal ideology establishes men’s position as superior to women, and as such, women belong to men. The patriarchal culture emphasizes men’s dominance and authority in decision-making. On the other hand, women are considered the weaker sex, which has been constructed repeatedly. Unequal gender and power relations are, therefore, an inevitability.<sup>8</sup>

### 3.1.3 GENDER STEREOTYPES TOWARD WOMEN

**Figure 5. Stereotypes of women**  
**n = 2.210**  
 \*All respondents provided answers to each statement



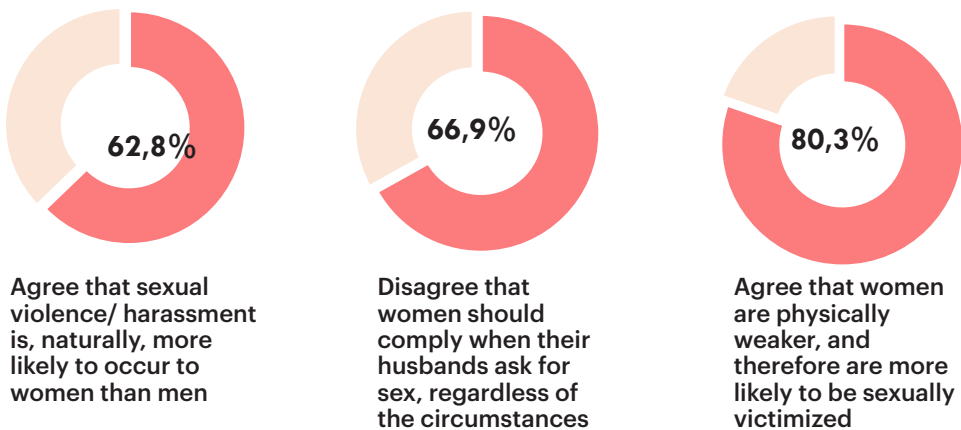
6 Hari Perempuan Internasional: 90% orang bias terhadap perempuan, menurut Studi PBB <https://www.bbc.com/indonesia/dunia-51763849>, retrieved on 21 July 2020

7 Boston Consulting Indonesia, 2018, Partisipasi Perempuan pada level Direksi di 4 Negara ASEAN Masih Rendah, retrieved at <https://databoks.katadata.co.id/datapublish/2018/08/27/partisipasi-perempuan-pada-level-direksi-di-4-negara-asean-masih-rendah#> on 26 July 2020

8 Suyatno, B. (2015). No Save Place for Girls: Study on Sexual Harassment and Violence Against Girls in Indonesia. *Advances in Social Sciences Research Journal*, Vol. 2, No. 4. And Johny, R. H. (2011). Tindak Pidana Kekerasan Terhadap Perempuan. *Jurnal Dinamika Hukum* Vol. 11, No. 2.

As seen in Figure 5, most respondents objected to the negative stereotyping of women. Some 69.2 percent of respondents disagreed that women who lose their virginity are disreputable. Meanwhile, 63.3 percent of respondents did not believe that women who like to go out at night are ‘naughty.’ At least 89.4 percent of respondents disagreed that divorcees or widowers are seducers. In comparison, 84.4 percent objected to the statement that there is nothing wrong with a man catcalling or wolf-whistling. Conversely, 45.7 percent of respondents agreed that women who wear revealing clothes are disreputable. At least 69.7 percent expressed the belief that the skimpy or sexy outfits worn by women cause their rape. The acceptance of such negative stereotyping is associated with how they perceive the female body. It ironically reflects weak social constructions on what constitutes an ‘ideal or good woman,’ profoundly shaped by the patriarchal culture.

**Figure 6. Perceptions of women as sex objects and targets of violence**  
n = 2.210



In Figure 6, it can be seen that most respondents agreed that sexual violence and harassment is, naturally, more likely to occur to women (62.8%) as they are physically weaker, and therefore often fall victim to violence (80.3%). On the question of whether sexual consent is necessary for marriage, 66.9 percent of respondents disagreed. They believed that women should make themselves available for sex with their husbands, no matter the circumstances. However, 41.4 percent of the respondents who answered were not married. This finding

reflects gender stereotyping where women (wives) are expected to obey their husbands. Women are perceived as weak, with no bargaining power, and therefore it is only understandable if they are targeted for violence. It is indicative of a biased mindset in society amid a profoundly ingrained patriarchal culture in Indonesia.

Gender stereotyping is described as a general perception or impression of attributes or characteristics that women should have and fulfill.<sup>9</sup> Stereotypes of women shape perceptions, where women are seen as sensuous objects and the primary cause of rape, prostitution, pornography, and others.<sup>10</sup> Perceiving women as the cause of such crimes for wearing revealing clothes is a form of victim-blaming and revictimization in a culture deeply entrenched in patriarchal values.<sup>11</sup> Linking sexual violence with morality will only be harmful as victims would prefer to keep silent. Their diminished voices have led to feelings of being sidelined, cornered, and blamed.<sup>12</sup> In many incidents of sexual violence, the victims are instead stigmatized, blamed for bringing shame and dishonor, and scorned for not being able to look after themselves and protect their dignity, and therefore responsible for their victimization. Worse still, they are ostracized by their families and communities.<sup>13</sup> The RUU P-KS is conceptualized from a gender perspective anchored in gender equality and gender justice principles in the academic paper. The RUU P-KS focuses on how the law can transform mindsets on gender issues for a fairer and more balanced view.

---

9 Article 1 point (7) of Supreme Court Regulation No. 3/2017 on Cases Involving Women

10 HERNI SRI NURBAYATI, on Sulistyowati Irianto, *op.cit.*, p. 109

11 Aroma Elmina Martha, *Perempuan Kekerasan dan Hukum*, (Jogjakarta: UII Press, 2003) p.106

12 Indonesia, Academic Paper of the Bill on the Elimination of Sexual Violence, p. 4

13 UN Women in Pursuit of Justice, *Progress of the World's Women: In Pursuit of Justice* (UN Women, 2011) 49, 51, in Ustinia Dolgopol, *The construction of knowledge about Women, War and Access to Justice*, on *Imagining Law: Essays in Conversation with Judith Gardam*, University of Adelaide Press, 2016, p. 137

### 3.1.4 PREVENTION OF SEXUAL VIOLENCE

Figure 7. Respondents' sources of information/knowledge on sexual violence  
n= 2.210

\*respondents provided multiple answers

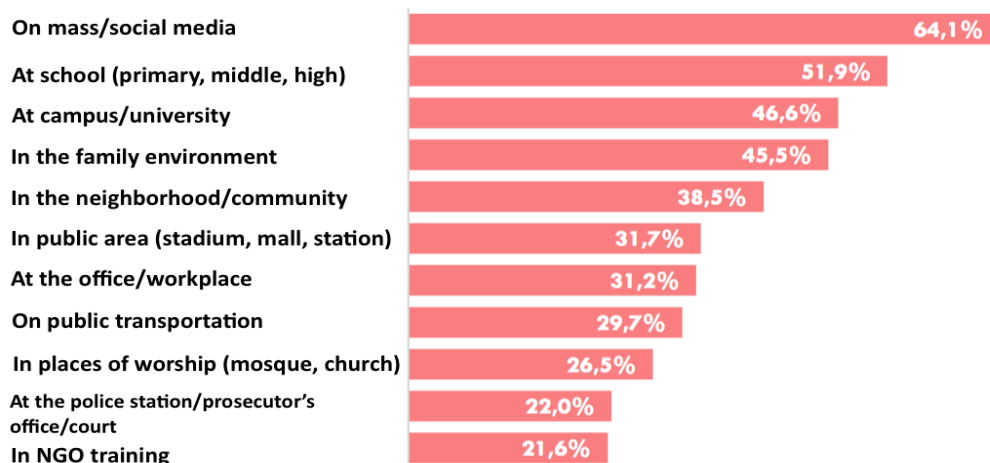
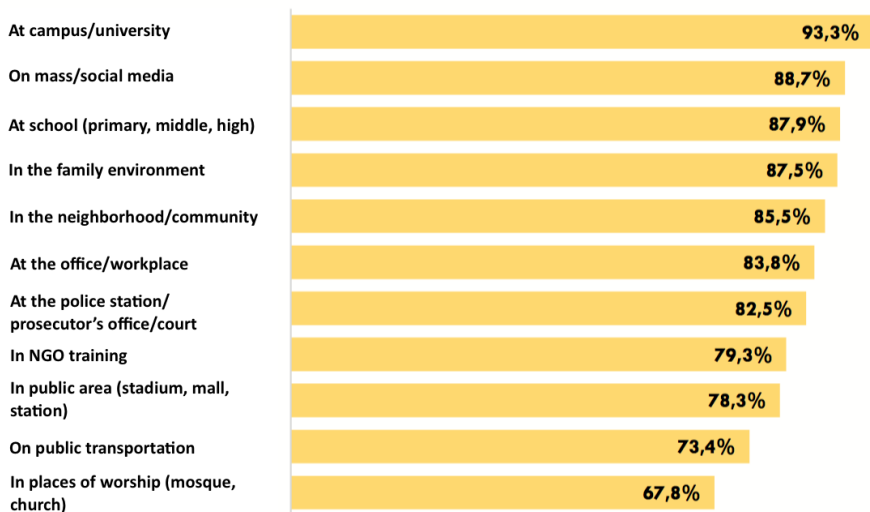


Figure 7 shows that the majority of respondents received, saw, or heard about the information on sexual violence in the mass media and social media (64.1%), followed by schools at the primary to secondary levels (51.9%), at college or university (46.6%), and from family members (45.5%). Respondents have had relatively high levels of exposure to information and knowledge on sexual violence. It suggests that the media and schools are the most effective, easily accessible means for building awareness. Only a small proportion of respondents obtained sexual violence information and knowledge from public transportation (29.7%) and law enforcement such as the prosecutor's office, police station, and court (22%).

**Figure 8. Sources of sexual violence information/knowledge that respondents consider important**  
**n = 2.210**

**\*respondents provided multiple answers**



As provided in Figure 8, most respondents considered it essential to provide information and knowledge on sexual violence in certain places. The majority of them mentioned campus or university to be the most important source of sexual violence information and knowledge (93.3%), followed by the mass media (88.7%), schools from primary to secondary levels (87.9%), and family members (87.5%).

Sexual violence knowledge should be provided through sexuality and reproductive health education from as early as possible. The purpose is to equip children with adequate knowledge of human rights and gender equality and teach them to have safe, healthy, and positive relationships. They will also be more aware of sensitive issues in the cultural context, such as reproductive health, child marriage, and female circumcision and the medical consequences.<sup>14</sup> Sexuality and reproductive health education are essential to ensure that children know their bodies and that of the opposite sex to learn to look out for each other and protect them from sexual violence.<sup>15</sup>

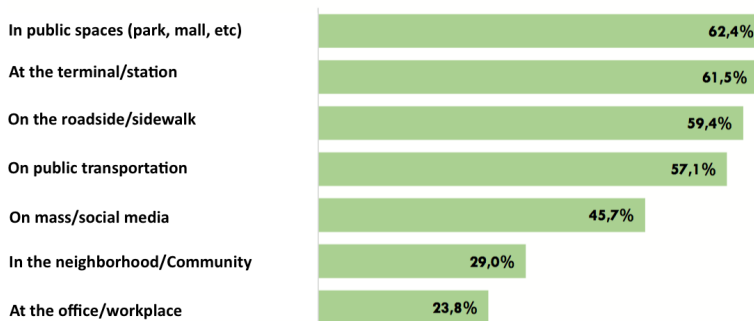
14 United Nations Educational, Scientific and Cultural Organization (UNESCO), International technical guidance on sexuality education: an evidence-informed approach, Unesco, 2018, pp. 12-16

15 Tri Endang Jatmikowati, et al., Models and Materials of Early Childhood Sex and Gender Perspective Education to avoid Sexual Abuse, Cakrawala Pendidikan, October 2015, Th. XXXIV, No. 3, pp. 436-437

Indonesia has ratified the Convention on the Elimination of All Forms of Discrimination against Women through Law No. 7/1984, Convention of the Rights of the Child through Law No. 22/2002, as well as Law No. 39/1999 on Human Rights, Law No. 10/1992 on Population and Family Welfare, and Law No. 23/2002 on Child Protection that guarantees the right to education, including sexual and reproductive education, and the right to be free from discrimination of any kind.<sup>16</sup> In alignment with this, the RUU P-KS also regulates the prevention of sexual violence, one of which is the educational approach by integrating sexual violence and reproductive health into the curriculum, learning materials, and building early childhood to tertiary education educators' capacity.

Under the RUU P-KS, sexual violence prevention covers various fields, including infrastructure, public service, spatial planning, institutional governance, and the economic, religious, social, and cultural fields.<sup>17</sup> Preventive measures include the development of (a) safe and comfortable public spaces and facilities in residential areas, workplaces, and public transportation; (b) integrated security system; (c) programs for sexual violence prevention and with adequate funding; (d) anti-sexual violence policies in various institutions and sectors; (e) education and training materials on sexual violence for public officials and law enforcement officers; (f) integrated sexual violence database; (g) anti-sexual violence policies and community capacity building on sexual violence. Having these aspects regulated in the RUU P-KS will help ensure well-targeted programs and activities to prevent sexual violence in various sectors.

**Figure 9. Locations where sexual violence is more likely to occur**  
 n = 2.210  
 \*respondents provided multiple answers



<sup>16</sup> Kenali 12 Hak Reproduksi dan Seksual, <https://pkbijateng.or.id/kenali-12-hak-reproduksi-dan-seksual/>, retrieved 21 July 2020

<sup>17</sup> Indonesia, op. cit., p. 74

As seen in Figure 9, the majority of respondents identified public areas such as parks, shopping malls, and stadiums (62.4%) to be places where sexual violence is more likely to occur, followed by bus terminals and train stations (61.5%), and roadsides or pedestrian lanes (59.4%). According to respondents, the safest place is the home and workplace. However, a study conducted by MaPPI FHUI found that most sex offenders are known to the victim, either as an acquaintance, dating partner, family member, neighbor, relative, teacher, or someone from around the neighborhood.<sup>18</sup> KPAI data in 2016 found that some 62 percent of child sexual violence cases occur in familiar places by familiar faces—at school or by family members. The perpetrators are those close to the victim, such as the parent, sibling, relative, teacher, neighbor, or school watchman.

In Komnas Perempuan's (National Commission on Violence against Women) annual report, it is identified that incidents of violence against women most commonly occur at: (1) the victim's residence; (2) the place of work; (3) a public place.<sup>19</sup> In 2020, Komnas Perempuan found that sexual violence in the private sphere is mainly incest and rape cases.

Women and girls are vulnerable even in their own homes, which is not always safe.<sup>20</sup> From a cultural perspective, the word 'family' in Indonesia connotes safety and comfort. Ironically, domestic violence is commonplace, and the perpetrator is someone close to the victim.<sup>21</sup> Sexual violence at home usually means that the abuse will go unreported, preventing victims from pursuing justice. Victims remain silent mainly because the offenders are those closest to them whom they interact with daily.

In terms of prevention, it is essential to note that many respondents feel unsafe in public spaces. The government must build women- and child-friendly public facilities. Women's and children's safety is rarely discussed as part of urban-rural spatial planning when an enabling environment is crucial. A UN Women's study

18 Based on MaPPI's research on sexual violence, which includes the indexing of roughly 300 court decisions on sexual violence cases in 2016, in *Booklet Kekerasan Seksual di Indonesia: Data, Fakta, dan Realita*, MaPPI FHUI, 2016, p. 33

19 Where does violence against women often occur? Violence against women in the public sphere based on the 2019 CATAHU by National Commission on Violence Against Women, <https://databoks.katadata.co.id/datapublish/2019/09/25/di-mana-kekerasan-terhadap-perempuan-kerap-terjadi#>, retrieved 21 July 2020.

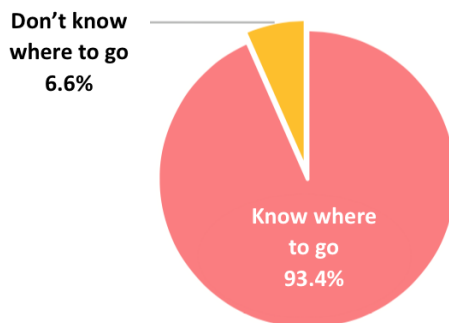
20 Komnas Perempuan, *Record of Violence against Women in 2019, Violence increases: policies to eliminate sexual violence to build safe spaces for women and girls*, (Jakarta: Komnas Perempuan, 2020), p. 2

21 S.Zerbo, L.Milone, et al., *Medico legal procedure related to sexual assault: a 10-year retrospective experience of a Daphne protocol application*, *Egyptian Journal of Forensic Science*,(2018) 8:4, p. 2

observed a correlation between inadequate public infrastructure and violent incidents against women, such as sexual harassment on public transportation, in the streets, sidewalks, and other public facilities. Urban spatial planning should include the development of gender-inclusive infrastructure, as well as excellent and transparent governance.<sup>22</sup> This is where the RUU P-KS comes in to regulate sexual violence prevention in the fields of infrastructure, and institutional governance, specifically in the development of safe, comfortable, and inclusive public spaces and facilities.

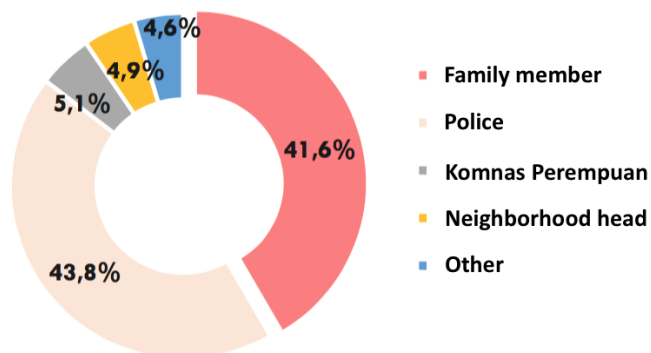
### 3.1.5 THE HANDLING OF SEXUAL VIOLENCE CASES

**Figure 10. Knowledge of reporting mechanism for sexual violence**  
n = 2.210



As seen in Figure 10, the majority of respondents (93.4%) knew where to go for help if they were sexually assaulted or harassed.

**Figure 10.a Knowledge of reporting for those who know where to get help**  
n = 2.064



<sup>22</sup> <https://magdalene.co/story/infrastruktur-kurang-memadai-dorong-tingginya-kekerasan-terhadap-perempuan> retrieved 11 August 2020

Those who knew where to get help, 41.6 percent chose to contact the police first, while 43.8 percent would confide in a family member. Three key actors who provide protection to victims and witnesses are: (1) the State, especially law enforcement officers; (2) public service providers; (3) the community. The State has the power and capacity to guarantee the safety of victims and witnesses, both physically and psychologically, and economically.<sup>23</sup> Families and communities can provide the necessary support (not limited to moral support) to victims and witnesses. Being those closest to the victim, families, and communities are often the first place to which victims would go for protection. In cases of sexual violence, moral support is vital to remove the stigma and prevent social ostracism.<sup>24</sup> Among the types of support that families and communities can provide include the initiative to accompany the victim or witness to a crisis center or to seek medical help; to encourage the victim or witness to lodge a report to LBH or other service providers; and to relocate the victim or witness to a safe place, away from the crime scene and perpetrator.<sup>25</sup>

Furthermore, the survey found that only 1 percent of respondents filed a complaint to a legal aid institute or NGO, and 5.1 percent went to Komnas Perempuan, who would then provide a referral to a service provider. A public service provider makes sure that victims and witnesses are given adequate support and protection. These service providers include crisis centers, NGOs, and others. Not only do they provide medical and psychological assistance, but also legal and non-legal advocacy support.<sup>26</sup> Only a small proportion of respondents would go to a service provider to lack information on their functions and benefits. There is also the perception in society that sexual violence is taboo to discuss and talk about.<sup>27</sup>

The RUU P-KS can provide the impetus for all actors and elements of society to collectively work towards ensuring prevention, case handling, and protection of victims of sexual violence.<sup>28</sup> In terms of sexual violence prevention in educational settings, it is crucial to foster collaborative ties between the

---

23 Yulianti Muthmainah, et al., *Perlindungan terhadap Saksi dan Korban* (Jakarta: Komnas Perempuan, 2009), pp. 50-52

24 *Ibid.*, p. 56

25 *Ibid.*, p. 58

26 *Ibid.*, p. 55

27 Komnas Perempuan *Layanan Terpadu: pengalaman Korban Mengakses Lembaga Layanan, Hasil Pemantauan Akses Perempuan Korban Terhadap Layanan Terpadu di provinsi Kepulauan Riau, Jawa Timur dan Maluku*, (Jakarta: Komnas Perempuan, 2012), p. 111

28 Indonesia, *op. cit.*, pp. 81-94

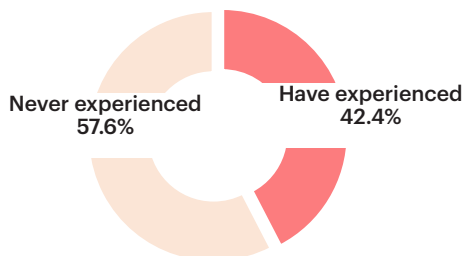
community, victim service providers, NGOs, and law enforcement.<sup>29</sup> On the other hand, protection can be guaranteed by providing information on victim's rights, which includes protection from the threat of violence from the perpetrator or others, confidentiality and protection of identity, and protection from revictimization by law enforcement officers. Meanwhile, victim recovery can be assured through one-stop crisis centers and service providers.

**Figure 11. Perceptions of law enforcement's handling of sexual violence cases**  
n = 2.210

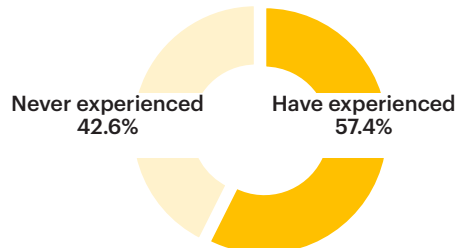


Discussions about the reporting mechanism would not be far from the role of law enforcement. Figure 10 shows that most respondents would first go to the police if they were victims of sexual violence. Figure 11 indicates that the majority of respondents (72.7 percent) believed that law enforcement has been responsive in handling cases of sexual violence, whereas the remaining 27.6 percent said otherwise.

**Figure 11.a Sexual violence experiences of those who answered law enforcement is responsive**  
n = 1595



**Figure 11.b Sexual violence experiences of those who answered "not responsive"**  
n = 610



29 Indonesia, op. cit., p. 74

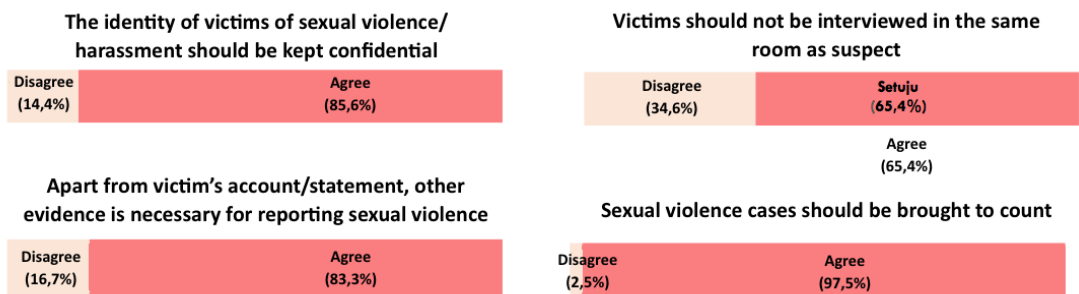
The majority of respondents (57.6%) who answered “responsive” were those who had never been sexually victimized. Meanwhile, 57.4 percent said “not responsive” were those who had personally experienced sexual violence. According to the Sense of Justice Survey conducted by MaPPI FHUI in 2015, at least 29.1 percent of respondents were somewhat satisfied with police performance in dealing with sexual violence cases, and 27.9 percent were less satisfied.<sup>30</sup>

Under the RUU P-KS, the police play a crucial role in the reporting stage. Complaints should be received in a designated room where the law officers provide the necessary services to women and child victims. It would be best if the officers or investigators handling the case are of the same sex as the victim and should be dealt with from a gender perspective. The police may provide referrals to a victim service provider and are expected to help identify the victim’s needs, including for protection, safety, psychological support, medical assistance, and the special needs of victims with disabilities, as well as any harm or loss that the victim may suffer from. The police have the duty to protect the victim to ensure her safety if she is under threat or at risk of recurrent assaults.<sup>31</sup> Police responses like these will allow officers to optimize their role in protecting victims more responsively.

**Figure 12. Perceptions of victim rights in the case handling of sexual violence**

n = 2.210

\*respondents provided multiple answers



30 The Sense of Justice Survey launched by the Judicial Monitoring Society of the Faculty of Law of the University of Indonesia in 2015 is a quantitative survey of 1020 respondents across all provinces in Indonesia to capture public responses to indicators that judges should take into consideration before handing down decisions on sexual violence cases, unpublished.

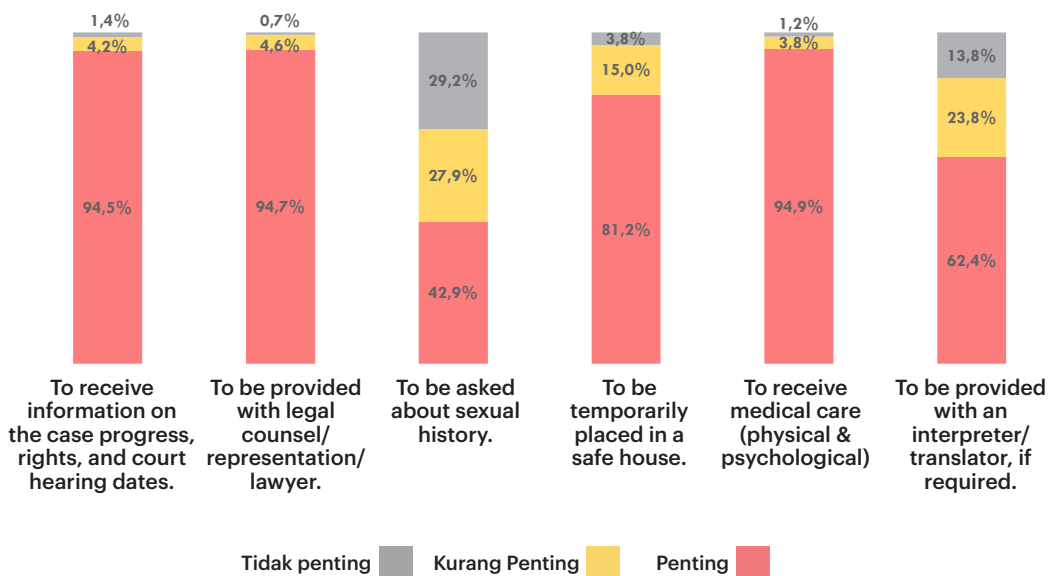
31 Indonesia, Op. Cit., p. 91

Figure 12 shows that the majority of respondents agreed that the identity of victims of sexual violence should be maintained as confidential (85.6%), and that the victim and suspect should be interviewed separately (65.4%). According to most respondents, cases of sexual violence must be prosecuted (97.5%), and other corroborating evidence apart from the victim’s statement should be provided in reporting sexual violence (83.3%). In this regard, the RUU P-KS specifies the victim’s right to protection, especially the confidentiality of identity, and safety throughout the legal process. Several measures to achieve this can be done, which include keeping the victim separate from the perpetrator during police interviews, and the provision of legal assistance, and safe houses.<sup>32</sup> This will help guarantee better protection from revictimization, and from threats throughout the legal process.

### 3.1.6 PROTECTION FROM SEXUAL VIOLENCE

**Figure 13. Perceptions of the importance of protecting victim rights**  
n = 2.210

\*responden menjawab lebih dari satu



32 Indonesia, Op.Cit., p. 82

As presented in Figure 13, most respondents believed that victims have the right to receive balanced information on their case's progress (94.5%) and to legal representation or counsel (94.7%). At least 81.2 percent of respondents saw the importance of placing victims in a safe house. An overwhelming 94.9 percent agreed that it is essential to provide victims with the necessary support, such as medical care for their physical and psychological healthcare needs. Meanwhile, 42.9 percent of respondents said it is crucial to ask victims about their past sexual experiences.

Article 24 in the final draft of the RUU P-KS specifies the scope in protecting victim's rights, which covers:

- a. To receive information on their rights and protection facilities;
- b. Access to information on the implementation of protection;
- c. Protection from threats or violence by the perpetrator and others, and a recurrence of violence;
- d. Protection of the confidentiality of identity;
- e. Protection from the disrespectful and stigmatizing attitudes and behaviors of law enforcement officers;
- f. Protection from job loss, job transfer or demotion, disruption to education, or denial of political rights;
- g. Protection of victims and (or) whistleblowers from criminal charges or civil lawsuits arising from the sexual violence report they have filed.

From the findings above, as seen in Figure 13, most respondents were aware of the importance of protecting sexual violence victims' rights. In reality, however, the victim's rights are not protected enough. An example is when victims are not interviewed separately from the perpetrator.<sup>33</sup> It is also often the case that victims cannot afford to pay for a forensic medical examination, and law enforcement does not have the budget to cover such costs, which would mean a lack of evidence to prove a case.<sup>34</sup> Other victim rights also need to be respected to ensure justice is served. This includes the right to be kept informed of the legal process, legal aid, and personal information privacy.<sup>35</sup> Therefore, the RUU P-KS is essential to ensure that victims are adequately protected, and their rights are fulfilled to ensure justice.

---

33 Komnas Perempuan and FPL, *Naskah Akademik Rancangan Undang-Undang tentang Penghapusan Kekerasan Seksual*, (Jakarta: Komnas Perempuan, 2017), p. 46

34 *Ibid.*, p. 47

35 *Ibid.*, p. 45

**Figure 14. Perceptions of reasons for the occurrence of sexual violence**  
**n = 2.210**

\*responden menjawab lebih dari satu

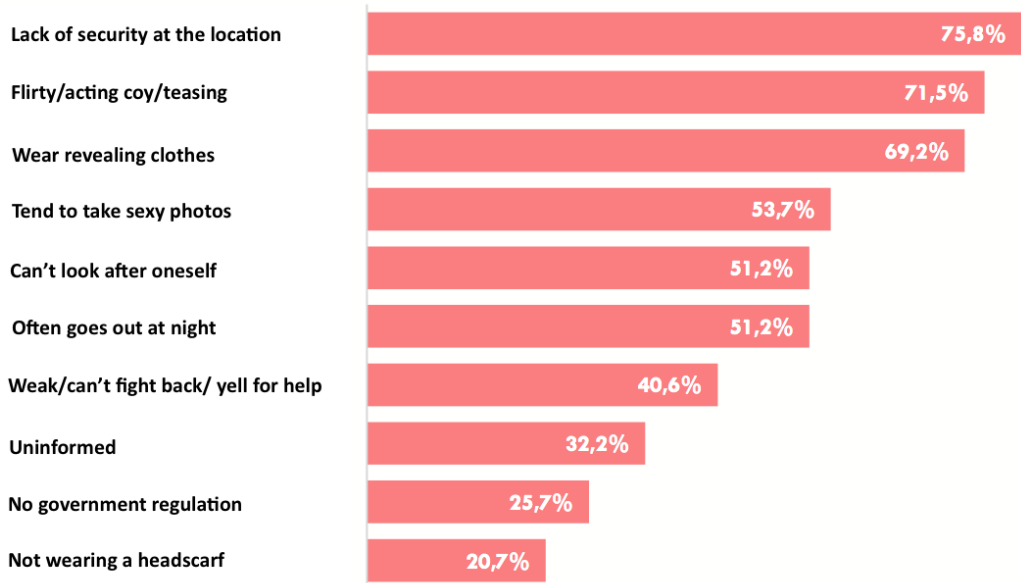


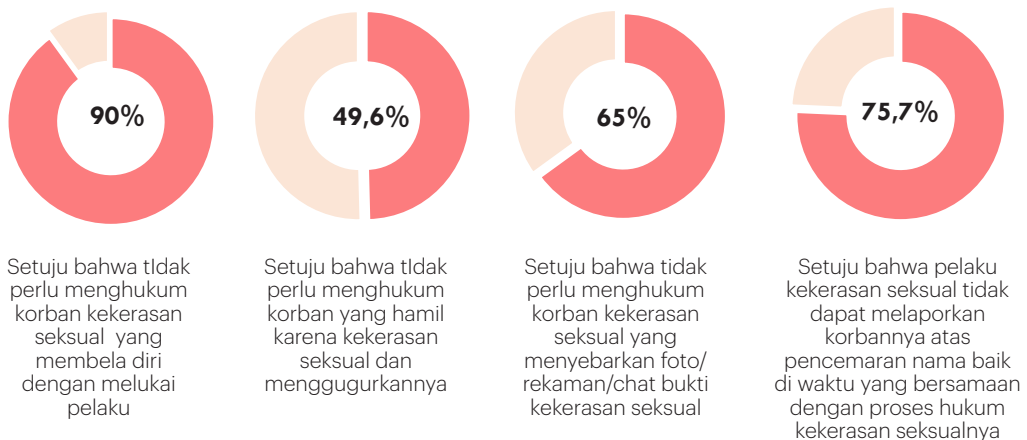
Figure 14 presents the perceived reasons for the occurrence of sexual violence, among which are unsafe public spaces (75.8%) and the victim's behavior. 71.5 percent of respondents believed that women are sexually victimized because they are flirtatious, act coy, or love to tease. The majority of respondents also mentioned the woman's revealing outfit (69.2%) and the tendency to take sexy photos of herself (53.7%) as reasons for a woman's victimization. Other perceived factors cause sexual violence, which tends to blame the victim, such as the inability to look after herself (51.2%), frequently go out at night (51.2%), and weak or the victim does not shout for help (40.6%).

The perceptions of most respondents have supported the assumption that victim-blaming is indeed prevalent in Indonesian society. It is consistent with a particular point noted in the RUU PKS's academic paper, which mentioned the victim-blaming tendencies of law enforcement as one of the barriers in accessing justice for victims of sexual violence. An example is the statements

made by public officials that tend to blame the victim's choice of clothing as provoking sexual violence.<sup>36</sup> Citing the victim's attire as a causal factor is simply an excuse or justification. A survey jointly conducted by Hollaback! Jakarta, perEMPuAn, Lentera Sintas Indonesia, Perkumpulan Lintas Feminis Jakarta, and Change.org Indonesia in 2019 found that most women who experienced sexual harassment were modestly dressed at the time they were harassed, and 17 percent of them were wearing a headscarf.<sup>37</sup> It reflects a narrow-minded society with the tendency to point the finger at the victim. It creates an environment harmful to the victim's psychological well-being, particularly during the reporting stage and throughout the legal process. It calls for legislation that can guarantee protection from victim-blaming tendencies so that victims feel secure knowing that their rights are upheld and legal certainty is ensured.

**Grafik 15. Persepsi mengenai kriminalisasi korban**  
n = 2.210

\*responden menjawab lebih dari satu



36 Ibid, p. 52

37 <https://news.detik.com/berita/d-4627690/survei-pelecehan-seksual-pakaian-terbuka-bukan-sebab-perempuan-ja-di-korban> accessed 19 July 2020

In efforts to protect victims of sexual violence, it is often the case that they are instead criminalized, where the offender turns the table and accuses the victim of blackmail or extortion, or others.<sup>38</sup> In another incident, the victim was charged with allegedly attacking the rapist when the victim did it in self-defense.<sup>39</sup> A recent case involves WA (victim's initials), who was prosecuted for having an abortion where she was pregnant due to being raped by her brother.<sup>40</sup>

Figure 15 shows that most respondents agreed sexual violence victims should not be criminalized or sued back for fending off an attack that caused bodily harm to the perpetrator (90%) or for sharing digital evidence of the sexual violence they had experienced (65%). Meanwhile, 75.7 percent of respondents believed that a defendant may not file a defamation counterclaim against the victim when the sexual assault charge against him still stands. Only 49.6 percent of respondents thought that victims should not be punished for abortion in a pregnancy resulting from sexual assault.

It needs to be understood that Indonesia's legal framework does not adequately protect victims of sexual violence. Several legal provisions even allow loopholes where victims are instead punished. For example, Article 27 clause (3) in Law No. 11/2008 on Electronic Information and Transactions (UU ITE). It states, "Any person who with intent, and with no right to distribute, and (or) transmit electronic information and (or) documents that bear the element of libel, and (or) slander," is considered "elastic" or an ambiguous clause that defendants would often invoke to sue victims for online defamation.

Similarly, Article 75 of Law No. 36/2009 on Health has also failed to provide full protection for sexual violence victims. Even though the law makes an exception permitting abortion for victims of sexual violence, a time limit still applies. Abortion is only allowed when the pregnancy is not older than six weeks from the first day of the last menstrual cycle, except in a medical emergency. Abortion after the six-week mark could lead to the victim's prosecution. It is not an ideal time limit as the woman may not be aware of

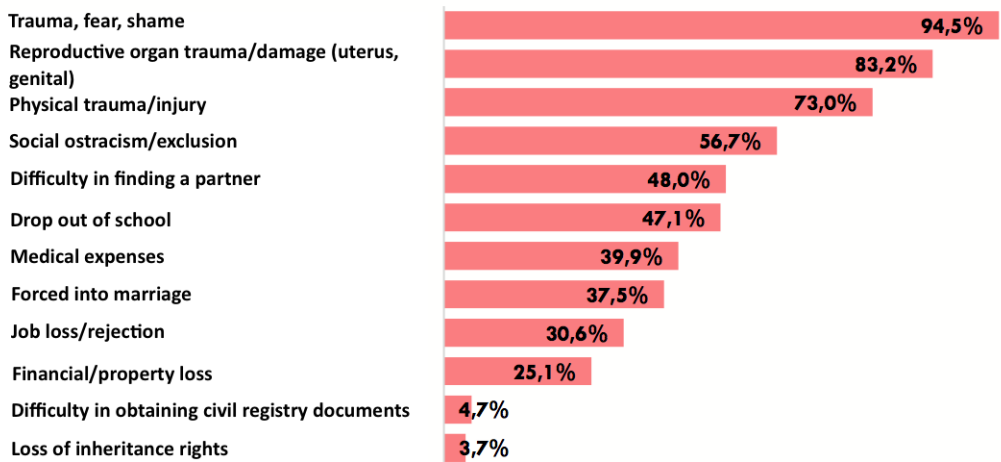
38 Komnas Perempuan and FPL, *op. cit.*, 51

39 *Ibid*

40 Masyarakat Pemantau Peradilan Indonesia (MaPPI-FHUI), *Komentar Tertulis sebagai Amicus Curiae terhadap Perkara Nomor 6/PID.SUS-Anak/2018/JMB di Pengadilan Tinggi Jambi*, (Depok: MaPPI-FHUI, 2018), p. 8

her pregnancy when it is still less than six weeks old, and proving a rape case involves a lengthy process. It requires legislation that prioritizes victims, given their weak position in accessing justice, to make sure that they are free from any threat of criminalization. The RUU P-KS should also guarantee that victims are not prosecuted by way of a retaliatory counterclaim from the offender to ensure that the case is settled and justice is served.

### 3.1.7 RECOVERY FOR VICTIMS OF SEXUAL VIOLENCE



The survey found that nearly all respondents (94.5 percent) mentioned trauma, fear, and shame as the impacts of sexual violence on victims. At least 83.2 percent said that victims would experience injuries to their reproductive organs, and 73 percent identified physical trauma or injury as other adverse effects. Most respondents agreed that victims face extreme social consequences in the aftermath of a sexual assault, such as ostracism, trouble finding a good partner and forced to drop out of school. Only a small proportion of respondents believed that victims would bear a heavy economic burden due to the assault when they lose their jobs, money, belongings, and inheritance rights. The public considers the physical, psychological, and social harms to victims as the most severe impacts. The RUU P-KS governs the victim’s right to physical, psychological, economic, social, cultural recovery, and restitution. In helping victims recover, service providers (such as women crisis center) and one-stop service should consider victims’ needs and circumstances. The

RUU P-KS also governs the providers of such recovery services. They should have the appropriate skills and expertise to handle victims of violence and be responsive to their needs and rights, ensuring that the principles of human rights and gender equality are respected.<sup>41</sup> Through a holistic and needs-driven approach to recovery, victims can hopefully rebuild their lives.

**Figure 17. Perceptions of the victim’s right to recovery**  
n = 2.210  
\*respondents provided multiple answers

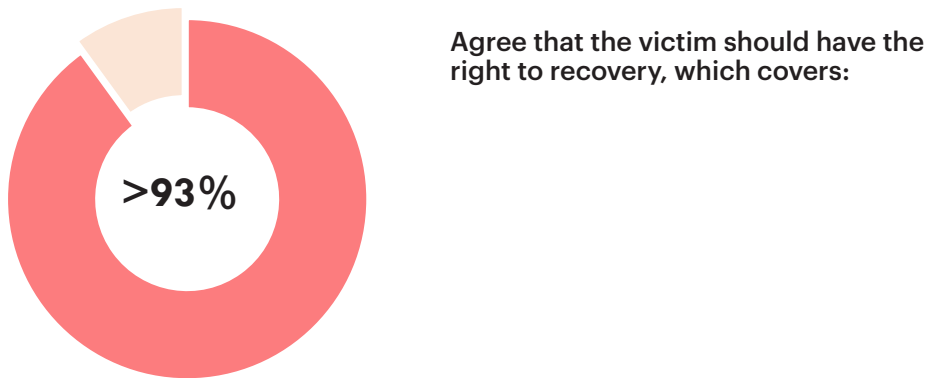


Figure 17 presents public perceptions of the victim’s right to recovery. Almost all respondents agreed that victims should be able to use their right to recovery, which covers the right to receive physical and psychological care, support reintegration into the family and society, and employment or return to school. It is in line with the RUU P-KS’s purpose that emphasizes physical and psychological recovery and community support, and compensation for the legal process. However, recovery support to facilitate victims secure employment or continue their education can be considered in the RUU P-KS.

41 Indonesia, Op.Cit., pp. 82-85

### 3.1.8 PUNISHMENT FOR SEXUAL VIOLENCE

**Figure 18. Perceptions of punishment for perpetrators of sexual violence**  
n = 2.210

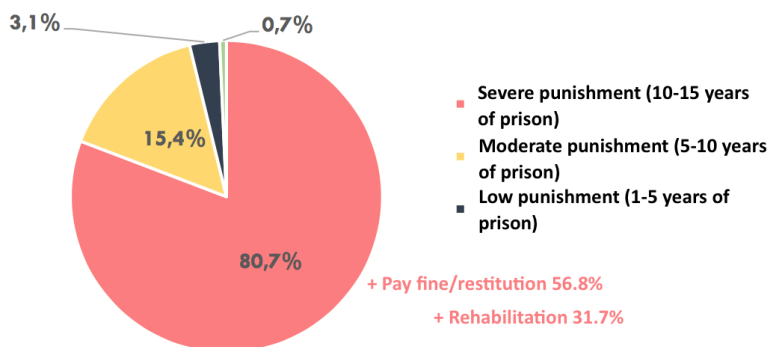
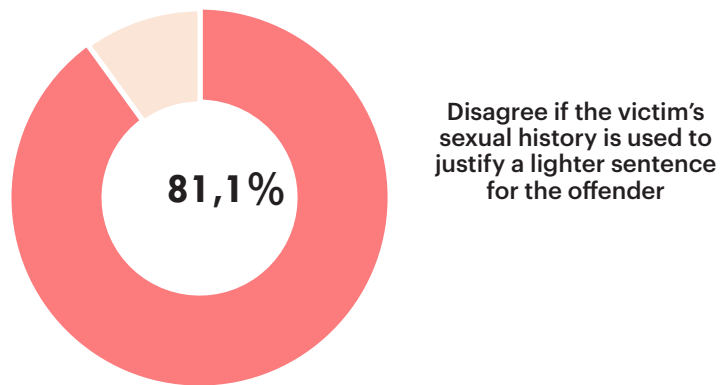


Figure 18 shows public perceptions of what they considered to be the right punishment for sexual violence offenders. The majority of them (80.7 percent) said that offenders deserve a severe prison sentence of 10-15 years, of whom 44.9 percent of them were those who had personally experienced sexual violence. At least 56.8 percent of respondents believed that offenders should be thrown in jail and pay a fine or compensation. Therefore, most respondents preferred that offenders be given the maximum punishment for their heinous behavior. 31.7 percent of respondents thought the authority should rehabilitate those sex offenders. Apart from imprisonment, the RUU P-KS also enumerates additional penalty, such as payment of restitution, community service, special guidance and counseling, termination of parental rights, revocation of political rights, stripped of job position,<sup>42</sup> and rehabilitation<sup>43</sup>. Nevertheless, further analysis of the sentencing concept is necessary to determine the ideal punishment in terms of the length and type of sentence depending on the offense's seriousness.

42 Indonesia, Op.Cit., p. 100

43 Indonesia, Bill on Elimination of Sexual Violence, Articles 87-88

**Figure 19. Perceptions of the victim's sexual history and sentence reduction**  
n = 2.210



As seen in Figure 19, most respondents (81.1 percent) disagreed that law officials can use the victim's past sexual conduct to justify a reduction in sentencing for sex offenders. This finding confirms that most of the public believed that the victim's sexual history is irrelevant and should not influence the judge's decision to hand down a more lenient sentence. It is consistent with the provisions laid out in PERMA (Supreme Court Regulation) No. 3/2017 on Guidelines on Trying Cases involving Women. Article 5 point (c) stipulates that a judge may not use the victim's past sexual experience or sexual history as consideration for acquitting the offender or imposing a lighter sentence. This article's inclusion was in response to judges' tendency to hand down a more lenient punishment when the victim has engaged in sexual activity in the past.<sup>44</sup> Under the RUU P-KS, in trying sexual violence cases, judges are expected to have the knowledge, skills, and expertise to deal with victims from a human rights and gender perspective.<sup>45</sup> It is necessary to ensure that judges decide from the victim's perspective, avoiding revictimization that will only lead to the victim's detriment.

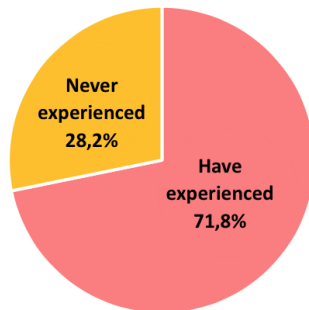
44 MaPPI-FHUI, Assessment Konsistensi Putusan Pengadilan Kasus-Kasus Kekerasan terhadap Perempuan Cetakan Pertama, (Depok: Fakultas Hukum UI, 2016, p. 28). Data are based on an analysis of court decisions handed down from 2011 to 2015, published at the Supreme Court's official website. The study found that judges, on average, tend to sentence the defendant to 3.6 years imprisonment if the victim has been sexually active in the past and an average of 6 years if the victim has no sexual history.

45 Indonesia, Op.Cit., p. 93

### 3.1.8 PREVALENCE OF SEXUAL VIOLENCE

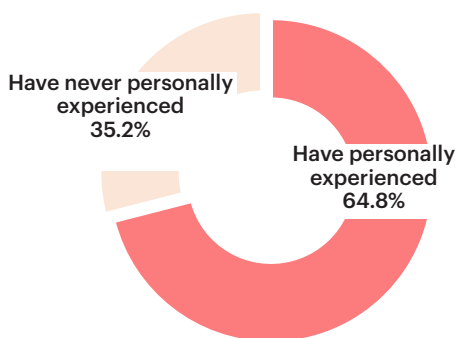
Prevalence is a term that refers to the number of instances of a given condition. Regarding sexual violence, its prevalence can be observed from the number of sexual violence cases that survey respondents have experienced.

**Figure 20. Experiences of sexual violence**  
n = 2.210

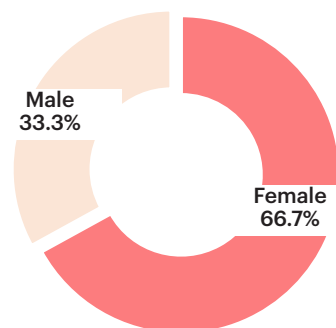


As seen in Figure 20, most respondents (71.8 percent) had personally experienced some form of sexual violence or knew of someone who has gone through it, such as family members, friends, neighbors, work colleagues, and others.

**Figure 20.a Personal experience of those who have experienced sexual violence**  
n = 1.586



**Figure 20.b Personal experience of sexual violence, by gender**  
n = 1.029



At least 64.8 percent of respondents reported having personal experience with sexual violence, of whom 33.3 percent were men, and 66.7 percent were women. From this initial finding, it can be seen that the prevalence of sexual violence is significantly high, with 5 in 7 respondents having been sexually victimized at some point in their lives. It shows that sexual violence is indeed a pressing problem. Komnas Perempuan's annual report in 2020 revealed that out of all the cases of sexual violence against women, 25 percent took place in their own homes, and 58 percent occurred in a public environment.<sup>46</sup> We should note that these numbers do not represent the actual situation as they are based only on reported cases of sexual violence. Not many survivors are willing to come forward and go through the legal process.<sup>47</sup> The reported cases of sexual violence are merely the tip of the iceberg, with many more left undisclosed.

Findings also show that women are not the only ones to experience sexual violence, as 33.3 percent of men have also been sexually victimized. It is confirmed by a survey on sexual violence in Indonesia conducted by Lentera Sintas Indonesia in 2016, where 28.6 percent of men had experienced sexual violence. It is particularly interesting to note as men are usually not seen as being vulnerable to sexual victimization. Society portrays men as masculine, strong, dominant, and therefore impossible for them to be victimized.<sup>48</sup> Based on the survey, 62.8 percent of respondents thought women were more likely to be subjected to sexual violence than men. It is also assumed that men could never be the victim of sexual activities. It is due to the perception that for men, sex is an activity that they welcome.<sup>49</sup> Consequently, many male victims prefer to stay silent in fear that no one will believe their story or feelings of shame for not being considered masculine enough.<sup>50</sup>

---

46 Komnas Perempuan, "Kekerasan Meningkat: Kebijakan Penghapusan Kekerasan Seksual Untuk Membangun Ruang Aman Bagi Perempuan Dan Anak Perempuan, Catatan Kekerasan Terhadap Perempuan Tahun 2019" (Jakarta: Komnas Perempuan, 2020), p. 1

47 According to an online survey on sexual violence in Indonesia by Lentera Sintas Indonesia, Change.org, and Magdalene in 2016, at least 72% of rape victims did not tell anyone, and 93% did not go to the police. Data on criminal victimization in Canada in 2014 and from the Canada Centre for Justice in 2017 showed that only 5% of sexual violence cases were reported to the police. Just 11% ended with convictions.

48 Stemple, Lara, Ilan H. Meyer, "The Sexual Victimization of Men in America: New Data Challenge Old Assumptions" in *American Journal of Public Health*, 2014 June; 104(6): pp. 19–26.

49 Ibid.

50 Groth AN, Burgess AW, "Male rape: Offenders and victims" in *American Journal of Psychiatry*, 1980, 137(7): pp. 806–810.

These findings suggest that anyone, regardless of gender, can be a victim of sexual violence. Protection, therefore, is needed for both female and male victims. The Government should assure safety through a legal framework that establishes measures to prevent recurrences and to deal with cases effectively if they should happen. To date, such protection mechanism can only be found in the RUU P-KS and has yet to be included in the KUHP (Criminal Code), UU PKDRT (Law on Elimination of Domestic Violence), and UU TPPO (Law on the Crime of Trafficking of Persons). In other words, the RUU P-KS should, without further delay, be passed and enforced to assure protection to victims of sexual violence, to survivors who decide to come forward, as well as all citizens.

**Figure 21. Cases of sexual violence by type**  
n = 2.210

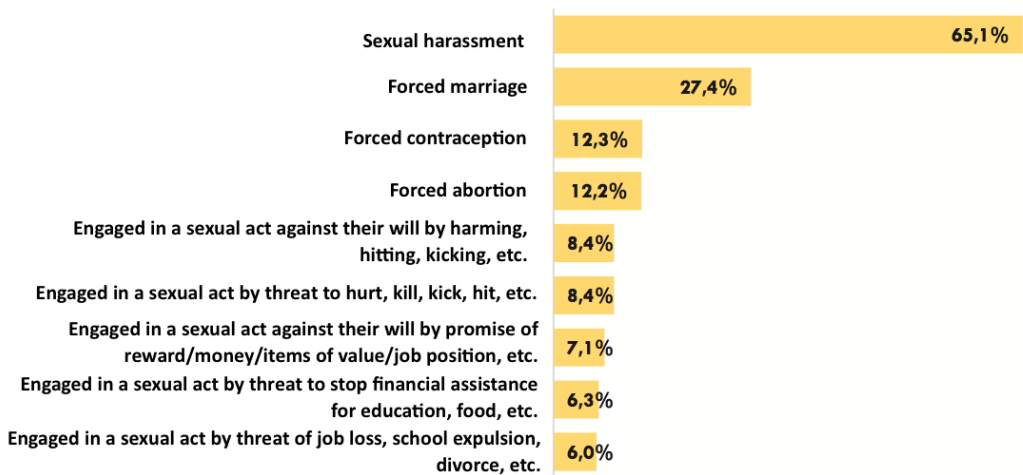
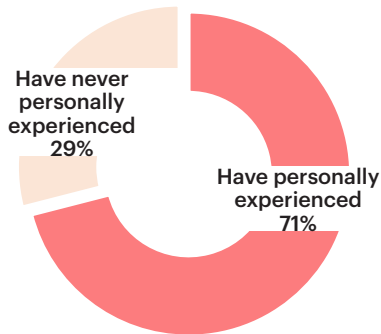
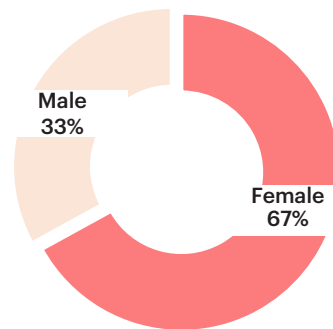


Figure 21 shows that the most common type of sexual violence that respondents had experienced personally or others that they know of is sexual harassment at 65.1 percent.

**Figure 21.a Personal experience of those who have experienced sexual harassment**  
n = 1.438



**Figure 21.b Personal sexual harassment experience, by gender**  
n = 1.021



In Figure 21.a and 21.b, out of the 71 percent of respondents reported having been sexually harassed, 33 percent were men. The type of harassment includes whistling or teasing, unwelcome comments or remarks, touching, staring, and sharing unsolicited pornographic photos or videos. Forced marriage is another form of sexual violence that many respondents (27.4 percent) had also experienced. It constitutes sexual violence.<sup>51</sup> because a marriage where the woman enters against her will lead to forced sexual intercourse.<sup>52</sup> Furthermore, forced marriage is a form of sexual violence perpetuated on the pretext of traditional custom.<sup>53</sup>

Based on data from Komnas Perempuan, sexual harassment is the third most common type of sexual violence against women in a public environment, behind the rape and sexual abuse. At 715 cases (19.9%), rape is ranked first as the most frequent form of sexual violence (19.9%), followed by sexual abuse at 551 cases (15.3%), and sexual harassment at 520 cases (14.4%). Sexual abuse, where the victims are mostly girls, falls within the scope of sexual harassment that has yet to be legislated.<sup>54</sup> This means that sexual harassment is the most frequent type of sexual violence in society. Sexually harassing behaviors are often not recognized as they are usually not targeted at a particular individual but rather at a more typical public space level.<sup>55</sup> These behaviors are seen

51 Indonesia, Bill on the Elimination of Sexual Violence, Chapter V, Article 11

52 Komnas Perempuan, "15 Bentuk Kekerasan Seksual: Sebuah Pengenalan" (Jakarta: Komnas Perempuan), p. 8

53 Indonesia, Academic paper to the Bill on the Elimination of Sexual Violence, p. 33

54 Komnas Perempuan, 2020, op. cit., p. 16

55 National Academies of Sciences, Engineering, and Medicine, "Consensus Study Report: Sexual Harassment of Women, Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine" (Washington: National Academy Press, 2018), p. 28

as deviant.<sup>56</sup> A study has revealed that more than half of women are sexually harassed at work, but less than 20 percent see it as sexual harassment.<sup>57</sup> The KUHP<sup>58</sup> makes no specific mention of sexual harassment. It has often led to multiple interpretations, dissenting opinions, and debates on how it should be defined and regulated in law.

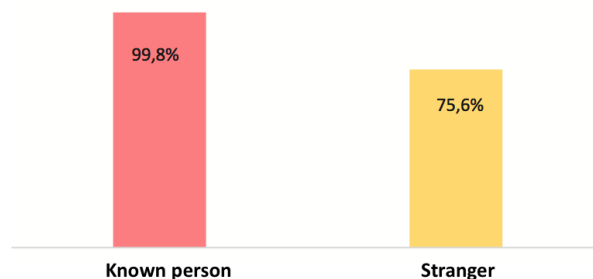
Furthermore, in the survey, sexual harassment includes the receipt of unsolicited pornographic photos, videos, and comments. This phenomenon also occurs in the virtual world; on social media, online media, and messaging apps. Komnas Perempuan observed a rising trend in online gender-based violence (OGBV) in 2020.<sup>59</sup> Indonesia, however, has no regulatory framework to address online sexual harassment. Consequently, OGBV victims and offenders would be liable to prosecution under the Electronic Information and Transactions Law and the Anti-Pornography Law.<sup>60</sup>

It calls for explicit provisions relating to sexual violence with an all-encompassing, clear-cut definition. The RUU P-KS becomes relevant in assuring protection for victims of sexual violence. The bill also systematizes the types of sexual violence into nine groups, which include sexual harassment. Despite online sexual violence not being contained, the bill is welcomed as an initial step towards protecting from the risk of sexual violence, no matter how insignificant it may be to society.

**Figure 22.a Sexual violence experiences, by perpetrator type**

n = 1.586

\*respondents provided multiple answers



56 Ibid

57 Ellis S, Barak A, Pinto A, “Moderating effects of personal cognitions on experienced and perceived sexual harassment of women at the workplace,” in *Journal of Applied Social Psychology*, 1991, 21(16): pp. 1320–1337.

58 Indonesia, Criminal Code, Articles 289-296

59 Komnas Perempuan, 2020, op. cit., p. 16

60 Komnas Perempuan, 2020, op. cit., p. 55

Figure 22.a provides information on sexual violence experienced by the majority of respondents. Nearly all respondents who reported having experienced some form of sexual violence, or knew of a family member or someone else who had gone through it, said that the perpetrator was someone close to them (99.8%).

**Figure 22.b Sexual violence perpetrator - someone known**  
n = 1.583

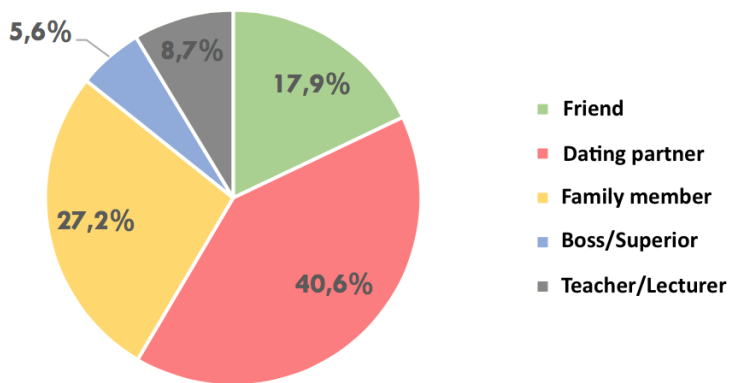


Figure 22.b shows that perpetrators of sexual violence were people close to the victim, such as friends (40.6%), dating partners (27.2%), and family members (17.9%). Similarly, Komnas Perempuan, in its latest report, found that most cases of sexual violence were perpetrated by those closest to the victim, namely a dating partner (47%), step- or foster-father (16.7%), and biological father (22%).<sup>61</sup> This finding shows that sexual violence is often committed by someone the victim is familiar with, who takes advantage of the two’s power relations. For example, the power relations between father (perpetrator) and child (victim), boss (perpetrator) and employee (victim), lecturer (perpetrator) and student (victim), and many others.<sup>62</sup> It is indicative of a power imbalance between the perpetrator and victim, who more often than not is seen to be weak and powerless, forced to do as told by the perpetrator.

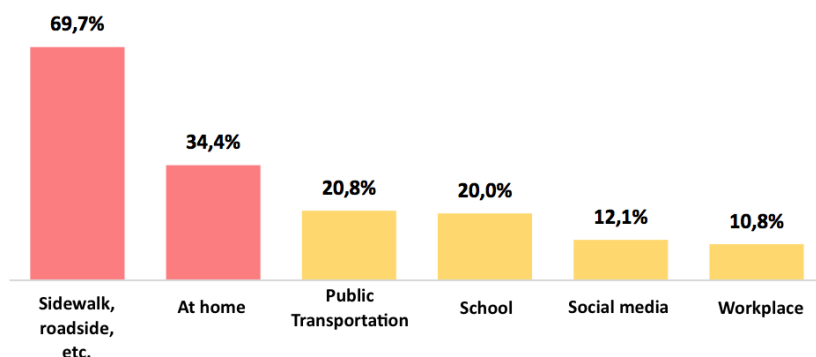
61 Komnas Perempuan, 2020, op. cit., p. 15

62 Komnas Perempuan, 2020, op. cit., p. 45

**Figure 22.c Sexual violence experiences by location**

**n = 1.586**

**\*each respondent provided multiple answers**



Komnas Perempuan's 2019 annual report identified three settings where women are subjected to violence: (1) domestic, where the victim-perpetrator relationship is either by consanguinity, affinity, or intimacy. (2) Public, where the perpetrator has no relationship by consanguinity or affinity with the victim. 3) Government, where the perpetrator is a public official.<sup>63</sup> The survey pinpointed locations where sexual violence would take place. Most respondents, or someone respondents knew, had experienced sexual violence in a public place, such as the pedestrian lane, roadside, and others (69.7%), office (10.8%), school (20%), public transportation (20.8%), and social media.<sup>64</sup> (12.1%). At least 34.4 percent of respondents, or someone they knew, had been subjected to violence at home. Komnas Perempuan's data revealed that 75 percent of sexual violence cases in the domestic environment involve married couples and children.<sup>65</sup> An earlier finding showed that most of the public saw home as the safest place that offers comfort, far from any act of sexual violence.

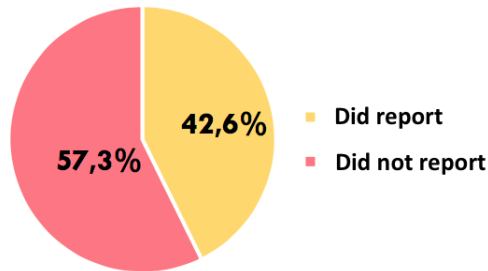
63 Komnas Perempuan, 2019, Lembar Fakta dan Poin Kunci, Catatan Tahunan Komnas Perempuan 2019, p. 2

64 There has been much debate on the issue of whether social media is a private or public space. However, this report sees social media as a new form of public space as it refers to Blossom (2009), who puts forward three reasons why social media is part of the public sphere. First, the accessibility and scope of social media widely vary, from its technology to users. Social media is accessible to a vast audience on a vast scale and can be used for many purposes, such as understanding public opinion on a particular topical issue. Second, through social media, an individual can engage in group or one-on-one communication. Social media users are interconnected, where inter-user relationships are equal by nature. A person will make an effort to connect him or herself to other like-minded individuals sharing the same interests, political affiliations, identity, and others. Unlike the mass media's "one for all" nature, social media is more "all for all." Third, social media allows information to influence, depending on how important the information is to users. An opinion, idea, or data can be adopted by many to spread extensively in an infinite virtual world. In contrast, an idea, view, or opinion may not significantly influence when users are uninterested in the said information. (Blossom, J., 2009. *Surviving and Thriving as Social Media Changes Our Work, Our Lives, and Our Future*. Indianapolis: Wiley)

65 Komnas Perempuan, 2020, op. cit., p. 10

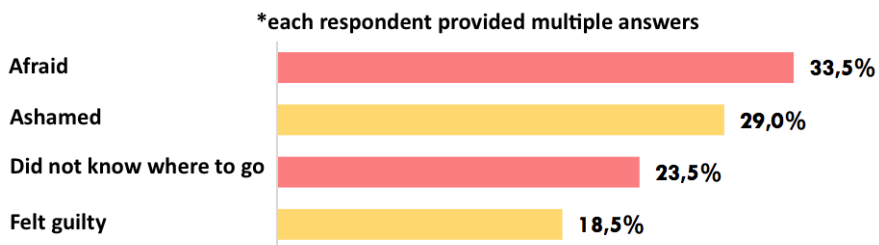
However, this assumption is challenged when the house is no longer secure but prone to sexual violence committed by those closest. Spaces that protect those in need, in public and private areas, are therefore urgently needed.

**Figure 22. d Sexual violence experiences, by reporting behavior**  
n = 1.586



Of all respondents who had personally experienced or knew someone who had experienced sexual violence, 57.2% admitted that they did not report the incident.

**Figure 22.e Reasons for not reporting sexual violence**  
n = 908

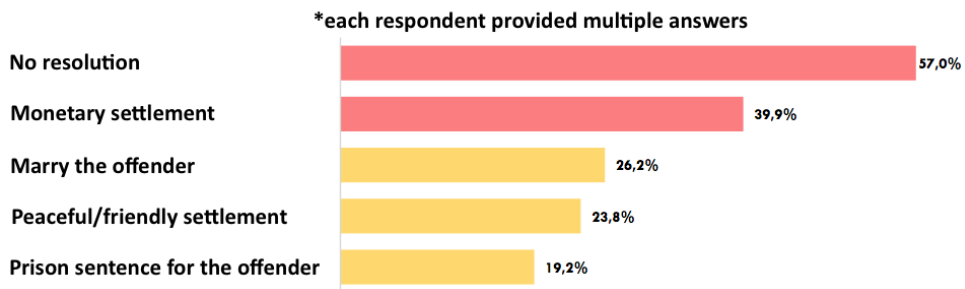


Reasons for not reporting included fear (33.5%) and not knowing where to file a report (23.5%). This finding is consistent with a survey conducted by Lentera Sintas Indonesia, which found that 93 percent of rape survivors prefer not to report to the authorities.<sup>66</sup> These results show that victims are still afraid of coming forward with their experiences of sexual violence. The victim’s reluctance to report arises from the fear of negative stigma and victim-blaming tendencies. Another reason is the doubt from victims towards the authorities

66 Lentera Sintas Indonesia, et al., “Survei Kekerasan Seksual”, 2015 can be accessed at <https://magdalene.co/story/93-persen-penyintas-tak-laporkan-pemeriksaan-yang-dialami-survei> and downloaded 29 July 2020

in their treatment of perpetrators and ensuring their psychological healing. Law enforcement tends to be prejudiced, unempathetic, unsympathetic, and even unhelpful to victims. Survivors also fear having their story out in the open, which will lead to psychological and financial ramifications.<sup>67</sup> An earlier finding also revealed that victims chose to report to the police soon after experiencing sexual violence. Officers of the law are, in fact, the first responders in the reporting mechanism, therefore building their knowledge and capacity is crucial to enable them to effectively deal with sexual violence cases from a gender (victim-centered) perspective to ensure justice is served. With well-trained officers, the victims' reporting process would be more humane, reliable, and accessible to all, mainly because police departments are available across Indonesia, right down to the lowest tier of administration, the *kelurahan* or urban ward.

**Figure 22.f Resolution of sexual violence cases**  
n = 1.586



Based on the study, 57 percent of respondents reported that their cases were not resolved, while 39.9 percent received a monetary settlement from the offender, and 26.2 percent eventually married the perpetrator. It is an ironic reality, where cases are inadequately dealt with, and the victim's psychological consequences are ignored. By paying off or marrying the victim, it is as if the problem has been resolved. Quite the contrary, such settlement brings physical and psychological trauma and even economic repercussions.<sup>68</sup> Hence, the need for a case-handling mechanism where harms are rectified and the victim's mental health restored.

67 West Coast LEAF, "WE ARE HERE: Women's Experiences of the Barriers to Reporting Sexual Assault" (Vancouver: West Coast LEAF, 2018), p. 5

68 Indonesia, Academic Paper to the Bill on the Elimination of Sexual Violence, p. 44

The finding suggests that when an act of sexual violence occurred within the domestic environment and perpetrated by someone known, victims would choose to keep silent out of fear that any legal recourse would not be in their favor. It reflects a weak prevention mechanism in the domestic environment and an ineffective reporting system. The recovery of victims has never been a priority in the case-handling process. In other words, victim protection remains minimal and unresponsive to their needs. The RUU P-KS, which covers prevention, reporting, case-handling, and victim recovery, is necessary to provide guarantee and guidance for treating sexual violence victims. By the bill, victims and their cases will be appropriately dealt with by law enforcement, paying particular attention to victim recovery and the harms or losses they may suffer. Citizens need some form of legal protection and certainty through accessible and useful reporting and prevention mechanisms down to the smallest social unit as part of efforts to end sexual violence.

### 3.2 RESPONSES TO LAW NO. 16/2019

#### 3.2.1 RESPONSES TO MINIMUM AGE OF MARRIAGE

**Figure 23. Knowledge of regulations restricting age for marriage**  
n = 2.210

\*respondents provided multiple answers

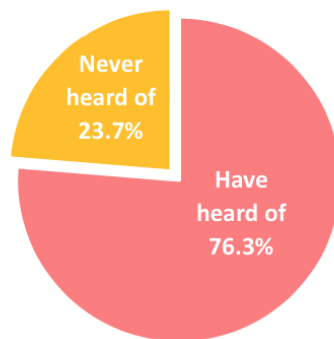
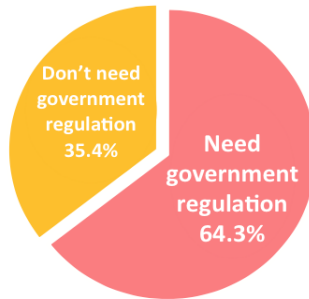


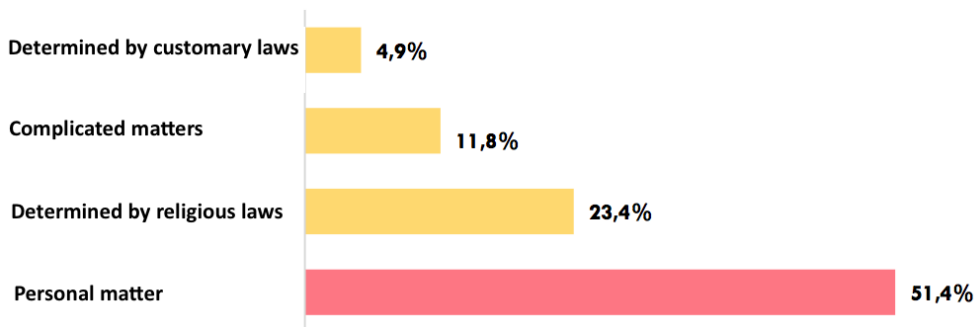
Figure 23 shows that most respondents (76.3 percent) of whom 55.9 percent were not married had heard about government regulations that impose age limits for marriage. This finding suggests that most respondents know that the government has established a minimum age of marriage at 19 years for both sexes.

**Figure 24. Perceptions of the need for a minimum age of marriage**  
n = 2.210



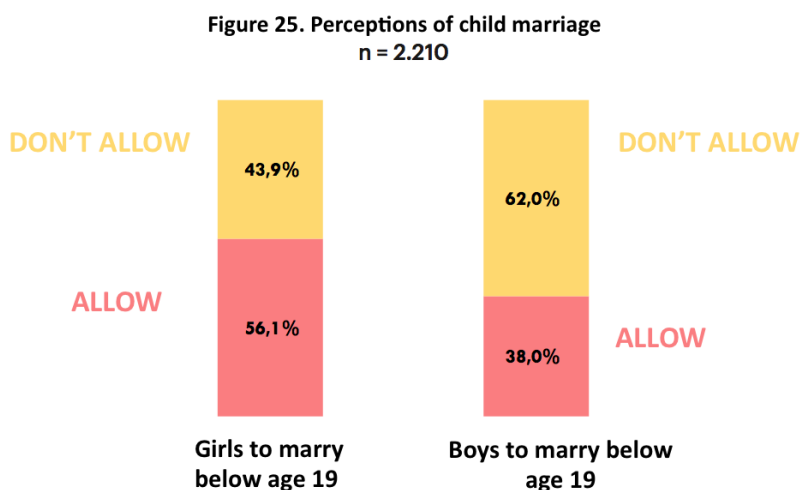
However, of those who had heard about the minimum age of marriage, some thought the government should not govern it. As seen in Figure 24, at least 35.4 percent of respondents did not see the government's need to limit marriage age, while 64.3 believed otherwise.

**Figure 24.a Reasons why the State need not regulate age for marriage**  
n = 783



Of those who disagreed that there should be age limits to marriage, 51.4 percent of respondents said marriage is a private matter, and age is not an issue if they are ready and have found their partner. Meanwhile, 23.4 percent of respondents believed that religious laws should best determine the age limit as religion does not prohibit early marriage. At least 11.8 percent, on the other hand, thought that imposing age limits would make marriage difficult for those who have fallen pregnant out of wedlock or for those who want to avoid premarital sex rather than live in shame. A small proportion of respondents

(4.9%) said it would be better if the age limit were determined according to customary practices and traditions.



Regarding the imposition of age limits for marriage, as seen in Figure 25, most respondents believed that girls who have not reached the age limit should be allowed to marry, but that it did not apply to boys. At least 56.1 percent of respondents said it was acceptable to marry off girls before age 19 for reasons of avoiding premarital sex (77.3%) and of having someone look after them (21%). Meanwhile, 62 percent of respondents cited financial unpreparedness (77.2%) and not ready to lead a family (72.6%) as reasons for discouraging boys from marrying too young.

These findings are indicative of the possible upward trend in child marriage that further perpetuates the practice. It will disproportionately affect girls, given the prevailing perception that women and not men are allowed to marry young. BPS (National Statistical Office) data from 2008 to 2018 showed that child marriage among girls hovered at 11.1-14.4 percent, whereas for boys, it was a low 0.73-1.06 percent.<sup>69</sup> We can generally conclude that society does not see age as a benchmark for a person’s maturity to enter marriage. Age should be a key factor in determining the preparedness for pregnancy as a consequence of marriage. Pregnancy for girls below age 17 increases the

69 PUSKAPA UI and UNICEF, op. cit., p. 7-9

risk of medical complications, both to the mother and infant.<sup>70</sup> Moreover, child marriage robs girls and boys of their childhood and adolescence at a time when they should be growing physically, emotionally, and socially before transitioning into adulthood.<sup>71</sup>

Raising marriage's legal age and having an effective marriage dispensation mechanism is crucial amid society's conservative mindset. There is also a lack of public awareness of the importance of putting the child's best interests at the center. A regulatory response needs to be followed by a shift in society's mindset where marriage is encouraged in the religion to solve premarital sex and pregnancy. Marriage should be seen as a sacred ritual and tradition that gives precedence to the child's rights regarding health, education, growth, development, etc.

Reshaping mindsets is not an easy task, but it is possible by establishing strict conditions and a clear-cut definition of what constitutes "a grave and urgent reason" for marriage dispensation. Judges and parents should only arrive at decisions on marriage dispensation after careful and thorough consideration. Technical guidelines should accompany PERMA No. 5/2019 to make sure that judges take into primary consideration the child's best interests when granting or denying a dispensation request. Apart from revising laws and Supreme Court regulations, follow-up is equally important by developing a strategic plan and other relevant policies, such as local and village-level bylaws. Efforts should also be made to build the capacity of traditional elders, religious leaders, and other influential figures who still consider child marriage as a tradition, custom, and sacred duty.<sup>72</sup> According to Law No. 1/1974,<sup>73</sup> marriage is declared valid when it is contracted according to the faith or belief of the contracting parties. Hence, the need to influence religious leaders, customary elders, and other prominent figures in society, helping them gain a better understanding of the issue in the hope that they would pass on the message and contribute towards preventing child marriage in their respective communities.

---

70 PUSKAPA UI and UNICEF, *op. cit.*, p. 28

71 PUSKAPA UI and UNICEF, *op. cit.*, p. 1

72 Indonesia, Law No. 16/2019 on Amendments to Law No. 1/1974 on Marriage, Article 7

73 Indonesia, Law No. 1/1974 on Marriage, Article 2 clause 1

### 3.2.2 RESPONSES TO REASONS FOR CHILD MARRIAGE

**Figure 26. Perceptions of reasons for child marriage**

**n = 2.210**

**\*respondents provided multiple answers**

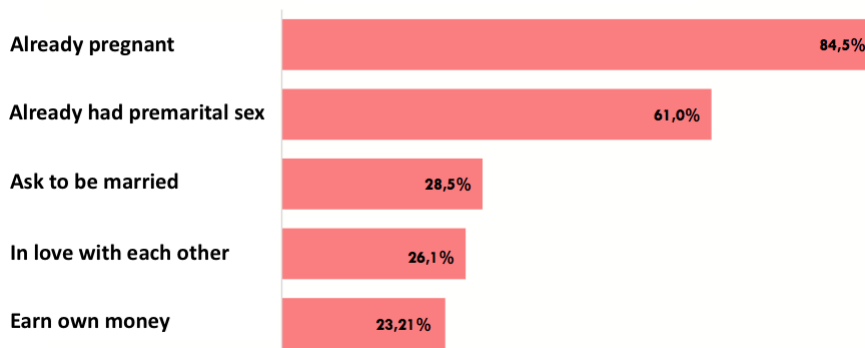


Figure 26 provides the common perceived reasons for allowing a minor to marry. The majority of respondents (84.5 percent) agreed that a pregnant girl should get married at once, regardless of age. Sixty-one percent of respondents mentioned engaging in premarital sex as a valid reason for the immediate marriage, where age does not matter. Only a small share of respondents agreed that a child should be married off when he or she asks to be married, is financially capable, and in love with each other. These findings reflect how premarital pregnancy or sexual intercourse is a highly taboo and complex issue,<sup>74</sup> And therefore, the only solution would be to marry the child off. Child marriage brings grave risks and consequences, such as miscarriage, maternal death, and reproductive organ damage. Underage girls are physically unprepared for pregnancy and childbirth, even domestic violence, and even worse, trapped in a poverty cycle.<sup>75</sup>

<sup>74</sup> Prevailing Islamic values and norms on premarital sex and pregnancy are deeply entrenched in society. In Islam, sexual intercourse outside of marriage is a sin/unlawful/prohibited. Consequently, an out-of-wedlock pregnancy is also seen as a grave sin, a flagrant transgression against religious norms. Premarital sex and pregnancy are viewed as an aberrant behavior that brings disgrace and shame to the family name in the social context. In other words, stereotypes about premarital sex and pregnancy in society tend to be negative.

<sup>75</sup> PUSKAPA and UNICEF, op cit, p. iv

### 3.2.2 RISKS OF CHILD MARRIAGE

Figure 27. Perceptions of the risks of child marriage  
n = 2.210

\*respondents provided multiple answers

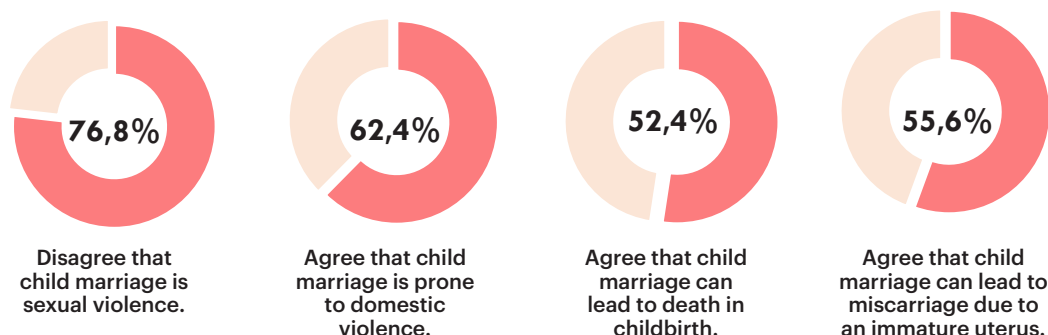


Figure 27 presents the findings on the risks associated with child marriage, where most respondents reported knowing such risks. Respondents agreed that child marriage increases the risk of domestic violence (62.4%), of death during labor or delivery (52.4%), and of miscarriage due to a weak uterus (55.6%). Despite most respondents understanding the risks and harmful effects of child marriage that will jeopardize the child's future, they still believed that child marriage is not sexual violence. Ironically, most respondents assumed that a child who has fallen pregnant or has engaged in sexual intercourse should immediately marry, regardless of age.

Given the findings above, petitions for marriage dispensation granted by the judge are those filed for the following reasons: daughter has fallen pregnant (37%), the child is at risk of committing religious transgressions (21%), and the child has engaged in sexual activity (16%).<sup>76</sup> As a critical factor in child marriage, the judge also considers the said reasons as 'urgent' and grant permission to marry. Decisions like these do not consider the child's best interests, the right to life, growth, and development as outlined in PERMA No. 5/2019.<sup>77</sup> Hence, the need to further clarify the terms and conditions of marriage dispensation in the law and Supreme Court Regulation.

76 Australia Indonesia Partnership for Justice 2, loc cit. (around 500,000 decisions handed down in 2014-2018 by district-level religious courts)

77 Indonesia, Supreme Court Regulation No. 5/2019, Article 2 points (a) and (b)

A legislative response should be supported by efforts aimed at changing public mindsets, especially parents and children. Premarital sex and pregnancy among adolescents should not be associated with moral and religious judgments, such as bringing shame, sinful, and others. Emphasis should instead be given to the child's reproductive health. There is a need for concrete, sustained actions geared at preventing out-of-wedlock pregnancy through proper sexual and reproductive health education for children.<sup>78</sup> Adequately armed with such knowledge, children will understand the risks of engaging in promiscuous behavior, from miscarriage to premature death in childbirth.

### 3.2.4 PREVALENCE OF CHILD MARRIAGE

In this survey, the prevalence of child marriage is based on feedback from either married, divorced, or widowed. Also considered are the age of respondents and their partners who married before the age of 19.<sup>79</sup>

**Figure 28. Experiences of child marriage**  
n = 1.322

**8,1%**

**Married at age <19**

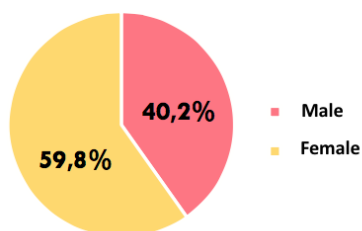
As provided in Figure 28, at least 8.1 percent of marriages contracted before age 19 were experienced personally by respondents, partners, or both. In other words, 2 in 25 respondents were married below the allowable marriage age set by the government, or were married to a partner who is under 19, or were both below 19.

---

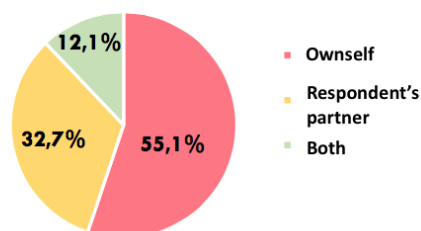
78 It is mentioned that policymakers are disinclined to provide sex education to young individuals because it may encourage promiscuous behavior. Reproductive health education is only incorporated in biology, physical education, and religious studies, which is limited in terms of learning frequency, and the content tends to be inexplicit or unclear. (McDonald, Peter, Iwu Dwisetyani Utomo, "Adolescent Reproductive Health in Indonesia: Contested Values and Policy Inaction" in *Studies in Family Planning Journal*, 40(2): pp. 133-146, July 2009

79 In line with the minimum age of marriage at 19 as specified in Law No. 16/2019 on Amendments to Law No. 1/1974 on Marriage, Article 7

**Figure 28.a Child marriage experience by gender**  
n = 107



**Figure 28.b Respondents' experience of child marriage**  
n = 107



Overall, the rate of child marriage is low at 8.1 percent.<sup>80</sup> The survey found that women and men (40.2%) had married at a young age. If examined from the indexing of court decisions on marriage dispensation, 65 percent of petitions were filed by parents for their sons.<sup>81</sup> However, based on national data published by BPS, 1 in 9 women aged 20-24 was married under age 18 (11.2%),<sup>82</sup> whereas only 1 in 100 men aged 20-24 was married before age 18 (1.06%).<sup>83</sup>

The survey findings and data above suggest that women are more likely to marry at a young age than men, despite its relatively high prevalence among men. Data on marriage dispensation petitions; on the contrary, show that a larger proportion of the requests was intended for boys rather than girls. This is probably because women are more likely to enter into child marriage without requesting dispensation, and therefore their marriages go unregistered. This is a worrying situation as there would be no way to know the reasons for marriages that do not go through the dispensation process, whether they are indeed for grave and urgent reasons or moral or religious motives, as shown in findings explained earlier.

The issue brought to light by the findings above is being addressed through Law No. 16/2019 and PERMA No. 5/2019 to prevent child marriage, but not explicitly enough and still far from perfect. However, the legal instruments are

80 The child marriage prevalence rate observed in this survey is lower than other available data due to a respondent bias. The educational attainment of most cohorts is a secondary school and higher (see section 1.4.4). Data released by BPS (Susenas, 2018) showed that 33.95% of girls who married at age <18 have only completed primary school, and another 44.86% managed to finish middle school. Therefore, the data recorded in this survey does not provide a complete picture of the situation due to a bias in the respondents' level of education.

81 Australia Indonesia Partnership for Justice 2, "Analisis Putusan Dispensasi Kawin di Indonesia" (Jakarta: AIPJ2, 2019) can be accessed at <https://storage.googleapis.com/aipj2-204204.appspot.com/document/pdf/F3kdeBjNwMVjniQgl6o6V-v1c8uy6OOT0cm7NOt4.pdf>

82 PUSKAPA and UNICEF, 2020, op cit, p. 6

83 Ibid, p. 10

an initial step towards reducing child marriage rates by tightening dispensation rules. We should keep in mind that raising the minimum age of marriage and imposing stricter dispensation regulations could hide the actual numbers of child marriages. A ban on child marriage may increase unregistered marriages, or known as *kawin siri*.<sup>84</sup> Undocumented marriages carry the risk of violations against the child's rights, including the right to education and play, sexual and reproductive health rights, and even endangering their lives and future.<sup>85</sup> There is also the issue of barriers to government social protection, legal identity for any child born to couples in unregistered marriages,<sup>86</sup> and the child's recognition before the law.<sup>87</sup>

Regulations on marriage dispensation should be followed by public education on the risks and consequences of child marriage, whether registered or not. It is equally important to build the capacity of religious leaders, traditional elders, and other prominent figures for active engagement in preventing child marriage in their respective areas, such as in West Lombok, NTB, through the Integrated Community-Based Child Protection (PATBM) and Child Protection Village Group (KPAD) programs. In these initiatives, young individuals are encouraged to be involved in child marriage interventions, reproductive health education, and peer-to-peer marriage consultation.<sup>88</sup> There is also the need to change public mindsets on the ideal age and conditions for marriage and to open up access to education on reproductive health, gender equality, and fundamental rights for children from as early as possible.

---

84 Ibid, p. 50

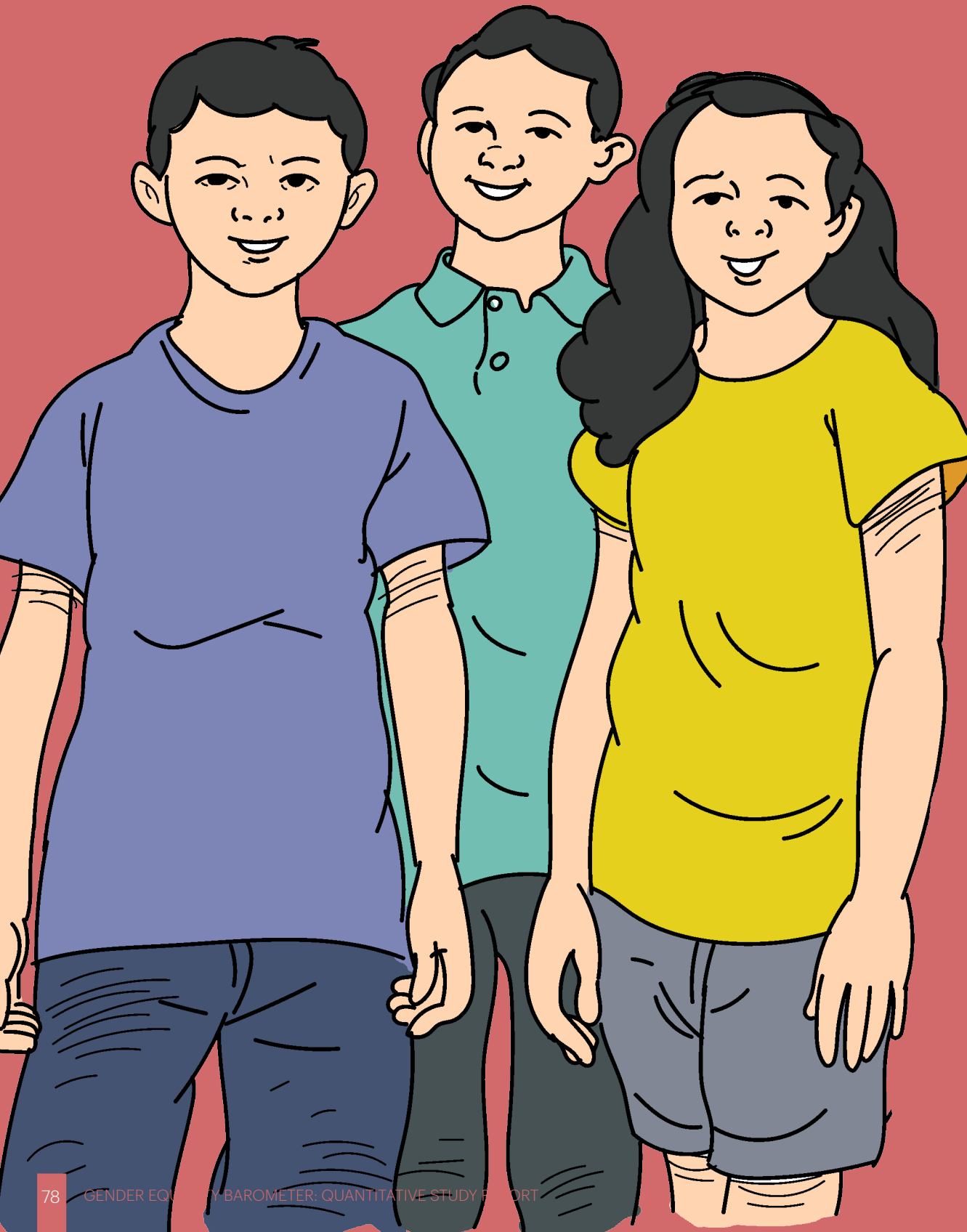
85 Ibid, p. 46

86 Ibid, p. 24

87 Komisi Perlindungan Anak Indonesia (KPAI), "Perkawinan Tidak Dicatatkan: Dampaknya bagi Anak", 2019, accessed at <https://www.kpai.go.id/berita/tinjauan/perkawinan-tidak-dicatatkan-dampaknya-bagi-anak> on 27 July 2020

88 PUSKAPA and UNICEF, op. cit., p. 50





## CHAPTER 4

# CONCLUSIONS AND RECOMMENDATIONS

## 4.1 CONCLUSIONS

Based on the survey results, several key factors have been identified that policymakers should consider in formulating regulations that ensure protection from sexual violence and child marriage. The main findings are as follows:

1. The majority of respondents (70.5%) favor regulations for protection against sexual violence. Of those who support such rules' immediate enactment, 57.2 percent have never heard about the RUU P-KS, and 49.7 percent have personally experienced sexual violence.
2. At least 59.5 percent of respondents know nothing about the RUU P-KS, and 40.5 percent have some knowledge of the bill. Of those who have heard about the bill, 68.3 percent answered 'yes' or 'know a little,' while 31.7 percent have only heard about it but have no idea of what it is. Therefore, resistance to regulations addressing sexual violence is due to a lack of public awareness and understanding of the RUU P-KS content. The majority of respondents who disagree will the bill have never experienced sexual violence.
3. In terms of prevalence, 5 in 7 respondents have experienced sexual violence at some point in their lives. This finding shows that victims of sexual violence are not only women but also men.
4. Based on the data of respondents who have been sexually victimized, it is found that the perpetrators are someone known to the victim. This finding

is consistent with earlier studies on the issue. Most perpetrators of sexual violence are people the victim knows and from the victim's immediate surroundings. These are the people and environments that one would think is safe. In reality, however, sexual violence is committed by familiar people in familiar surroundings. Placed in a dilemmatic position, victims often resist reporting their ordeal when the perpetrator is someone closest to them who they interact with daily.

5. Respondents who have experienced sexual violence would prefer not to report the incident due to fear (33.5%) and not knowing where to go (23.5%). Most cases of sexual violence that respondents themselves have experienced were dropped or not resolved, while 39.9 percent received a monetary settlement from the perpetrator. It illustrates the tenuous sexual violence victims who face never-ending obstacles from the reporting stage to the legal process. Many victims are reluctant to come forward due to the lack of attention to the traumatic event's impact on the victim.
6. The majority of respondents obtain information on sexual violence mainly from the mass media and social media, in addition to schools (primary, middle, high). This finding suggests that the media and schools are the most effective avenues for disseminating information on sexual violence.
7. Most respondents know where to get help should they experience sexual violence. Some 41.6 percent would report to the police first, and 43.8 percent would turn to a family member. Meanwhile, only 1 percent of respondents would go to a legal aid institute or NGO, and 5.1 percent to Komnas Perempuan. It shows that many are still unaware of the benefit or function of a victim assistance center or service provider, and therefore would prefer to disclose the incident to the police or a family member.
8. The majority of respondents assume that public spaces, such as parks, shopping centers, stadiums, bus terminals, railway stations, streets, and pedestrian lanes, are places prone to acts of sexual violence. Locations that they consider safe are the home and workplace, when, in fact, these are the environments where sexual violence often occurs. A KPAI study (2016)

found that children are sexually victimized in their immediate settings—family and school. In another study conducted by MaPPI FHUI (2016), it is revealed that sexual violence is mostly perpetrated by someone known to the victim.

9. Most respondents (72.7 percent) believe that law enforcement tends to be responsive in handling sexual violence cases, while 27.6 percent think otherwise. Upon further analysis, a larger share of respondents (57.6%) who answered “responsive” are those who have never personally experienced sexual violence. Meanwhile, 57.4 percent answered “not responsive” are those who have been sexually victimized themselves. According to the Sense of Justice survey conducted by MaPPI FHUI in 2015, at least 29.1 percent of respondents expressed being somewhat satisfied, and 27.9 percent less satisfied with how the police handle sexual violence cases.
10. In terms of victim protection, most respondents consider it essential to protect victims’ rights, including the right to be kept informed about their cases, legal representation or counsel, etc. Most respondents also find it essential to place victims of sexual violence in temporary safe houses and agree that they should be given medical support for physical and psychological healing.
11. Most respondents, however, have a narrow perspective, with the tendency to blame victims. At least 71.5 percent of them believe that the victim’s flirtatious, coy, and teasing behaviors provoke sexual violence. The majority of respondents agree that sexual violence is precipitated by the victim’s revealing attire (69.2%) and sexy photos (53.7%), reasons which are used to justify such offenses. The victims, who are in a weak position, are typically blamed and stigmatized, accusing them of not being able to look after themselves (51.2%), frequently going out at night (51.2%), weak or unable to shout for help (40.6%), and other reasons.
12. On the criminalization of sexual violence victims, most respondents agree that victims who cause physical harm to the offenders out of self-defense (90%) and share digital evidence of the incident (65%) should not be

criminalized. Meanwhile, 75.7 percent of respondents agree that an offender may not file a defamation counterclaim against the victim in response to the sexual violence charge brought against him in the first place. Only 49.6 percent of respondents think that victims should not be burdened further (punished) if they choose to abort their pregnancy due to a sexual assault.

13. In terms of victim recovery, nearly all respondents (94.5 percent) mention trauma, shame, and fear as the psychological effects experienced by victims of sexual violence. At least 83.2 percent of respondents named reproductive organ trauma, and 73 percent mentioned physical trauma and injury as other health consequences victims are forced to deal with. Most respondents agree that victims face social consequences, such as ostracism, difficulty finding a partner, and dropping out of school. Only a small proportion of respondents believe that sexual violence can economically affect the victim, such as the loss of employment, money, belongings, and inheritance rights. According to respondents, the most devastating impact of sexual violence is the physical, psychological, and social harm to victims.
14. Regarding a fitting punishment for perpetrators of sexual violence, most respondents believe that it should be severe. Another survey result shows that most respondents (81.1%) disagree if the victim's sexual history is used to justify a lighter sentence. This finding confirms that most of the public agrees that the victim's past sexual conduct is irrelevant and should not be considered for the judge to hand down a lesser sentence.

Survey findings on child marriage are as follows:

1. Most respondents have heard about regulations that set the minimum age of marriage.
2. The majority of respondents (64.3 percent) agree that the government should regulate marriage age.
3. Not all respondents who know of the minimum age of marriage agree that the government should regulate it. Of the 35.4 percent of respondents who are not in favor of establishing a minimum marriage age, 54.7 percent have heard of the restriction but still disagree because marriage is a private

matter that should instead be governed by religious or customary laws.

4. The majority of respondents hold different views on the minimum age of marriage for men and women. Most of them would allow girls to marry before age 19 to avoid premarital sex. However, it does not apply to boys, who are not allowed to marry before age 19 as they are considered financially incapable. It reflects how girls are more vulnerable to child marriage than boys.
5. Most respondents believe that a girl who has fallen pregnant and (or) has engaged in sexual intercourse should get married immediately, regardless the age. This phenomenon illustrates how marriage is seen through a moral and religious lens, rather than the child's preparedness and willingness. Out-of-wedlock pregnancy is used as an excuse to force marriage to protect the family from shame and dishonor.
6. Most respondents do not consider child marriage as a form of sexual violence. They, however, understand the risks associated with the practice of child marriage. The majority of them know that child marriage can increase the risk of domestic violence (62.4%), death in childbirth (52.4%), and miscarriage due to an immature uterus (55.6%).
7. In terms of prevalence, 2 in 25 respondents were married before age 19. However, we should note respondents' bias among those with secondary or higher education levels, which means that the figures are much lower than other available data. The finding also reveals that half of the respondents who married young are men.

## 4.2 RECOMMENDATIONS

Based on survey results regarding public responses and attitudes toward the RUU P-KS and Law No. 16/2019, several recommendations are put forward as constructive input for the government, parliament, law enforcement, and the public. The proposals aimed to improve protection for victims of sexual violence and to prevent children from marrying early.

1. Recommendations for the Government and Parliament
  - a. Immediately resume discussions of the RUU P-KS. Based on the survey,

the public has shown immense support for legislating against sexual violence. Any resistance from the crowd is due to a lack of information and understanding of the bill's content. Lawmakers should, therefore, be more transparent to ensure that the public understands well the scope and purpose of the bill in regulating the issue of sexual violence.

- b. Educate the public on the purpose and benefit of the RUU P-KS, and make it more widely known. It can help prevent misinformation, as there is still some resistance towards the bill. The majority of respondents support regulations to guarantee protection from sexual violence, even though they have not read or fully understood the RUU P-KS.
- c. The State needs to guarantee protection to all citizens by preventing sexual violence, mostly by educating and informing the public. It can be done through the education system and making the most of mass media and social media. This recommendation is in line with survey results, which show that the public, in general, sees the importance of access to information and education on sexual violence, including sexual and reproductive health, gender equality, human rights, and safe and healthy relationships.
- d. Given existing legislation in Indonesia that criminalizes sexual violence victims, where victims are vulnerable to defamation counterclaims filed by the offender, or to criminal charges for violating Law No. 11/2008 on Electronic Information and Transactions having an abortion, a legislative response is therefore crucial. It will ensure that victims are no longer criminalized, allowing their allegations of sexual violence to be appropriately dealt with and resolved by law enforcement. It is also crucial for the government and parliament to urgently revise several legal instruments, such as the Electronic Information and Transactions Law and the Health Law.
- e. Ensure that regulations concerning sexual violence cover the victim's right to recovery, particularly the physical, psychological, and social harms.

- f. In terms of the prosecution of sexual violence cases, most public agree that offenders should receive the maximum punishment. However, given the many different forms of sexual violence, a more in-depth analysis is needed on the grading of punishment according to the type of sexual violence committed by the offender to ensure proportionate sentencing, including other forms of punishment as payment of restitution or fines.

## 2. Recommendations for Law Enforcement

- a. There is a need for regulation to ensure that law enforcement officers in handling cases of sexual violence do not ask accusatory questions that place the blame on the victim. Such questions are around clothing choice, sexual history, behavior, and other traits irrelevant to the criminal offense. Victims should also be guaranteed legal representation, psychological support, and a fair trial, all of which should be included in legislation addressing sexual violence.
- b. Law enforcement, especially the police, stands on the frontline of the reporting process. As such, they need to improve services when receiving reports. For example, optimizing the use of designated spaces for victim services, assigning officers and investigators who are gender-responsive, issuing referrals for victims to access forensic medical examination services and legal representation, providing protection for the victim's safety, and building police capacity in case handling, and other necessary measures to ensure better protection for victims.

## 3. Recommendations to the Public

- a. Legal aid institutes, service providers, and other support agencies should be more proactive in making themselves known to the public. It will enable citizens to be more informed of their functions and benefits should they report an incident of sexual violence to receive the necessary services and support from these institutions.

Concerning child marriage, the public is aware of the devastating consequences, such as physical harm and heightened domestic violence risk. Given society's fear of the risk of unwed girls engaging in sexual activity or to fall pregnant, legislation on marriage should be tightened through the following:

1. The government and parliament need to clarify the provisions under Law No. 16/2019 that delineate the admissible reasons as grounds for marriage dispensation. It will allow judges to have clear-cut guidelines before making decisions and also for parents to think thoroughly before petitioning for dispensation.
2. The Supreme Court should establish technical guidelines for judges as the follow-up to PERMA No. 5/2019, which has enumerated the considerations that judges should consider in granting or denying a dispensation. More explicit explanations, however, are needed on how judicial reviews should bear in mind the child's needs and why such considerations are vital to ensuring that decisions are made in the child's best interests.
3. The government needs to optimize the role and capacity of prominent figures, religious leaders, and traditional elders to prevent child marriage.



# REFERENCES

## Books

- Bulan, Indar Sri, Abdul Wahid dan Muhammad Irfan. 2001. *Perlindungan Terhadap Korban Kekerasan Seksual: Advokasi atas Hak Asasi Perempuan*. Bandung: Refika Aditama
- Dolgopol, Ustinia. 2016. *The Construction of Knowledge about Women, War and Access to Justice, on Imagining Law: Essays in Conversation with Judith Gardam*. Australia: University of Adelaide Press
- Kelompok Kerja Perempuan dan Anak Mahkamah Agung RI dan MaPPI FHUI. 2018. *Pedoman Mengadili Perkara Perempuan Berhadapan dengan Hukum*. Jakarta: Mahkamah Agung RI
- Komnas Perempuan. 2017. *15 Bentuk Kekerasan Seksual: Sebuah Pengenalan*. Jakarta: Komnas Perempuan
- Komnas Perempuan. 2018. *Catatan Tahunan Tentang Kekerasan Terhadap Perempuan*. Jakarta: Komnas Perempuan
- Kristi Poerwandari, dkk. 2002. *Peta Kekerasan Pengalaman Perempuan Indonesia*. Jakarta: Komnas Perempuan, 2002
- Kunthi Tridewiyanti, dkk. 2014. *Mewujudkan Perlindungan Hak-hak Perempuan Korban dalam Kebijakan: Himpunan Kertas Posisi dan Kajian dari Berbagai Kebijakan Tahun 2010-2013*. Jakarta: Komnas Perempuan
- Lawrence M. Friedman. 1975. *The Legal System: A Social Science Perspective*. New York: Russell Sage Foundation
- Martha, Aroma Elmina. 2003. *Perempuan Kekerasan dan Hukum*, Yogyakarta: UII Press
- Masyarakat Pemantau Peradilan Fakultas Hukum Universitas Indonesia. 2016. *Booklet Kekerasan Seksual di Indonesia: Data, Fakta dan Realita*. Depok: MaPPI FHUI
- Munti, Ratna Batara, dkk. 2016. *Kekerasan terhadap Perempuan dalam Peradilan Pidana (Analisis Konsistensi Putusan)*. Depok: Badan Penerbit Fakultas Hukum UI
- Muthmainah, Yulianti, dkk. 2009. *Perlindungan terhadap Saksi dan Korban*. Jakarta: Komnas Perempuan
- National Academies of Sciences, Engineering, and Medicine. 2018. "Consensus

- Study Report: Sexual Harassment of Women, Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine". Washington: National Academy Press
- Pusat Kajian dan Penelitian Anak Universitas Indonesia (PUSKAPA UI) dan United Nation Children's Fund (UNICEF). 2020. Pencegahan Perkawinan Anak: Percepatan yang Tidak Bisa Ditunda. Jakarta: PUSKAPA UI
- Ramadhan, Choky, dkk. 2018. Asesmen Konsistensi Putusan Pengadilan Kasus-Kasus Kekerasan terhadap Perempuan Depok: Badan Penerbit Fakultas Hukum Universitas Indonesia
- Saifullah. 2007. Refleksi Sosiologi Hukum. Semarang: Refika Aditama
- Hakiki, Gaib, dkk. 2020. Profil Perempuan Indonesia 2019. Jakarta: Kementerian Pemberdayaan Perempuan dan perlindungan Anak
- Timmreck, Thomas C. 2001. Epidemiologi: Suatu Pengantar Edisi 2. Jakarta: Penerbit Buku Kedokteran EGC
- United Nation Children's Fund (UNICEF) dan Badan Pusat Statistik (BPS). 2015. Kemajuan yang Tertunda: Analisis Data Perkawinan Usia Anak di Indonesia. Jakarta: BPS
- Walgito, Bimo. 2010. Pengantar Psikologi Umum. Yogyakarta: Andi Yogyakarta
- West Coast LEAF. 2018. "We are Here: Women's Experiences of the Barriers to Reporting Sexual Assault". Vancouver: West Coast LEAF

## Articles/magazines/newspapers

- Antara News, "Menteri PPPA: Perkawinan anak di Indonesia sangat memprihatinkan", 2009, accessed at <https://www.antarane.ws.com/berita/1059064/menteri-pppa-perkawinan-anak-di-indonesia-sangat-memprihatinkan>
- Badan Pusat Statistik, 2014, "Perempuan dan Laki-laki di Indonesia 2014" in Siaran Pers Kementerian Pemberdayaan Perempuan dan Perlindungan Anak RI No. b-141/Set/Rokum/MP 15/12/2016 retrieved from <https://www.kemenpppa.go.id/index.php/page/read/29/1286/menteri-pppa-canangkan-pekka-perintis>
- British Broadcasting Corporation (BBC), "Hari Perempuan Internasional: 90% orang bias terhadap perempuan", accessed at <https://www.bbc.com/indonesia/dunia-51763849>
- BKKBN, "Usia Pernikahan Ideal 21-25 Tahun", 2017, accessed at <https://www.>

- bkkbn.go.id/detailpost/bkkbn-usia-pernikahan-ideal-21-25-tahun
- Databoks, “Dimana Kekerasan terhadap Perempuan Kerap terjadi? Kekerasan terhadap Perempuan di Ranah Publik berdasarkan CATAHU Komnas Perempuan 2019”, accessed at <https://databoks.katadata.co.id/datapublish/2019/09/25/di-mana-kekerasan-terhadap-perempuan-kerap-terjadi#>
- Databoks, “Di Provinsi Mana Kejahatan Asusila Paling Banyak Dilaporkan?” 2019, accessed at <https://databoks.katadata.co.id/datapublish/2019/07/24/di-provinsi-mana-kejahatan-asusila-paling-banyak-dilaporkan>
- Komisi Perlindungan Anak Indonesia (KPAI), “Perkawinan Tidak Dicatatkan: Dampaknya bagi Anak”, 2019, accessed at <https://www.kpai.go.id/berita/tinjauan/perkawinan-tidak-dicatatkan-dampaknya-bagi-anak>
- Tempo, “RUU P-KS Masuk Prolegnas 2020, 5 Alasan Aturan Itu Harus Disahkan”, accessed at <https://nasional.tempo.co/read/1296182/ruu-p-ks-masuk-prolegnas-2020-5-alasan-aturan-itu-harus-disahkan>
- The Conversation, 5 Alasan Mengapa Perkawinan Anak Harus Dilarang, 2018, accessed at <https://theconversation.com/5-alasan-mengapa-perkawinan-anak-harus-dilarang-107817>
- Tirto.id, “Minimnya Pendidikan Seksual Tingkatkan Angka Pernikahan Usia Anak”, 2019, accessed at <https://tirto.id/minimnya-pendidikan-seksual-tingkatkan-angka-pernikahan-usia-anak-ejL8>
- United Nation Children’s Fund (UNICEF), “Child Marriage in Indonesia”, January 2020, accessed at <https://www.unicef.org/indonesia/media/2816/file/Child-Marriage-Factsheet-2020.pdf>

## **Journals/booklets/infographics/reports**

- Arimurti, Intan dan Ira Nurmala. Analisis Pengetahuan Perempuan Terhadap Perilaku Melakukan Pernikahan Usia Dini Di Kecamatan Wonosari Kabupaten Bondowoso. Indonesian Journal of Public Health: Vol. 12 No. 2, 2017
- Australia Indonesia Partnership for Justice 2 (AIPJ2), “Decision Analysis of Marriage Dispensation Cases in Indonesia”, 2019, accessed at <https://aipj.or.id/pages/publication/decision-analysis-of-marriage-dispensation-cases-in-indonesia>
- Candraningrum, Dewi. Pernikahan Anak: Status Anak Perempuan. Jurnal

- Perempuan: Vol 21, No. 1, February 2016
- Fadlyana, Eddy, dkk. Pernikahan Usia Dini dan Permasalahannya. *Jurnal Sari Pediatri*: Vol. 2, August 2009
- Groth, AN dan Burgess, "Male rape: offenders and victims" dalam *American Journal of Psychiatry*, 1980, 137(7): pp. 806–810
- Jatmikowati, Tri Endang, dkk., Model dan Materi Pendidikan Seks Anak Usia Dini Perspektif gender untuk menghindarkan Sexual Abuse, *Cakrawala Pendidikan*, Oktober 2015, Th. XXXIV, No. 3, pp. 436-437
- Johny, R. H. (2011). Tindak Pidana Kekerasan Terhadap Perempuan. *Jurnal Dinamika Hukum* Vol. 11, No. 2
- Komnas Perempuan. *Booklet Kekerasan Seksual*. 2013. Accessed at <http://www.komnasperempuan.or.id/wp-content/uploads/2013/12/Kekerasan-Seksual-Kenali-dan-Tangani.pdf>
- Komnas Perempuan. 2020. Catatan Kekerasan Terhadap Perempuan tahun 2019: Kekerasan meningkat, kebijakan penghapusan Kekerasan Seksual untuk Membangun Ruang Aman Bagi Perempuan dan Anak Perempuan
- Leibof, Marret dan Mark Thomas, *Legal Theories in Principle*. *Padajaran Jurnal Ilmu Hukum: Volume 1, No. 2 Tahun 2014*
- Masyarakat Pemantau Peradilan Indonesia Fakultas Hukum Universitas Indonesia (MaPPI FHUI), 2016, *Booklet Kekerasan Seksual di Indonesia: Data, Fakta, dan Realita*
- Perkumpulan Keluarga Berencana Indonesia (PKBI), *Kenali 12 Hak Reproduksi dan Seksual*, accessed at <https://pkbijateng.or.id/kenali-12-hak-reproduksi-dan-seksual/>
- Rahmi, Mayadina. Pernikahan Dini dan Upaya Perlindungan Anak di Indonesia. *Jurnal Hukum dan Syariah*: Vol. 8, No. 2, 2016, pp. 64-73
- Retnowulandari, Wahyuni. *Jurnal Hukum*, Vol. 8 No. 3 January 2010, p.17
- S, Ellis, Barak A, Pinto A, "Moderating effects of personal cognitions on experienced and perceived sexual harassment of women at the workplace", in *Journal of Applied Social Psychology*, 1991, 21(16): pp. 1320–1337
- Stemple, Lara, Ilan H. Meyer, "The Sexual Victimization of Men in America: New Data Challenge Old Assumptions" dalam *American Journal of Public Health*, 2014 June; 104(6): pp. 19–26.

- Suyatno, B. (2015). No Save Place for Girls: Study on Sexual Harassment and Violence against Girls in Indonesia. *Advances in Social Sciences Research Journal*, Vol. 2, No. 4.
- Wolfinger, Nicholas, "Want to Avoid Divorce? Wait to Get Married, But Not Too Long", 2015, accessed at <https://ifstudies.org/blog/want-to-avoid-divorce-wait-to-get-married-but-not-too-long/>
- United Nation Children's Fund (UNICEF), "Child Marriage: Knowledge, Attitudes and Perceptions among Affected Communities in Albania", accessed at <https://www.unicef.org/albania/media/1031/file>
- United Nation Children's Fund (UNICEF). 2013. *Ending Child Marriage: Progress and Prospect*
- United Nation Educational, Scientific and Cultural Organization (UNESCO), *International technical guidance on sexuality education: an evidence-informed approach*, UNESCO, 2018, pp. 12-16
- World Health Organization (WHO). 2016. "UNICEF Child Marriage Fact Sheet 2020". *Global Health Estimates (GHE)*
- Zerbo, S and L.Milone, et al., *Medico legal procedure related to sexual assault: a 10-year retrospective experience of a Daphne protocol application*, *Egyptian Journal of Forensic Science* (2018) 8:4, page 2

## Laws and Regulations

- Indonesia, Academic Paper, *Bill of the Elimination of Sexual Violence*
- Indonesia, *Bill of the Elimination of Sexual Violence*
- Indonesia, 1945 Constitution
- Indonesia, *Law on Amendments to Law No. 23/2002 on Child Protection*
- Indonesia, *Law No. 16/2019 on Amendments to Law No. 1/1974 on Marriage*
- Supreme Court, *Supreme Court Regulation No. 3/2017 on Prosecution of Cases Involving Women*

## Websites

- Black Law Dictionary, <https://thelawdictionary.org/>
- Kamus Besar Bahasa Indonesia, <https://kbbi.web.id/>





NGO in Special Consultative Status  
with the Economic and Social Council of the United Nations, Ref. No: D1035

---

Jl. Jatipadang Raya Kav.3 No.105 Pasar Minggu, Jakarta Selatan, 12540  
021 7819734, 7819735 | [info@infid.org](mailto:info@infid.org) | [www.infid.org](http://www.infid.org)

**Follow Us:**

