

The Role of the Government of Indonesia in Handling Cases of Sexual Violence Against Women.

Ekklesia Hulahi^{1*}, Umi Kulsum¹, Fitriani¹, Dian Eka Rahmawati¹, Rahmawati Husein¹

¹Departement of Government Affairs and Administration, Universitas Muhammadiyah Yogyakarta, Bantul, Indonesia.

*Correspondence Email: ekkleisia.hulahi@gmail.com

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Abstract: *The purpose of this research is to see how the role of the Indonesian government in handling cases of sexual violence against women. The concepts used are the role and handling of the state and violence and protection of women. The method used is a qualitative approach to data analysis of cases of sexual violence taken from Komnas Perempuan data. The news media analyzed using NVivo 12 Plus software as an easy-to-use application. This study indicates that three factors become obstacles in handling cases of sexual violence, namely legal factors, fear, and inadequate protection. Because sexual violence against women is usually unresolved, resolve by paying a certain amount of money, marrying the perpetrator, imprisoning the perpetrator, and even making peace with the family. At the same time, the state's role is vital in handling cases of sexual violence through legal protection and influencing the justice of all citizens. But in fact, the data obtained shows that the handling and legal protection is still not adequate; women still experience sexual violence. The State of Indonesia uses various ways to handle cases of sexual violence with laws made on the Elimination of Domestic Violence or the Elimination of Sexual Violence. However, this does not become the basis for stopping sexual violence crimes in Indonesia*

Keywords: *Government Role, Handling, Sexual Violence, Women*

Introduction

Violence against women is one of the most horrific global issues that threaten human life in various countries or other parts parts of the world (Nelmawarni et al., 2021). Rape is becoming a more serious crime as a result of sexual violence (Grossmann, 2011; Mookherjee, 2010). Most of these cases are still unresolved. (Htun, 2007) Sexual violence and harassment have a very negative impact on daily activities at various levels of life. Schools, universities,

homes, police, and government are all part of the community (Masote, 2015).

Nowadays, more and more girls' cases are sexual violence, which can occur in different age groups, social statuses, locations, and times. Sexual violence not only happens to strangers, but sexual violence that tortures girls can also occur in the most intimate environment, namely the family. Sexual harassment in the family sphere includes incest rape. This kind of sexual relationship occurs between close relatives, usually between family

members. (Amanda & Krisnani, 2019) In the issue of sexual violence in Indonesia (Atwal, 2019), women are vulnerable victims and recipients of acts of violence. (Thapar Björkert, 2006) As a result of sexual violence (Saikia, 2011) the victim will experience trauma and mental health problems, which are significant contributors to the global burden of disease in victims of sexual violence (Parikh et al., 2019).

The case of physical and sexual harassment (McCabe, 1992) worldwide also requires attention to the health consequences of gender, especially violations of reproductive rights and sexual violence against women. (Khanna, 2008) Recently, cases of rape have been increasing. In a country like Indonesia, where literacy rates, socioeconomic status, quality of life are all fluctuating, the legal system plays a significant role in rape convictions. (Shivakumar & Pradeep Kumar, 2015). Understanding the spread and impact of physical and psychological violence from sexual violence (Deb & Walsh, 2012) and understanding attitudes towards violence against women is essential for an effective prevention strategy. (Nayak et al., 2003) The state must closely monitor the social interactions of community subjects and routinely resolve problems arising from cases of sexual violence (Imam, 2014).

Sexual violence against women is one of the severe problems faced by all countries, especially Indonesia. (Qotimah & Azizah, 2020) Most of these cases are still unresolved. (Htun, 2007) Women are victims of sexual harassment in various countries, including Indonesia. They often carry a lot of weight. After all, they are victims, and they often fail to get justice.

Not to mention family rejection and years of stalled legal efforts. So it takes the role of the state, politicians, and law enforcement to be in charge of protecting women's rights (Shrivastava, 2021). The Indonesian government issued a law (Puri et al., 2011). Recent amendments to the criminal law and state policies towards women will provide a firm grip to legal institutions to stop these crimes (Shivakumar & Pradeep Kumar, 2015).

Bunche said that women's issues must be the focus of national attention at the national, regional, and international levels. Only in this way can women's problems be considered problems of the state and nation, not just women's groups. (Astuti et al., 2015) Legal protection is critical and affects the justice of all citizens. According to the concept of restorative justice, handling crimes that occur is the responsibility of both the state and the community. Therefore, the idea of restorative justice is based on the understanding that crimes that cause harm must be remedied, including losses suffered by victims and losses borne by the community (Wadjo & Saimima, 2020)

In addition, the Committee on the Elimination of Discrimination against Women condemns sexual violence against women. In order to maintain international peace and security, the United Nations Security Council passed Resolution 1820 in 2008. Therefore, the United Nations views sexual violence as a transnational crime. According to Article 7(1)(g) of the Rome Statute of the International Criminal Court, it reads as follows: "For this Statute, 'crimes against humanity' means crimes committed as part of a broad or systematic crime. Any of the following activities: Attacks against any civilian

population and knowledge of the attack: (g) rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization, or any other form of severe sexual violence (Hilmi, 2019).

Therefore, Indonesia or all countries are responsible for handling cases of sexual violence according to the applicable law so that these actions can be stopped. According to William N. Dunn, what is meant by policy analysis is Intellectual and practical activity to create, critically assess, and communicate knowledge about and in the policy process. Policy analysis is an applied social science discipline that uses multiple assessment methods in the context of political argumentation and debate to critically assess and communicate policy-relevant knowledge (Trafficking & Dan, 2016).

Dror (in Wahab 2012) defines policy analysis as an approach and methodologies for designing and finding alternatives related to several complex policy issues (Affrian, 2012). Policy analysis can also be understood as an applied social science discipline that uses various types of inquiry methods and arguments to generate and transform policy-relevant information used in the political field to solve policy problems. (Moch. Bahak Udin By Arifin, S.Pd .I., M.Pd.I. Nurdyansyah, S.Pd., 2018) hopes that the policies that have been implemented will be able to stop sexual violence against women, but in fact, they are still not adequate, so this study aims to see how the role of the Indonesian government in handling cases of sexual violence has changed.

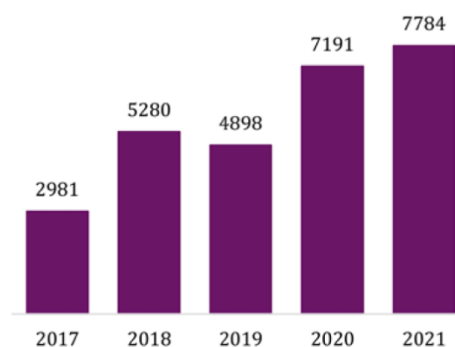
Methods

This research is qualitative research following Denzin and Lincoln (1994:2) (Sulaksono & Efendi, 2019). This article uses qualitative research, which further analyzes data on cases of sexual violence taken from Komnas Perempuan data and news media using NVivo 12 Plus software as an easy-to-use application (Rahmat et al., 2019). From online media data or news then in NCapture, coded to the NVivo application, and analyzed.

Result and Discussion

Sexual violence is one of several forms of violence currently experienced by women. According to the World Health Organization, sexual violence is any act or attempt at sexual intercourse, which includes "unwanted sexual intercourse" comments or advances, or acts to traffic or otherwise directed against a person's sexuality using coercion by anyone regardless of their relationship to the victim, in any context" (WHO, 2002, p. 149).

Number of Sexual Violence Cases in Indonesia



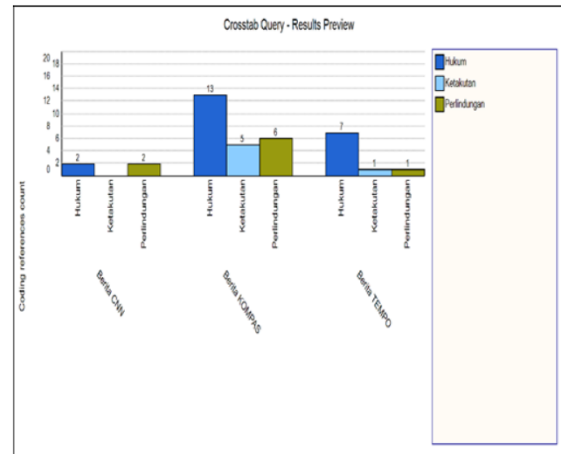
Violence cases in Indonesia are not new, but these actions continue to occur every day, month, even year. Below is a

graph of the increase in cases of sexual violence.

From graph 1, it has been shown that every year cases of sexual violence increase, through KemenPPPA sources that in 2017 there were 2,981, 2018 there were 5,280, 2019 there were 4,898, 2020 there were 7,191, and in 2021 there were 7,784 cases of sexual violence. Data obtained from KemenPPPA currently shows that Indonesia is in a state of emergency related to violence against women because it is seen from the development of women's protection from structural and cultural threats and tracing the delay in protecting women from the threat of violence. So that every year the number of cases of sexual violence always increases. (Nelmawarni et al., 2021)

Barriers to Handling Sexual Violence Cases.

Sexual violence has always been a significant threat to the Indonesian people, with most victims being women (Famelasari & Prastiwi, 2021). Cases of sexual violence have resurfaced in recent times. Unfortunately, some have committed suicide because the perpetrators are not responsible for their treatment and do not get fair treatment from the law. Even though the government or the state has not handled it correctly, they do not get justice.



Graph 2. Relation of Barriers and online media

Graph 2 shows that in the analysis of Crosstab Query, there are three indicators of barriers, namely Law, Fear, and Protection. Meanwhile, CNN, Kompas, and Tempo are judging by online media. Efforts by legal protection agencies or advocacy institutions to create good law enforcement require supporting factors to develop excellent and adequate legal protection. (Wadjo & Saimima, 2020) legal policies must be enforced for settlement in handling cases of sexual violence. The law cannot be used as a weapon because the law is an obstacle in handling cases of sexual violence. At the same time, every victim still feels fear because it seems as if the victim is the source of sexual violence and is even cornered and afraid to report it.

The protection of various sensitive issues infects women's lives, including sexual violence and crimes of sexual harassment. Women are easily the victims of deserving crimes. Protection is a form of action to prevent long-term oppression of women. Women or victims need legal protection, which is very important and affects the justice of all citizens. According to the concept of restorative justice,

handling crimes that occur is the responsibility of both the state and the community. Therefore, the idea of restorative justice is based on the understanding that crimes that cause harm must be recovered, including losses suffered by victims and losses borne by the community (Wadjo & Saimima, 2020).



Figure 1. Relationships related to cases of sexual violence against women.

This shows that the most prominent or dominant words are Victim, Violence, Sexuality, Woman, Case, Perpetrator, Harassment, Protection, Reporting, Law, Indonesian Police. From the terms above, there are interrelationships related to handling cases of sexual violence.

Handling Sexual Violence Cases.

Indonesia has laws and regulations that deal with cases of sexual violence, but if they are used, they remain unchanged through the United Nations in international law. Dealing with legal protection is necessary because it is essential and affects the justice of all citizens. According to the concept of restorative justice, handling crimes that occur is the responsibility of the state and

the responsibility of the community. Therefore, the idea of restorative justice is based on the understanding that criminal acts that have caused harm, both losses suffered by victims and losses borne by the community, must be restored (Wadjo & Saimima, 2020).

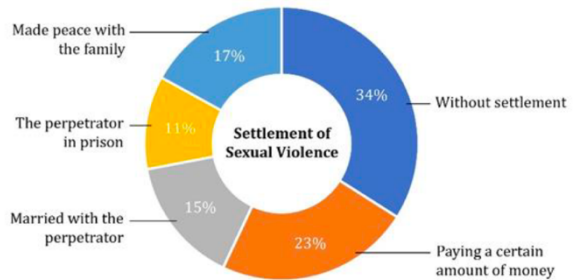


Figure 2. Settlement of Sexual Violence
Source: International NGO Forum on Indonesia Development (INFID), September 2020.

Without a settlement, paying the amount of money, and marrying the perpetrator, the perpetrator is imprisoned and reconciled amicably. In Indonesia, several laws and regulations provide legal protection for victims of sexual violence. Examples of relevant laws and regulations include the Criminal Code (KUHP), which guarantees punishment for rapists, and Law Number 23 of 2004 concerning the Elimination of Domestic Violence. However, Indonesian laws and regulations face problems regarding sexual violence in that these regulations are still regulated by separate rules. In Indonesia, there are no laws or regulations that regulate sexual violence.

In addition, the definition of sexual violence in several applicable provisions is limited to forced sexual relations; for example, sexual violence as regulated in Article 8 includes: (a) moving people living in the family to have sexual relations; (b) for commercial purposes and specific

purposes, forcing someone to have sex with other people in the family. (Law No. 23 of 2004, SK No. 95 of 2004, SK No. 4419, Article 8) (Rais et al., 2019). However, Figure 2 explains that the handling often carried out by the Indonesian government is without settlement, paying the amount of money, marrying the perpetrator, and being imprisoned and reconciled amicably.

Conclusion

Three factors become obstacles in handling cases of sexual violence, namely legal factors, fear, and inadequate protection. Because sexual violence against women is usually unresolved, resolve by paying a certain amount of money, marrying the perpetrator, imprisoning the perpetrator, and even making peace with the family. At the same time, the state's role is vital in handling cases of sexual violence through legal protection and influencing the justice of all citizens. However, the data obtained shows that lawful handling and safety are still ineffective (Sulaksono & Efendi, 2019). Women still experience sexual violence. The State of Indonesia uses various ways to handle cases of sexual violence with laws made on the Elimination of Domestic Violence or the Elimination of Sexual Violence. Seeing that cases of sexual violence are increasing every year, the Indonesian government is expected to be able to overcome and prevent acts of violence against women by issuing policies, enforcing justice without discrimination, and government institutions that handle women's protection. Provide strict sanctions against perpetrators of violence and oversee the policies that have been issued.

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