

THE MECHANISM OF THE CRIMINAL JUSTICE SYSTEM IN INDONESIA TOWARDS WOMEN'S LEGAL PROTECTION

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Abstract

The research discusses the pervasive issue of sexual violence against women, particularly within the context of domestic and sexual violence. The challenges faced by victims are multifaceted, encompassing psychological conditions, dependence on perpetrators, lack of support from family and society, patriarchal stigma, biased law enforcement, and a deficient legal and social protection system. The hierarchical relationship between victims and perpetrators is deeply rooted in patriarchal social constructions, further exacerbated by discriminatory policies, such as those found in marriage laws. The research emphasizes the economic dependence of victims and societal stigmatization of women's sexuality, attributing blame to victims rather than perpetrators. Existing legal frameworks, exemplified by the Criminal Code, are deemed inadequate and necessitate reform to address various forms of violence against women. The study employs normative legal research methods, utilizing statutory and conceptual approaches, document studies, and observations. Results indicate that the criminal justice system, while having dual functions of crime containment and secondary prevention, often becomes a criminogenous factor. The discussion underscores the need for a more comprehensive and gender-sensitive legal system, drawing attention to international legal instruments and domestic regulations aimed at protecting women's rights and ensuring justice. In conclusion, the abstract advocates for a legal system that integrates gender perspectives and emphasizes the importance of an interdisciplinary approach to maximize protection against violence targeting women.

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INTRODUCTION

Cases of sexual violence generally position women as victims. Cases of violence that often occur are in the area of

domestic violence (domestic violence) and sexual violence (Widyastuti, 2009). Many obstacles complicate the condition of victims. Starting from the psychological

condition and dependence of victims on perpetrators, the absence of family and environmental support, stigma given by society (patriarchy) to victims, bias of the apparatus (victim blaming or victim participating) to the absence of protection from the state through a legal and social system that discriminates against victims or even perpetuates violence itself through discriminatory policies against women (Yuliartini, 2022) (Pratomo, 2022).

The factor of dependence of the victim on the perpetrator both psychologically and economically becomes the initial obstacle for the victim to report and process the case further to the criminal legal channel. Dependence is often accompanied by the victim's concern about the possibility of increasing the quality of violence that the perpetrator will commit against him. The existence of a close and hierarchical relationship (dominance-subordination) between the victim and the perpetrator, which puts the victim in a powerless situation is the key to the problem of dependence of the victim." (Prawahyanti, 2007).

This hierarchical relationship is rooted in social construction in patriarchal societies that stereotypically place women as inferior beings, and ironically the state also perpetuates it, for example through policies regarding marriage. Article 31 and Article 34 of Law No. 1 of 1974 on Marriage states that the husband is the head of the household and the breadwinner, while the wife is the housekeeper (Wiranjaya & Ariana, 2016). Such constructions ultimately encourage and perpetuate women's dependence, at least economic dependence.

The stigmatization of women's sexuality (good women vis a vis bad women) seems to be firmly rooted in society. In

cases of violence against women, whether they occur in the domestic or public areas, such as cases of physical or sexual abuse such as rape, women as victims from the beginning have been suspected that they have more or less contributed to the incident that happened to them (victim participating). In fact, in many cases women are the victims who are actually blamed (Rodliyah, Putro, & Cahyowati, 2021). For example, with the phrase "it is natural to be raped or harassed because of a night home or work in a nightclub". Even the way of dressing is often the target of justification for what happened to the victim.

Previous research related to women's legal protection in the criminal justice system in Indonesia, namely Legal Protection for Women from Acts of Violence, the results of the study showed, the development of crime, including crimes of violence against women, both physical violence and sexual violence has been very worrying, therefore prevention and mitigation must be carried out through an integral policy between criminal politics and politics welfare (Rochaeti, 2005). The next research is the Role of Law in Providing Protection to Women from Violence in the Globalization Era, the results of her research show, the role of law in providing protection for women acts of violence can be carried out by women against their rights and obligations: increasing public awareness of the importance of tackling violence against women; need coordination between countries in carrying out countermeasures cooperation; raising awareness of law enforcement officials to act against victims; increasing the role of mass media; improvement of the criminal justice system; Reform of the service system improves the program of guidance for victims and perpetrators (Sudiarti, 2007). Legal

Protection for Women in the Integrated Criminal Justice System Handling Cases of Violence Against Women in Indonesia, it is known that the law in Indonesia has not provided optimal protection for women's rights both as humans and citizens. Some applicable national laws actually provide opportunities for violations of women's rights and are based on gender injustice (Luhulima, 2007). Referring to applicable laws, especially the Criminal Code (KUHP) and the Code of Criminal Procedure (KUHAP), in its formulation (principles and norms) have discriminated against women. The reality of women's experience is disqualified as something that is not important to be formulated in law. Basically, the law is not something static, the law must develop in response to the needs in society, in this case the needs of women's groups as victims of violence who are often marginalized. It is in this context that it is important to build a system.

Based on this background, it is necessary to conduct scientific research through normative legal research, the focus of the problems analyzed in the research is how legal protection for women in the criminal justice system in Indonesia.

The purpose of this study is to examine and analyze legal protection for women in the criminal justice system in Indonesia. This study uses a normative approach in legal research, focusing on the analysis of issues related to legal protection for women in the criminal justice system.

METHOD

This research is Normative research. Normative legal research is also called doctrinal legal research (Tanya & Bana, 2011). The approaches used are the statutory approach (statute approach) and

the conceptual approach (conceptual approach). Techniques for collecting legal materials using document studies and observations.

The approach used involves two aspects, namely the statutory approach (statute approach) and the conceptual approach (conceptual approach). The statutory approach shows that this study will analyze and interpret applicable regulations or laws. Meanwhile, the conceptual approach suggests that this research will also involve an analysis of legal concepts.

The technique of collecting legal material is carried out through the study of documents and observation. The study of documents includes analysis of the text of laws, court rulings, and other legal literature. Observation may involve direct observation of the implementation of laws or behaviors related to research.

RESULTS AND DISCUSSION

Legal Protection for Women in Indonesia's Criminal Justice System

The Criminal Justice System is essentially identical to the criminal law enforcement system (SPHP). The law enforcement system is basically a system of power or authority to enforce the law. The authority or power to enforce this law can also be identified with the term "judicial power". The Criminal Justice System which is essentially a "system of power to enforce criminal law" or "a system of judicial power in the field of law

criminal", embodied or implemented in 4 (four) sub-systems, namely:

1. Investigative power: by investigating bodies or agencies;
2. Prosecution power: by the public prosecutor's body or agency;

3. Power to try and impose judgments or criminal : by the judiciary;
4. Power to execute judgments or criminals: by the implementing body or apparatus
5. /execution.

The criminal justice system has two double functional dimensions. On the one hand, it functions as a means for society to contain and control crime at a certain level (crime containment system). On the other hand, the criminal justice system also functions for secondary prevention, which is to try to reduce criminality among those who have committed crimes and those who intend to commit crimes, through the process of detection, conviction and execution of crimes (Kusumaatmadja, 2000). However, the criminal justice system has this dual dimension, often the criminal justice system becomes a criminogenous factor from the cause of further crimes or Followup.

The Criminal Code, particularly the provisions in the chapter on Crimes against Decency and other provisions scattered in other chapters relating to gender-based crimes as the only rules in national law used to protect women from violence, were inadequate for the protection of women. In addition to requiring reformulation, it also needs to be added with a ban on other forms of violence against women that have not been formulated in law such as marital rape, child marriage, female child circumcision, especially those that cause health problems including reproductive health, and others.

The reality in society shows that the law in Indonesia has not provided optimal protection for women's rights both as human beings and citizens of the world community. Some applicable laws actually provide opportunities for violations of women's rights

and are based on gender injustice. Various forms of discrimination and violence against women that have occurred have worsened women's living conditions and hindered women's equal rights. Women as human beings deserve fair treatment and do not receive discrimination or violence by anyone, anywhere and under any conditions (Rodliyah et al., 2021) (Rahmi, 2019).

The existing criminal justice system in Indonesia, as illustrated in the Criminal Procedure Code (Law No. 8 of 1981) is a portrait of existing criminal law instruments in Indonesia, expected to oversee the enforcement of material criminal law, but the fundamental weakness of the Criminal Procedure Code is the neglect of the rights of suspects/defendants/convicts and victims of crime in the process of handling criminal cases committed by suspects/defendants/convicts, As well as the consequences that must be borne by victims of crime who must be considered, the possibility of obtaining legal protection of their rights as victims of crime, do not receive adequate arrangements (Samsi, 2019) (Hutauruk, 2021).

Juridically, before the birth of Law No. 23 of 2004 concerning the Elimination of Domestic Violence, the issue of violence against women only refers to one Codification of Indonesian Criminal Law, namely the Criminal Code, this legal instrument is a legacy of the Dutch Colonial which was adopted as a law in 1946, although several times it has undergone revisions but until now it has only been limited to the concept, while its application still uses the colonial product as long as the concepts of the new Criminal Code have not been passed as law. Against this background, many forms of violence against women have not been adopted in the

Criminal Code which has been used as a reference for handling cases of violence against women. In addition, the existing articles also still have nuances of the colonial government, which does not provide protection and justice to women victims of violence.

The main question that counts can be described as why the law instead of providing protection but actually committing violence against women is a matter of culture and patriarchal mindset that reflects how men treat women. In turn, this mindset is then translated into legal devices. With this mindset, lawmakers and policymakers are unable to see the core problem of violence experienced by women as the basis for making laws or laws. Thus, the product or device of the law ultimately cannot represent the interests of women as victims of violence (Izzati, 2016) (Faulks, 2019).

Protection of women's rights has been regulated in various human rights instruments, both national and international. But in everyday life, the guarantee of protection of women's rights has not been fulfilled optimally.

Legal Protection for Women in International Legal Instruments.

The 1948 UN Declaration of Human Rights affirmed that: "everyone is born with the right to freedom and equal dignity". This affirmation is symbolic of a social life with a vision of the need to respect the humanity of everyone regardless of race, color, religious belief, politics, language and gender. Human Rights (HAM) are inherent rights that are inherent in every human being since the human being was born and without these rights humans cannot grow and develop as a complete human being. Without human rights, human beings cannot develop talents and meet their needs, which include civil and

political rights, social, economic, cultural rights and the right to develop. Women have the right to protection of their human rights. Violence against women is a violation of human rights, which can be in the form of violations of: the right to life, the right to equality, the right to personal liberty and security, the right to equal protection in public, the right to the best possible physical health services, the right to decent work and good working conditions, the right to further education and the right not to suffer persecution or other forms of cruelty, Inhuman treatment or torture that is arbitrary (Arianta, Mangku, & Yuliantini, 2020).

It can be said that women have the right to enjoy and obtain human rights protection in the political, economic, social, cultural, civil, and other fields. The protection of these rights was agreed by the international community to accept the Declaration on the Elimination of Discrimination Against Women in 1967, the Convention on the Elimination of All Forms of Discrimination Against Women in 1979 which was declared in force in 1981, and the Declaration on the Elimination of Violence Against Women in 1993 (Triwati, 2019).

Indonesia has ratified the Convention on the Elimination of All Forms of Discrimination Against Women by issuing Law Number 7 of 1984 concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women. With the ratification, Indonesia gave a commitment and promise to make laws and regulations that guarantee the elimination of discriminatory treatment against women, implement the principles and uphold women's rights as stipulated by the Convention on the Elimination of All Forms of Discrimination Against Women (this is known as the Women's Convention).

The Convention on the Elimination of All Forms of Discrimination Against Women is based on 3 (three) principles, namely:

1. The principle of Substantive Equation, which includes:
 - Measures to realize women's rights are aimed at overcoming differences, disparities, or circumstances that disadvantage women.
 - Substantive equality with the correction approach are specific steps so that women have access and can enjoy the same benefits as men from existing opportunities and opportunities.
 - The Convention on the Elimination of All Forms of Discrimination against Women requires governments to base policies and measures for women on the following principles:
 - a. Equality of opportunity between men and women.
 - b. Women and men are equal to enjoying the results of using the opportunity, which means that women and men enjoy equal benefits.
 - c. Equal legal rights between women and men: in citizenship, in marriage and family relationships, to guardianship of children, equality in law and equal treatment before the law (Irianto & Trisnohandoko, 2014).
2. Principle of Non-Discrimination

Article 1 of the Convention on the Elimination of All Forms of Women's Discrimination defines the meaning of discrimination against women, namely, "Any discrimination against women, exclusion, restriction made on the basis of sex, which has the effect or purpose of reducing or eliminating the recognition, enjoyment or exercise of human rights and fundamental freedoms

in the political, economic, social, cultural, civil or other fields by women, regardless of their marital status, on the basis of equality between men and women".

3. Discrimination against women can take the form of, among others, direct discrimination, which occurs if someone is treated differently openly and directly, in the form of discrimination in behavior, attitudes or consequences of a regulation. Discrimination indirectly, occurs if a rule or policy is the same but results only in certain groups or genders that are favored. Systemic discrimination, occurring as a result of injustices rooted in history, customs, norms or societal structures that bequeath discriminatory circumstances. Principles of State Obligations which include:
 - Guarantee women's rights through law and policy, and guarantee the result (obligation of result)
 - Ensure the practical implementation of these rights through specific measures or rules, creating conditions conducive to enhancing women's access to existing opportunities and opportunities.
 - The state not only guarantees but also realizes women's rights.
 - The state guarantees not only de-jure but also de-facto.
 - The state must not only regulate it around the public but also the actions of people or persons and institutions in the private (family) and private sectors.

Based on the Beijing Declaration and Platform for Action (Action Plan of the IV World Conference on Women in Beijing in

1995) (Nurlatifah, 2019). the scope of violence against women, namely:

1. Physical, sexual and psychological violence that occurs in the family.
2. Physical, sexual and psychological violence in the general public.
3. Physical, sexual and psychological violence that is silenced by the State wherever it occurs.
4. Other violence against women includes violations of women's human rights in times of armed conflict.
5. Violence against women related to birth control. This declaration indicates that there are several groups of women who are vulnerable to violence in particular, namely women from minority groups, women from indigenous groups, refugee women, migrant women, including women migrant workers, women living in poverty both in rural and remote areas, women in prisons or in detention, girls, women with disabilities, elderly women, and women living in an atmosphere of armed conflict.

Legal Protection for Women in National Law

The Criminal Code, particularly the provisions in the chapter on Crimes against Decency and other provisions scattered in other chapters relating to gender-based crimes as the only rules in national law used to protect women from violence, were inadequate for the protection of women. In addition to requiring reformulation, it also needs to be added with a ban on other forms of violence against women that have not been formulated in law such as marital rape, child marriage, female child circumcision, especially those that cause health problems including reproductive health, and others.

The reality in society shows that the law in Indonesia has not provided optimal protection for women's rights both as human beings.

a. The Criminal Code and Women's Sense of Justice

The Criminal Code, especially the provisions in the chapter on Crimes against Decency and other provisions scattered in various other chapters relating to gender-based crimes as the only rules in national law used to protect women from violence, were not adequate for the protection of women.

The Criminal Code has not provided optimal protection for women and has not fulfilled the sense of justice for women as victims of violence. This is because:

1. The Criminal Code does not recognize gender-based violence which in itself causes women not to be seen as having authority over their own bodies and lives;
 - a. The Criminal Code does not recognize sexual harassment. Many cases of sexual violence cannot be processed at the initial level or the police because there is no article that explicitly mentions sexual harassment. Processing acts of sexual harassment is feared by quite a lot of law enforcement will be contrary to legal principles.
 - b. The Penal Code defines the issue of fornication in several articles under the chapter on the crime of decency. As a result, in practice there are often cases of rape which, because the elements are only partially proven, are only categorized as obscene acts. Though lewd acts are very different from rape. Not only

that, due to the thin difference between lewd acts and rape, rape often falls in the area of complaint offenses.

- c. The Criminal Code does not define rape of girls, so often rape of girls falls into the category of lewd acts against girls.
 2. The Criminal Code does not recognize domestic violence, in this case against wives (domestic violence), as a result, reports of violence against women in domestic areas (households) are often rejected by the police for further processing.
- b. *Trafficking in Women*

The exploitation of women by the local and global sex industry is a violation of human rights because it has clearly reduced women's bodies to commodities. Meanwhile, trafficking in women has been regarded as a "pleasure" for sex service users and as a source of income for those engaged in the sex industry, prostitution, trafficking in women and other leisure business-related practices. Essentially, this trafficking of women is a form of sexual violence and places women in a very destructive and degraded physical and mental condition. The Penal Code itself does not clearly define what constitutes sex trafficking. In general, however, sex trafficking is the delivery, sale and trafficking of women for the purpose of prostitution, forced labor and sexual slavery within the country concerned or abroad. This sex trafficking includes acts that use violence such as kidnapping, or using threats, inducements, fraud, false promises and other forms and practices that lead to the exploitation of women

such as prostitution, sexual performances, sex tours, pornography and others.

Article 297 of the Criminal Code on the prohibition of trafficking in women is still gender-biased, which only protects women and boys, does not protect adult men and girls who can also be objects of trafficking. Article 297 of the Penal Code states: Trafficking in women and trafficking in minors is punishable by imprisonment for up to six years.

Legal Protection for Women Facing the Law in the Criminal Justice System

Radbruch put forward three basic values in law. According to Radbruch, the law is required to fulfill various works that are all three referred to as the basic values of the law. The three basic values are justice, usefulness (Zweckmaszigkeit) and legal certainty. In the context of Radbruch's legal politics, justice is the central point in law. The other two aspects, namely certainty and expediency, are not stand-alone units. Certainty and expediency must be placed within the framework of justice itself (Efendi, 2018) (YUNANTO & Turisno, 2018).

According to Mochtar Kusumaatmadja, "a positive legal system which means that it cannot but be based on justice, injustice will disturb the order that is precisely the legal order. Disturbed order means that order and therefore certainty are no longer guaranteed." 17 Based on this statement, it can be said that justice is the basis for the formation of law, so that the law should provide the value of justice for society. Injustice will cause discomfort and the balance of society is disturbed.

Justice is a goal for society, including women facing the law, so that in the criminal justice process the state is obliged to provide access for women facing the law to

obtain justice. Access to justice is part of the state's efforts to realize the state's goal of protecting its people. The Convention on the Elimination of All Forms of Discrimination Against Women, in Article 15 paragraphs (1) and (2) provides:

1. States Parties shall grant women equality with men before the law.
2. States Parties shall grant women, in civil matters, the same legal capacities as men and equal opportunities to exercise such capacities. In particular, States shall grant women equal rights to covenant and manage wealth, and shall treat them equally at every stage of proceedings and tribunals.

Under these provisions, Indonesia is obliged to provide equal opportunities for women before the law, including the right to equal treatment during court hearings. The right to obtain justice, including for women facing the law in the judicial process, among which has been regulated in Law No. 39 of 1999 concerning Human Rights, Article 17 regulates:

"Everyone without discrimination, has the right to obtain justice by filing applications, complaints, and lawsuits, both in criminal, civil, and administrative cases and to be tried through a free and impartial judicial process, in accordance with the procedural law that guarantees objective examination by an honest and fair judge to obtain a fair and correct verdict"

Everyone who is faced with the law, has the right to obtain justice whether in criminal, civil, or administrative cases. Access to such justice can be obtained through lawsuits, reports, complaints and appeals. Judges in carrying out their duties to examine and decide cases, must be objective, honest and fair so that a fair and correct verdict is obtained. The

independence and objectivity of judges without interference from other parties in deciding a case in accordance with Article 3 of Law No. 48 of 2009 concerning Judicial Power which provides:

1. In carrying out their duties and functions, judges and constitutional judges are obliged to maintain judicial independence.
2. Any interference in judicial affairs by other parties outside the judicial power is prohibited, except in matters referred to in the NRI Constitution of 1945.
3. Any person who intentionally violates the provisions referred to in paragraph (2) shall be punished in accordance with the provisions of laws and regulations.

In criminal procedural law, the Criminal Procedure Code explicitly regulates the rights of suspects and defendants, including children as perpetrators of criminal acts or children in conflict with the law (furthermore, children who conflict with the law are specifically regulated in Law No. 11 of 2012 concerning the Juvenile Criminal Justice System). The regulation of the rights of suspects and defendants is part of the protection of human rights, including the rights of a person suspected of committing a criminal act. The Criminal Procedure Code as a procedural law in the criminal justice system is a guideline in examining cases from the level of investigation, prosecution to examination in court.

Indonesia as a country that has ratified the Convention on the Elimination of All Forms of Discrimination Against Women, is obliged to provide access to women to obtain justice and be free from discrimination in the justice system. Access to justice for women facing the law is accommodated by the state with Supreme Court Regulation Number 3 of 2017 concerning Guidelines for

Prosecuting Women Against the Law (Perma No.3 of 2017 concerning Guidelines for Prosecuting Women Against the Law).

Article 2 of Perma No.3 of 2017 concerning Guidelines for Prosecuting Women Facing the Law, judges in prosecuting women face the law based on the principles of:

1. Respect for human dignity and dignity;
2. Non-discrimination;
3. Gender equality;
4. Equality before the law;
5. Justice;
6. Benefits; and
7. Legal certainty.

Judges in trying women face the law while maintaining and respecting the dignity and dignity of women, by not distinguishing or non-discrimination, and maintaining a balance of gender equality. Gender equality is the equality and balance of conditions between men and women to obtain opportunities and rights as human beings to be able to play and participate in various fields (Article 1 number 4 of Perma No.3 of 2017). In accordance with Article 3 of Perma No.3 of 2017, guidelines for adjudicating women's cases facing the law are made so that judges:

1. Understand and apply the principles referred to in Article 2;
2. Identify unequal treatment resulting in discrimination against women; and
3. Ensure women's right to equal access to justice.

In the criminal justice process at the examination stage in court, women face the law, according to the provisions of Article 5 of Perma No.3 of 2017, judges may not:

1. Showing attitudes or issuing statements that demean, blame and/or intimidate women in the face of the law;

2. Justify discrimination against women vis-à-vis using culture, customary rules and other traditional practices or using gender-biased expert interpretations;
3. Questioning and/or considering the victim's sexual experience or background as a basis for acquitting the perpetrator or mitigating the offender's sentence; and
4. Issue statements or views that contain gender stereotypes.

Based on the provisions of Article 5, judges must be objective in examining women against the law by considering gender equality and avoiding discrimination based on customary rules or traditional practices. In this case, women's access to justice is faced with the law, namely judges in case hearings must not justify discrimination using culture, customary rules and other traditional practices.

In the examination of women as victims, judges are not allowed to ask about the background of the victim's sexuality which is then used as a basis for acquitting or giving a sentence that mitigates the perpetrator. The judge bases the verdict on the facts at trial and the value of community justice. In addition, judges are prohibited from giving statements or opinions or views that contain gender stereotypes, namely general views or impressions about attributes or characteristics that should be owned and acted by women or men (Article 1 number 7 of Perma No.3 of 2017).

Judges in adjudicating women's cases face the law, according to Article 6 of Perma No.3 of 2017:

1. Considering gender equality and gender stereotypes in laws and unwritten laws;
2. Interpret laws and/or unwritten laws that can guarantee gender equality;

3. Exploring legal values, local wisdom and a sense of justice that lives in the community to ensure gender equality, equal protection and non-discrimination; and
4. Consider the application of ratified international conventions and treaties related to gender equality.

In sentencing women in conflict with the law, judges have considerations based on the facts at trial, but judges are also obliged to explore the values that live in society and international conventions and treaties that have been ratified. International conventions or agreements that have been ratified become guidelines in solving problems related to gender equality. This is to ensure gender equality, equal protection and non-discrimination.

For victims of criminal acts, Article 8 of Perma No.3 of 2017 stipulates:

1. The judge asked the woman as a victim about the loss, the impact of the case and the need for recovery.
2. The judge must inform the victim of his right to merge cases in accordance with Article 98 of the Code of Criminal Procedure and/or ordinary lawsuits or requests for restitution as stipulated in statutory provisions.

Legal protection for women as victims can be seen from the provisions of Article 8 which is an advice from the judge to women as victims to make a lawsuit or request restitution. Victims have the right to restitution or compensation and restoration of both psychological and physical conditions resulting from criminal acts.

Access to justice as legal protection for women facing the law has been accommodated in laws and regulations. In prosecuting women facing the law, judges have considerations based on the facts at

trial, exploring the values that live in society, international conventions and agreements related to gender equality that have been ratified. The State makes regulations for judges as a guideline in prosecuting women against the law, to ensure gender equality, equal protection and non-discrimination.¹⁸

However, the legal provisions that have been issued need to be increased to integrate the criminal justice system in an integrative manner, legal protection for cases of violence against women has not received maximum attention from both the government, society and existing legal rules. The Criminal Justice System in Indonesia has not provided maximum protection for cases of violence against women, so it is necessary to make a breakthrough or renewal of the legal system towards a more gender-perspective legal system by strengthening legal substance, legal structure and legal culture.

CONCLUSION

The basis for providing protection for women's rights has been regulated in various human rights instruments, both national and international. The Criminal Code, especially the provisions in the chapter on Crimes against Decency spread across other chapters related to gender-based crimes used to protect women from violence, was not adequate for the protection of women, so it requires reformulation, also needs to be added with a ban on other forms of violence against women that have not been formulated in law such as marital rape, Child marriage, female circumcision especially cause health problems including reproductive health, and others.

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