

Raising Awareness of Gender-Based Violence on Heaven Earth

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Abstract

This study criticizes the attitude of Indonesian government and provides policy recommendations to tackle the structural problem lied under the violence against women. The methods that are in the form of normative research approach conceptually, with the study of documents as well as secondary legal literatures. The rate of violence against women keeps increasing each year. It assesses Indonesia to be a state of sexual violence emergency. Meanwhile, the Indonesian government seeks to aggravate the punishment for perpetrators to increase the maximum period of imprisonment for 20 years and provide additional punishment in the form of chemical castration, chip mounting, and the publication of the identity of the perpetrators. On the other hand, The National Commission on Violence Against Women's demand to strengthen Indonesian law implementation first before others. This research is about to seek what best resolution could be obtained from the dispute while analyzing the case from the view of feminism.

Keywords: Gender, Government, Policy, Punishment, Sexual, Violence.

1. Thesis statement

1.1 Research Background

Being named as a heaven earth, Indonesia is known for its enriched natural resources. The Westerns believe Indonesia is the superpower country in South Asia. Yet it does not make Indonesia to be the safest place on earth for women. It had been recorded in the 2015 there were 321.752 cases of violence against women - around 881 cases every day. The 305.535 cases were obtained from the religious court data and the 16.217 cases were reported from other NGOs (The National Commission on Violence Against Women, 2015).

Meanwhile in 2016, according to Annual Report of violence against women of National Commission for Women, sexual violence is ranked at a second level with the number of cases reached 2,399 cases (72%), sexual abuse reached 601 cases (18%) and sexual harassment reached 166 cases (5%). Although Indonesia is not included on the list of countries with the highest rate of child sexual abuse in the world, Indonesia has experienced a deterioration in terms of child protection. National Child Protection Commission noted earlier in 2014 from the 2,726 violence against children (56% in the form of sexual harassment). From these numbers, only 179 came to complain to the Witness and Victim Protection Agency. According to their observations, the rate of violence against women increased by 9% from the previous year (The National Commission on Violence Against Women, 2016). It assesses Indonesia to be a state of sexual violence emergency.

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The Indonesian government seeks to aggravate the punishment for perpetrators to increase the maximum period of imprisonment for 20 years and provide additional punishment in the form of chemical castration, chip mounting, and the publication of the identity of the perpetrators. On the other hand, The National Commission on Violence Against Women demand to strengthen Indonesian law implementation first before others. While the media keep exposing the cases in order to gain solidarity among societies as well as the social media. Two months ago, a teenage girl died horribly after 14 boys raped her (among them are students). The girl, named Yuyun, was being gang-raped on the way home from her school. Later she was killed and dumped into a shrubbery. Yuyun corpses were discovered three days after. She was wounded and naked yet her arms and legs were. The incident became headlines in newspapers and television, also viral on social media such as Twitter and Facebook. Police today have reported that they have arrested the 14 perpetrators. Campaign on social media such as Twitter and Facebook lasted intensively with the hashtag #NyalaUntukYuyun. Shortly after, the similar tragedies again happened, a girl was raped inside her dormitory, killed sadistically with a hoe for refusing to a sexual intercourse with her partner. Then another scene was a girl raped by 19 people in which the two perpetrators are police officers.

It is not possible that the list of rape victims like women and children does not seem to be continue. President Joko Widodo has determined that sexual violence is a form of extraordinary crime which requires exceptional handling. Since then, the debates over a life sentence, chemical castration, to the death penalty as the appropriate punishment for the barbaric perpetrators are discussed in the society. The finalization toward the discourse of the death penalty and castration takes form into the revision of the second amendment of Law No. 23 of 2002 on Child Protection. In another name, it is called PERPU that stands for Government Regulation in Lieu of Law.

The PERPU of Castration is basically a second reform of Law No. 35 of 2014 about child protection which adds chapters 81 and 82 about the mentioned sanctions. In fact, in 2014 the government and the House of Representatives have aggravated the penalty as referred to those two articles. Maximum fines for offenders who force children to perform sexual intercourse with only 300 million Rupiah is increased to 5 billion Rupiah. The minimum prison sentence has been converted to 5 years from 3 years. While the maximum penalty is lengthened from 15 years becomes 20 years. This penalty is applied for offenders who are closely familial related to the victim such as caregivers, parents, and godparents.

The PERPU of Castration which is legitimized by Indonesian president and supported by other ministries are not surprisingly causing controversy. Some previous cases of rape and gender sexual violence were not handled properly. A jaw dropping suggestion from the government was once to put the victims and the perpetrators together in a legal marriage. Then, there was a shocking statement from politics elites who said that when victims with improper outfits are to be blamed for tempting the perpetrators. Next controversial statement mentioned that the victims enjoy the rape. While the Ministry of Women's Empowerment and Child Protection, Yohana Susana Yembise, stated that parents are the ones to blame for not well-protecting their children and will receive sanctions too. Furthermore, because of the pros and cons, the PERPU of Castration has not received approval from the House of Representatives until today.

To be criticized, the Indonesian government tends to set up the policies based on the quantity of the penalty. The government's plan toward handling the victims and prevention is barely missed out by the pretty much emotional willingness to punish the perpetrators. This paper will seek out how feminism view the Indonesian government's new penalty over gender-based violence happened recently and recommend some ways to prevent similar or even inhuman form of gender-based violence in the future.

1.2 Research Question

This research is aimed to answer these questions:

- 1) How does the feminist perceive the Indonesian government's new penalty over gender-based violence happened recently?
- 2) What can feminist suggest to Indonesian government to have a sustainable and supporting policy to prevent gender-based violence in the future?

1.3 Hypothesis

To prolong the punishment for perpetrators into the maximum period of imprisonment for 20 years and additional punishment such as chemical castration and death penalty are both ineffective and powerless to resolve the criminal series while the law implementation is still weak. Feminists perceive rapes happened because of the imbalance power in the context of gender relations. As a study which is not only focusing on 'the top of the iceberg' factor, feminism is able to suggest that victims protection and recoveries as well as gender-based violence awareness raising can be the most effective outcomes for this jeopardize living circumstances, for the legal enforcement is not enough.

2. Methodology

This research will elaborate how the Indonesian government's new penalty over gender-based violence that happened recently is perceived from the view of feminism and recommend some ways to prevent gender-based violence in the future. The data presented is secondary data obtained through a review of literature and literature such as books, internet, and others. The used analysis technique is qualitative analysis techniques. This paper take a standpoint by using the perspective of feminism. To address the research questions, this research is provided with some concepts and theories, such as: the concept of gender to understand, the definition of gender-based violence including sexual harassment, sexual assault, and rape; and the feminist theory of sexual coercion. The implications of the applied concepts and theories will be used as a guidelines for policy recommendations.

3. Results

The discourse toward the increasing of sexual harassment in Indonesia in year 2016 should not stop on the level of sentences. As the data confirms the urgent situation, it will be important to take one step ahead to victims protection and recoveries as well as gender-based violence prevent. By issuing the PERPU of Castration (regardless

the Convention against Torture that has been ratified) and suggesting psycho-counselling, Indonesian government care more to the effect rather than the prevention. Moreover, the perspective of feminism will say that the death penalty and the castration policy are not solutions for sexual violence. The rapes happened mostly because there is the dominance of the perpetrators over the victims for power instead of sexually driven acts. In other words, the castration policy which Indonesian government try to impose will not deprive the power. The worst thing might happen is that these perpetrators will always seek out to do with some other tools and it will lead to other inhuman crimes. Thus, the priority action needed to be taken precisely instead of focusing on the punishment. Indonesian government should prior the safety of women and children. In the same time, there are still many unreported cases due to the blaming of the victims and the neglect of the legal apparatus. Therefore, the law enforcement system must be started from the police department, judiciary, prosecution, up to the judge who sentence the perpetrators. Indonesian government should assure whether they have a strong legal structure to punish the perpetrators before imposing the policy.

Conclusion and implications

All sorts of additional punishment by the government will never be able to work effectively if the government continues to ignore what exactly the causes of rape. Furthermore, according to feminist perspective, first things first is raising awareness among the society about the rape is not merely about an act of crime but as a form of gender-based violence, and educate people to provide protection for victims and prevention. Thus, this research provide some policy recommendations to be considered by government especially the department of Women's Empowerment and Child Protection by putting the emphasize on the raising awareness:

- (1) Raising awareness program for department staff of Women's Empowerment and Child Protection
- (2) Raising awareness on gender, sexuality, and reproduction health TO civil society by cooperating with the women-concerned local NGOs
- (3) Raising awareness to the media about gender-sensitive report to avoid victims condemnation
- (4) Socializing the procedure of sexual violence reporting to society regarding their rights
- (5) Providing the accessible sexual harassment complaint agency
- (6) Upholding imprison punishment, social sanction, and rehabilitation for the perpetrators
- (7) Enacting psycho-counselling program and victims safety
- (8) Developing education system with the emphasize on moral and character building for students

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