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Ecofeminist Movement: Roles of Youth in Community-Based Waste Recycling Management

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ABSTRACT

This study discusses a social enterprise for sustainable inorganic waste management called Daur Resik in the Special Region of Yogyakarta, Sukoharjo, Solo, and Magelang, developed by young women to solve waste management problems in the community. Daur Resik strengthens education through Trash for School activities and deals with issues of ecological justice and women. This research aims to analyze the role of young people in waste management in the Daur Resik community from an ecofeminist perspective. Qualitative descriptive methods were used in the research through literature review, observation, and in-depth interviews with the founders, front liners, and the community involved in Daur Resik activities in Yogyakarta. The data was analyzed using ecofeminism theory (perspectives of women, young people, children, elderly, and disabled) and sustainable development goals (SDGs). The results indicated that waste management and Recycling Education activities initiated by young people were, in practice, able to inspire communities (especially women, young people, and families) to change their lifestyle to be more environmentally friendly through responsible waste management, donation to public education, and support for the ratification of the TPKS Bill. In the educational process, Daur Resik maximizes social media in collaboration with universities, educational institutions, community organizations, and other feminist groups.

KEYWORDS: *ecofeminism, youth, waste management, Daur Resik*

INTRODUCTION

Humans and the environment cannot be separated; humans need the environment to survive and sustain human life (Safitri et al., 2020, p. 9). Meanwhile, the environment has its nature, and humans must adapt to environmental conditions, not vice versa. However, sometimes some people put themselves above the

sustainability of nature by making inappropriate lifestyle choices, such as throwing rubbish in rivers, on the side of the road, in the forest, or even in the sea. The habit of littering on an individual, household, or industrial scale is a form of poor appreciation of environmental sustainability by modern human behavior. Nowadays, waste

management is a significant problem in human life.

Waste is the remaining result of human activities thrown away because they are no longer helpful or are not wanted by their owners (Ani, 2023). According to the World Health Organization (WHO), waste is a thrown-away thing that is not used, worn, or liked and comes from human activities. Meanwhile, according to Law Number 18 of 2008 concerning Waste Management, waste is the remains of daily human activities or natural processes in solid or semi-solid form in biodegradable or non-degradable organic or inorganic substances considered no longer helpful and discharged into the environment.

According to merdeka.com, ten countries contribute the most plastic waste to the ocean ("Indonesia Masuk 10 Negara ASEAN Penyumbang Sampah Plastik ke Laut", 2021). In the first place is the Philippines, with 356,871 tons of waste. Then, in second place is India, with a total waste of 126,315 tons. In the third place is Malaysia 78,098 tons of waste. Meanwhile, China is fourth, with a total waste of 70,707 tons. In fifth place is Indonesia, with 56.33 tons of waste. Myanmar is sixth, with a total waste of 40,000 tons, and seventh, Brazil, with 37,799 tons. In eighth place is Vietnam, with a total waste of 28,221 tons. Ninth is Bangladesh, which has 24,640 tons of waste. In the last place is Thailand with total waste of 22,806 tons (Az-Zahra, 2023).

Of the total waste above, waste thrown into the sea has a negative impact on marine biota and humans. The waste will take hundreds of years to decompose completely.

Marine waste will become small particles, spread throughout the waters, and unknowingly eaten by marine animals. Based on the data from the Secretariat of the Convention on Biological Diversity, the United Nations Convention on Biological Diversity in 2016, marine debris has endangered more than 800 species. Of these 800 species, 40% endanger marine mammals and 44% are seabird species. In 2017, the UN Ocean Conference in New York stated that plastic waste in the ocean killed 1 million seabirds, 100 thousand marine mammals, sea turtles, and large numbers of fish every year (Finaka, 2019).

From the description above, the government and the world community should try to reduce inorganic waste entering the sea. One way to do this is by managing waste with the 3Rs: Reduce, Reuse, and Recycle (Fanani, 2022; Kumparan, 2023). Apart from that, there are also other methods that have been used by people in a community called *Daur Resik*. *Daur Resik* provides inorganic waste pickup and sorting services in Yogyakarta, Klaten, Solo, Sukoharjo, and Magelang. The social enterprise was built in 2017, although the *Daur Resik* branding was only created in 2019 (indorelawan.org, nd). Initially, *Daur Resik* focused on one type of recycling, Polyethylene Terephthalate (PET) plastic bottle packaging. However, since it was challenged that recycling plastic waste alone would not solve environmental problems, *Daur Resik* has started accepting other types of waste. *Daur Resik* provides alternative solutions for more responsible inorganic waste management through the 8R

approach, circular economy, and women's and environmental movements. The abbreviation of 8R is Rethink (change your mindset), Reduce, Reuse, Recycle, Refuse, Recover, Repair, and Regift (interview with Daur Resik founder, Maria Sucia, 2022; Diskominfo Jateng, 2023).

One of the interesting things is that the entire Daur Resik waste management process is initiated by young people under the age of thirty and is dominated by young women. *Daur Resik* program has now developed from Yogyakarta, initially, to Magelang, Klaten, Solo, and Sukoharjo. *Daur Resik* also donates to education costs through the Waste for Schools program (Admin Trash for Schools, nd). The program provides proceeds from sales/donations of waste to children for school fees. Currently, Daur Resik waste management activities have supported policy changes at the national level on women's issues by encouraging the ratification of the Elimination of Sexual Violence (RUU PKS) draft through discussions, Instagram talk-show, FGD, and vouchers and stickers distributions (interview with Ruri, 2022).

Considering that young people and many young women are involved in *Daur Resik* waste management activities, this research used a feminist approach from the perspective of the women's movement and young people fighting for women's rights and environmental sustainability. Julia (Julia, 2007) states that feminism is still often misunderstood. The word feminism comes from the French word femme, which means woman, with the suffix ism, which means

"political position". Therefore, according to McCann & Kim (as cited in Julia, 2007), feminism was initially defined as a "political position regarding women". The feminist movement began in the 15th century. In that century, Christine de Pizan wrote about the injustices experienced by women. However, the initial movement that was considered quite significant was the one in the 1800s. The movement is a struggle for political rights or, more specifically, the right to vote (Julia, 2007). The movement continues and has inspired many other feminist movements, including *Daur Resik*.

Apart from being linked to feminism, this research is also linked to the Sustainable Development Goals or SDGs. SDGs is a world development agenda aiming to improve human welfare globally. SDGs started in 2015 and will last up to 15 years to implement 17 global development goals. One hundred ninety countries, including Indonesia, have signed SDGs. The SDGs were ratified at the UN General Assembly on September 25, 2015, in New York, United States. The preparation of SDGs includes 3 (three) pillars of sustainable development: social development, environmental development, and economic development goals (Pertiwi, 2017). SDGs have also been ratified into law in Indonesia through Presidential Regulation No. 59 of 2017 concerning SDGs and the follow-up. This research links explicitly to the SDGs goals relating to Gender Equality and Women's Empowerment, Achieving Safe and Sustainable Cities and Settlements, Protecting Land Ecosystems, and

Protecting Marine Ecosystems (Pristiandaru, 2023b).

From a theoretical perspective, the research employed Ecofeminist Theory analysis. Ecofeminism is an understanding of the interrelationship between women and the universe, especially regarding the powerlessness and unfair treatment of both. Ecofeminism combines ecological criticism and gender criticism aimed at Western science, which is dualistic in nature, with the tendency to be dominated by technology and gender blind. Adherents of ecofeminism in Europe and America see a connection between efforts to control and subordinate women and efforts to dominate nature (perhaps not coincidentally called "Mother Earth") (Julia, 2007, pp. 3–5). Meanwhile, Arivia (2003, pp. 141–142) suggests that ecofeminism tries to provide an understanding of the interconnectedness between all forms of human oppression. The relationship between humans and non-humans (nature) shows the involvement of women in the entire ecosystem. Operationally, the data was collected through literature review, observation, and in-depth interviews with the founders of the Daur Resik and the communities involved in the Daur Resik program (Moleong, 2018).

Based on the description above, the research problem is: What is the role of young people in waste management in Resik Community communities from an ecofeminist perspective? This research aims to analyze the role of young people in waste management in environmentally friendly communities from an ecofeminist perspective.

This research offers theoretical and practical benefits. Theoretically, this research is expected to contribute knowledge regarding community waste management in the Daur Resik program for the community from an ecofeminist perspective, especially in students, lecturers, and universities. Meanwhile, the practical benefit of this research is to describe Daur Resik waste management in more depth, especially regarding approaches to community waste management and how young people develop community waste management. Apart from that, it is hoped that the results of this research offer a deeper understanding of the Daur Resik program in community waste management and efforts to build community awareness on other issues such as being involved in providing educational scholarships to underprivileged children through the Waste for Schools program and encouraging the ratification of the TPKS Law.

METHODS & THEORY DESCRIPTION

A. Research methods

This research used a descriptive qualitative method, utilizing qualitative data and explaining it descriptively (Milles & Huberman, 1992). Data collection techniques involved literature reviews, observations/field visits, and in-depth interviews. A literature review is used to obtain the context of research problems from relevant literature. Document studies are also used to thoroughly understand research variables, such as humans, events and behavior, documents and

archives, and other objects (Moleong, 2018). In addition, the observation method included field visits and field observation (Moleong, 2018). According to the Ministry of Education and Culture of the Republic of Indonesia, the definitive interview method is a conversation between two or more people, the resource person and the interviewer (Putri, 2020). The interview sources in this research consisted of the three founders of Daur Resik, the Front Line of Daur Resik, and communities participating in depositing segregated waste at Daur Resik.

The research analysis used Ecofeminism theory linked to the context of sustainable development goals (SDGs) in the form of document studies, field visits/observation data, and interviews. Then, the data was sorted critically according to the criteria of ecofeminist theory through the stages of data reduction, data display or presentation, and data verification and conclusion. The critical selection was intended to obtain data analysis of information regarding the role of young people and waste management from an ecofeminist perspective. These results were then described in a research report, and conclusions were drawn.

B. Theory Description

B.1. Ecofeminist Theory

Ecofeminism is an understanding of the relationship between women and the universe, especially regarding the powerlessness and injustice of the treatment of both. Ecofeminism emerged around 1974 in a book by Françoise d'Eaubonne entitled *Le Feminism ou la Mori*.

The book recommends that feminist theory and practice include ecological practice, ecological solutions, and feminist perspectives. Ecofeminism combines ecological criticism and gender criticism aimed at Western science, which is characterized by dualism, dominated by technology, and gender blind. Ecofeminists claim that domination over nature is directly related to economic, cultural, and psychological factors that create hierarchies and, in practice, oppress women and exploit nature. Characteristics of masculine ideas such as war and violence, discrimination, and ethnocentric views, which are facilitated by Western technology and science, are seen by ecofeminists as a major threat to the preservation of nature and the environment. Apart from being mentioned in the book by Françoise d'Eaubonne, ecofeminism is also mentioned in *Post-Victimology Stance*, written by an Indian writer, Vandana Shiva, in 1989, saying that women can mobilize and defend the environment (Admin LBH Yogyakarta, 2019).

Ecofeminists bring the first main idea that women have a natural attachment to nature so that Mother Earth exists. Second, ecofeminists consider the current environmental damage the result of men's domination of women, including men's domination of nature. The domination means that the environment is massively exploited. Meanwhile, women are affected by environmental damage. Ecofeminism exists as an alternative to environmental ethics that challenges and attempts to break down the dominant viewpoint

prevailing in modern society while at the same time offering new perspectives and behavior to overcome the current environmental crisis. The ecofeminist discussion is divided into two main topics. The first is breaking the logic of domination, which is the leading cause of the ecological crisis related to gender relations. Second, it will discuss alternative ethics of care prioritized by ecofeminists. The environmental crisis, according to ecofeminist views, is an anthropocentric, androcentric and ecocentric view. For ecofeminism, the ecological crisis is not only caused by anthropocentric perspectives and behavior but also androcentric and ecocentric (Khurun'in & Subekti, 2020, p. 99).

In these three points of view, the domination of humans (non-nature) over non-humans (nature) is prioritized. According to Karren J. Warren (as quoted by Khurun'in & Subekti, 2020, p. 99), the logic of domination is structures and ways of thinking that tend to justify domination and subordination. Ecofeminism believes that social and political structures and institutions must be radically changed to eliminate or at least reduce human domination, oppression, and exploitation of nature. Quoting Greene's statement, unfortunately, in practice, the actual implementation and enforcement of natural or environmental rights is highly contested (Arias, 2015).

In this case, the relationship between humans and non-humans (nature) shows the involvement of women in all ecosystems. The issue at school is that there is a framework of masculine domination in

environmental destruction. Ecofeminist thinking is based on an ethic of care that exists because of the nature of women. The understanding explains the powerlessness of women and global environmental damage in view of social and cultural structures. The understanding connects domination between humans and their relationship with the environment, resulting in human suffering through environmental damage (Arivia, 2003).

Ecofeminism seeks to solve problems in human life and nature based on women's experiences and uses them as a source of learning in managing and preserving nature. It means providing equal (fair and equal) access to women and men in managing and preserving nature. In this case, the relationship between humans and non-humans (nature) shows the involvement of women in all ecosystems. The issue at school is the framework of masculine domination in environmental destruction. Then, ecofeminism uses a combination of approaches through the natural environment (ecology) and the role of women (feminism). The school views women as culturally associated with nature (Arivia, 2003).

Ecofeminism is a dialectic that moves in the area of concept (theory) and practice to solve the problem of the crisis in relations among humans and between humans and nature. The aim is to achieve changes in the systems and structures of society that place men, women, and nature into one integral, holistic unity. Thus, the ecofeminist movement exists regarding economic justice between men and women, social justice for men and

women, gender equality between men and women, and the environment (Arivia, 2003).

B.2. Sustainable Development Goals

Sustainable Development Goals (SDGs) is a sustainable development program prepared by the United Nations (UN) and agreed upon by member countries in September 2015. The SDGs aim to encourage change based on human rights and equality of social, economic, and environmental development (EcoEduId, 2022). Having signed the SDGs, Indonesia ratified them through Presidential Regulation (Perpres) No. 59 of 2017 concerning

the Implementation of the Achievement of SDGs Sustainable Development Goals containing 17 goals for 2030. The 17 goals are no poverty, no hunger, a healthy and prosperous life, quality education, gender equality, clean water and adequate sanitation, clean and affordable energy, decent work and economic growth, industry, innovation and infrastructure, reduced inequality, cities and sustainable settlements, responsible consumption and production, climate change handling, ocean ecosystems, land ecosystems, peace, justice and strong institutions, and partnerships to achieve goals (Pristiandaru, 2023a, 2023b).



Figure 1. Framework of Thinking

FRAMEWORK OF THINKING

From the figure above, the *Daur Resik* program focuses on the community-based waste

management movement as an effort by young people to build an ecofeminist movement through waste management. Therefore, there

is also a perspective on achieving SDG goals and an ecofeminist perspective on waste management. Meanwhile, ecofeminism itself is related to gender issues (feminism and ecology) and human rights issues. The SDG goals referred to in this research are achieving development goals in life on land, climate action, sustainable cities and communities, clean water and sanitation, and gender equality.

DISCUSSION

A. Community-Based Waste Recycling Management Model

A. 1. *Daur Resik* Community: Young People's Community

As a social community that has provided segregated inorganic waste pickup services in Yogyakarta, Klaten, Solo, Sukoharjo, and Magelang since 2017, the *Daur Resik* branding was only born in 2019. Maria Sucia, FX Bimo, and Kiki Shening founded the community with the name Resik, which stands for plastic waste recycling, and then transformed it into *Daur Resik* (interview with Maria Sucia, 18 December 2023).

Before becoming what it is today, *Daur Resik* initially only focused on accepting one type of recycling, Polyethylene Terephthalate plastic bottle packaging. However, since it was challenged that recycling plastic waste alone would not solve the problem, *Daur Resik* has started accepting other types of waste. *Daur Resik* offers alternative solutions for more responsible inorganic waste management through the 8R approach and a circular economy. According to one of the founders, the soul of *Daur Resik* is 8R: Rethink,

Reduce, Reuse, Recycle, Refuse, Recover, Repair, and Regift.

In the interview with *Daur Resik* founder Maria Sucia, it was stated that *Daur Resik* also wants young people to adopt sorting waste as a lifestyle. For example, storing rubbish such as used plastic or paper is normal. Therefore, *Daur Resik*'s motto is to give waste a second chance (Rahmayna, 2023).

Daur Resik has two programs: picking up waste and providing education to the public when picking up waste using a drop point or collection point system. The drop point system allows people to deposit their segregated to come to one location at a particular time. The schedule and drop point locations are informed via *Daur Resik*'s Instagram at the beginning of every month and updated in detail every week. The *Daur Resik* drop point schedule is announced every the 1st of the month, according to the route and pickup request. Then, every week, there will be a more detailed Schedule. Every month, it is sure that there will be waste collection in every city (Rahmayna, 2023).

After being collected from all points, the waste will be sorted again into more specific types before finally being deposited in the recycling chain. Then, the community depositing the waste can take the payment or donate it to the Waste for Schools program. The waste donation program is for formal and non-formal schools, such as catch-up packages, Community Learning Activity Centers (PKBM), and training to increase capacity and study room facilities. Apart from collecting rubbish, *Daur Resik* conducts community educational

activities through talk shows, training, and workshops. However, these educational activities also depend on the community's needs and requests. If society needs it, *Daur Resik* will run the activity (interview with Maria Sucia, 18 December 2023).

A.2. Community Waste Management Model

Waste management involves managing goods or objects thrown away because they are no longer used. Inorganic household waste is usually collected and thrown away at the final disposal site (TPA). Therefore, *Daur Resik* invites communities to manage their household waste wisely, considering that it is one of the biggest contributors to waste.

In accordance with Law (UU) Number 18 of 2008, community-based waste management can be implemented by implementing Reuse, Reduce, Recycle (3R). The 3R concept aims to reduce waste directly from the source by minimizing environmental pollution, providing benefits to society, and changing people's behavior towards waste. Reduce encourages the community to reduce the goods used. For example, people can reduce the use of plastic bags by bringing their own shopping bags. Reuse means reusing objects that can still be used. An example is using soap bottles to refill with refill soap. Meanwhile, recycle means recycling items that are no longer useful, such as using used clothes to make doormats (Sasongko & Respati, 2021).

The waste management model implemented by *Daur Resik* is

different from other management models. *Daur Resik* uses the 8R model (Rethink, Reduce, Reuse, Recycle, Refuse, Recover, Repair, and Regift). Rethink means to rethink what to do. For example, people need to rethink whether they really need the items before buying them. Reduce means people can learn to reduce the waste they produce, for example by carrying shopping bags when shopping, bringing food containers when buying food outside, and bringing cutlery and straws. Reuse means reusing items not only for single use. Recycle means recycling inorganic waste such as plastic, cardboard, and plastic bottles (PET) into more useful items (Ecostore, 2018).

Meanwhile, refuse means refusing to use something, for example, refusing to use plastic straws or disposable cutlers because they are used for less than 30 minutes and then thrown away and end up piling up in the TPA. Recover means perfecting it for reuse. If you see that there are items that will be thrown away, you can pick them up again, sort out the items that can still be used, or give them to other people who need them (Upham, 2021). Repair means repairing damaged items instead of throwing them away. Some examples are sewing socks with holes to reuse or repairing a chair/table with damaged legs. Regift means giving back, like giving out old but good condition clothes to family, younger siblings, or people who need them (Addie, 2019).

Daur Resik customers learn about the program from social media and, on their initiatives, join *Daur Resik* events such as workshops, waste drop points, training, and waste

donation activities for schools (Ghina, 2021). They also expressed their concerns about waste management or providing education to children. Some of them explained that the waste problem in Jogja was due to the closure of the final disposal site (TPA) some time ago, which encouraged them to participate in the recycling program. Meanwhile, regarding the community participation in waste recycling management activities, the interviewees stated that they had been involved in the recycling activities for around six months to 4 years.

A.2.1. The Origin of Knowing the Recycling Cycle

The interviews with community customers at Wiguna Market on Sunday, 14 January 2023, suggested that seven of the ten people interviewed stated that they knew *Daur Resik* from social media. One of them, Sophie from Jogja, found out about *Daur Resik* from an Instagram search. Initially, she looked for a place that could be used to store multilayer plastic waste and used cooking oil (interview with Sophie, 14 January 2024). Nabila, a Gadjah Mada University Yogyakarta student, also mentioned the same thing (interview with Nabila, January 14, 2024). The two sources suggest that social media is a medium for encountering *Daur Resik*.

Ira, who had lived in Jogja for nine years, knew *Daur Resik* when she saw the *Daur Resik* booth at the Wiguna market. She then regularly visited the Wiguna Market drop point to deposit her rubbish (interview with Ira, January 14, 2024). Meanwhile, two other sources, Yuni

and Nor Miranda, knew *Daur Resik* from their old friends who were *Daur Resik* administrators (interview with Yuni and Miranda, January 14, 2024).

A.2.2. Community Initiative to Deposit Waste for Recycle

All the ten people interviewed were involved in *Daur Resik* due to their initiative, and they were not invited by others. It is apparent from the interviews with Ariani, Fanny, Sophie, Ira, Miranda, Yuni, Nabila, and others, who stated that they deposited their waste with *Daur Resik* on their initiative, not because they were invited by someone else. From their explanation, it can be concluded that the community deposited segregated waste in *Daur Resik* on their initiative, not because of invitations from family or friends. It indicates that the people involved in recycling activities are pretty well educated, have a high awareness of waste management, and are motivated not only to earn a small amount of money but also to be involved in solving the waste problem directly.

A.2.3. Motivation for Depositing Segregated Waste for Recycle

The interviewees had different answers regarding people's motivation for depositing segregated waste into *Daur Resik*. Miranda and one resource person who did not want to be named were motivated to deposit their waste at home to manage it well. According to her, by sorting waste properly, the Waste for Schools program can help students who need financial support for their schools (interview with Miranda, 14

January 2024). Meanwhile, Yuni stated that her motivation for depositing segregated waste was that she did not want to throw her waste into a landfill because it would be an additional sin to the environment (interview with Yuni, January 14, 2024). Yuni has been sorting waste since 2009 and continues to do so even after she moved to Jogja. With *Daur Resik*, Yuni feels she knows where to dispose of the rubbish she has sorted. Throwing rubbish into the landfill makes her sin against the Earth. Similarly, Sophie said that her motivation for depositing segregated waste into *Daur Resik* was because she realized that the waste she threw away (to the landfill) was not really thrown away but only moved to another place (interview with Sophie, 14 January 2024).

Meanwhile, Diana was motivated by an ideological choice to contribute to saving the environment by inviting her boarding house friends and solving the waste problem currently faced by the DIY Yogyakarta City Government (interview with Diana, January 14, 2024). Meanwhile, Fanny stated that her motivation for depositing segregated waste is to help the environment around her because waste is a big problem (interview with Fanny, January 14, 2024). Nabila Intan, a student at UGM, is motivated to deposit her waste because she likes tidying up and is aware of environmental issues (interview with Nabila Intan, January 14, 2024). Meanwhile, May Wulandari stated that environmental issues motivated her to deposit segregated waste (interview with May, 14 January 2024). Slightly different, her target to free up her boarding house and her passion for

tidying up motivated her to deposit her garbage to *Daur Resik* (interview with Ira, 14 January 2024).

Based on the interview above, the motivation for depositing waste ranges from the passion for cleaning things up so that the waste is managed well, the value of waste, contribution to the Waste for Schools program, the willingness to make the atmosphere of the house/boarding house/environment more comfortable, directly involvement in solving the waste problem, role models for family or friends, appreciation and reward for sorting waste well, and problem-solving for waste management in Yogyakarta.

A.2.4. Involvement Period in Recycling Activities

Of the ten sources interviewed, there were various periods of involvement. There were sources who stated that they had been depositing their waste since 2018 (Miranda, 14 January 2024) or since 2021 (Yuni, 14 January 2024). Meanwhile, May Wulandari had already deposited two years (interview, 14 January 204). There are also those who deposit their waste for six months (Ariani, January 14, 2024). Some stated they had deposited their segregated waste for one year (Diana and Ira, 14 January 2024). One stated that she had been depositing her segregated waste since October/November 2021 (Nabila Intan, 14 January 2024). In addition, a person had deposited her segregated waste for the past year (Results of interview with anonymous person, 14 January 2024). To conclude, the ten interviewees, on average, had

deposited their segregated waste with *Daur Resik* for around four months to 3 years up to the interview time.

A.2.5. The Frequency of Depositing Segregated Waste for Recycle

Most waste contributors collected the rubbish before bringing it to *Daur Resik*, although some directly deposited it at Wiguna Market. Miranda deposited her segregated waste at least once a month. Ira, Yuni, Diana, and Fanny deposited their waste once a month at the Wiguna Ambarukmo Market. Ariani and May deposit their waste every three months. Meanwhile, Sophie deposited her segregated waste once a month, and Nabila Intan deposited her segregated waste to *Daur Resik* 4-5 times a month.

A.2.6. *Daur Resik* Collaboration with the Government

Apart from collaborating with private parties and non-governmental organizations, *Daur Resik* collaborates with the government. *Daur Resik* picks up the garbage at government agencies and government offices (sub-districts, villages, etc.), including state schools. *Daur Resik* often picks up trash at Gajah Mada University, Sebelas Maret University, state elementary schools, etc. Therefore, *Daur Resik*'s service is not only limited to the private sector but also state/government departments and schools (interview with Maria Sucia, 18 December 2023).

The collaboration is hoped to allow the government to learn and be inspired to carry out the same program at the government level.

Apart from picking up waste at regional government offices, *Daur Resik* can also educate people on the correct waste sorting method that can be applied to each region.

B. Ecofeminist perspective

When viewed from an ecofeminist perspective, *Daur Resik* also supports issues related to women and ecology. Ruri (as cited in Candraningrum, 2023) stated that apart from discussing waste issues, *Daur Resik* also discusses issues regarding women. Even though it was not yet open at first, since around last year *Daur Resik* has also started openly discussing issues regarding women (Rahmayna, 2023).

Daur Resik's advocacy for ecology and women includes waste management education activities in schools and campuses, such as UGM, Ahmad Dahlan University Yogyakarta, BEM Fisip Atmajaya University, and UKDW.

B.1. The #Let'ssupport the RUUTPKS movement

The Draft Law on the Elimination of Sexual Violence, commonly abbreviated as RUUTPKS, is a draft that regulates sexual violence. However, the UUUTPKS was changed to the RUUTPKS or Draft Law on Sexual Violence Crimes. The TPKS Bill was passed into law in August 2022 by the DPR RI. *Daur Resik* also supported the ratification of the TPKS Bill in a creative way. *Daur Resik* gave their customers in drop points food vouchers to be exchanged at the Wiguna Ambarukmo Market. At the bottom of the voucher was an invitation to support the ratification of the

UUTPKS. However, some customers who disagreed with the movement censored articles calling for ratification of the UUTPKS on their Instagram stories (interview with Ruri, 22 August 2022).

B.2. Waste Program for Schools

Waste for Schools is an activity that donates the value of sorted waste from the community to finance underprivileged students in formal, informal, and non-formal schools. The first initiation of Waste for School was started by young people previously affiliated with the Church (Catholic Young People), BroSis. As time passed, they began collaborating with other communities/groups. Therefore, the initiator of Trash for School is a group, not an individual. The Padangan Regional Church, BroSis, and Guyub Bocah

are the supporting communities for Waste for Schools.

There is only one recipient of the Waste for School scholarship in Klaten. However, those who have received scholarships vary in area, for example from Klaten, Madura (scholarships are only a one-time event), Jogja (because of the school/college only), and Solo (studying in Solo but residents of Klaten). The number of scholarship recipients each month differs based on needs and the rupiah received. Recipients of the Waste for School scholarship must be willing to take care of Waste for School and the waste. Students receiving the Waste for School scholarship will sort their waste and deposit it into *Daur Resik*. Therefore, scholarship recipients do not have to be poor or smart.

B.3. The Role of Young People in Waste Management and Education

As a social enterprise developed and founded by young people aged 30 years and under, *Daur Resik* focuses on managing community waste in Jogja, Klaten, Magelang, Solo, and Sukoharjo. One of the focuses of *Daur Resik*'s work is to directly involve young people in waste management and the ecofeminist movement. In the interview, Maria Sucia, founder of *Daur Resik*, said "The souls of *Daur Resik* or thinkers are young people, but when it comes to sorting waste, it is different" (interview, Maria Sucia, 18 December 2023).

The observations at the *Daur Resik* drop point in the corner of Pangudi Luhur Timoho Middle School, Yogyakarta, on January 11, 2024, indicated that young people/the *Daur Resik* team had a significant role as the front guard. They served and educated people who came to deposit their segregated waste regarding the process. The people who come to deposit the rubbish are primarily young families/young couples with their children, students, and private workers. They come and have already sorted their waste at their homes to weigh the waste according to the type of waste. Multilayer type waste is grouped with multilayer, tetra pack with tetra pack, white paper with white paper, metal with metal, plastic buckets in one bucket, glass with glass, and so on.

After everything is weighed, the community can choose to receive money from the waste that has been deposited or choose to donate it through the Waste for Schools program. *Daur Resik* team educates new customers and those who have not segregated their waste properly. After all the waste weighing

processes from the community at the drop point are complete, the *Daur Resik* team will sort it again into more specific sorting. In the process, *Daur Resik* also involves the surrounding community as a form of empowerment.

The interviewees stated that after depositing their waste at *Daur Resik*, they also educated other people, such as family, friends, and neighbors, using their methods. Even though the community education process is different, community explanations can be grouped into direct or indirect forms of education through social media, family, and their immediate environment. In an interview, Miranda (14 January 2024) stated that she sorted waste wherever she was, not only at the *Daur Resik* drop point. She continued to sort her waste as she had been taught at the drop point. It is in line with Diana who said:

"For several months, Jogja has had difficulty disposing of rubbish. Because of the problem, I was moved to manage waste. Finally I started managing waste, initially I just managed waste in my own family. However, over time I also taught my boarding house tenants to sort their waste. Then, it developed again into processing waste around the area where I live. I made a rubbish box in front of the house so that local residents can put their segregated rubbish there." (interview with Diana, January 14, 2024).

Sophie, another interviewee, stated that she created Instagram

stories whenever she deposited segregated waste, and several friends then responded and asked questions. Finally, Sophie explained that she deposited rubbish and could exchange it for money later. From social media information, many of her friends started depositing their segregated waste, although not much (interview with Sophie, 14 January 2024). A young mother (anonymous) also said the same thing, stating that initially she only educated her child and then her child started sharing it with her school friends. Then, her child took the initiative to collect and sort things at school (interview with Anonymous, 14 January 2024).

One of the interesting things about the rolling educational process is that it gives rise to further educational activities. It is like parents depositing rubbish and educating their children to segregate waste. Then, the children educate their classmates. Therefore, schools sometimes invite *Daur Resik* to provide direct knowledge to students. *The Daur Resik* community educates the surrounding community or the wider public about the importance of sorting waste responsibly directly or using social media.

ANALYSIS

A. Analysis from the Sustainable Development Goals (SDGs) perspective: 8R Waste Management contributes to the SDGs

Sustainable Development Goals (SDGs) have various goals, but this research only links to goals 5, 6, 11, 13, and 15. Goal 5 is achieving gender equality and empowering all women and girls. There are five targets in goal 5 of gender equality. Two

relevant targets for this research are targets 2 and 7. Target 2 is to eliminate all forms of violence against women in public and private spaces, including human trafficking, sexual exploitation, and various other types of exploitation. Target 7 is to carry out reforms to give women equal rights to economic resources and access to ownership and control over land and other forms of ownership, financial services, heritage, and natural resources in accordance with national law (Pristiandaru, 2023a).

During the observation at the *Daur Resik* drop point on Thursday, 11 January 2024, at the corner of Pangudi Luhur Timoho Middle School, Yogyakarta, 15 people, dominated by young women and young families who were under 35 years, deposited their segregated waste to *Daur Resik*. These young women were students studying around Jogja. The young families stated that they also invited their families to deposit their segregated waste at *Daur Resik*. Nearly 83% of *Daur Resik*'s customers are women, young people, and young families. Usually, they invite their families to learn how to sort waste at home (Rahmayna, 2023).

Apart from focusing on waste management issues, *Daur Resik* also supports issues related to women, ecology, and the ratification of #RUUTPKS. Therefore, *Daur Resik* has been involved in efforts to eliminate all forms of violence against women in public and private spaces. *Daur Resik* is involved in this target by providing food vouchers to those coming to the drop point at the Wiguna Ambarukmo market in Yogyakarta. The food voucher includes an invitation to support the

ratification of the UUTPKS. Regarding target 7, *Daur Resik* gives women, most of its customers, equal rights to economic resources (Suryaningsi, 2022).

Goal 6 focuses on clean water and sanitation as they are the most basic human needs for health and daily activities such as cooking, bathing, and washing. Therefore, every house should have access to clean water and proper sanitation. However, in reality, this does not happen in the community. Some still do not have access to clean water and proper sanitation. According to United Nations data, in 2022, 2.2 billion people lacked safely managed drinking water, including 703 million people who did not have access to basic water services. 3.5 billion people did not have safely managed sanitation, including 1.5 billion people who did not have basic sanitation services. In addition, 2 billion people did not have basic hand washing facilities, including 653 million without hand washing facilities (United Nations, n.d.).

In the perspective of goal 6, the initiation of the *Daur Resik* encourages people to manage waste in a segregated manner and no longer throw waste carelessly into rivers, seas, or water sources. It increases the possibility of sustainable access to clean water for use in daily life. The interviews with people who deposit waste at *Daur Resik* show that their awareness of waste management is increasing, and they are happy to contribute to environmental sustainability by managing waste more responsibly, especially since waste has value. Moreover, one customer no longer trusts TPS or TPA as it causes other environmental problems, especially

regarding the cleanliness of water sources, apart from the strong odor. *Daur Resik* reduces the accumulation of waste in TPS or TPA and further ensures environmental sustainability, especially in groundwater sources.

Goal 11 of the SDGs focuses on making cities and settlements inclusive, safe, resilient, and sustainable. Goal 11 SDGs have ten targets, including integrated city development, urban infrastructure and services, and disaster risk and climate change in cities. Two of the ten national targets are relevant to this research: targets one and six. Target number one is to guarantee access for all to adequate, safe, affordable housing and basic services and organize slum areas by 2030 (SDGS Center UB, 2023). *Daur Resik*, with its good waste management, allows no accumulation of waste in TPA/TPS. This makes people healthier and live longer. Therefore, the best way to manage waste is to change people's behavior (lifestyle) and sort the waste responsibly for reuse according to the 8R concept.

Target number six aims to reduce the detrimental impact on the urban environment per capita by paying particular attention to air quality and handling city waste by 2030 (SDGS Center UB, 2023). *Daur Resik* is responsible for reprocessing segregated waste using the 8R concept. This minimizes waste from ending up in TPS/TPA, which pollutes groundwater, produces odors, and creates environmental pollution. The *Daur Resik* waste management concept, although still on a small scale, has a vital role in reducing environmental impacts in urban areas by providing a "second

chance" for waste (Firdaus, 2022). Moreover, when people deposit their waste into *Daur Resik*, the team will provide education as part of the sustainable Community. Therefore, the public can learn about proper waste management and sorting and treating waste accordingly.

Goal 13 focuses on climate action. Climate change refers to long-term changes in temperature and weather patterns. Climate change occurs due to human activities, including burning fossil fuels such as coal, oil, and gas. According to the United Nations (n.d.), examples of greenhouse gas emissions that cause climate change include carbon dioxide and methane from industry and the use of fossil fuels. Clearing land and forests can release carbon dioxide. Landfills are a major source of methane emissions. The main emitters are energy, industry, transportation, buildings, agriculture, and land use (Perserikatan Bangsa-Bangsa - Indonesia, n.d.).

Daur Resik contributes to reducing climate change directly, even though it is still on a small scale. Managing waste properly, separating paper, glass, plastic, multilayer, and metal reduces the burning of waste, which causes an increase in carbon dioxide (Pandu, 2023). Moreover, according to the UN (n.d), landfills are the main source of methane emissions. The interviews also suggest that depositing waste can help the Earth to be better. Just imagine if all the people living on earth sort waste properly, facilitated by the government. The Earth will be a better place for the next generations.

Goal 15, life on land, focuses on protecting, restoring, and

encouraging the sustainable use of terrestrial ecosystems, managing forests, combating desertification, and stopping and reversing land degradation and biodiversity loss. Society can help achieve the 15th goal in various ways, such as reducing paper use and replacing it online (in Word, PDF, and similar formats), recycling no longer used items, and composting food scraps (Global Goals, n.d.). The interviews suggested that plastic was the most frequently collected waste, followed by multilayer, plastic packaging, tetra pack, food cardboard, cardboard, and PET. Of the ten sources, three people stated that plastic waste was the most frequently deposited waste. The plastic waste included plastic packaging and clear plastic waste. Apart from plastic waste, there were other items such as household goods, food cartons, mica, shampoo bottles, multilayers, Tetra Pack, plastic bottles (PET), and cardboard. Therefore, *Daur Resik* is vital in achieving the 15th goal because it is involved in recycling paper, plastic, iron, and many other types of waste.

B. Analysis from the perspective of the Ecofeminist Movement: Young People's Movement to Changing Lifestyle

As explained in the theoretical framework, ecofeminism is an understanding of the relationship between women and the universe, especially regarding powerlessness and unfair treatment of both. In addition, ecofeminism claims that domination over nature is directly related to economic, cultural, and psychological factors that create hierarchies and, in practice, oppress

women and exploit nature (Arivia, 2003, pp. 141–142). The current condition is the condition of the 'Anthropocene' of the human era and the 'Anthropocene transition' (Candraningrum, 2023).

In relation to ecofeminism, *Daur Resik* reflects the ecofeminist movement characterized by human development based on nature. The indicators of an ecofeminist movement are seen from the actors. From an ecofeminist perspective, the actors of change are women, young people, children, the elderly, and people with disabilities. Men with good feminist awareness can also be the actors. However, the actor's primary focus remains on the vulnerable groups mentioned above.

Daur Resik actors fulfill the required elements mentioned above. Actors initiating waste management are young women and young people with feminist awareness to encourage society to take direct responsibility for managing waste for the Earth. *Daur Resik* initiators are young people aged 19 to 26, and 95% are women. Moreover, the people who deposit their segregated waste to *Daur Resik* are mostly (83%) women, young people, and young families, as indicated by the interviews. *Daur Resik* community not only plays a role in waste management activities but also encourages policy changes and fulfills the rights of victims of environmental pollution.

The ecofeminist movement is characterized by the belief that the universe and all living creatures have equal rights to live, not just the right to serve human interests. It leads to environmental justice, meaning plants, animals, rivers, and trees are

equal in human development. Recognizing the inseparability of human rights and environmental protection is critical to protect the world from 'ecocide' (Candraningrum, 2023).

In this context, *Daur Resik* encourages various waste management movements to promote a more environmentally just lifestyle. Therefore, *Daur Resik*'s waste management efforts involve other activities such as the Waste for Schools program, support for the ratification of the TPKS Bill, and involvement in critical education about environmental awareness among young students and several universities and schools.

CONCLUSION

From the description above, it can be concluded that *Daur Resik* is a community-based integrated waste management activity that supports the ecofeminist movement in Central Java and Yogyakarta to manifest environmental equality and justice from an ecofeminist perspective, especially the perspective of women, young people, children, seniors, and people with disabilities. *Daur Resik* was initiated by young people and, in practice, has been able to inspire the community (especially women, young people, and families) to change their lifestyle to a more environmentally just one through responsible waste management. The young people's efforts to educate the community are carried out through thematic workshops, seminars, thematic training, social media as promotional media, and collaboration with the private sector, universities, arts groups, non-governmental organizations, and other feminist activists.

REFERENCES

Addie. (2019, April). *8Rs of a Sustainable circular economy: Reduce, reuse, repair, etc.*

Admin LBH Yogyakarta. (2019, November). *Gerakan ekofeminisme dalam memutus mata rantai patriarki.* Lbhyogyakarta.Org.

Ani, R. (2023, January). *Pengertian sampah menurut ahli.*

Arias, M. (2015, March). *Conversation with Natalia Greene about the Rights of Nature in Ecuador.* Yale Center for Environmental Law & Policy.

Arivia, G. (2003). *Filsafat berperspektif feminis.* Yayasan Jurnal Perempuan.

Az-Zahra, Y. S. (2023, March). *10 negara penyumbang sampah plastik terbanyak di lautan, ada nama Indonesia.*

Candraningrum, D. (2023). Planet yang berpikir: Iman antroposen, polutan, ekosida, & krisis iklim. In D. Candraningrum, A. I. R. Hunga, & P. A. Mala (Eds.), *EkoFeminisme: Planet yang berpikir (Iman antroposen, polutan, ekosida, dan krisis alam).* Cantrik Pustaka - PPSG

UKSW Salatiga.

Diskominfo Jateng. (2023, September). *Jurus jitu atasi sampah dengan 8R*.

EcoEduId. (2022). *Sustainable Development Goals (SDGs) di Indonesia*. Ecoedu.Id.

Ecostore. (2018). *Sustainable living: The 8R's to being a conscious consumer*.

Fanani, M. F. (2022, December). *Apa itu pengelolaan sampah 3R? Arti dan contoh nyata penerapan Reduce, Recycle, Reuse*".

Finaka, A. W. (Ed.). (2019). *Sampah plastik laut, mengancam dan berbahaya*. Indonesiabaik.Id.

Firdaus, H. (2022, February). *Kesempatan kedua bagi sampah di Yogyakarta*. Kompas.Id.

Ghina. (2021, May). *Sampah terpilah untuk sekolah lewat Daur Resik*.

Global Goals. (n.d.). *15: Life on land: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss*.

indorelawan.org. (n.d.). *Profil Organisasi Guyub Bocah*.

Indonesia Masuk 10 Negara ASEAN Penyumbang Sampah Plastik ke Laut. (2021). *merdeka.com*. <https://www.merdeka.com/uang/indonesia-masuk-10-negara-asean-penyumbang-sampah-plastik-ke-laut.html>

Julia, W. T. (2007). *Gendered lives: Communication, gender, and cultures*. Wadsworth Cengage Learning.

Khurun'in, I., & Subekti, T. (2020). Women environmental cadres: An assessment of ecofeminism in women's environmental movement (Case study in activities of "Fostering Family Welfare" or PKK in Malang, 2018). *Proceedings of the 1st International Conference on Environmental Governance, ICONEG 2019, 25-26 October 2019, Makassar, South Sulawesi, Indonesia*. <https://doi.org/10.4108/eai.25-10-2019.2300494>

Milles, M. B., & Huberman, A. M. (1992). *Analisis data kualitatif*. UI Press.

Moleong, L. J. (2018). *Metodologi Penelitian Kualitatif* (Revised Ed). Remaja Rosdakarya.

United Nations. (n.d.). *Goal 6: Ensure Access to water and sanitation for all*".

Pandu, M. (2023, March). *Memilah untuk disetor: Langkah kecil menjaga bumi dari sampah kotor*. Islami.Co.

Kumparan. (2023, January). *Pengertian dan contoh metode 3R: Reduce, Reuse, dan Recycle*. Kumparan.Com.

Perserikatan Bangsa-Bangsa - Indonesia. (n.d.). *Apa itu perubahan iklim*?

Pertiwi, N. (2017). *Implementasi Sustainable Development di Indonesia*. Global Research and Consulting Institute (GlobalRCI).

Pristiandaru, D. L. (2023a, May). *Mengenal tujuan 5 SDGs: Kesetaraan gender*.

Pristiandaru, D. L. (2023b, May). *SDGs: Pengertian, Sejarah, dan 17 Tujuan Pembangunan Berkelanjutan*. Lestari Kompas.

Putri, A. S. (2020, January). *Wawancara: Pengertian dan Tahapan*.

Rahmayna, K. B. (2023). Dampak polusi bagi perempuan dan anak: Inisiatif daur resik dalam mengelola sampah komunitas. In *Ekofeminisme: Planet yang berpikir (Iman antroposen, polutan, ekosida, dan krisis alam)*.

Safitri, D., Putra, F. F., & Marini, A. (2020). *Ekolabel dan pendidikan lingkungan hidup*. Pustaka Mandiri.

Sasongko, Y. A. T., & Respati, S. (2021, March). *Mengenal pengelolaan sampah berbasis komunitas di kawasan residensial*. Properti Kompas.Com.

SDGS Center UB. (2023). *Tujuan 11: Kota dan Pemukiman yang Berkelaanjutan*.
<Https://Sdgs.Ub.Ac.Id/>.

Suryaningsi, D. V. S. (2022). Studi Kasus Tentang Pelanggaran Norma Masyarakat yang membuang Sampah sembarangan dan Peningkatan Kesadaran Masyarakat. *De Cive: Jurnal Penelitian Pendidikan Pancasila Dan Kewarganegaraan*, 2(1), 16–24.

Upham, N. (2021, April). *Recycling and the "8 Rs": Finding a more sustainable, less wasteful way of living on this Earth.* INYO 350 Action.

Implementation of Diversion System on Juvenile Delinquency to Manifest Restorative Justice at *Badan Pemasyarakatan Kelas II* (Class II Correctional Institution) in Samarinda

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ABSTRACT

This study explores the application of the Diversified Penal System for Children (DPS) in overcoming the phenomenon of juvenile delinquency, focusing on the application of Restorative Justice in Badan Pemasyarakatan (BAPAS) Kelas II (Class II Correctional Institution) in Samarinda. This study aims to analyze the role of the Bapas in handling law cases involving children, especially in the context of sexual crimes. The data were gathered through normative legal research and secondary data sources, such as legal documents and interviews with key stakeholders, including the Head of Client Guidance of Bapas Kelas II Wonosari, the Judge of the Bantul District Court, and child investigators at the Samarinda Regional Police. This study examined the challenges faced by the Bapas in handling cases of child offenders and Bapas' recommendations and suggestions. The findings of this study are hoped to shed light on the role of Bapas in Indonesia's legal framework, particularly the Juvenile Justice System Law of 2012.

KEYWORDS: *phenomenon, juvenile delinquency, penitentiary, law, role*

INTRODUCTION

Restorative justice focuses more on creating justice and balance for victims and perpetrators (Suryaningsi, 2017). The diversion system emphasizes that the purpose of the criminal justice process is not on punishment but on improving conditions, maintaining and protecting children, and preventing repetitive actions through constructive court actions (Nazifah,

2021). In this way, the system does not ignore the rights of perpetrators and victims (Ramayanti, 2022; Saltiana, 2021). In this context, the so-called perpetrator is a child who is still a minor according to category Number 35 of 2014 concerning Child Protection. Meanwhile, the so-called victim is someone without a vulnerable age limit who suffers from the behavior or actions committed by the child as a perpetrator of crime (juvenile

delinquency) (Herliyah & Zakiyah, 2021).

According to Law Number 35 of 2014 concerning Child Protection, a child is someone who is not yet 18 years old, including children who are still in the womb. Meanwhile, according to Article 1 Paragraph 3, a child in conflict with the law, referred to as a child, is a child who is 12 (twelve) years old but not yet 18 years old and who is suspected of committing a crime. Reflecting on the existing reality, in Indonesia alone, legal cases against minors reached 33% in 2018. Bapas Kelas II in Samarinda, as part of the prisoner correctional sub-system or criminal justice sub-system, has a very strategic and vital role in supervising and fostering child criminal cases in the city.

There are several supporting and inhibiting factors. Supporting factors include the available facilities such as libraries and mosques, the presence of support from several parents of clients, and communication and relationships established by the Bapas (Putri et al., 2024; Suryaningsi et al., 2022). Meanwhile, inhibiting factors involve limited budgets, limited human resources, long distances, and limited time (Suryaningsi & Sari, 2021; Suryaningsi, 2020). These factors must be a benchmark for the success of Bapas' performance in supervising and guiding child criminal cases in Samarinda.

Based on the above problems and concepts, research was conducted to determine whether Bapas Kelas II Samarinda can appropriately implement the concept of diversion in handling criminals by minors.

METHODS

Restorative justice recommends methods to hold perpetrators accountable while providing victims a voice, which includes a voluntary meeting between the offender and the victim. A 2013 Cochrane review restorative justice conferences where the offender meet the victim face-to-face, and explained that "[t]he victim is encouraged to attend but is under no obligation, and in some instances the victim may be represented by another party." However, alternatives to the practice exist, such as reading victim impact statements while holding the perpetrator accountable, reducing the risk of further harm or revictimization. In addition, the meeting may include people representing the wider community.

This section details data collection procedures and analysis techniques used in this research, including research design, subject characteristics, and data collection process. This research is a case study involving a detailed study of a particular case (a person or a small group). Observation and interviews with related parties implementing the diversion system were used in this research. In this case, the researchers interviewed the head of Bapas Kelas II Samarinda represented by an advisor from the Bapas and a community advisor.

This is field research employing a descriptive-analytic method. Data and information were sourced from Bapas Kelas II in Samarinda. After the data was collected, the researchers first described the causes of criminal crimes by minors and then identified the implementation of the diversion system by the Bapas Kelas II Samarinda.

The research approaches used in this study were:

1. The normative approach applied at Bapas Kelas II Samarinda.
2. The juridical approach is based on legislation that regulates diversion procedures and mechanisms and handles minors in criminal law cases.

The research was conducted at the Bapas Kelas II Samarinda located on M. T. Haryono Street No. 22, Karang Anyar, Sungan Kunjang District, Samarinda, East Kalimantan, from March to October 2022.

In general, the researchers classified the data obtained into two types: primary and secondary data.

1. Primary Data

Primary data is data obtained directly from the research subject using a measurement or data collection tool as a source of information. The data were obtained by reading and observing the situation directly and by interviewing people who practiced diversion.

2. Secondary Data

Secondary data is basically existing documentation or report data. In this research, the secondary data were from books or documentation related to this study. In addition, researchers also read archives of Bapas data up to several years back to track the progress and success rate of diversion system implementation.

Data Collection Techniques

1. Documentation: studying documents related to diversion and procedures for its application

and reviewing various writings related to this research.

2. Interviews: conducted with parties authorized to carry out diversion activities to realize restorative justice, including the head of the Bapas UPT and the head of child and community advisors.

The collected data were analyzed qualitatively using the following methods:

1. The inductive method is a way of thinking that explains specific data and then generalizes them into general conclusions. In this study, the data were the occurrence of criminal law on minors. The general conclusion drawn was related to the causes of juvenile delinquency (Siegel et al., 2011).
2. The deductive method analyzes general data and draws specific conclusions. Using these arguments or rules strengthens the analysis in this study.

RESULTS AND DISCUSSION

1. Results

The research began with a general visit to determine the supporting elements, especially facilities and infrastructure, of diversion implementation in criminal cases of minors in Bapas Kelas II Samarinda. During the following visit, the researchers and team interviewed parties involved in diversion implementation, including community and child client advisors. The findings are as follows:

1. Diversion is the main goal in every case of minors facing the law of the Bapas Kelas II Samarinda.

2. Challenges often cause the failure of diversion implementation on law violations by minors.
3. Diversion implementation leads to a positive trend, a decrease in criminalization by minors, and an upward trend in the success rate of diversion.
4. In fostering criminals, Bapas develops several programs focusing on developing economic abilities and skills.

The Juvenile Criminal Justice System Act of 2012 provides a solid legal basis for counselors and community counselors to perform ceremonial duties, attend court hearings as members of juvenile courts, and give instructions to clients (unlawful children). In addition, Bapas has a role and function in conducting community-based research, which investigators use to review during diversion at the police and court levels (Blundell, 2014).

Juvenile delinquency, also known as juvenile offending, is the act of participating in unlawful behavior as a minor or individual younger than the statutory age of majority. These acts would otherwise be crimes if the individuals committing them were older. The term delinquent usually refers to juvenile delinquency and is also generalized to refer to a young person who behaves in an unacceptable way. A juvenile delinquent is a person who commits a crime and is under a specific age. Most states specify a juvenile delinquent, or young offender, as an individual under 18, while a few states have have slightly different maximum age (Graham & Bowling, 1995). The term "juvenile delinquent" originated in the late 18th and early

19th centuries when the treatment of juvenile and adult criminals was similar, and punishment was over the seriousness of an offense. Before the 18th century, juveniles over age 7 were tried in the same criminal court as adults and, if convicted, could get the death penalty. Illinois established the first juvenile court (Bartol & Bartol, 2009). This juvenile court focused on treatment objectives instead of punishment, determined appropriate terminology associated with juvenile offenders, and made juvenile records confidential. In 2021, Michigan, New York, and Vermont raised the maximum age to under 19, and Vermont law was updated again in 2022 to include individuals under 20. Only three states, Georgia, Texas, and Wisconsin, still appropriate the age of a juvenile delinquent as someone under the age of 17. While the maximum age in some US states has increased, Japan has lowered the juvenile delinquent age from under 20 to under 18. This change occurred on 1 April 2022 when the Japanese Diet activated a law lowering the age of minor status in the country. Just as there are differences in the maximum age of a juvenile delinquent, the minimum age for a child to be considered capable of delinquency or the age of criminal responsibility varies considerably between the states. Some states that impose a minimum age have made recent amendments to raise the minimum age. However, most states remain ambiguous on the minimum age for a child to be determined a juvenile delinquent. In 2021, North Carolina changed the minimum age from 6 to 10 years old, Connecticut moved from 7 to 10, and New York adjusted from 7 to 12. In some states, the minimum age

depends on the seriousness of the crime committed. Juvenile delinquents or juvenile offenders commit crimes ranging from status offenses such as truancy, curfew violation, or underage drinking and smoking to more serious offenses categorized as property crimes, violent crimes, sexual offenses, and cybercrimes.

Some scholars have found an increase in youth arrests and have concluded that this may reflect more aggressive criminal justice and zero-tolerance policies rather than changes in youth behavior. Youth violence rates in the United States have dropped to approximately 12% of peak rates in 1993, according to official US government statistics, suggesting that most juvenile offending is non-violent. Many delinquent acts can be attributed to environmental factors such as family behavior or peer influence. One contributing factor that has gained attention in recent years is the school-to-prison pipeline. According to Diverse Education, nearly 75% of states have built more jails and prisons than colleges. CNN also provides a diagram that shows that the cost per inmate is significantly higher in most states than the cost per student (Theriot, 2009). This shows that taxpayers' dollars are going toward providing for prisoners rather than providing for the educational system and promoting the advancement of education. For every school that is built, the focus on punitive punishment has been seen to correlate with juvenile delinquency rates. Some have suggested shifting from zero-tolerance policies to restorative justice approaches. Juvenile detention centers, juvenile

courts, and electronic monitoring are common structures of the juvenile legal system. Juvenile courts are in place to address offenses for minors as civil rather than criminal cases in most instances. The frequency of use and structure of these courts in the United States varies by state. Depending on the type and severity of the offense committed, people under 18 can be charged and treated as adults.

The urgency of implementing child criminal diversion on the juvenile delinquency phenomenon in Samarinda

The state has a criminal implementation agency, a sub-system of the Directorate General of Corrections, with the function and task of fostering and advocating for children. One such sub-system is Bapas, part of the Directorate General of Corrections, Ministry of Law and Human Rights of the Republic of Indonesia. The handling of child cases by Bapas is very crucial, considering that there must be child advisors since the child has been made a suspect.

Bapas Kelas II Samarinda

In Bapas, diversion is the earliest effort and the primary goal. Bapas' efforts are as follows.

1. Litmas (Community research)
2. Early warning
3. LPKS (Temporary Child Placement Institutions)
4. LPKA (Children's Development Institute)

In general, the trial is the final path taken when peaceful efforts fail and face a deadlock. However, it

needs to be emphasized that diversion is only given once in a lifetime. Therefore, convicts who have been granted diversion will not be able to receive it in the future.

The highest level of Bapas employee education is a master's (2), followed by a bachelor's degree (36) and high school graduates or equivalent (5). To improve the advocacy function, Bapas Kelas II Samarinda employs 31 functional officials, consisting of 2 middle-aged community advisors, 26 young community advisors (PK), 14 new community advisors, and 5 proficient community advisor assistants.

Table 1. *Percentage of correctional client advocacy services based on the standards in 2021*

No	Activities	Total
1	<i>Litmas</i> request	2,247
2	<i>Litmas</i> solution	1,805
3	TPP Bapas meeting	240
4	Surveillance/Home visit	873
5	Mandatory report	2,745

Source: Performance Report of Government Agencies of the Ministry of Law and Human Rights Bapas Kelas II Samarinda

In 2021, the adult client advisor sub-section at Bapas Kelas II Samarinda received requests of 2,247 *litmas*, with 1,805 completed. It means that there were 442 unfinished *litmas*. In addition, the TPP Internal/Bapas session had been held 240 times.

Given the large number of requests for advisors and the number of clients, human resources (HR) and infrastructure that support these activities are needed to handle

the requests better and yield more measurable progress.

Table 2. *Data on the implementation of child client advocacy and supervision in 2021*

No	Activities	Total
1	<i>Litmas</i> request	207
2	<i>Litmas</i> solution	207
3	TPP Bapas meeting	36
4	Surveillance/Home visit	110
5	Mandatory Report	83

Source: Performance Report of Government Agencies of the Ministry of Law and Human Rights Bapas Kelas II Samarinda

The sub-section of child client advisors at Bapas Kelas II Samarinda received 207 requests, of which 207 were completed. Children's trial assistance had been carried out 36 times.

According to the interview with Fitriadi Muchransyah, the head of the child client guidance sub-section, the data and the number of children guided throughout 2019-2021 in Bapas Kelas II Samarinda are as follows.

Table 3. *List of minors at Bapas Kelas II Samarinda from 2019 to 2021*

No	Year	Total
1	2019	215
2	2020	148
3	2021	123

Source: Interview with the head of UPT Bapas Kelas II Samarinda

The above table indicates that the number of guidance children decreased from 215 to 148 to 123 in 2021.

The following database presents the number of diversions Bapas Kelas II Samarinda carried out in 2020.

Table 4. *Resolution cases using diversion in 2020*

NO	MONTH	DIVER-SION	SUCCESS-FUL DIVERSI-ON
1.	January	5	5
2.	February	2	2
3.	March	4	4
4.	April	2	2
5.	May	0	0
6.	June	4	4
7.	July	5	5
8.	August	3	3
9.	September	1	1
10.	October	6	6
11.	November	5	5
12.	December	5	5

Source: Bapas database, processed in 2020

According to Table 4, the implementation of diversion decreased from January to May to 0 but experienced a considerable increase in June and reached its peak in October.

Table 5. *Diversion cases in 2021*

NO	MONTH	DIVER-SION	SUCCESS-FUL DIVERSI-ON
1.	January	2	2
2.	February	1	1
3.	March	2	2
4.	April	2	2
5.	May	1	1
6.	June	0	0
7.	July	5	5
8.	August	1	1
9.	September	1	1

10.	October	3	3
11.	November	7	7
12.	December	2	2

Source: Bapas database, processed in 2022

Settlement cases of minors facing the law in 2021 experienced a significant downward trend compared to 2020. In 2021, the highest cases of diversion were in July, with 5 diversion implementations, and the peak was in November, with 7 cases. In other months, the number of cases and successful diversions ranged from 2 to 3.

Table 6. *Cases implementing diversion in 2022*

NO	MONTH	DIVER-SION	SUCCESSFUL DIVERSION
1.	January	8	8
2.	February	1	1
3.	March	1	1
4.	April	3	3
5.	May	1	1
6.	June	2	2
7.	July	4	4
8.	August	6	6
9.	September	2	2
10.	October	2	2
11.	November		
12.	December		

Source: Bapas database, processed in 2022

In January, the total number of cases that must be resolved using diversion was quite a lot compared to December 2021. However, it experienced a significant downward trend in the following months.

It can be seen from the diversion database in 2020, 2021, and 2022 that there is a balance between diversion implementations and

successful diversion implementations in Bapas Kelas II Samarinda. This can be seen from the comparison between the diversion and successful diversion implementation columns, indicating 100% of successful implementations. This means the Bapas performs optimally in implementing diversion.

1. Obstacles to diversion implementation on juvenile delinquency

Bapas Kelas II Samarinda encountered several obstacles when implementing diversion on juvenile delinquency. Technically, the following were the obstacles¹ identified by the researchers.

- 1) Bapas Kelas II Samarinda covers² vast areas spreading quite far from each other, including:
 - a. Bontang
 - b. Kutai Kartanegara Regency
 - c. East Kutai Regency
 - d. West Kutai Regency
 - e. Maluhu Regency
 - f. Samarinda
- 2) There was insufficient funding. Hatus recognized that mobility,⁶ especially for community advisors, in Bapas Kelas II Samarinda was urgent and necessary. However, the advisors were expected to reach all areas within the Bapas' working areas with a fairly limited budget.
- 3) The surrounding community's lack of understanding of diversion caused them to reject the offer several times. They thought that diversion defended the perpetrators.

- 4) The misconception that diversion was to defend sensitive cases also led to Bapas Kelas II Samarinda's rejection of diversion efforts.

Despite the above rejections, Bapas Kelas II Samarinda performed and achieved optimally. This was due to the involvement of all Bapas elements in implementing its missions, functions, strategic programs, and community participation through various partnerships with third parties. In achieving the results, the following obstacles and problems affected the efficiency and effectiveness of Bapas Kelas II.

The lack of community supervisors at Bapas Kelas II Samarinda.

Unoptimal assessment operation of prisoners in the prison area.

Tardy reporting as some correctional clients did not report according to the schedule set by Bapas.

The absence of a forum for Bapas officers to hone their soft and hard skills.

No precise system and the delayed implementation of service standard measurement.

DISCUSSION

The pre-diversion optimization at Bapas Kelas II Samarinda was conducted based on the results of former diversion implementations.

Besides escorting the process of solving child criminal cases from the beginning to the advocacy stages, Bapas also monitors the return of the child to both parents. The Decree of the Minister of Justice of the Republic of Indonesia Number

M.01-PK.04.10 of 1998 concerning Duties, Obligations, and Conditions for Community Advisors lists the duties of community advisors.

1. Conduct community research to assist investigators, public prosecutors, and judges in juvenile cases. Here, the advisors' status is the same as law enforcers, each of whom has a particular task: determining the advocacy program for prisoners and correctional clients in juvenile prisons, determining prisoner treatment programs in prisons, and determining additional advocacy programs for correctional clients.
2. Carry out community and work advocacies for correctional clients.
3. Provide services to other agencies and communities requesting data or results of specific client community research.
4. Accommodate community advisors and volunteer workers involved.
5. Supervise convicted juveniles sentenced to supervision and correctional protégés handed over to parents, guardians, or foster parents.

To optimize its role and function as a community unit, Bapas has several work programs to equip fostered children with skills (Garz, 2009). The observations and interviews suggested that Bapas Kelas II Samarinda also strived to develop the minors' skills.



Figure 1. Coffee Machine



Figure 2. Results of Welding Training

The pictures above show some facilities provided by Bapas to develop the abilities and skills of supervised clients. The training activity is under POKMAS (Community Work Program). In addition to making coffee and welding, there is training in sewing and beading to produce traditional Kalimantan bags.



Figure 3. Agricultural planting media

Bapas Kelas II Samarinda also trains supervised children to develop creative economic ideas to plant by preparing media, tools, and management procedures. This is a once in two months advocacy activity. The training offered by the Bapas aims to equip the supervised children to be helpful to the

surrounding community and motivate others when released. In this way, the impact is on oneself and the society around them (Garz, 2009). Bapas Kelas II Samarinda optimizes the advocacy programs they offer through collaborative efforts through MoUs with several institutions, such as Islamic boarding schools, to carry out religious activities and several other religious places of worship.

CONCLUSION

Restorative justice is an approach to justice that aims to repair the harm done to victims. In doing so, practitioners work to ensure that offenders take responsibility for their actions, to understand the harm they have caused, to give them an opportunity to redeem themselves, and to discourage them from causing further harm. For victims, the goal is to give them an active role in the process, and to reduce feelings of anxiety and powerlessness. Restorative justice programs can also complement traditional methods, such as retributive justice, and it has been argued that some cases of restorative justice constitute punishment from the perspectives of some positions on what punishment is.

Though academic assessment of restorative justice is positive, more recent studies have shown that academic performance falters in school districts where restorative justice is practiced. Proponents argue that most studies suggest it makes offenders less likely to reoffend. A 2007 study also found that it had a higher rate of victim satisfaction and offender

accountability than traditional methods of justice delivery. However, practitioners have commented that the field has attracted increased risks of revictimization. Its use has seen worldwide growth since the 1990s. Restorative justice inspired and is part of the wider study of restorative practices.

One response to a crime, in a restorative justice program, is to organize a meeting between the victim and the offender. This is sometimes done with representatives of the wider community (Fowler, 2010). The goal is for them to share their experience of what happened, to discuss who was harmed by the crime and how, and to create a consensus for what the offender can do to repair the harm from the offense. This may include a payment of money given from the offender to the victim, apologies and other amends, and other actions to compensate those affected and to prevent the offender from causing future harm. However, restorative justice practices are firmly rooted in the needs of the victim, and may simply support holding the perpetrator accountable and the sharing of victim impact statements without dialogue.

Bapas has an essential function and role in overcoming various problems in carrying out community guidance and assistance. In implementing diversion, Bapas Kelas II Samarinda encountered several obstacles. Technically, the researchers identified several obstacles, such as the number of rejections, wide working areas, and lack of operational funds. Besides escorting the process of solving child criminal cases from the beginning to

the advocacy stages, Bapas also monitors the return of the child to

both parents.

REFERENCES

Bartol, C., & Bartol, A. (2009). *Juvenile Delinquency and Antisocial Behavior: A Developmental Perspective*, 3rd ed. Upper Saddle River NJ: Pearson Prentice Hall.

Blundell, Jonathan (2014). *Cambridge IGCSE Sociology coursebook*. Cambridge University Press.

Fowler, D. (2010). *Texas' School-to-Prison Pipeline: School Expulsion, The Path from Lockout to Dropout (PDF)*. Texas Appleseed.

Garz, D. (2009). *Lawrence Kohlberg—an introduction*. Barbara Budrich.

Graham, J., & Bowling, B. (1995). Young People and Crime. *Home Office Research Study, 145*. London: Home Office.

Herliyah, E., & Zakiyah, I. G. (2021). Pola Pembinaan Ibu Rumah Tangga Dalam Mengatasi Kesulitan Belajar Anak Pada Era Pembelajaran 4.0. *Didactica : Jurnal Kajian Pendidikan Dan Pembelajaran*, 1(2), 38–45. <https://doi.org/10.56393/didactica.v1i2.504>

Nazifah, N. (2021). Hak Narapidana dalam Perspektif Hak Asasi Manusia di Lembaga. *Nomos : Jurnal Penelitian Ilmu Hukum*, 1(3), 98–105.

Putri, R. A., Suryaningsi, S., Marwiah, M., Herliyah, E., Warman, W., & Pardosi, J. (2024). Kebijakan, Tantangan Dan Problematika Kebijakan Pendidikan Belajar Dari Rumah Dalam Masa Pandemi Covid-19 Di SMA Negeri 1 Bongan Kabupaten Kutai Barat. *PRIMER : Jurnal Ilmiah Multidisiplin*, 2(1), 94–104. <https://doi.org/10.55681/primer.v2i1.316>

Ramayanti, L., & S. (2022). Analisis Anak Korban Pelecehan Dan Kekerasan Seksual Dalam Perspektif. *Nomos : Jurnal Penelitian Ilmu Hukum*, 1(7), 269–278.

Saltiana, A. (2021). Upaya Polisi dalam Menyikapi Kenakalan Remaja di Tenggarong. *Nomos : Jurnal Penelitian Ilmu Hukum*, 1(7), 261–268.

Suryaningsi, & Sari, V. P. (2021). *The Implementation of Pancasila Values in the Counseling Phase for Narripants in Narcotics Institutions Class III Samarinda. Aksara: Jurnal Ilmu Pendidikan Nonformal*, 7 (1), 19.

Suryaningsi. (2017). *Initiative of Thoughts from Indonesia to the World of the Covid-19 Era Settlement Of Traditional Delices And Traditional Fine By The Dayak Kalimantan Novateur Publication, India*. 29–35.

Suryaningsi, A. M. (2020). The Role of a Female Head Assistant at Al-Walidaturrahmah Orphanage in Implementing A Just and Civilized Humanity in Samarinda. *Salasika Indonesia Journal of Gender, Woman, Child, and Social Inclusion's Studies Studies*, 3(2).

Suryaningsi, Siringoringo, M., & Mulawarman, W. G. (2022). Cypriot Journal of Educational Sciences. *SCypriot Journal of Educational Sciences Ciences*, 17(11), 3950–3968.

Siegel, L. J., & Welsh, B. (2011). *Juvenile Delinquency: The Core* (4th ed.). Belmont, CA: Wadsworth/cengage Learning.

Theriot, M. T. (2009). School resource officers and the criminalization of student behavior. *Journal of Criminal Justice*, 37(3), 280–287. doi:10.1016/j.jcrimjus.2009.04.008. ISSN 0047-2352.

Socialization of Law No. 16 of 2011 by The *Aisyiyah* Community in Samarinda: Efforts to Fulfill Justice and Equality before The Law for People Experiencing Poverty

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ABSTRACT

The Aisyiyah Community in Samarinda has taken the initiative to organize socialization regarding Law No. 16 of 2011 concerning Legal Aid, focusing on people experiencing poverty. This activity aims to increase legal understanding among underprivileged communities and ensure they get fair access to legal services. This socialization is a concrete step in realizing the principle of "equality before the law," where every individual, regardless of economic status, has equal rights. Through this counseling, Komunitas Aisyiyah seeks to facilitate access to justice, reduce legal gaps, and empower people experiencing poverty to be more aware of their legal rights and obligations. The results of this activity are expected to increase the confidence of people experiencing poverty in the legal system and reduce the injustices they face in various aspects of life.

KEYWORDS: : *People experiencing poverty; Legal understanding; Fair access to law; Social justice; Equality before the law*

INTRODUCTION

Law number 16 of 2011 concerning Legal Aid aims to provide wider access to justice for people experiencing poverty in Indonesia. This law guarantees that every citizen, especially those less fortunate, has equal rights before the law through free legal aid. Providing free legal aid to people experiencing poverty has many virtues and

benefits, both from the perspective of social justice, law, and humanity (Admin LBH Yogyakarta, 2019).

Free legal aid helps realize the principle of social justice by ensuring that all individuals, regardless of their economic background, have equal access to the justice system. This helps reduce the legal gap between the rich and the poor. Everyone has the right to fair

treatment before the law. Free legal aid ensures that the human rights of people experiencing poverty are not neglected and that they get proper representation in legal proceedings (Kadek & Suardianti, 2021).

People experiencing poverty are often victims of injustice due to their inability to pay for the services of lawyers (Januastasya, 2021). Free legal aid helps reduce these inequities by providing them with the legal assistance they need to fight unjust cases (Yuniarsih, 2021). By obtaining legal assistance, people experiencing poverty can better understand their legal rights and obligations. This helps increase legal awareness and knowledge among people experiencing poverty, which in turn can help them avoid legal problems in the future (Hanif, 2021).

When people see that the legal system provides protection and assistance to all levels of society, including the underprivileged, it can increase public confidence in the legal system and government (Erika, 2021; Ester, 2021; Ihsani, 2021). Free legal assistance can also reduce the burden on courts by providing faster and more efficient resolution of legal cases. Lawyers who provide legal assistance can help facilitate mediation processes and out-of-court settlements (Afriliani, 2021; Lamtiur, 2021; Ramadhani, 2021; Ur, 2021).

By obtaining legal assistance, people experiencing poverty can overcome legal problems threatening their stability and well-being. This helps strengthen communities and promotes more inclusive and sustainable development. Free legal aid can support a restorative justice

approach, which focuses on recovery for victims and perpetrators. This is important in building better relationships within the community and providing more humane solutions to lawlessness (Yulianingrum, Suryaningsi, & Alfina, 2023; Pranaditya et al., 2024; Suryaningsi et al., 2022). Overall, providing free legal aid to people experiencing poverty is essential in building a just and civilized society where everyone has equal opportunities to seek justice and defend women's rights.

Some organizations use different names for legal aid providers, such as the Religious Court, Legal Aid Post (Posbakum or Pos Bantuan Hukum), or Legal Aid Consultation Institute (LKBH). Posbakum provides legal aid services, including information, consultation, advice, and filing lawsuits or applications. This aligns with the concept of legal assistance to individuals or groups in need. Posbakum not only helps plaintiffs or applicants but also defendants or respondents, affirming the principles of justice and equal access to legal services.

The Posbakum service involves several stages: registration and identification of cases, consultation and collection of information, legal counseling, preparation of legal documents, advocacy and mediation, legal representation, monitoring and evaluation, and legal training and education. These stages reflect Posbakum's role as a facilitator of access to justice, providing holistic and effective legal assistance to the community (Suryaningsi et al., 2021; Suryaningsi, Yulianingrum, et al., 2024).

The theoretical basis of the role of Posbakum can be connected with access to justice, human rights, and legal concepts as tools to achieve social justice. Access to justice is the right of every individual to access and utilize the justice system fairly, without discrimination and significant barriers. Posbakum is an essential means to ensure access is available for the community, especially those who are financially less capable (Nadia & Afifah, 2021). Human rights are also the basis of relevant theories because Posbakum plays a role in human rights advocacy, especially in family law and religion (Christofher & Suryaningsi, 2021; Suryaningsi & Muhazir, 2020). By providing legal assistance to communities in need, Posbakum participates in safeguarding and ensuring the basic rights of individuals are fulfilled.

The concept of law as a tool to achieve social justice can also be applied to understanding the role of Posbakum (Al Faiq, 2021; Wulandari & Suryaningsi, 2022; Erika, 2021). By providing legal assistance to underprivileged communities, Posbakum helps create a more inclusive and fair justice system for all, reducing disparities in access to justice in communities (Lamtiur & Suryaningsi, 2021; Mulawarman et al., 2020; Ramadhan & Suryaningsi, 2021). Thus, Posbakum has a practical role in providing legal assistance and reflects the theoretical principles underlying its existence and duties. By providing access to justice, Posbakum helps create a more equitable, fair justice system and ensures that human rights are respected and protected effectively.

People experiencing poverty often face various obstacles in accessing the legal system, such as being unable to pay attorney or court fees, not understanding their legal rights or existing legal procedures, or facing difficulties in accessing legal aid institutions due to the remote geographical location. Socializing Law No. 16 of 2011 is critical to overcoming these obstacles for several reasons. Through socialization, people experiencing poverty can better understand their legal rights and procedures for obtaining free legal assistance. With adequate information, people can be more proactive in seeking legal help when facing legal problems. Moreover, adequate information helps ensure that people experiencing poverty know the institutions providing legal aid and how to access these services (Suryaningsi & Sari, 2021; Suryaningsi, n.d.; Suryaningsi et al., 2016; Suryaningsi, Warman, et al., 2024).

The concept of "equality before the law" can only be realized if all citizens have equal access to legal protection regardless of social and economic status (Perbawa & Sukawati, 2020). The socialization of Law No. 16 of 2011 helps provide information and access, reduce the gap between poor and rich groups in access to justice, and give the poor the ability to fight for their rights, which encourages a more equitable sense of justice in society (Yulianingrum, Suryaningsi, & Alfina, 2023).

Aisyiyah Samarinda has adopted some strategies to socialize effectively. The first is to use local networks, such as branch administrators and Aisyiyah

branches in Samarinda, to disseminate information more quickly and effectively. The second is to conduct seminars and workshops at the village level to reach out to the community directly. Next is utilizing digital platforms to disseminate information more widely and quickly. Last is to use easy-to-understand language and materials relevant to the conditions of the local community. Thus, the socialization of Law No. 16 of 2011 is crucial for people experiencing poverty as an alternative to fulfilling justice and manifesting the principle of "equality before the law". By increasing understanding of and access to legal aid, people experiencing poverty can fight for their rights more easily and participate in the legal system more equally.

METHODS

This research employed qualitative descriptive research, offering descriptive data in the form of people's written or spoken words and observable behavior. Data collection was carried out by observation, interview, and documentation. Furthermore, the data was analyzed using descriptive analysis, describing the reality or conditions of an object based on information from the parties directly related to this study. This research was conducted in a women's Community, Aisyiyah, in Samarinda, with women participating in the socialization about the importance of understanding access to justice and Posbakum as the research subjects.

RESULTS AND DISCUSSION

Results

The community's view of the Legal Aid Post (Posbakum) service towards those seeking justice in Samarinda can reflect the effectiveness and positive impact generated by the institution. Through interviews with several individuals in society, various views can be revealed:

1. Access to Justice

The public sees Posbakum as an institution that provides access to justice to those who may not have adequate financial resources to hire lawyers. This view reflects the understanding that Posbakum is to help all levels of society.

2. Affordable Legal Aid

Suppose people realize that Posbakum provides legal assistance free of charge or at an affordable cost. In that case, they may consider it a very positive alternative and in accordance with the needs of people experiencing poverty.

3. Influence on the perception of law

Posbakum services can shape public perception of the legal system. If Posbakum can provide qualified and effective legal assistance, the community may see it as a reliable form of justice and legal protection.

4. Community Oriented Engagement and Service

Community views can also reflect the extent to which Posbakum is involved and interacts with the community. Active involvement and community-oriented service might increase trust and support from the community.

5. *Quality of Service and Successful Cases*

If Posbakum successfully handles cases and provides quality services, the community is likely to give the institution a positive outlook. Posbakum's success in helping the community achieve justice can build a positive reputation in the community's eyes.

6. *Community Legal Awareness*

The community's views can also reflect the extent to which Posbakum has succeeded in raising legal awareness among the public. If Posbakum successfully provides legal information and education, the

public can be more aware of their legal rights and obligations.

Overall, the community's view of Posbakum services in Samarinda can reflect the extent to which the institution has succeeded in meeting the needs and expectations of the community in seeking justice. This evaluation can provide valuable input to improve the quality and positive impact of Posbakum in providing legal services to the community. The following socialization involves activities to strengthen the understanding of the people in Samarinda.



Figure 1. Socialization at Panti Ruhama Samarinda in February 2024

Access to justice can be interpreted as a means for communities to safeguard and restore their rights and resolve legal problems through official

procedures and informal means, including the ability of communities to conform to human rights norms. The basic concept of access to justice is to obtain justice without

exception, where all communities have equal opportunities. Access to justice can be considered fulfilled when individuals or groups, especially those in poor and marginalized conditions, can voice their grievances and get adequate handling of those complaints from state or non-state institutions. Such handling must result in recovery from the injustice experienced by adhering to the principles or rules of state, religious, or customary law and in accordance with the concept of the rule of law.

Access to justice is good if it meets the following principles. The first is the available justice institution. To access justice, the state needs to ensure the availability of formal and informal problem-solving institutions that are in accordance with legal problems that arise in society. Next is access to institutions offering affordable justice (accessible justice institutions). The resolution of legal problems needs to be accessible geographically, cost-wise, and time-wise to justice seekers. Third is the fair problem-resolution process (fair justice). It means that the process and results of solving legal problems need to be in accordance with the principles of fair trial, minimal impact, and human rights. Last is people-centered justice. In responding to legal problems experienced by the community, it is necessary to ensure that there is a mechanism that suits the needs of the justice seekers in terms of the type of mechanism, assistance preference, and restorative final result.

DISCUSSION

Pancasila, as an ideology, embodies a spiritual principle, outlook on life, and life guidelines for the nation that must be maintained, developed, and practiced in the life of the people. Pancasila is the principle and orientation of state life that is believed to encourage the nation to manifest the ideals of independence. In addition, Pancasila has been used as the ideal of law and the source of all the highest sources of law in the theory of the hierarchy of legal norms. Therefore, the legal ideal of Pancasila in developing the national legal system encompasses three values. Basic values are principles accepted as postulates that are more or less absolute. These basic values include divine, human, unity, popular, and justice. Instrumental values are a general implementation of basic values, mainly in legal norms crystallized in the form of applicable laws and regulations. Lastly, practical values are implemented in reality and derived from basic and instrumental values. Therefore, practical values are the touchstone of whether instrumental and basic values are present in Indonesian society. An example is the problem of community compliance with the law or law enforcement.

Carvalho and Silva (2024) identify five waves or phases that affect reform in access to justice. The first wave is the development of legal aid for individuals. The second wave involves the representation of collective interests. The third wave includes the development of alternative approaches in dispute resolution. The fourth wave includes the opening of the market for legal

services. The fifth wave is better regulation of the legal profession. From the five waves or phases, the development of legal aid for individuals is an aspect that influences reform in achieving access to justice. Therefore, legal rules related to legal aid are fundamental to ensure access to justice. This reflects how efforts to formulate policies related to legal aid can be the first step in pioneering access to justice reform.

Implementing basic, instrumental, and practical values into legal norms is essential because they affirm the rule of law and guarantee the protection of individual rights. In addition, these values promote society's balance and well-being and provide clear legal action guidelines. With legal norms reflecting society's values, trust in the legal system can be built so that society is more likely to abide by the law and view it as a fair and effective tool in resolving conflicts and promoting justice. This process is essential because the law that is built must accommodate Indonesia's national interests at the national, regional, and global levels. Therefore, Pancasila values serve as guidelines to test and establish the direction and character of Indonesia's positive law. One of the elaborations of Pancasila values in legal development is the value of social justice. In the formation of national law, the goal must be to provide the values of justice and welfare for all Indonesian people. This reflects a commitment to ensure that laws are made not only in favor of certain groups but for all citizens, encouraging the realization of a just and prosperous society.

Greene (2016) states that Justice in the context of law formation refers to the concept of granting fair rights and obligations to every individual in a society. Justice in law includes an equal distribution of rights and freedoms and fair treatment in legal proceedings. Fair means equality and considers the conditions, needs, and special rights of each individual or group. The principle of justice is the main foundation in designing and forming laws to create a legal system that aligns with the moral and ethical values recognized in a society (Bedner & Vel, 2010). The value of justice plays a crucial role in ensuring access to justice or access to a fair and equal justice system. Justice is fundamental to ensuring that everyone has equal rights before the law regardless of economic, social, or cultural background. This includes the rights of people experiencing poverty to access justice through legal aid.

Law Number 16 of 2011 concerning Legal Aid (Legal Aid Law) states that the background to establishing the law a quo is that before this law was born, the provision of legal aid carried out had not touched many people or groups of poor people. Consequently, they had difficulty accessing justice because they were hampered by their inability to realize their constitutional rights. The regulation regarding legal assistance in this law guarantees the constitutional rights of poor individuals or groups. Therefore, the recipients of legal aid accommodated in this law are intended for poor people or groups of people as mentioned in Article 1 point 2 of the Legal Aid Law. This is undoubtedly linear with the Right to

Legal Aid in the International Covenant on Civil and Political Rights (ICCPR). Articles 16 and 26 of the ICCPR guarantee that all people have the right to legal protection and must be spared from all forms of discrimination. Furthermore, Article 14 paragraph 3 of the ICCPR details conditions related to Legal Aid, that is, for the purposes of justice and those unable to pay advocates. These values of justice are accommodated in the articles in the Legal Aid Law, as described below.

- a) Article 1 point 1: "*Legal aid is legal services provided by legal aid providers free of charge to recipients of legal aid.*" This article reflects the essence of the value of justice in providing free legal assistance to people experiencing poverty, both individually and in groups, in accordance with the law's provisions. Economic disparities between rich and poor communities should not prevent them from accessing justice through legal aid. The value of justice here describes respect for impartial norms, maintaining balance, and ensuring equal access to legal aid. Adnan Buyung Nasution defines legal aid as the provision of services in the field of law to someone involved in a case offering free-of-charge legal aid, legal assistance for the underprivileged or the poor, and legal aid for those with no power and legally illiterate (Nasution, 2007).
- b) Article 2: "*Legal aid is carried out based on the principles of justice, equality in law, openness, efficiency, effectiveness, and*

accountability." Article 2 clearly affirms the importance of access to justice through legal aid. By prioritizing the value of justice through equality in law, openness, efficiency, effectiveness, and accountability, this article affirms the commitment to ensure that every individual has equal access to the legal system. It describes efforts to ensure that justice not only becomes an abstract concept but is also embodied in practice by providing legal assistance that meets established standards. Thus, this article affirms the value of justice and encourages mechanisms that ensure that access to justice is accessible to all without discrimination.

- c) Article 3: "*The implementation of legal aid aims to: guarantee and fulfill the right for recipients of legal aid to access justice; realize the constitutional rights of all citizens in accordance with the principle of equality in law; ensure that the implementation of legal aid is carried out evenly throughout the territory of the Republic of Indonesia; and realize an effective, efficient and accountable judiciary.*" This article also clearly states that the purpose of providing legal aid is to ensure access to justice for recipients of legal aid.

Therefore, it is concluded that the implementation of legal aid is based on the value of justice and guarantees the fulfillment of access to justice. To achieve this goal, the legal aid law mandates establishing regulations as guidelines for implementing legal aid. Therefore,

several implementing regulations were formed, such as 1) Government Regulation Number 42 of 2013 concerning Terms and Procedures for Providing Legal Aid and Disbursing Legal Aid Funds; 2) Regulation of the Minister of Law and Human Rights Number 3 of 2013 concerning Procedures for Verification and Accreditation of Legal Aid Institutions or Legal Aid Organizations; 3) Regulation of the Minister of Law and Human Rights Number 63 of 2016 concerning Amendments to the Regulation of the Minister of Law and Human Rights Number 10 of 2015 concerning Regulations for the Implementation of Government Regulation No. 42 of 2013 concerning Terms and Procedures for the Provision of Legal Aid and the Distribution of Legal Aid Funds; 4) Regulation of the Minister of Law and Human Rights Number 3 of 2021 concerning Paralegals in the Provision of Legal Aid; 5) Regulation of the Minister of Law and Human Rights Number 4 of 2021 concerning Legal Aid Service Standards. The regulations are a response to ensure the implementation of legal aid can run optimally, as stated implicitly in the explanation section of the legal rules. In this way, the community can also experience the value of justice derived from the community in the context of legal aid. The successful implementation of the entire regulation certainly requires the cooperation of all relevant stakeholders in providing legal assistance in Indonesia.

Article 1 point 2 of the Legal Aid Law states that the recipient of

legal aid is a person or group of poor people. As stated in the General Explanation section of the Legal Aid Law, the definition of poor people relates to the concept of Legal Aid stipulated in Article 14, paragraph 3(d) of the ICCPR: those who cannot afford an advocate. According to the Legal Aid Law, this provision is reflected in the definition of recipients of legal aid, which indicates that the state is to provide free legal assistance to indigent citizens. The right to universal legal assistance has actually been recognized in the 1948 Universal Declaration of Human Rights, which states that everyone is equal before the law and has the right to equal legal protection without discrimination.

The restrictions on the definition of recipients, poor people or groups, of legal aid in the Legal Aid Law can certainly be understood in relation to the provision in Article 14 Paragraph 3(d) of the ICCPR that everyone has the right to legal aid without paying if they do not have enough funds to pay. In Komnas Perempuan's 2023 Annual Records, there was an increase in the receipt of complaints to 4371 from 4322 cases. With this number, Komnas Perempuan received approximately 17 complaints per day. In addition, in the Online Information System for Women and Children Protection, there were 987 cases of violence against children with disabilities. The data revealed that the highest number of types of violence was sexual violence, with as many as 591 victims. In addition to victims, perpetrators of criminal acts that fall into the category of vulnerable

groups, such as children, are also quite high. The Indonesian Child Protection Commission (KPAI) noted that during the 2016-2020 period, 655 children had to face the law for being perpetrators of violence.

Several laws and regulations in Indonesia sporadically regulate the provision of legal assistance for vulnerable groups, including:

1. Article 17 paragraph 1 point b of Law Number 35 of 2015 concerning Amendments to Law Number 23 of 2002 concerning Child Protection: "*every child who is deprived of his freedom has the right to: b) obtain legal assistance or other assistance effectively at every stage of the applicable legal remedy*".
2. Article 23 paragraph 1 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System: "*at every level of examination, children must be provided with legal assistance and accompanied by a Community Advisor or other companion in accordance with the provisions of laws and regulations*".
3. Article 6 paragraph 1(g) of Law Number 18 of 2017 concerning the Protection of Migrant Workers: "*every prospective Indonesian migrant worker or Indonesian migrant worker has the right to obtain protection and legal assistance for acts that degrade his dignity and dignity in accordance with the provisions of laws and regulations in Indonesia and in the destination country of placement*"
4. Article 29 of Law Number 8 of 2016 concerning Persons with Disabilities: "*.. The government and local governments shall provide*

legal assistance to persons with disabilities in every examination at every law enforcement agency in civil and/or criminal matters in accordance with the provisions of laws and regulations."

5. Article 10(e) of Law Number 23 of 2004 concerning the Elimination of Domestic Violence: "*.. Victims are entitled to assistance by social workers and legal assistance at every level of the examination process in accordance with the provisions of laws and regulations.*"

Some of the above regulations show that there is still a discrepancy and/or disharmony in the legal aid regulatory regime in Indonesia. Some regulations regulate the provision of legal aid to vulnerable groups, but the Legal Aid Law, which should be an "umbrella" for the implementation of legal aid in Indonesia, only limits legal aid recipients to the category of poor people. The state must not disregard the fact that vulnerable groups must also get access to legal aid. Although poverty is also a vulnerability, it should be understood that many other vulnerable groups also need protection. Limiting access to legal aid only to economically vulnerable groups, as stipulated in the Legal Aid Law, certainly makes legal aid policies fail to provide access to justice as a whole for all levels of society. Therefore, expanding the definition by expanding the subject of legal aid recipients to include other vulnerable groups (other than poor groups) is essential to consider in the future.

The Legal Aid Law is an instrument used by the state to represent its function as a state of law, in which the state has the authority to determine the means of providing legal aid to the poor or specific groups of people. This includes aspects of making legal rules, supervision of the implementation of legal aid mechanisms, and public education to ensure a good understanding of the rule of law that has been made. The principle of access to justice is not just about increasing access to justice and guaranteeing one's legal representation. Access to justice is defined as the ability of communities to seek and obtain remedies through formal or informal institutions of justice for grievances in accordance with human rights standards (Galanter & Krishnan, 2004).

There are at least 5 (five) issues related to access to justice, which, of course, can also be a benchmark for the need for Law Number 16 of 2011 concerning Legal Aid to answer these problems. There are 5 (five) main issues in access to justice: 1) Accessibility of court processes for resolving disputes over mutual rights and responsibilities; 2) Availability of adequate legal assistance in criminal trials (Availability of adequate legal representation in criminal trials); 3) Access to more informal legal processes such as a small claims courts and administrative tribunals; 4) Availability of legal advice; 5) Public legal education.

The presence of a Legal Aid Organization ("OBH") is a mandate from Article 8 of the Legal Aid Law which requires the existence of

legal aid providers in the provision of legal aid. The availability of legal information and the existence of legal aid organizations are closely related in the context of legislation. The Legal Aid Act ensures that people have fair and equal access to the justice system, regardless of their economic or social background. In addition, the Legal Aid Law also includes provisions that stipulate the obligation to provide legal information to the public. This could include providing information about legal rights, judicial proceedings, and other legal resources.

OBH is vital as an intermediary in providing legal information to the public. OBH not only provides relevant and easily accessible information but also helps individuals understand their rights and provides guidance on legal procedures that need to be followed. This is accommodated in the Legal Aid Law, namely Government Regulation Number 42 of 2013 concerning Terms and Procedures for Providing Legal Aid and Disbursing Legal Aid Funds. As per Government Regulations *a quo*, legal aid budgets are provided for litigation and non-litigation. The amount of legal aid is further regulated in the Decree of the Minister of Law and Human Rights Number M.HH-01. HN.03.03 of 2021 concerning the Amount of Litigation and Non-Litigation Legal Aid Fees. Legal assistance provided in Non-Litigation cases includes legal counseling, legal consultation, case investigation, both electronically and non-electronically, legal research, mediation, negotiation,

community empowerment, out-of-court assistance, and/or legal document drafting. With the legal assistance provided by the state through the Ministry of Law and Human Rights of the Republic of Indonesia, it is hoped that all levels of society who are less able to seek justice and equality before the law can have their rights fulfilled as mandated in UUD NRI 1945.

The government, represented by the Ministry of Law and Human Rights of the Republic of Indonesia, also continues to socialize the Legal Aid Law to realize Access to Justice for people experiencing poverty. One of the socialization is the one carried out by the Ministry of Law and Human Rights of West Sulawesi on October 5, 2021, at the Class IIB State Detention Center Pasangkayu with the theme of "Realizing Access to Justice for the Poor, the Ministry of Law and Human Rights of West Sulawesi Socializes the Legal Aid Law" (KemenkumHAM West Sulawesi, 2021). In this socialization activity, the Legal Extension Team delivered socialization material entitled "Legal Aid for the Community, Implementation of Legal Aid Law". According to the Legal Counseling Team, access to legal aid is one manifestation of equality before the law. Article 28D paragraph 1 of the 1945 NRI Constitution states that everyone has the right to recognition, guarantee, protection, fair legal certainty, and equal treatment before the law. Apart from delivering legal information, this socialization activity is also done to increase public legal awareness of legal aid.

The provision of legal assistance by OBH is significant, mainly to accompany clients so that they will not be treated arbitrarily by law enforcement officials and to defend them. OBH funding comes from the State Budget (APBN). The allocation of APBN funds for the implementation of legal aid is a manifestation of the government's obligation and is channeled through the budget of the Ministry of Law and Human Rights of the Republic of Indonesia as the organizer of legal aid as mandated by Article 6 paragraph 2 of the Legal Aid Law. Legal aid funding sources other than the State Budget are Regional Government Level I (Province) and Level II (Regency, City), accredited and verified by the Ministry of Law and Human Rights of the Republic of Indonesia.

According to the National Legal Development Agency, which can be seen on the official website of BPHN, the total funds disbursed by the Government for legal aid programs in 2023 were around Rp. 56,865,320,000 ("Legal Aid System," 2023). Head of the National Legal Development Agency (BPHN), Widodo Ekatjahjana, explained that during 2022, BPHN had distributed legal aid throughout Indonesia with details of litigation legal assistance to as many as 9,389 recipients and 3,523 non-litigation legal assistance. The total legal assistance provided was 12,912. 619 OBH distributed legal aid throughout Indonesia.

To ensure the implementation of access to justice, the condition of equitable distribution of OBH is

one of the critical indicators. This even distribution is needed due to the geographical conditions of Indonesia's vast territory of around 1,905 million square km, comparable to 1.2% of the world's total land area. Therefore, equitable distribution of legal aid institutions or organizations must accommodate 38 (thirty-eight) provinces in Indonesia. Data related to the distribution of legal aid institutions or organizations can be found in the Decree of the Minister of Law and Human Rights Number M.HH-02. HN.03.03 of 2021 concerning OBH to Pass Verification and Accreditation as Legal Aid Providers for the 2022-2024 Period.

According to the Annex to the Minister of Law and Human Rights Decree, 619 OBH spread across 34 (thirty-four) provinces in Indonesia. The number of OBH distribution in each province is as follows: 1) 24 in Aceh; 2) 6 in Bali; 3) 21 in Banten; 4) 13 in Bengkulu; 5) 22 in Yogyakarta Special Region (DIY); 6) 41 in DKI Jakarta; 7) 10 in Gorontalo; 8) 17 in Jambi; 9) 49 in West Java; 10) 60 in Central Java; 11) 65 in East Java; 12) 5 in West Kalimantan 13) 7 in South Kalimantan; 14) 9 in Central Kalimantan; 15) 18 in East Kalimantan; 16) 1 in North Kalimantan; 17) 8 in Bangka Belitung archipelago ; 18) 7 in Riau archipelago; 19) 22 in Lampung; 20) 7 in Maluku; 21) 9 in North Maluku; 22) 18 in West Nusa Tenggara; 23) 15 in East Nusa Tenggara; 24) 6 in Papua 25) 5 in West Papua; 26) 14 in Riau; 27) 6 in West Sulawesi; 28) 30 in South Sulawesi 29) 16 in Central Sulawesi; 30) 17 in Southeast

Sulawesi; 31) 9 in North Sulawesi; 32) 12 in West Sumatra; 33) 13 in South Sumatra; 34) 37 in North Sumatra (Ministry of Law and Human Rights of the Republic of Indonesia, 2021).

The number of OBH mentioned in the Decree of the Minister of Law and Human Rights of the Republic of Indonesia does not represent all legal aid institutions or organizations in Indonesia. OBHs, as mentioned above, are OBHs that have passed verification and accreditation conducted by the Ministry of Law and Human Rights of the Republic of Indonesia. Therefore, there are still legal aid institutions or organizations in the community. The Ministry of Law and Human Rights of the Republic of Indonesia strives to increase the distribution of legal aid organizations throughout Indonesia through networking and identifying OBH candidates.

Legal aid implementation is supervised periodically and incidentally and can be done directly or indirectly. Article 7 paragraph 1(a) of the Legal Aid Law states that the Minister of Law and Human Rights of the Republic of Indonesia has the authority to supervise and ensure that the implementation of legal aid and the provision of legal aid are carried out in accordance with the principles and objectives stipulated in the Law. To carry out this supervision, a Central Supervisory Team (Panwaspus) was formed at BPHN, and a Regional Supervisory Team (Panwasda) was formed in a special work unit under the coordination of the Regional Office of Law and Human Rights

of the Republic of Indonesia to supervise, monitor, and evaluate the implementation of legal aid in the regions. The Panwasda team plays an important role, especially in supervising and evaluating the implementation of legal aid service standards. BPHN has established Guidelines for the Implementation of Fund Disbursement and Supervision of Legal Aid Number HN. HN.04.03-810 to describe the technical provisions for the implementation of legal aid. This Implementation Guideline is intended as a guideline for the Panwaspus and Panwasda committee in implementing legal aid so that the services provided are on target with good service quality. In the Implementation Guidelines, the roles of Panwaspus and Panwasda have been explained as follows:

1. The Panwaspus Committee has the following duties: 1) Implement policies related to the provision of legal aid; 2) Receive and follow up on recommendations from the supervision of the implementation of legal aid in the provision of legal aid from Panwasda; 3) Propose/recommend the amount of the legal aid budget for the implementation of legal aid for the Head of BPHN; 4) Prepare and determine the draft agreement on the implementation of legal aid; 5) Distribute the amount of the budget for the implementation of legal aid in Sidbankum; 6) Submit notification of the commencement of the implementation of legal assistance to Panwasda; 7) Divert budgets through addendums; 8) Supervise the provision of legal aid and the distribution of legal aid funds; 9) Coach Panwasda's performance and provide legal aid; 10) Receive supervisory reports conducted by Panwasda; 11) Receive and follow up complaints of alleged violations / irregularities of Starla Bankum and/or distribution of legal aid funds; 12) Resolve disputes in the provision of legal aid; 13) Receive and follow up on recommendations for awarding and/or sanctions for the provision of legal aid from Panwasda; 14) Provide awards and/or sanctions for the implementation of legal assistance on behalf of the Minister of Law and Human Rights; and 15) Prepare reports on the implementation of legal aid.
2. The Panwasda Committee has the following duties: 1) Implement policies related to the provision of legal aid; 2) Submit recommendations on the results of supervision on the implementation of legal aid to Panwaspus; 3) Submit notification of the commencement of the implementation of legal aid to the legal aid administration; 4) Order the provision of legal aid to complete the profile of legal aid implementation in Sidbankum; 5) Prepare a legal aid implementation agreement based on the draft stipulated by Panwaspus; 6) Prepare the signing of an agreement on the implementation of legal aid

between the Regional Office and the provision of legal aid; 7) Order the administration of legal aid to upload the signed legal aid implementation agreement document into Sidbankum; 8) Verify and approve applications for implementation and application for disbursement of legal aid budgets; 9) Supervise the provision of legal aid and the distribution of Legal Aid funds in its work area; 10) Conduct guidance and supervision of the performance of legal aid implementation; 11) Receive complaints of alleged violations/irregularities of Starla Bankum and/or distribution of Legal Aid funds; 12) Provide input on policy changes related to the provision of legal aid; 13) Resolve disputes in the provision of legal aid at the regional level; 14) Prepare and submit recommendations for awarding and/or imposing sanctions for PBH to Panwaspus; 15) Reconcile the legal aid budget; and 16) Prepare and submit supervisory reports to Panwaspus.

The role of Panwaspus and Panwasda in implementing legal aid is crucial to realize targeted legal aid. In addition, the community's active role is also expected to provide external supervision of all OBHs. Pancasila is a basic norm (grundnorm) used as the source of all sources of law in Indonesia. Thus, all forms of national law development activities must be based on Pancasila values contained. One of these values is justice in people's lives. The adoption of justice value

into the establishment of the Legal Aid Law has a very close relationship with access to justice for the community. By adopting the value of justice as a foundation, the Legal Aid Act guarantees that every underprivileged individual or group has equal access to legal services (Cappelletti & Garth, 1981). This indeed aims to ensure that people are not alienated or marginalized in the legal system.

Moreover, Macdowell (2015) emphasizes that adopting justice value in the Legal Aid Law directly contributes to creating access to justice for all communities through legal aid. As a recommendation, OBH should be increased and maximized through strategic programs in the government, especially at the Ministry of Law and Human Rights of the Republic of Indonesia, to encourage increased access to justice for all people in Indonesia. The Legal Aid Law also needs to be refined in the future, especially related to the expansion of the definition of recipients of legal aid which, in addition to being intended for people experiencing poverty, should also be able to reach other vulnerable groups. This is solely to ensure more comprehensive access to justice for every vulnerable community group.

The socialization carried out by the Aisyiyah Community in Samarinda succeeded in increasing legal knowledge among people experiencing poverty. Before the socialization, many participants were unaware of Law No. 16 of 2011 concerning Legal Aid. After the socialization, they better understood their rights to free

legal assistance. The community showed high participation and enthusiasm in socialization. This is reflected in the number of participants who attended and actively asked questions during the question-and-answer session. The community also gave positive feedback about the benefits they gained from the activity. As a follow-up to the socialization, discussion groups were formed in several regions to continue discussing and exploring the material of Law No. 16 of 2011. This group is a forum for sharing information and experiences dealing with legal issues. The Aisyiyah Community has succeeded in collaborating with several legal aid institutions in Samarinda, such as the Legal Consultation and Aid Institute (LKBH) of Widya Gamma University and the LKBH of Muhammadiyah University in East Kalimantan. These institutions are committed to providing free legal aid services to those in need.

The socialization process was carried out using lecture methods, interactive discussions, and case simulations, proven effective in conveying information to the community. A communicative and participatory approach helps participants understand the material better. Some obstacles faced in this socialization included limited time and resources and difficulties in reaching people in remote areas. To overcome the obstacles, long-term strategies and support from various parties, including governments and non-governmental organizations. The long-term impact of this socialization is expected to

increase poor people's access to justice and reduce cases of injustice they experience. With a better understanding of their rights, people experiencing poverty can be more empowered and fight for their rights before the law. Several recommendations are proposed to expand the reach and effectiveness of socialization in the future. The first is to conduct training for facilitators from among the community to continue socialization in their respective communities. Next, social media and information technology should be utilized to disseminate legal information more widely. The third is establishing more intensive cooperation with local governments to obtain logistical and financial support. The last is to develop socialization materials that are more comprehensive and easier to understand by various levels of society.

CONCLUSION

The socialization of Law No. 16 of 2011 by the Aisyiyah Community in Samarinda has had a positive impact in increasing legal understanding and access to justice for people experiencing poverty. Despite some obstacles, this effort is vital to equality before the law and broader community empowerment. Continuous support and collaboration of various parties are needed to ensure that the objectives of this socialization can be achieved optimally.

REFERENCES

Admin LBH Yogyakarta. (2019, November). *Gerakan ekofeminisme dalam memutus mata rantai patriarki*. Lbhyogyakarta.Org.

Afriliani, R. (2021). Pemenuhan Hak-Hak Anak pada Masa Pandemi di Kabupaten Kutai. *Nomos: Jurnal Penelitian Ilmu Hukum*, 1(4), 115–126.

Al Faiq. (2021). Hak Anak Penyandang Disabilitas untuk Sekolah. *Nomos: Jurnal Penelitian Ilmu Hukum*, 1(2), 44–50.

Yulianingrum, Suryaningsi, & Alfina, W. F. K. (2023). Sosialisasi Hukum Pencegahan Tindak Kekerasaan dan Perilaku Bullying Pada Anak di TK ABA Samarinda Pendahuluan. *PARTA: Jurnal Pengabdian Kepada Masyarakat* <Http://Journal.Undiknas.Ac.Id/Index.Php/Parta. Volume 4 | Nomor 2 | Desember | 2023 e-ISSN: 2809-4433 Dan p-ISSN: 2809-5081 Sosialisasi, 4, 156–163.>

Bedner, A. mr., & Vel, J. ir. (2010). An Analytical Framework for Empirical Research on Access to Justice. *Law, Social Justice & Global Development*, 1(February), 1–29. http://www2.warwick.ac.uk/fac/soc/law/elj/lgd/2010_1/bedner_vel/bedner_vel.pdf

Cappelletti, M., & Garth, B. (1981). Access to justice as a focus of research. *Windsor Yearbook of Access to Justice*, 1, ix.

Carvalho, V. R. de, & Silva, G. M. R. (2024). Social right to property and constitutional efficacy: extrajudicial settlement and the role of notarial services in access to justice. *Contribuciones a Las Ciencias Sociales*, 17(2), e5111. <https://doi.org/10.55905/revconv.17n.2-091>

Christofher, D. A., & Suryaningsi, S. (2021). Analisis Tindakan Pelanggaran Hak Asasi Manusia yang Dialami Anak-Anak di Bawah Umur di Indonesia. *Nomos: Jurnal Penelitian Ilmu Hukum*, 1(7), 279–286.

Erika, Y. (2021). Kajian Deskriptif tentang Kesetaraan dalam Hak Asasi Manusia di Lingkungan Masyarakat. *Nomos: Jurnal Penelitian Ilmu Hukum*, 1(8), 323–333.

Ester, V. (2021). *Hak Anak Berkebutuhan Khusus untuk Mendapatkan Pendidikan* di. 1(9), 1–11.

Galanter, M., & Krishnan, J. K. (2004). “Bread for the poor”: Access to justice and the rights of the needy in India. *Hastings Law Journal*, 55(4).

Greene, S. S. (2016). Race, class, and access to civil justice. *Iowa Law Review*, 101(4), 1263–1321. <https://doi.org/10.2139/ssrn.2592150>

Hanif, M. (2021). Diskriminasi dalam Kehidupan Beragama di Indonesia. *Nomos: Jurnal Penelitian Ilmu Hukum*, 1(2), 33–43.

Ihsani, M. H. (2021). Pemenuhan Hak anak di Masa Pandemi di Kabupaten Kutai Kartanegara. *Nomos: Jurnal Penelitian Ilmu Hukum*, 1(2), 33–43.

Januastasya, D. (2021). Kesetaraan Gender dalam Perspektif Hak Asasi Manusia. *Nomos: Jurnal Penelitian Ilmu Hukum*, 1(6), 226–232.

Kadek, N., & Suardianti, D. (2021). *Penegakan Hukum dan Nilai HAM Untuk Mengatasi Ketidakadilan Pihak*. 1(12), 1–9.

Lamtiur, C. (2021). Perlindungan Hukum Terhadap Korban Eksplorasi Anak-Anak di. *Nomos: Jurnal Penelitian Ilmu Hukum*, 1(3), 71–81.

Lamtiur, C., & Suryaningsi. (2021). Perlindungan Hukum Terhadap Korban Eksplorasi Anak-Anak di Samarinda. *Nomos: Jurnal Penelitian Ilmu Hukum*, 1(3), 71–81.

Perbawa, K. S., & Sukawati, M. (2020). Legal Assistance For The Poor. *Ganaya: Jurnal Ilmu Sosial Dan Humaniora*, 3(1), 146–162. <https://doi.org/10.37329/ganaya.v3i1.430>

Macdowell, E. L. (2015). *Scholarly Commons @ UNLV Law Reimagining Access to Justice in the Poor People's Courts*. <http://scholars.law.unlv.edu/facpub/938>

Mulawarman, W. G., Henny, P., Suryaningsi, Sulistyowati, E. D., Wahyuningsih, T., & Rokhmansyah, A. (2020). *Kajian Pembangunan Manusia Berbasis Gender 2019: Perempuan kepala rumah tangga Miskin yang Mempunyai Usaha Ekonomi di Bontang, Samarinda, dan Kutai Timur*. Istana Agency.

Nadia, H., & Afifah, Zahratul, S. S. (2021). Analisis Penegakan Hukum Untuk Mewujudkan Keadilan Dalam Perspektif. *De Cive: Jurnal Penelitian Pendidikan Pancasila Dan Kewarganegaraan*, 1(1), 1–7.

Pranaditya, W. D., Suryaningsi, Jamil, J., Marwiyah, M., Pardosi, J., & Wingkolatin, W. (2024). Implementasi Digitalisasi Pendidikan Kewarganegaraan Pasca Pembelajaran Online di SMA Negeri 1 Tenggarong. *PRIMER: Jurnal Ilmiah Multidisiplin*, 2(1), 84–93. <https://doi.org/10.55681/primer.v2i1.315>

Ramadhan, W. A., & Suryaningsi. (2021). Optimalisasi Layanan Hukum untuk Masyarakat Miskin. *Nomos: Jurnal Penelitian Ilmu*, 1(4), 135–141.

Ramadhani, D. (2021). *Pelanggaran Hak Asasi Manusia Dalam Kegiatan Sekolah*. 1(10), 1–8.

Suryaningsi & Sari, V. P. (2021). *The Implementation of Pancasila Values in the Counseling Phase for Narripiants in Narcotics Institutions Class III Samarinda*. Aksara: *Jurnal Ilmu Pendidikan Nonformal*, 7 (1), 19.

Suryaningsi. (n.d.). *Initiative of Thoughts from Indonesia to the World of the Covid-19 Era*.

Suryaningsi, Alim, S., Wingkolatin, W., & Jamil, J. (2016). *Pendidikan Kewarganegaraan*. Academica.

Suryaningsi & Muhazir, M. (2020). Development and Empowerment of Social Welfare Problems in Street Children in Samarinda City, East Kalimantan, Indonesia. *2nd Annual Civic Education Conference (ACEC 2019)*, 418(Acec 2019), 339–345. <https://doi.org/10.2991/assehr.k.200320.065>

Suryaningsi, Training, T., & Pahu, J. M. (2022). How does the principal's policy respond to professional learning during the COVID-19 pandemic? *Cypriot Journal Bilimleri Dergisi*, 17(11), 3950–3968.

Suryaningsi, Warman, W., Komariyah, L., Nurlaili, N., Mulawarman, W. G., Hudiyono, Y., & Thaba, A. (2021). Legal Protection and Rehabilitation of Victims of Child Trafficking With the Purpose of Prostitution in Indonesia. *Journal of Legal and Regulatory Issue*, 24(6), 1–16.

Suryaningsi, Warman, W., Pardosi, J., Marwiah, M., Majid, N., & Marina, M. (2024). Peran Pos Bantuan Hukum Bagi Masyarakat Miskin Berbasis Nilai Keadilan di Pengadilan Agama Kota Samarinda. *PRIMER: Jurnal Ilmiah Multidisiplin*, 2(1), 66–75. <https://doi.org/10.55681/primer.v2i1.303>

Suryaningsi, Yulianingrum, A. V., & Gede, W. (2024). *The Role of Legal Consultation and Legal Aid Assistance for Disadvantaged Communities*. 10(January), 467–476.

Ur, S. (2021). *Hak Asasi Manusia*

terhadap Kekerasan dalam Rumah Tangga di Kota. *Nomos: Jurnal Penelitian Ilmu Hukum*, 1(4), 127–134.

Wulandari, D., & Suryaningsi. (2022). Fulfillment of Women's Political Rights in a Democracy Goverment. *Unmul Civic Education Journal*, 14–33.

Erika, S. S. (2021). Upaya Masyarakat Memperoleh Akses Keadilan untuk Perwujudan Azasi Manusia. *Nomos: Jurnal Penelitian Ilmu Hukum*, 1(4), 142–151.

Yuniarsih. (2021). Perlindungan terhadap Tindak Pelecehan Perempuan di Media Sosial. *Nomos: Jurnal Penelitian Ilmu Hukum*, 1(4), 152–159.

Phases of Forgiveness in Early Adult Women with Parental Infidelity

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ABSTRACT

Infidelity in marital relationships is a pervasive phenomenon with a propensity to increase over time. Infidelity often involves children's awareness, leading to adverse impacts on parent-child relationships, children's self-image and identity, mental health, and their future romantic relationships. Although substantial research has been conducted on the forgiveness process among couples, there remains a need for further exploration into the forgiveness process in children, particularly young adults, who have experienced parental infidelity. This study aims to investigate the stages of forgiveness in young adults who have encountered infidelity by both parents. Employing a phenomenological qualitative approach, this research involved in-depth interviews with two young adult women who experienced parental infidelity. The findings indicate that both participants expressed a willingness to forgive both parents involved in the infidelity. However, the forgiveness process varied between parents. Forgiveness towards the mother advanced to the deepening stage (Participant 1) and the action stage (Participant 2), while forgiveness towards the father was impeded, halting at the disclosure stage. The father's lack of demonstrated change in attitude or remorse following the affair, the absence of the father's alignment with family values, the child's perception of the affair, and the father's overall behavior and attitude were identified as barriers to forgiving the father. This study highlights the complexity of the forgiveness process in young adults dealing with parental infidelity and underscores the need for tailored support mechanisms to facilitate forgiveness and emotional healing.

KEYWORDS: *forgiveness; parental infidelity; early adult female*

INTRODUCTION

Infidelity in marital relationships is considered inevitable and tends to continue increasing (Irawan, 2018). In most cases, couples often intend to exclude their children from the situation. However, previous research indicates that children will inevitably become cognizant of their

parents' infidelity, whether through direct or indirect means, even if parents attempt to shield them from it (Kawar, Coppola, & Gangamma, 2019; Weiser & Weigel, 2017). Parental infidelity often results in dysfunctional family dynamics, causing a marital crisis that leads to family conflict (Schmidt, Green, & Prouty, 2016), guilt, anxiety,

damaged self-identity (Salih & Chaudry, 2023), and a sense of entrapment that affects the well-being of family members (Thorson, 2021).

Generally, Salih and Chaudry (2023) assert that parental infidelity has resulted in children's mental health through parental emotional unavailability, poor self-control of parents, and children's maladaptive coping behaviors (e.g., fear, feelings of rejection, and stress). More to the point, parental infidelity brings about emotional turmoil and long-lasting trauma. In line with this, Weiser and Weigel (2017) indicate that infidelity impacts children by reducing well-being, lowering self-esteem, fostering self-doubt, and inducing anxiety. Furthermore, research over the years has consistently shown that when children become aware of their parent's infidelity, regardless of their age at the time, they are compelled to make decisions on how to cope with the situation (Thorson, 2017) and understand the circumstances (Thorson, 2013). Moreover, parental infidelity also affects parent-child relationships (Thorson, 2013). Children tend to feel hurt and anger toward the cheating parent, be pressured to mediate parental conflicts, and become emotional caretakers for the betrayed parent (Thorson, 2019). Specifically, the impact of parental infidelity on children may vary depending on their age, gender, and cultural background. Unlike children, teenagers may not blame themselves when learning about parental infidelity, but they often feel betrayed, leading them to place responsibility on one parent and adopt a one-way loyalty that creates

a dysfunctional triad that can persist into adulthood (Negash & Morgan, 2016). Salih and Chaudry's study on five adult women who learned about their parents' infidelity revealed that daughters experienced emotional upheaval, including sadness, confusion, rejection, hurt, fear, anger, and neglect, resulting in prolonged emotional pain.

The events and issues arising from parental infidelity underscore the need to improve both intrapersonal and interpersonal relationships between children and parents. Literature studies indicate that forgiveness is a crucial bridge and component for fostering good interpersonal relationships and repairing/building relationships in the future (Fincham, Hall, & Beach, 2005; Enright, 2001). Enright (2001) defines forgiveness as the readiness process to relinquish the right to blame, demean, or seek revenge against the perpetrator who has caused harm, while simultaneously developing compassion and empathy towards them. Enright (2001) divides forgiveness into four stages: a) uncovering phase, where individuals identify injustice and painful events, experience layers of pain, undergo temporary or permanent life changes due to the violation, shift their worldview and understanding of justice and God, and realize the relationship between unforgiveness and physical or psychological difficulties caused by anger or vengeance; b) decision phase, involving gaining a true understanding of the meaning of forgiveness and committing to forgive based on this understanding; c) working phase, where individuals reframe by reconsidering the hurtful situation, seeing the offender as a

flawed human rather than a criminal, striving to show realistic empathy and compassion towards the perpetrator, and being willing to bear the psychological burden and forgive them; and d) deepening phase, where individuals find deeper meaning in the painful event, feel more connected to others, experience fewer negative effects, and develop new life goals.

Forgiveness can depend on various factors, such as age and gender. Research finds that willingness to forgive increases with age (Kaleta & Mróz, 2018). Studies on gender differences and forgiveness show lower forgiveness levels among women and difficulties for women in overcoming self-unforgiveness and situations around them, but not towards the unforgiveness of others (Kaleta & Mróz, 2022). Research conducted so far has focused on the forgiveness process in couples, necessitating exploration into the forgiveness process in children, especially young adults experiencing parental infidelity. Therefore, this study aims to explore the stages of forgiveness in young adults who have experienced their parents' infidelity.

METHODS

This study employed a qualitative approach with a phenomenological research design. Data collection was conducted through semi-structured, in-depth interviews. The researchers highlighted significant statements that were further developed into various themes (Creswell, 2015). These themes were used to provide a textual description of what the participants experienced. Statements

and themes were also utilized to explain the context and background influencing how individuals experienced a particular phenomenon, describing the structural description. Participants in this study were two early adult women aged 21 to 22 who experienced and were aware of both parents' infidelity, which began during their adolescence and continues to the present. They are both eldest siblings with a younger brother, and no longer live with their parents. Both participants were selected through purposive sampling.

RESULTS AND DISCUSSION

1. Results

Uncovering Phase

Children's emotional and cognitive responses to parental infidelity

Overall, both participants expressed feelings of disappointment, anger, and betrayal upon first discovering their parents' infidelity. However, there were differences in the emotional responses between P1 and P2. Unlike P2, who tended to be apathetic in response to their parents' infidelity, P1 experienced severe emotional turmoil, leading to suicidal thoughts.

"It seems like these feelings (of wanting to commit suicide) started around middle school or high school. I have intentions to commit suicide because I... I can't handle the pain I feel anymore, it's too overwhelming. It's too heavy to bear, and I can't help to endure it anymore." (P1)

The infidelity of P1 and P2's parents persisted and recurred multiple times. P1 expressed

profound disgust with the cycle of her father's infidelity. She perceived her father as not taking responsibility for the emotional pain he caused, stating, "*I feel like my mental state was abused by him, I feel abused by him, and then he just left... he just left...*" (P1).

P1 exhibited a cognitive response by perceiving her mother's infidelity as a betrayal of the children. Initially, she felt that, after discovering her father's infidelity, her mother was the only person she could rely on. However, this hope was shattered upon learning that her mother was also engaged in an affair. P1 stated, "*I think, you already have me and my brother, so the three of us should be enough. You don't need anyone else.*" (P1).

In contrast, P2 perceived the infidelity as advantageous, as her mother's affair partner provided financial support and emotional needs to P2's family.

"We made it to where we are now because of his (the mother's affair partner) help. So, as I mentioned earlier, I wouldn't have made it this far without their assistance. He has been very supportive, both emotionally and financially." (P2)

Meanwhile, the father's infidelity elicited similar cognitive responses from both participants. Both P1 and P2 perceived their father as the primary cause of family conflict. The only difference is that P2 viewed his father's infidelity as for his own pleasure.

"So, I feel like actually, oh, he (father) cheats for his own pleasure, while my mother cheats for us ... But that's how my mother is, the results (money) are for us, if she gets money,

if she gets anything, it's for us, for our schooling, our lives, our future" (P2)

Changes in the relationship between children and parents

Both participants expressed changes in their relationship with their parents. Both P1 and P2 disclosed that they lost respect for their father.

"When you find out that someone you love, someone you consider a hero in your life, continues to have an affair, and you were the first to know about it, you can't see that person the same way as before." (P1)

"I no longer have that feeling (respect) for my father. There is no feeling that this is my father; I have to respect him. Those feelings have gone, especially since he did not put me through school. I feel like he has not made any contribution to my life." (P2)

The relationship with their parents deteriorated as the parents vented their emotions on their children. This behavior was exhibited by both P1's parents and P2's mother. P1 and P2 expressed annoyance, weariness, and hurt due to bearing the psychological and emotional burden of their parents' mistakes. P1 expressed her feelings as follows:

"... There were instances that my brother and I pretended to sleep. We did not want to be bothered (by the father) with his constant nagging and criticism of my mom like my mom was incompetent, my mom was a bad mother. We pretended to sleep because we did not want to hear any of his complaints... My mom was also doing the same thing... It was

overwhelming, to be in between those emotions was exhausting" (P1)

Both participants' relationships with their mothers have improved, while their relationships with their fathers have deteriorated. P1 has chosen not to engage in interactions with her father due to the ongoing cycle of infidelity, causing persistent thoughts of suicide.

"But why do I have to do that (maintain communication with her father) if that hurts so much, I feel the pain, and I feel like it's not worth it to... sacrifice myself, sacrifice myself just because of that." (P1)

P2 limits her conversations with her father to casual ones, but she no longer entrusts him to influence her life decisions. This behavior stems from his infidelity and his preference for women working, which contrasts with traditional familial roles. *"...I can still share my life updates with him, but I cannot tolerate him telling me what I should do with my life..." (P2)*

Furthermore, both participants illustrated the absence of their father's role and function. P1 illustrates it as, *"A collapsed billboard, you know? (pause) Billboards are usually huge, but the picture (in the billboard) falls off, it is how my father is to me. He is physically there, but he has lost his role as a father..." (P1)*

Decision Phase

According to P1, her decision to consider forgiveness for her mother began when her mother fell ill. The feeling of significant guilt stimulated a reflection of her resentment of her mother's affair, leading to a new perspective. *"...My mom had a stroke, and I feel guilty about her. It burdens me*

as I regret that all this time, I never try to understand her perspective, her position in life..." (P1)

Meanwhile, P2 conveyed that the consideration to forgive her mother arose when she perceived a change in her mother's attitude, demonstrated by increased care and concern.

"I feel, over time, she (mother) has become more understanding. She can sense my needs and concerns. Then, I think, maybe she has been acting that way because she's been shouldering all the burdens herself." (P2)

The care and financial support provided by her mother helped P2 realize her mother's position all along. P2 began to understand that her mother's change in attitude might reflect the unfair situation she was enduring while taking the sole responsibility as a breadwinner and household leader when her husband was having an affair. This also promoted a different viewpoint that her mother might never have intended to verbally or physically hurt her. By viewing the situation from her mother's perspective, P2 was willing to forgive her mother.

While considering forgiving, both participants articulated a sense of relief from emotional burdens. However, they also conveyed lingering resentment when witnessing their mother's infidelity. This forgiveness decision has been extended only for their mother's infidelity (both P1 and P2). P1 stated her understanding that forgiveness liberates her from emotional imprisonment and fosters personal relief. However, she had not been able to extend this forgiveness to her father's infidelity.

"But to let go and accept things as they are... I feel some sense of relief when I finally forgive my mom. But I cannot accept my father's deed, although I know for sure if I could forgive him, if I could let go, it would benefit me. But for some reason, I cannot forgive him." (P1)

Working Phase

Reframing

Both participants' working phases began with the process of reframing. In P1's case, reframing involved placing herself in the position of the mother who was betrayed by her husband and the need for external support to bridge the emotional void.

"I'm not justifying it, but I have to understand that sometimes we need to talk to someone who is not part of the familial relationship. I do have that kind of relationship with some of my male friends. There's a space that can't really be replaced..." (P1)

Through reframing, P1 had come to grasp the underlying circumstances surrounding her mother's infidelity, recognizing the unmet needs for comfort, validation, and emotional support from her partner. P1 emphasized that forgiveness does not excuse or condone the infidelity but rather reflects her willingness to respect her mother's autonomy and continue to love and honor her as a parent.

Conversely, P2 undertook reframing by reflecting on the burdens borne by her mother and the extensive efforts made to support the family's livelihood and assume responsibility for her husband's actions despite the misguided approach taken. This

introspection evoked feelings of guilt in P2 for harboring resentment towards her mother, prompting her to cultivate empathy for the challenges her mother faced.

"How can parents behave that way? I keep wondering if my mother is hustling like this; am I at fault? Essentially when, she is the breadwinner, while my father behaves that way (continuing the affair). Isn't it mean of me not to forgive her?" (P2)

Positive emotional response after reframing

Moreover, through the process of reframing, both participants cultivated empathy toward their mothers. P1 expressed a newfound appreciation and understanding for her mother and committed to being a supportive listener of her grievances despite occasional feelings of annoyance toward her behavior.

"...I don't want to lose anyone, especially those I care for, including my mom. Including my mom (with a stronger tone). From that moment on (her mother's sickness), I started to appreciate her (mother's) presence, and I realized that I was not the only one who was suffering. She was also bearing the same pain" (P1)

On the other hand, P2 expressed that she was able to develop empathy and affection towards her mother, although she acknowledged lingering hurt that has not been completely released. *"Even though sometimes it still hurts when I remember how stressful it was when she vented her distress onto me. But I don't hate her as much anymore." (P2)*

Adversely, while reframing aided both participants in understanding and contemplating forgiveness toward their mothers, it has instead intensified their resentment toward their fathers, whom they perceived as the source of family conflicts. Consequently, forgiving their fathers became more difficult.

“...You know, when you think about it, people... um... people definitely make mistakes; yes, there's always someone who makes mistakes. But as long as you're not the one who starts it, then I'll forgive you if you are not the instigator.” (P1)

Deepening Phase

Seeing the perpetrator from a new perspective

P1 had entered a deepening phase, whereas P2 was still processing and recovering from the emotional wounds. P1 demonstrated a new perspective characterized by increased trust in her mother. Previously perceived as a betrayer, P1 could then view her as a source of reliability, offering emotional security and support amidst challenges.

“From this experience, I finally come to perceive that mother is like a tree. You cannot take shelter under it if it does not have a strong root. I trust my mother; she has a strong root. I can take shelter.” (P1)

Finding meaning in suffering

P1 gleaned profound life lessons from her parents' infidelity. She acquired the ability to embrace life with acceptance, understanding that circumstances are not always ideal. Moreover, she cultivated a resilient hope, believing in brighter days

despite life's challenges. *“My experience, my constant experience with heartbreak, teaches me to believe that everything happens in its own time. Life is a journey.” (P1)*

P1 also conveyed that her parents' infidelity did not lead her to question God's justice; rather, she learned to entrust her life to God's plan. Through this experience, she navigated a journey of embracing spiritual growth, finding solace in believing that challenges are part of a larger divine purpose.

“For even during those hard times, I feel that God is fair. I feel His presence in every step of the way. Sometimes, we find solace and our way out when we surrender, when we are willing to let go...” (P1)

Another meaning P1 derived is the importance of having strong faith and spiritual grounding to endure difficult situations. P1 articulated that this helped her maintain a positive mindset.

“When you lose the passion or zest in life, your life is over. Thus, we need to have faith in the Bible... and to have something to hold onto, an anchor to hinder us from resorting to negative doings. Personally, it is what allows us to endure.” (P1)

DISCUSSION

This research aims to explore the stages of forgiveness among young adult women whose parents have engaged in infidelity. The findings indicate that both participants were able to forgive their mothers. P1 progressed through all four stages of forgiveness: 1) the uncovering phase, 2) the decision phase, 3) the working phase, and 4) the deepening phase. Meanwhile, P2 reached the working

phase of forgiveness. Both participants cited feelings of guilt as driving forces behind their decisions to forgive their mothers. This aligns with the study by Priadi and Gurmichele (2019), which suggests that guilt assists victims in reframing and forgiving offenders. Furthermore, the working phase began with reframing by empathizing with their mothers' motivations behind the infidelity. This finding reflects previous studies by Priadi and Gurmichele (2019) indicating that reframing from the offender's perspective aids forgiveness.

Conversely, forgiveness toward their fathers halted at the uncovering phase for both P1 and P2. Additionally, both participants tended to adopt a passive stance towards their fathers, albeit in different ways. While P1 chose to disengage and exclude her father from her life, P2 minimized interactions with her father, especially concerning significant life decisions. This phenomenon may relate to the age of the participants. Rey and Extremera (2016) suggest that young adult women often take passive steps by distancing themselves, applying selective attention, and minimizing personal investment when responding to painful events involving their parents. This is consistent with Kaleta and Mróz's findings (2018) that young adults find forgiveness challenging and may demonstrate tendencies toward revenge or avoidance.

In both participants, the forgiveness process did not proceed linearly from one stage to another. P1 and P2 often regressed to the uncovering phase from the decision

phase when their parents repeated hurtful actions or when new information about infidelity emerged. For example, P1's forgiveness towards her father reached the decision phase until she discovered her father's second infidelity with a different woman, prompting her to revert to the uncovering phase. Moreover, the uncovering phase proved to be the longest for both participants among the four stages of forgiveness. This is because both needed considerable time to process the negative emotions stemming from their parents' infidelities and adapt to the changes in their lives post-infidelity.

Based on the stages of forgiveness, both participants appear more capable of understanding and forgiving their mothers' infidelity compared to their fathers'. This supports April and Schrot's (2019) findings that young adults, both male and female, tend to blame fathers more for infidelity than mothers. Fathers or male figures who commit infidelity are often seen as lacking self-control regardless of their partner's actions that may trigger the infidelity. In contrast, mothers' or female figures' infidelity is viewed as a reasonable response understandable due to their partner's failure to meet their needs. This view is echoed by P1 and P2, where reframing helped them understand their mothers' infidelity, thereby increasing their resentment towards their fathers. Another explanation for this is given by Thorson (2019), who claims that the possibility of young adults forgiving their parents' infidelity is higher when they receive a sincere apology from the cheating parent. The same findings are found in P1, who received a

sincere apology from her mother but not from her father, so P1 is more able to forgive her mother. This indicates that the participant's forgiveness is mistaken and prevents forgiveness. However, the findings of Thorson (2019) do not align with P2, who is able to forgive her mother even though her mother never apologizes.

CONCLUSION

Based on the research findings, it is evident that both participants exhibit a foundational willingness to forgive their parents for their infidelities. However, forgiveness towards mothers tends to proceed

more successfully than towards fathers. Factors hindering forgiveness towards fathers include the absence of expressed remorse and observable behavioral changes or commitment to the family. The inability of the children to forgive their parents' infidelity not only affects the parent-child relationship but also significantly impacts their social interactions, psychological health, and perspectives on gender dynamics within romantic relationships and marriage.

REFERENCES

April, M., & Schrot, P. (2019). Person-Centered Messages, Attributions of Responsibility, and the Willingness to Forgive Parental Infidelity. *Communication Studies*, 70(1), 79–98. doi:10.1080/10510974.2018.1469525

Creswell, J. (2015). Research Design: Qualitative, Quantitative, and Mixed Methods Approaches. Pearson Education Inc.

Enright, R. D. (2001). *Forgiveness is a choice: A step-by-step process for resolving anger and restoring hope*. American Psychological Association.

Fincham, F. D., Hall, J., & Beach, S. R. H. (2005). Forgiveness in Marriage: Current Status and Future Directions. *Family Relations Interdisciplinary Journal of Applied Family Science*, 55(4). <https://doi.org/10.1111/j.1741-3729.2005.callf.x-i1>

Kaleta, K., & Mróz, J. (2018). Forgiveness and life satisfaction across different age groups in adults. *Personality and Individual Differences*, 120, 17–23. doi:10.1016/j.paid.2017.08.008

Kaleta, K., & Mróz, J. (2022). Gender Differences in Forgiveness and its Affective Correlates. *Journal of Religion and Health*, 61(4), 2819–2837. doi:10.1007/s10943-021-01369-5

Kawar, C., Coppola, J., & Gangamma, R. (2019). A Contextual Perspective on Associations Between Reported Parental Infidelity and Relational Ethics of the Adult Children. *Journal of Marital and Family Therapy*, 45(2), 354–363. doi:10.1111/jmft.12331

Negash, S., & Morgan, M. L. (2016). A Family Affair: Examining the Impact of Parental Infidelity on Children Using a Structural Family Therapy Framework. *Contemporary Family Therapy*, 38(2), 198–209. doi:10.1007/s10591-015-9364-4

Irawan, M. N. S. (2018). Hubungan antara Kematangan Emosi dan Intensi Berselingkuh pada Individu Dewasa Awal yang Sudah Menikah. *Jurnal Psikologi Pendidikan dan*

Perkembangan, 7(6).
<https://journal.unair.ac.id/JPPP@hubungan-antara-kematangan-emosi-dan-intensi-berselingkuh-pada-individu-dewasa-awal-yang-sudah-menikah-article-12834-media-53-category-10.html>

Priadi, M. A. G., & Gurmichele. (2019). Forgiveness among mothers of female adolescents who experienced unwanted pregnancy. *Humanitas Indonesian Psychological Journal*, 16. doi:10.26555/humanitas.v16i2.11895

Rey, L., & Extremera, N. (2016). Forgiveness and health-related quality of life in older people: Adaptive cognitive emotion regulation strategies as mediators. *Journal of Health Psychology*, 21(12), 2944–2954. doi:10.1177/1359105315589393

Salih, L., & Chaudry, S. (2023). Exploring the lived experience of parental infidelity. *Journal of Family Studies*, 29(1), 407–430. doi:10.1080/13229400.2021.1956997

Schmidt, A. E., Green, M. S., & Prouty, A. M. (2016). Effects of parental infidelity and interparental conflict on relational ethics between adult children and parents: a contextual perspective. *Journal of Family Therapy*, 38(3), 386–408. doi:10.1111/1467-6427.12091

Thorson, A. R. (2013). Adult Children's Discovery of Their Parents' Infidelity. *Qualitative Communication Research*, 2(1), 61–80. doi:10.1525/qcr.2013.2.1.61

Thorson, A. R. (2017). Communication and Parental Infidelity: A Qualitative Analysis of How Adult Children Cope in a Topic-Avoidant Environment. *Journal of Divorce and Remarriage*, 58(3), 175–193. doi:10.1080/10502556.2017.1300019

Thorson, A. R. (2019). Investigating the relationships between unfaithful parent's apologies, adult children's third-party forgiveness, and communication of forgiveness following parental infidelity. *Journal of Social and Personal Relationships*, 36(9), 2759–2780. doi:10.1177/0265407518799978

Thorson, A. R. (2021). Emerging Ideas. Rumination's Mediating Effect on Feeling Caught and Well-Being After Parental Infidelity. *Family Relations*, 70(3), 896–904. doi:10.1111/fare.12509

Weiser, D. A., & Weigel, D. J. (2017). Exploring intergenerational patterns of infidelity. *Personal Relationships*, 24(4), 933–952. doi:10.1111/pere.12222

Influences of Patriarchal Culture and Femicide as a Form of Gender-based Violence against Women from Human Rights Perspective

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ABSTRACT

A patriarchal culture is a form of normalization of violent crimes committed by men against women. Patriarchal culture itself is a wrong assumption because cultural elements are everything that can be inherited from one generation to another. However, Patriarchy, which is the oppression of women and should not be used as a culture to be inherited, still exists and is justified in society so that there is a gender gap between men and women. The phenomenon of femicide that occur in Indonesia is the influence of patriarchal culture and gender inequality, where there is social inequality towards the culture and status of women in the community. Currently, patriarchal culture is still in the midst of society and patriarchal culture itself is considered normal. However, patriarchal culture gave birth to femicide with rampant killings on the basis of grudges and hatred by men against women. Before the occurrence of femicide, the perpetrator first often persecutes the victim, such as those of rape, sexual harassment, domestic violence, coercion or restraint. The rise of the phenomenon of femicide in Indonesia is proof of the weak law enforcement in Indonesia and the carelessness of public attention to women and girls in their own country. Femicide is a violent crime committed with an element of awareness by the perpetrator who ends up killing the victim. It is a gender-based human rights violation.

KEYWORDS: *patriarchy, femicides, gender-based violence*

INTRODUCTION

The phenomenon of cases of violence against women is no longer new in terms of crime. In Indonesia, this problem still receives minimal attention. Acts of violence that target women as victims are still considered a form of ordinary crime. The articles applied are

guided by the Criminal Code in cases of murder, whether planned or not. This case is also rarely monitored because the victim has also passed away. Femicide in UN documents is identified as a form of murder for various reasons, including murder by an intimate partner, killing for reasons of honor, killing in the context of armed

conflict, dowry-related killing, and killing because of sexual orientation or gender identity (Suryaningsi et al., 2021; Suryaningsi et al., 2020). Several countries in the world have declared the problem of femicide to gain legal legitimacy to protect women (Zulaichah, 2022).

Femicide comes from the word “femi,” which comes from the word “female,” meaning *woman*, while “sida” comes from the Latin “caedera,” meaning *murder*. Femicide means taking the life of a woman or girl because she is a woman or because of gender-based violence (Nadia et al., 2021). Gender-based murder of women is motivated by various motives, ranging from hatred, conquest, humiliation, control, enjoyment, satisfaction, and others (Salamor et al., 2024).

One of the Mexican activists, Marcela Legarde, translated femicide into *feminicidio*. Legarde considers that femicide is a hate crime of killing women fueled by machismo culture and the ideology of sexism (Wahyuddin, 2020). When viewed from a political perspective, femicide appears as an alternative to recognizing and demonstrating inequality and systematic violence against women (Suryaningsi et al., 2024). Femicide also contributes to breaking the argument that gender-based violence is a private and personal problem because this problem has political, social, and cultural dimensions (Reza, 2018). According to Nur Rofiah, this injustice is manifested in five things, including violence, marginalization, stigmatization, subordination, and double burden. These five things are called women's social experiences (Rofiah, 2020). These things that are forms of injustice move various

parties to elevate the position of women and equalize women with men so as not to create a patriarchal culture (Anwar, 2017).

The patriarchal social system makes women subordinate or their placement in the structure of society is secondary. This social system tends to be detrimental to women. Women who experience sexual harassment and sexual violence are considered normal because women's job is to be the object of men's fantasies. The pressures faced by women will affect aspects of their lives as human beings. Women as victims of sexual violence tend to experience changes in their physical appearance due to the violence they experience (*biological*) and face disruption of mental health due to the trauma faced (*psychological*); further, women tend to close themselves off from social relations with the surrounding environment (*sociological*) (Fushshilat & Apsari, 2020).

In Indonesia itself, violence against gender is a problem that never ends; it is getting worse. Based on the National Commission on Violence Against Women's Annual Records, in 2021, there was a significant increase in cases of gender-based violence in Indonesia. Throughout 2021 there were 338,496 cases of violence against gender, an increase of 50% from 226,062 cases in 2020. This figure was obtained from the National Commission on Violence Against Women report, service reports, and data from the Religious Justice Agency (BADILAG). The sharp spike in cases of gender-based violence comes from BADILAG data which shows an increase of 80% from 2,134 cases in

2020 to 3,838 cases in 2021 (Komnas Perempuan, 2020).

The data from the National Commission on Violence Against Women's 2023 Femicide report 162 types of femicide of the 159 cases reported. Some cases involve two types of femicide, such as the murder of a mother and child. Data for 2023 shows that intimate femicides, committed by husbands, ex-husbands, boyfriends, ex-boyfriends, or cohabiting partners, dominated the news (67% of the total cases or 109 cases). Intimate femicide is divided into several types, including Violence against Wives, Violence in Dating, Violence against Ex-Girlfriends, and Violence against Ex-Husbands (Hutasoid, 2024).

Victims of the crime of femicide never expected that violence would happen to them, victims deserve protection for their rights from the state as they should based on their human rights as human beings. Femicide is a severe violation of human rights in the form of killing women. The close relationship between patriarchal culture, in which men feel the most powerful, and a tendency to feel more dominant and superior to women considered lower and weaker gives rise to injustice in the form of gender inequality.

Therefore, based on the arguments above, the author is interested in studying the influence of patriarchal culture and femicide as a form of gender-based violence against women from a human rights perspective. A patriarchal culture is a form of normalization of criminal acts of violence committed by men against women, which then blames

women with the narrative, "Because you are a woman." What is wrong with being a woman? This deviant culture has damaged the nation's generation. Women are the people who gave birth to civilization. If there were no women, there would be no civilization. It is not appropriate for femicide to be normalized. Patriarchal culture itself is a wrong assumption because cultural elements are everything that can be passed down from one generation to another. However, Patriarchy, which is an oppression of women and a culture that should not be inherited, actually still exists and is normalized in society, resulting in a gender gap between men and women.

The formulation of the problems that will be studied are: (1) What is the influence of patriarchal culture and femicide as a form of gender-based violence against women? and (2) What is the Human Rights Perspective on Femicide as a Form of Gender-Based Violence Against Women Based on Law Number 12 of 2022 concerning Crimes of Sexual Violence? Meanwhile, the aims of this research are (1) to examine and analyze the influence of a patriarchal culture and femicide as a form of gender-based violence against women and (2) to examine and analyze the human rights perspective on femicide as a form of gender-based violence against women based on Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence.

METHODS

The research method used to discuss the problem formulation is the Normative Legal Research

method. Meanwhile, in terms of its nature, this research is descriptive analytical in nature. Descriptive analytical research is research that aims to provide an overview and description of the object under study through data or samples that have been collected without carrying out analysis and making a summary that is applicable to the general public. After the data has been obtained and has been completely collected, both primary and secondary data, the data can be analyzed qualitatively. Qualitative analysis is analysis by describing/detecting, then comparing the data with statutory regulations and also the opinions of legal experts. The analysis stages start from data collection, data processing and finally data presentation (Tim Penulis, 2021).

RESULTS AND DISCUSSION

Results

1) The Influence of Patriarchal Culture and Femicide as a Form of Gender-Based Violence Against Women

Patriarchal culture has been embedded in the principles of Indonesian society, which in the end only gives rise to and results in weakening the status of women and further strengthening the status of men. If patriarchal culture continues to be embedded in everyday life, the term toxic masculinity will never be eliminated. The word patriarchy itself originates from a narrow meaning which refers to a system that historically originates from Greek and Roman law, where the head of the household is a man who has absolute legal and economic power over all

family members, including the slaves who are dependents in the family. Then the word patriarchy began to be used everywhere to describe conditions where men dominate over women and basically women are marginalized or neglected and seen as weak (Farid, 2019). In reality, patriarchal culture is very unfavorable for women, therefore Article 1 paragraph 3 as well as Article 3 paragraph 3 of Law Number 39 of 1999 concerning Human Rights explains that discrimination based on gender is prohibited by law. Then other legal regulations must eliminate discrimination in every aspect of life, social, political, economic, cultural and legal (Kania, 2015).

The patriarchal system is still dominating the lives of Indonesian society. Not only in Indonesia, this system has also become an issue in all countries from various parts of the world. The issue of gender inequality is considered to be the impact of patriarchal culture. The feminist movement emerged as a form of voice to fight gender inequality (Arifin I et al., 2022).

The violence that occurs often discriminates against gender. The concept of gender is interpreted as a concept of visible differences between men and women in terms of their values and behavior. This concept seeks to make differences between men and women in terms of roles, behavior, mentality and emotional characteristics, this is a form of social constructions (Sovitriana, 2020).

Women who are treated with violence will not be able to respond to their environment in terms of their physical and mental psychological realities. Self-actualization is degraded, so that self-esteem falls and the soul is depressed. Violence that occurs against women includes physical, psychological, sexual violence, economic violence and socio-cultural violence (Mulkan, 2002). Gender-based violence is violence that occurs due to gender differences or in the context of power relations that exist between men and women. Related to this is the gender discrimination and inequality inherent in the social structure (Ihsani, 2021).

Prof. Dr. Emy Susanti, Dra., MA., as UNAIR Professor of Sociology and Head of UNAIR Center for Gender and Social Inclusion Studies Prof. Emy defines it as various forms of violence directed against an individual based on their sex or gender identity. The essence of gender-based violence is a very widespread form of human rights violation and efforts to eliminate it require the involvement of social, political and economic forces through institutions at all levels (UNAIR News, 2020).

“It should be noted that gender-based violence is rooted in unequal gender relations. The understanding that gender is still very rigid, such as men having to be masculine and dashing, where women have to be graceful and obey what men say. These kinds of culture are one of the factors that

perpetuates gender-based violence.”

Femicide is related to the concept of patriarchy because femicide is one of the oppressions that women face in a patriarchal society dominated by men. Patriarchy is defined as the tendency of men to achieve higher hierarchical positions and the tendency of women to remain under their authority, resulting in inequality (Sakina & A., 2017).

According to WHO, femicide is a form of violence against women which consists of various actions. Femicide itself comes in various forms. Quoted from Femicide in Canada, here are 7 (seven) forms of femicide, including:

1. Intimate Femicide

Femicide is a form of crime of murder against women committed by their partners or former partners. This is the culmination of violence carried out by successive partners.

2. Non-intimate femicide

This type of femicide, also called femicide against strangers, is carried out by men against women who are not related to them, but the woman is the target of his murder.

3. Femicide of armed conflict

This femicide takes the form of physical, sexual and psychological violence committed against women, where women are used as

'weapons during war' which falls into this category of femicide. This action is generally aimed at punishing or mistreating women from certain groups.

4. Femicide is connected

Femicide is an act that refers to the act of killing women who are not actually the main target of the perpetrator. This action can occur when there are women other than the main target who try to stop the murder that is about to occur.

5. Femicide has a cultural background

This femicide takes the form of a criminal act of murder committed against women because it is considered to tarnish the good name of the family, so it is also said that femicide is influenced by cultural elements where there is a habit of killing female children who have embarrassed the family. Murders are committed because women are considered to have committed a crime, committed adultery, were raped, or became pregnant out of wedlock (WHO, 2012).

6. Sexual femicide

Femicide refers to sexual violence that results in the death of a woman. This type of femicide can occur intentionally or unintentionally.

7. Racist femicide

Racist femicide occurs when the murder of a woman is

carried out because of hatred or rejection of a particular race or ethnicity.

The Indonesian National Commission on Violence Against Women is concerned about the many cases of femicide killing of women that have occurred recently. The National Commission on Violence Against Women called the incident a femicide, namely the killing of women because of their sex or gender and as a result of the escalation of previous gender-based violence. The recent cases of murder of female victims include the murder of a 'woman in a suitcase' in Bekasi, a husband mutilating his wife in Ciamis, and a murder case in South Minahasa where a wife was killed by her husband because he was delirious (Sidik, 2024).

This case of murder of a woman in a suitcase is not the first time this has occurred in Indonesia, this is a criminal act of murder that has occurred the umpteenth time. In fact, in one case, a woman from Bogor, West Java, with the initials RA (23 year old), was murdered by her male partner in the Kuta area, Bandung Regency. The AARP perpetrator (21 year old), admitted to killing the victim because he was emotional about being asked to pay more for a commercial dating service. In another, more sadistic case, the perpetrator mutilated his victim, who was none other than the perpetrator's wife. In fact, the perpetrator not only ended the victim's life, but also offered pieces of the victim's body to his neighbors (Nur, 2024).

In fact, recently, the appearance of the film Vina: Before 7 Days has become a hot topic of conversation among the public. The reason is, this film is inspired by the tragic true story experienced by a woman named Vina Dewi Arsita and her lover, Muhammad Rizky Rudiana alias Eky, who were victims of a motorcycle gang murder in 2016 known as the Vina Cirebon case. The depiction of chronology in the film which is considered too detailed has drawn pros and cons from the public. In fact, quite a few people think that what Vina experienced was not just an act of sexual violence, but something more terrifying, namely femicide (KumparanWOMAN, 2024). The reason is that the motive for this murder case was a deep sense of revenge and hatred from one of the perpetrators towards the victim Vina because his love was rejected by the victim. Before being killed, the victim Vina was raped by the perpetrator.

Cases of femicide, which is physical violence, are also in some cases related to sexual violence which results in the death of the victim. In one case, the perpetrator named Argiyan killed the victim with the initials KRA because the victim refused when he was forced to have sex. The incident began when the victim came to the perpetrator's rented house in Sukmajaya, Depok, last Thursday, January 18 2024. The victim resisted by struggling and screaming, because he did not accept the victim's resistance, the perpetrator immediately strangled and pushed the victim

onto the bed until the victim lay helpless, after that the perpetrator tied the victim's hands and feet so that she could not fight back (Huda, 2024). In February 2024, Indonesia was also shocked by the murder of a family committed by a 16 year old teenager. Based on the investigation, the initial motive for this murder was hurt or revenge. The perpetrator was none other than a close neighbor and former lover of this family's 15 year old daughter. Not only did he kill one family, the perpetrator also had sex with the corpse of the teenage girl and her mother (BBC News Indonesia, 2024).

2) The Human Rights Perspective on Femicide as a Form of Gender-Based Violence Against Women Based on Law Number 12 of 2022 concerning Crimes of Sexual Violence

The 1945 Constitution provides guarantees and protection for Human Rights (HAM) for all Indonesian citizens. Furthermore, Article 28 A of the Constitution of the Republic of Indonesia states "the right to life and the right to defend one's life and living". Then Article 28 B paragraph (2) "Every child has the right to survive, grow and develop and has the right to receive protection from violence and discrimination". Second, Article 28 G paragraph (1) "Everyone has the right to protect themselves personally, family, honor, dignity and property under their control, and has the right to a sense of security and

protection from the threat of fear of doing or not doing something which is a human right". Paragraph (2) "Every person has the right to be free from torture or treatment that degrades human dignity and has the right to obtain political asylum from another country".

Further regulations regarding human rights can be seen in Law Number 39 of 1999 concerning Human Rights. Regulations related to femicide are not explicitly regulated, but can be seen in several articles. Article 9 paragraph (1) of the Human Rights Law states "everyone has the right to live, maintain life and improve their standard of living". And Article 33 paragraph (1) says "everyone has the right to be free from torture, punishment or treatment that is cruel, inhumane, degrading to their human status and dignity". Paragraph (2) further regulates "everyone has the right to be free from enforced disappearance and loss of life".

One form of femicide against women, namely sexual violence, is synonymous with power and everything that is superior to men or perpetrators of sexual violence often takes advantage of their power relations, according to Foucault based on his theory, namely power relations which is defined as "power cannot be separated from knowledge, because with power, knowledge will be produced and knowledge will be shaped by power", meaning that there is a dynamic relationship between power and knowledge (Rohmaniyah, 2018). Michel Foucault stated that there

are four dangerous discourses, firstly politics (power), secondly desire (sexuality), thirdly madness, and fourthly what is considered false or true (Lubis, 2016).

As explained in the background, the types of femicide are sexual violence which ends in murder, forced marriage, covert prostitution and violence in relationships and households which are regulated in Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS Law). There is no explicit regulation of femicide in the TPKS Law. The existence of the Sexual Violence Crime Law is a response from the Indonesian government and state in line with the increasing cases of sexual violence against women and girls.

Article 4 paragraph (1) of the Sexual Violence Crime Law states that The Sexual Violence Crime consists include:

- a. non-physical sexual harassment;
- b. physical sexual harassment;
- c. forced contraception;
- d. forced sterilization;
- e. forced marriage;
- f. Sexual torture;
- g. Sexual exploitation;
- h. sexual slavery;
- i. Electronic-based sexual violence.

Furthermore, Article 4 paragraph (2) states that apart

from criminal acts of sexual violence as referred to in paragraph (1), criminal acts of sexual violence also include:

- a. Rape;
- b. Obscene acts;
- c. sexual intercourse with children, obscene acts against children, and/or sexual exploitation of children;
- d. Acts that violate morality and are contrary to the wishes of the victim;
- e. Pornography involving children or pornography that explicitly contains violence and sexual exploitation;
- f. Forced prostitution;
- g. Acts of human trafficking aimed at sexual exploitation;
- h. Sexual violence in the domestic realm;
- i. The crime of money laundering where the origin of the crime is a crime of sexual violence; And
- j. Other criminal acts that are expressly stated to be criminal acts of sexual violence as regulated in the provisions of statutory regulations.

Article 12 of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence explains that:

“Any person by violence or threat of violence or by abusing their position,

authority, trust, trust arising from deception or relationship of circumstances, vulnerability, inequality, helplessness, dependency of a person, debt bondage or giving payments or benefits with the intention of gaining profit, or exploiting sexual organs or other bodily organs of that person for the purpose of sexual desire with them or with another person, shall be punished for sexual exploitation, with a maximum imprisonment of 15 (fifteen) years and/or a maximum fine of IDR 1,000,000,000. 00 (one billion rupiah)”.

The realm of international law categorizes sexual violence as a case of serious human rights violations (Marhaen, 1998). The Vienna Declaration on Human Rights 1993 in Articles 18 and 38 classifies violence against women as a violation of human rights. Acts of violence against women are an obstacle to their progress and prevent them from enjoying human rights and freedoms, which also hinders the achievement of gender equality between women and men (Kinasih, 2007).

Universal Declaration of Human Rights (UDHR). The Indonesian government then passed Law Number 39 of 1999 concerning Human Rights. Article 3 states: “Everyone has the right to life, liberty and security as an individual”. Article 5 “No one shall be tortured or treated

cruelly, treated inhumanely or insulted".

The International Covenant on Civil and Political Rights (ICCPR) which has been ratified through Law Number 12 of 2005 concerning Ratification of the International Covenant on Civil and Political Rights. Article 3 states "Everyone has the right to life" and Article 7 "the right to be free from torture and inhumane treatment".

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which has been ratified through Law Number 7 of 1984 concerning CEDAW. Article 1 prohibits all forms of discrimination against women. Femicide is killing based on a woman's gender. Article 1 of CEDAW covers gender-based violence, namely violence directed against women because they are women. Gender-based violence is a form of discrimination that prevents women from being able to enjoy basic rights and freedoms on an equal basis with men. Article 2 states that state parties are obliged to adopt policies to eliminate discrimination against women, including violence against women. This obligation is natural, there must be no justification for delays based on anything, including economic, cultural or religious reasons. State obligations include responsibility for acts of violence against women or omissions committed by state actors or non-state actors.

Discussion

1) The Influence of Patriarchal Culture and Femicide as a Form of Gender-Based Violence Against Women

In Indonesia, the problem of femicide often occurs due to several typologies of factors, including: offended masculinity, anger, being pressured to take responsibility for pregnancy, material responsibility, being rejected by love, and forced sexual services. It is felt that the existence of regulations regarding murder does not provide a deterrent effect for perpetrators so that new cases are still increasing. In the context of violations of women's human rights, the issue of femicide can be a tool to ask for state obligations. This is related to the state's obligation to protect the people, as well as efforts to eliminate all forms of discrimination against women.

According to the author's analysis based on information on several news portals, it is known that in 2024 alone there will be many cases of femicide in the form of criminal acts of murder against women. The murder of this woman was carried out in a cruel and sadistic manner based on deep hatred. The hatred embedded in the mind of a perpetrator gives rise to a feeling of power and desire to dominate women who are opponents who are considered weak. This is because it reflects the culture of patriarchy, misogyny and heteronormativity on women's vulnerability.

The author is of the view that femicide, which is a criminal act of murder that targets women, is a very serious problem, considering that the widespread cases of femicide that occur in Indonesia are the influence of patriarchal culture and gender inequality which has become an alarm for many parties that there is social inequality regarding the culture and status of women in society, where a man feels he has power and is the holder of full authority who can impose his will on women who are often considered weak objects.

According to the author's analysis, patriarchal culture forms a mindset in society where men are the people who must be listened to and do not accept rejection and resistance from women because they feel insulted and their self-esteem is hurt if women resist. This is where the strong holders of patriarchal culture consider themselves to be in full control and must dominate, when their self-esteem is hurt they will show their strength because they believe they are superior, dominant and have the right to carry out acts of violence in any form against women as a form of disciplinary effort and also action which is done to make women aware of their lower position.

Talking about the connection between femicide and patriarchal culture, according to the author, this does not escape patriarchal ideas which are often normalized or are commonplace in people's lives so it is not an emergency and needs attention

from society. Society seems to think that men's role is supposed to be dominant and powerful. Many people don't even realize that their behavior reflects patriarchal behavior. Basically, this patriarchal behavior can be carried out both consciously and unconsciously. In fact, according to the author, patriarchy is not culture, because the concept of culture itself is behavior or lifestyle within a group that is passed down from generation to generation. Patriarchy, which is said to be a culture, is a wrong assumption, considering that patriarchal behavior, which in reality is oppression of women, is not a culture that needs to be inherited.

Oppression of women has become normal in society under the pretext of Patriarchy. Even though in reality it is just evil behavior that is considered normal. Perpetrators often use deep grudges and hatred as an excuse to justify violence against women which even ends in murder. This happened only because the woman intended to defend herself, resist and reject the perpetrator's depraved actions, therefore the perpetrator considered the victim worthy of being killed.

The author concludes that based on the widespread phenomenon of femicide against women in Indonesia, this is evidence that law enforcement in Indonesia is weak and the public's attention is negligent towards women and girls in their own country. Being born as a woman seems to be an unfortunate fate where in a

social system that still upholds patriarchal culture and gender inequality, this weakens the position of women. Women are forced to become people who obey and comply with patriarchal culture. Often the position of women is weakened, where in some positions in an agency, the majority are occupied by men. When women voice their rights to receive equal treatment as human beings as mandated in the 1945 Constitution, women are considered dissidents and rebels. In several cases where women are victims of sexual violence and demand justice for themselves, the parties responsible actually cover it up under the pretext of a "good name" or even make fun of the woman by assuming that the woman was the one who seduced the man first.

Even in several cases that were forced to be suppressed, the victims' voices were not heard because there was deemed to be insufficient evidence. Despite the evidence, women are forced (threatened) not to speak out. In the realm of femicide which ends in the murder of women, is it again the woman's fault? Then the cases of femicide that occur are considered normal and can disappear easily. Women who have died can no longer demand justice, but we as a society and humans who are still alive and well should fight for justice for those who have died. This does not only apply to women who must promote "woman support woman", but applies to all levels of society

without gender differences, because we are human. Apart from that, the state is obliged to uphold justice by investigating the case, providing compensation to the family and the necessary restoration and punishing the perpetrator according to his actions. Patriarchy is not culture, but a form of crime against women under the pretext of normalized "culture".

2) The Human Rights Perspective on Femicide as a Form of Gender-Based Violence Against Women Based on Law Number 12 of 2022 concerning Crimes of Sexual Violence

Talking about murder in cases of femicide which is generally carried out with premeditation, of course it can be charged under the Articles of General Murder and Premeditated Murder contained in the Criminal Code. If the perpetrator commits rape first before committing murder, he can also be charged with the Article Rape Causing Death.

Article 338 of the Criminal Code which regulates murder in general is:

"Whoever intentionally takes the life of another person, for murder, is threatened with imprisonment for a maximum of fifteen years."

Article 340 of the Criminal Code concerning Premeditated Murder, namely:

"Anyone who deliberately and with premeditation takes the life of another person, for committing premeditated

murder, is threatened with the death penalty, life imprisonment or a maximum of twenty years."

Femicide is a violent crime that ends tragically with the death of a woman. The provisions that the author has explained previously are that legal rules can be imposed on perpetrators of femicide because in cases of femicide they themselves fulfill the elements formulated in the articles mentioned above. Perpetrators can be subject to multiple articles because they have committed criminal acts of violence against women, whether in the form of abuse that results in death, rape that ends in pre-planned or unplanned murder.

According to the author's analysis of various femicide cases that have existed so far, the author can say that femicide is not just an ordinary criminal act. However, this is an extraordinary violation of Human Rights (HAM), which has become a common problem that seems to be "normalized" in society. In fact, the problem of femicide is a serious human rights violation that should be an alarm to law enforcers regarding weak law enforcement that cannot protect women and girls throughout Indonesia. Viewed from the perspective of national legal rules and international law, criminal acts of violence against women are serious human rights violations. So, it should not be normalized and should not be justified by the culture of patriarchy and gender inequality in society. It is important for the

state and society to unite in fighting the patriarchal culture that triggers violence against women.

In Law Number 12 of 2022 concerning Crimes of Sexual Violence or the Criminal Code, there are no article formulations that specifically regulate femicide. However, in the author's opinion, the legal umbrella of these regulations explains in general what acts are categorized as violence against women and the sanctions imposed on perpetrators of violence that result in the death of women. Femicide, which is basically a criminal act of violence carried out with an element of awareness by the perpetrator who ultimately commits the murder of the victim, is clearly a gender-based human rights violation.

CONCLUSION

Patriarchal culture is not actually a culture like in general that can be passed down from generation to generation. However, patriarchy is oppression in the form of normalizing acts of violence committed by men against women. Patriarchy which is still upheld in society causes gender inequality. Patriarchy is just an excuse to normalize deviant behavior towards women where perpetrators can freely do anything to women because they feel superior and have power. Femicide is not just a criminal case, but also a serious human rights violation. The legal vacuum in special regulations regarding femicide is a strong alarm and warning to the State

government to immediately formulate special regulations regarding femicide. In cases of femicide, the victim who dies can no longer demand justice for himself, but the state is obliged to uphold justice by investigating the case, providing compensation to his family and the necessary restoration

and punishing the perpetrator according to his actions. The murder of women is not something that can be considered normal and normalized. But it must be fought and eradicated because femicide itself is a violation of human rights for women.

REFERENCES

Abdul Munir Mulkan. (2002). *Membongkar Praktik Kekerasan Menggagas Kultur Nir-Kekerasan*, Sinergi Press, Yogyakarta.

Akhyar Yusuf Lubis. (2016). *Postmoderne Teori dan Metode*, Rajawali Pers, Jakarta, 2016.

Arifin I, Yudani A, & Aziza F. (2022). Patriarki Sebagai Pemicu Kekerasan Pada Wanita Dalam Rumah Tangga Menurut Perspektif Al-Qur'an Dan Kemasyarakatan. *Istighna*, 5(1), 18–31. <http://e-journal.stit-islamic-village.ac.id/index.php/istighna>.

BBC News Indonesia. (2024). "Bagaimana kronologi dan apa motif pelaku pembunuhan satu keluarga di Penajam Paser Utara?", <https://www.bbc.com/indonesia/articles/c904ljlxzqo>.

Etin Anwar. (2017). *Jati Diri Perempuan dalam Islam*, Mizan, Bandung.

Farid, M. R. A. (2019). Kekerasan terhadap Perempuan dalam Ketimpangan Relasi Kuasa: Studi Kasus di Rifka Annisa Women's Crisis Center. *Sawwa: Jurnal Studi Gender*, 14(2), 175–190. <https://doi.org/10.21580/sa.v14i2.4062>.

Farih Maulana Sidik. (2024). "Komnas Perempuan Sebut 3 Kasus Pembunuhan sebagai Femisida, Usul Femisida Watch", <https://news.detik.com/berita/d-7338895/komnas-perempuan-sebut-3-kasus-pembunuhan-sebagai-femisida-usul-femisida-watch>.

Fushshilat, S. R., & Apsari, N. C. (2020). Sistem Sosial Patriarki Sebagai Akar Dari Kekerasan Seksual Terhadap Perempuan Patriarchal Social System As the Root of Sexual Violence Against Women. *Prosiding Penelitian Dan Pengabdian Kepada Masyarakat*, 7(1), 121. <https://doi.org/10.24198/jppm.v7i1.27455>

Ihsani, S. N. (2021). Kekerasan Berbasis Gender dalam Victim-Blaming pada Kasus Pelecehan yang Dipublikasi Media Online. *Jurnal Wanita Dan Keluarga*, 2(1), 12–21. <https://doi.org/10.22146/jwk.2239>

Kania, D. (2015). Hak Asasi Perempuan dalam Peraturan Perundang-Undangan di Indonesia (The Rights of Women in Indonesian Laws and Regulations). *Jurnal Konstitusi*, 12(4), 716–734.

Kinasih, E. S. (2007). Perlindungan dan Penegakan HAM terhadap Pelecehan Seksual. *Perlindungan Dan Penegakan HAM Terhadap Pelecehan Seksual Sri*, 20(4), 307–312.

http://journal.unair.ac.id/filerPDF/P
erlindungan dan Penegakan
HAM.pdf.

Komnas Perempuan. (2021). *KAJIAN AWAL & KERTAS KERJA Femisida Tidak Dikenal: Pengabaian Terhadap Hak Atas Hidup dan Hak Atas Keadilan Perempuan dan Anak Perempuan*, Komisi Nasional Anti Kekerasan Terhadap Perempuan (Komnas Perempuan), Jakarta.

Komnas Perempuan. (2022). Lembar Fakta dan Poin Kunci Catatan Tahunan Komnas Perempuan Tahun 2022, <https://komnasperempuan.go.id/downloadfile/736>.

Larissa Huda. (2024). “Pembunuhan Mahasiswi di Depok Perkosa 2 Korban Lain, Pakar: Residivis Harus Dihukum Bera”, <https://megapolitan.kompas.com/read/2024/01/23/18283421/pembunuhan-mahasiswi-di-depok-perkosa-2-korban-lain-pakar-residivis-harus>.

Lia Hutasoid. (2024). “Kasus Femisida di Indonesia Meningkat, Kekerasan Ekstrem dan Brutal”, <https://www.idntimes.com/news/in/donesia/lia-hutasoit-1/kasus-femisida-di-indonesia-meningkat-kekerasan-ekstrem-dan-brutal>.

Mochammad Fajar Nur. (2024). “Negara Jangan Abai, Kasus Femisida Sudah Berulang Terjadi. Aparat penegak hukum di Indonesia dinilai belum memiliki perspektif hukum dalam penanganan kasus femisida”, <https://tirto.id/negara-jangan-abai-kasus-femisida-sudah-berulang-terjadi-gYqQ>.

Rilla Sovitriana. (2020). *Kajian Gender dalam Tinjauan Psikologi*, Uwais Inspirasi Indonesia, Jawa Timur.

Rohmaniyah, I. (2018). Konstruksi Seksualitas Dan Relasi Kuasa Dalam Praktik Diskursif Pernikahan Dini. *Musawa Jurnal Studi Gender Dan Islam*, 16(1), 33. <https://doi.org/10.14421/musawa.2017.161.33-52>

Sakina, A. I., & A., D. H. S. (2017). Menyoroti Budaya Patriarki Di Indonesia. *Share: Social Work Journal*, 7(1), 71. <https://doi.org/10.24198/share.v7i1.13820>

Salamor, Y. B., Purwanti, A., & Rochaeti, N. (2024). *Hukum Pidana Indonesia Perbandingan Uu Ham Dan Uu Tpks*. 25(1), 95–109.

Arifin I, Yudani A, & Aziza F. (2022). Patriarki Sebagai Pemicu Kekerasan Pada Wanita Dalam Rumah Tangga Menurut Perspektif Al-Qur'an Dan Kemasyarakatan. *Istighna*, 5(1), 18–31.

Farid, M. R. A. (2019). Kekerasan terhadap Perempuan dalam Ketimpangan Relasi Kuasa: Studi Kasus di Rifka Annisa Women's Crisis Center. *Sawwa: Jurnal Studi Gender*, 14(2), 175–190. <https://doi.org/10.21580/sa.v14i2.4062>

Fushshilat, S. R., & Apsari, N. C. (2020). Sistem Sosial Patriarki Sebagai Akar Dari Kekerasan Seksual Terhadap Perempuan Patriarchal Social System As the Root of Sexual Violence Against Women. *Prosiding Penelitian Dan Pengabdian Kepada Masyarakat*, 7(1), 121. <https://doi.org/10.24198/jppm.v7i1.27455>

Ihsani, S. N. (2021). Kekerasan Berbasis Gender dalam Victim-Blaming pada Kasus Pelecehan yang Dipublikasi Media Online. *Jurnal Wanita Dan Keluarga*, 2(1), 12–21. <https://doi.org/10.22146/jwk.2239>

Kania, D. (2015). Hak Asasi Perempuan dalam Peraturan Perundang-Undangan di Indonesia (The Rights of Women in Indonesian Laws and Regulations). *Jurnal Konstitusi*, 12(4), 716–734.

Kinasih, E. S. (2007). Perlindungan dan Penegakan HAM terhadap Pelecehan Seksual. *Perlindungan Dan Penegakan HAM Terhadap Pelecehan Seksual Sri*, 20(4), 307–312.

Nadia, H., & Afifah, Zahratul, S. S. (2021). Analisis Penegakan Hukum Untuk Mewujudkan Keadilan Dalam Perspektif. *De Cive: Jurnal Penelitian Pendidikan Pancasila Dan Kewarganegaraan*, 1(1), 1–7.

Rohmaniyah, I. (2018). Konstruksi Seksualitas Dan Relasi Kuasa Dalam Praktik Diskursif Pernikahan Dini. *Musawa Jurnal Studi Gender Dan Islam*, 16(1), 33. <https://doi.org/10.14421/musawa.2017.161.33-52>

Sakina, A. I., & A., D. H. S. (2017). Menyoroti Budaya Patriarki Di Indonesia. *Share: Social Work Journal*, 7(1), 71. <https://doi.org/10.24198/share.v7i1.3820>

Salamor, Y. B., Purwanti, A., & Rochaeti, N. (2024). *Hukum Pidana Indonesia Perbandingan Uu Ham Dan Uu Tpks*. 25(1), 95–109.

Suryaningsi, S., Warman, W., Komariyah, L., Nurlaili, N., Mulawarman, W. G., Hudiyono, Y., & Thaba, A. (2021). Legal Protection and Rehabilitation of Victims of Child Trafficking With the Purpose of Prostitution in Indonesia. *Journal of Legal and Regulatory Issue*, 24(6), 1–16.

Suryaningsi, S., Warman, W., Pardosi, J., Marwiah, M., Majid, N., & Marina, M. (2024). Peran Pos Bantuan Hukum Bagi Masyarakat Miskin Berbasis Nilai Keadilan di Pengadilan Agama Kota Samarinda. *PRIMER: Jurnal Ilmiah Multidisiplin*, 2(1), 66–75. <https://doi.org/10.55681/primer.v2i1.303>

Suryaningsi Suryaningsi, & Muhamad Muhamad. (2020). *Development and Empowerment of Social Welfare Problems in Street Children in Samarinda City, East Kalimantan, Indonesia BT - Proceedings of the 2nd Annual Civic Education Conference (ACEC 2019)*. 339–345. <https://doi.org/https://doi.org/10.2991/assehr.k.200320.065>

Wahyuddin, Y. A. (2020). Budaya Machismo dan Kekerasan Gender (Femicide) di El Salvador. *Budaya Machismo dan Kekerasan Gender (Femicide) di El Salvador. Indonesian Journal of Peace and Security Studies (IJPSS)*, 2(2), 51–69. <https://doi.org/10.29303/ijpss.v2i2.50>

Zulaichah, S. (2022). Femisida Dan Sanksi Hukum Di Indonesia. *Egalita*, 17(1), 1–16. <https://doi.org/10.18860/egalita.v17i1.14171>



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SJ is inspired by the need to put into visibility the Indonesian and South East Asian women to ensure a dissemination of knowledge to a wider general audience.

SJ selects at least several outstanding articles by scholars in the early stages of a career in academic research for each issue, thereby providing support for new voices and emerging scholarship.

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There are other journals which address those topics, but SJ approaches the broad areas of gender, sexuality and feminism in an integrated fashion. It further addresses the issue of international collaboration and inclusion as existing gaps in the area of academic publishing by (a) crossing language boundaries and creating a space for publishing and (b) providing an opportunity for innovative emerging scholars to engage in the academic dialogue with established researchers.

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