

Sexual Violence in Indonesian Law Number 12 Of 2022: Viewed from the Concept of Radical Feminism



Aprilina Matilda Liko¹, Maria Christussa Nasamputu², Maria Noviyanti Meti³, Ignastius Kayus Duan⁴, G. Widiartana⁵

^{1,2,3,4}Students of Postgraduate Faculty of Law Universitas Atma Jaya Yogyakarta, Indonesia

⁵Lecture Faculty of Law Universitas Atma Jaya Yogyakarta, Indonesia

ABSTRACT: Violence against women is a widespread phenomenon in Indonesia. It is a crime that disturbs many parties, especially women. Many parties fight for justice for women, especially victims, to get legal protection. Law Number 12 of 2022 gives legal protection concerning Criminal Acts of Sexual Violence. Apart from the regulation on criminal acts of sexual violence, there is also legislation Number 13 of 2006, amended into law number 31 of 2014, concerning the rights of victims and witnesses. Legal protection is held as an instrument to minimize the crime of violence against women. The writing of this research aims to analyze legal protection regulations for women who are victims of sexual violence using the concept of radical feminism. This theory considers that the rule of Law is formed based on the views of men, so the current rule of Law is considered a product of patriarchy. This research uses normative legal research with library materials in its research. The results of this study reveal that preventive legal protection regulations are still limited in scope. Although the Indonesian state has established a law to protect women from sexual crimes and violence where the perspective comes from the victim, the Law is still limited in its application. There is still a great need for legislation products that prioritize the principles of radical feminist legal theory.

KEYWORDS: Feminism, Violence, Legal Protection

I. INTRODUCTION

Violence against women is a phenomenon that happens in everyday life. The development of modern human ratios and intellectual insights does not seem to be able to measure the extent to which an individual is declared civilized. Ratios and intellectual insights often play a role in legitimizing the creation of violence against women. According to data from the National Commission on Violence against Women (Komnas Perempuan), the number of cases of violence against women has increased rapidly over the past twelve years (Pratiwi, 2020). For example, Komnas Perempuan's Annual Record (CATAHU) throughout 2018 reported 406,178 cases of violence against women. This number consists of 13,568 cases handled by service provider partner institutions spread across 34 provinces and 392,610 cases handled by Religious Courts. In 2019, the number of cases of violence against women again increased to 431,471, with details of cases handled by the Religious Courts totaling 421,752, cases handled by service provider partner institutions in Indonesia amounted to 14,719, and cases from the Komnas Perempuan Service and Referral Unit (UPR) amounted to 1,419 (Pratiwi, 2020).

In 2020, violence against women decreased slightly, amounting to 299,911 cases (Pratiwi, 2020). However, this number does not guarantee decreased violence cases against women in the coming years. The dynamics of world development can open up the possibility that the amount of violence against women will increase again in the future. This fact simultaneously shows the emergency position of women in society.

In his phenomenal work entitled Zarathustra, Frederich Nietzsche states that violence against women is born out of the desire for power and fear (Nietzsche, 2008). Power and fear are two ontological characteristics inherent in every human being. Individuals have power over others because they want to gain self-recognition. He can use various means to have his position and role in society recognized. In its most extreme form, the desire for power manifests in acts of violence against others.

Meanwhile, fear further results from the loss of the desire for power. Individuals who fear losing power will use violent means to gain self-recognition.

They no longer see women in their wholeness but as objects to fulfill their desire for power. The reductive view of women's position results from the weakening of the social structure of society that ensures the creation of justice. In the same language, Adami Chazawi states that worldview causes violence against women, which men dominate (Chawazi, 2007).

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Society's social construction of women as weak individuals automatically defines men as superior. Furthermore, biological evidence related to the physical structure between men and women seems to support the superiority of men as strong individuals and the "reduction" of women's status as weak individuals. Biologically, men have stronger muscles than women (Aisyah, 2013).

Such considerations seem to affirm the position and superiority of men. These influence each other. The phenomenon of violence against women is a complex issue from the form, place of occurrence, type, and perpetrator. The form of violence against women can take the form of physical, psychological, verbal, and sexual violence. Meanwhile, according to the place of occurrence, violence against women can occur in domestic life (domestic space) and public places (public space). In terms of type, violence against women can be rape, abuse, murder, or a combination of all three. Finally, from the perpetrators, violence against women can be committed by people with close relationships or strangers.

In some cases, the system of sexual differentiation in the community's social life initiates the model of violence against women. According to Julia Suryakusuma, the rampant acts of violence against women originate from the value system of sexual discrimination (Suryakusuma, 2012). In addition to sexual discrimination, de facto violence against women occurs due to misperceptions about women's social status. Women commonly stay in a subordinate position in the life of society. They often become objects or instruments for people with power in the state and religion. In state life, several government positions show the dominant role of men.

Meanwhile, in religious life - for example, in Catholicism, the hierarchical system is the most concrete evidence that illustrates male dominance. The loss of justice in the social order causes women to become violent victims too often. This fact contradicts the intentions stated in laws, statutes, and faith teachings that demand justice. In dealing with violence against women, the Indonesian Government has developed several prevention efforts.

In Indonesia, the model of preventing violence against women has received serious attention from the Government by establishing rules and laws. The enactment of Law No. 12 of 2022 on the Crime of Sexual Violence, as in Article 65 of Law No. 13 of 2006 Jo. Law No. 31/2014 on the Rights of Victims and Witnesses is clear evidence of the Government's efforts to eliminate violence against women. The emergence of the stipulation of the Law on criminal acts of sexual violence against women, as stipulated in Law Number 12 of 2022, indirectly describes the efforts of radical feminism in fighting for the existence of women in the state's life and society. Here, it is clear that several parties try to obtain justice for victims of sexual violence. Referring to this, does Law No. 12 of 2022 contain feminist elements? Did the legislators of Law No.12 of 2022 take inspiration from the concept of radical feminism? By taking the concept of radical feminism, Law No. 12 of 2022 can accommodate the lives of women in Indonesia. Dealing with cases of violence against women, radical feminists try to present criticism as well as alternative solutions to free women from the shackles of male power. Radical feminism proposes respecting women as the same creation as men. Starting from the failure of liberal feminism, radical feminists then organize a movement that targets the core of the problem. That sexuality, directed towards the unity of life between men and women, contains the intention of power. Women must be able to get out of the trap of sexuality built by men to be free from several acts of violence. Right here, the radical feminism movement can be used as an instrument to create a just and civilized model of life.

II. RESEARCH PROBLEMS

How is the legal protection of women due to sexual violence in law number 12 of 2022 viewed from the concept of radical feminism?

III. RESEARCH METHOD

The type of research used in this study is research. Normative research is research on a law that is conceptualized and developed based on the doctrine adopted by the conceptualizer and/or the developer (Sulisowati, Shidarta, 2011: 121). The approach used in this research is the statutory approach method which is legislation and regulation in solving problems and discussing legislation and regulations related to legal issues that are being addressed by the government (Mazuki, 2008: 92), a case approach (Case Approach) which will be carried out by understanding problems related to the developing hat that will be faced and which have become court decisions having permanent legal force (Marzuki, 2008: 94). As well as comparing court decisions by the legislation. The data used in this research is secondary data, in secondary data, there are 2 legal materials, namely: primary legal materials and secondary legal materials. Primary legal materials are legal materials that are authoritative in nature. This primary legal material consists of legislation, official records, or minutes in making legislation and decisions (Marzuki, 2008: 141), the following Legislation contained in primary legal materials are the 1945 Constitution, Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence. Secondary legal materials are all publications on the law that are not official documents. Publications about the law include books, legal dictionaries, legal journals, and comments on court decisions (Marzuki, 2008: 141).

Data collection uses methods such as collecting primary legal materials related to the problems studied in this article, then classifying them as equivalent to laws and regulations, and also collecting secondary legal materials using literature studies. The literature study is carried out through a card system, namely using how to record and understand the contents of each piece of information obtained from primary and secondary legal materials. This writing uses literature study research and also other legal materials and legal materials that support related to the problems studied. The method of processing this legal material is to apply the selection of legal

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materials, then carry out classification according to the classification of the legal material, and compile the research results that have been obtained systematically. Of course, the things that have been described are done logically, meaning that there is a relationship between one legal material and another. This aims to get an overview of the research results. The legal material analysis method of data analysis used in this writing is a descriptive qualitative analysis which is the material collected, after being collected then examined properly according to the type of grouping, then there will be interpreted one by one in a targeted effort to define the problems that have been listed therein. The technique of concluding writing this journal is to use deductive techniques. The deductive technique is an inference from general categories to specific categories.

IV. RESULT AND DISCUSSION

1. Law Number 12 Of 2022 the Crime of Sexual Violence

In general, Law No. 12 of 2022 on the Crime of Sexual Violence does not explicitly refer to women. However, the Sexual Violence Law refers to women, men, and minors. However, if we look deeply and examine the background of the formation of the legislation on the Crime of Sexual Violence, a problem that can harm women. The phenomenon is that women who become victims do not get legal certainty. The existence of women seems to be ignored and even discriminated against because they do not get legal protection. This phenomenon occurs due to influencing factors in social life, primarily cultural and religious factors that are very strong. The limited arrangement of the criminal act of sexual violence in the Criminal Code impacts issues related to non-prosecuted sexual violence through legal effort. It is as if the state does not provide protection and legal certainty for victims, causing the perpetrators to be unable to be legally charged. Finally, sexual violence becomes a banality because carrying out in a repeated and prolonged manner.

Based on data obtained from KOMNAS Perempuan, violence against women has increased by 792 cases over the past 12 years (Isabela, 2022). Data taken from the sexual violence registration division of KOMNAS Perempuan amounted to 8,234 issues of violence against women, various kinds of violence against women that often occur, namely Domestic Violence KTI and dating violence.

De facto, reinforcement of the patriarchal culture in the tradition and religion places women as a second-class group. This construction has an impact on all dimensions of life and institutions. If in an institution or company when men have more than one power, namely superiority power. Most cases of sexual violence occur because of the power of superiority possessed by men. The existence of power relations is a factor in sexual violence. Power is relational. All forms of social relations show a shift from seeing power centered in the hands of the state and official institutions to power. Violence occurs because of the dominance of power from the husband, causing conflict. The National Commission on Violence Against Women (Komnas Perempuan) assessed that sexual violence is a serious crime that requires legal certainty and protection for victims. Thus, Law No. 12 of 2022 on the Crime of Sexual Violence was born. Although in the process of traveling from the design stage to its approval, there are still pros and cons. Apart from that, the purpose of this Law on the Crime of Sexual Violence is to provide legal protection for victims who experience sexual violence. Sexual violence is a crime against humanity in which victims will suffer the loss of life, trauma, and depression.

Article 1 of Law Number 12 of 2022 defines sexual violence as every act of (i) degrading, (ii) insulting, (iii) attacking, (iv) and acting against a person's body, sexual desire, and reproductive function by forcing against a person's will, which causes a person to be unable to give consent in a free state, due to unequal power relations and gender relations, which results in or can result in physical, psychological, sexual suffering or misery, economic, social, cultural, and political losses.

Referring to this, we can state that the elements of sexual violence occur because of an imbalance in power or gender relations. It will have an impact on a woman's physical and psychological health. The purpose of the TPKS law is to provide protection and legal certainty for victims of sexual violence. It is an effort to eliminate sexual violence with all preventive efforts, as well as following up on the perpetrators and providing a deterrent effect in the form of sanctions, fines, and compensation.

The legal subject in the TPKS law is every person and group that is structured or unstructured. Article 4(1) of Law Number 12 of 2022 explains that Criminal Acts of Sexual Violence consist of (i) non-physical sexual harassment, (ii) physical, sexual harassment, (iii) forced contraception, (iv) forced sterilization, (v) forced marriage, (vi) sexual torture, (vii) sexual exploitation, (viii) sexual slavery, (ix) and electronic-based sexual violence. Furthermore, in paragraph 2, which reads, In addition to the Criminal Acts of Sexual Violence as referred to in paragraph (1), Criminal Acts of Sexual Violence also include: rape; obscene acts; copulation of a child, obscene acts against a child, and sexual exploitation of a child; acts that violate morality against the will of the victim; pornography involving children or pornography that explicitly contains sexual violence and exploitation; forced prostitution; criminal acts of trafficking in persons intended for sexual exploitation; sexual violence within the scope of the household; criminal acts of money laundering whose originating criminal act is a Crime of Sexual Violence; and other criminal acts that are expressly stated as Crimes of Sexual Violence as stipulated in the provisions of laws and regulations.

Article 79, paragraph (2) provides forms of prevention against criminal acts of sexual violence. This legislation is certainly in favor of the victim because it fights more for the victim's rights, as contained in Law Number 13 of 2006 and Law 31 of 2014 concerning witness rights. Article 5 of Law 31 of 2014 reads that the witness has rights: a) to obtain protection for personal safety, family, and property, as well as to be free from threats related to before and after giving the testimony; b) to participate in the process of choosing

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and determining the form of protection and security support; c) to provide testimony without pressure; d) to obtain an interpreter; e) to be free from entrapment questions; f) to obtain information about the progress of the case; g) to obtain information about the court decision; h. to obtain information if the convicted person is released; i) keep his/her identity confidential; j) obtain a new identity; k) obtain a temporary residence; l) obtain a new place of residence; m) obtain reimbursement of transportation costs as needed; n) obtain legal advice; o) obtain temporary living expenses until the Protection period ends; and p) receive assistance.

This TPKS law is neutral. Its neutrality lies in the word "victim." These victims can be men, minors, or women. It is as if there is a leap of logic because many cases of sexual violence against women caused the birth of this Law. In its implementation, the space and position of women who were initially the subject of the study did not get a place. Strangely enough, there is no word for women in the Law.

The legislation on Sexual Violence is indeed a response to sexual violence against women. However, its elaboration already referred to women when it was enacted and was generally applicable. Of course, the position of women still neglects, so applicative deconstruction must be raised, namely through the radical feminism analysis knife. The focus of the study here is to place the position of women as essential subjects in the life of the nation and state.

2. Concept of Radical Feminism

Radical Feminism as Radicalization of the Feminist Movement Since it first emerged, feminism has attracted widespread public attention. Women activists have succeeded in opening the horizons of many people's thoughts regarding the position and role of women in society. They instilled an understanding that women deserve respect because of their dignity as creatures equal to men. Over time, the feminist movement developed into several prominent schools, including liberal feminism and radical feminism. Liberal feminism emphasizes the freedom of the individual. The word radical means down to the roots. Radical feminism establishes the root causes of the power imbalance between women and men.

Radical feminism is a feminist point of view that wants to make radical changes in society by eliminating all forms of male supremacy in social and economic contexts. The direction of the struggle of culturally radical feminism seeks to foster gender awareness at the social level. At the most extreme level, this school wants women's struggle to be led by and devoted to women themselves. It is what then triggers the emergence of all-out criticism of this school. This school certainly has reasons for its intention to create a women's world. Women have become permanently alienated from determining and giving direction to their own lives. It is time for women to show their power. Listening to women's voices must come purely from women, not be interfered with by the views of male sexism (Mariani et al., 2021: 4). The feminism movement is an ideology spear-headed by an awareness of the oppression or suppression that occurs to women in society (Wiyatmi, 2006, p. 216).

Resistance through a feminist movement that is very influential evenly where it will be the emergence of various forms of critical discourse contained from feminism, through this there will be developments contained in various criticisms of feminism, one of which is known as radical feminism. Radical feminism is something that women guide as a woman who experiences torture, oppression, and extortion caused by men in power. Men carry out oppression. One of the objects of which is the female body. Radical feminism stands firmly for a woman's body, reproductive rights, and sex (Hasyim, 2014: 2).

They demand to reorganize the division of household labor equally between men and women (Raho, 2016). They also demand higher education and equal pay for equal work (Raho, 2016). Radical feminism launched the reaction to the liberal feminism movement. Historically, radical feminism is a women's movement that emerged around the 1960s in the United States (Mackay, *Radical Feminism: Feminist Activism in Movement*, 2015). Radical feminism belongs to the second wave of feminism. In its civilization, there are two camps of radical feminism: Radical Libertarian Feminism (FRL) and Cultural Radical Feminism (FRK). Although divided into two camps, both still have the same background and orientation in their movements.

Radical feminism was born from political activity and analysis of civil rights and social change movements in the 1950s and 1960s. Furthermore, radical feminism was born as a reaction to the dissatisfaction of a group of women to reform the structure of society and cultural systems dominated by patriarchy. It argues that the source of women's oppression stems from the patriarchal cultural system (Faizain, 2007). Radical feminism believes that the patriarchal system is the leading cause of oppression, discrimination, exploitation, and violence against women (Hommes, 1992). The radical feminism movement was born in 1960-1970 and developed in the United States. This movement is one of the schools classified as the second feminism found in the Boston, Chicago, and New York areas (Juanda, 2019, p. 136).

The world-famous radical feminists are Kate Millet and Shulamith Firestone. Both have exciting views on radical feminism. Kate Millicent, as quoted by Arimbi Heroepoetri and R. Valentina, for example, in the book "Sexual Politics" (1970), states that the relationship between women and men in society is political (Valentina, 2004, p. 56).

3. Analysis of Sexual Violence Against Women in Law Number 12 of 2022 Concerning Criminal acts of Sexual Violence in Terms of Radical Feminism

The views related to radical feminism from the two figures above refer to the understanding that the female body is the main object of oppression, discrimination, exploitation, and violence against women. Radical feminists then focus on freeing the body from the shackles of sexuality. Women must liberate their bodies to be free from oppression by men. The focus on liberating women's bodies

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from the issue of sexuality distinguishes the motivation of radical feminism from liberal feminism. Radical feminists believe that realizing the basic structure of violence is the only way to counteract violence against women. The structure in question is a patriarchal culture on the sexual relationship between men and women. Radical feminism asserts that male power is not limited to the public sphere but extends to areas of private life, such as family and sexual relations, which are the leading causes of patriarchal domination (Adrianus Kefi, 2021). When a man has sex with a woman, at the same time, a man builds a power relationship with a woman. For this reason, radical feminists raise three key issues: sexism, women's reproductive rights, and biological motherhood. These three issues cause social structures in all aspects of society to become unbalanced.

Feminism is a contemporary social and political movement motivated by women's individual and collective experiences, based on the claim that society plays on patriarchal principles, according to which men have privileges over women, resulting in discrimination against women in public and private life. Radical feminism is a perspective within feminism that calls for a radical reordering of society that eliminates male supremacy in all social and economic contexts. They recognize that women's experiences are also affected by other social divisions, such as race, class, and sexual orientation. This ideology and movement emerged in the 1960s. Radical feminists view society as patriarchal, where men dominate and oppress women. Radical feminists seek to abolish patriarchy as one front in the struggle to free all people from an unjust society by challenging existing social norms and institutions. This struggle includes (i) opposing the sexual objectification of women, (ii) raising public awareness about issues such as rape and violence against women, (iii) challenging the concept of gender roles, and challenging what radical feminists see as the radical and gendered capitalism that characterizes the United States and many other countries. Sexual Violence in Law No. 12 of 2022, Reviewed from the Concept of Radical Feminism, does not explicitly mention women as victims of sexual violence.

The understanding of victims in this Law is general, whether women or men. So, the understanding of the victim depends on the interpreter of the existing reality. When viewed from radical feminism, this Law does not seem to favor victims' rights, especially women. It ignores the concept of equality. The Concise Oxford Dictionary defines feminism as the advocacy of women's rights based on the equality of the sexes; the development of the exact female nature as men (Unggas, 2021). This definition emphasizes two critical things, namely, first, feminism as advocacy. It means that feminism is seen solely as a defense of women's rights and societal obligations. Second, feminism aims to fight for gender equality between men and women. Gender equality includes efforts to treat women as individuals who are equal to men.

Articles 39, 40, 41, 70, and 77 all make implicit, "gray" mentions of the word "women." According to the statement, sexual assault victims or witnesses should notify the UPTD PPA. A regional technical implementation unit for protecting women and children is known as UPTD PPA. The UPTD PPA fulfills its obligations to help women and children subjected to discrimination, sexual harassment, violence, persecution, or special protection. According to article 71, the UPTD PPA cooperates with community health centers, hospitals, implementing units in the social sector, detention facilities, prisons, community centers, police, prosecutor's offices, courts, and other organizations.

It means that the target subjects of sexual violence, namely victims, include men, women, and children so that the study of critical issues that are the source of oppression, discrimination, exploitation, and violence against women does not become more attention. At the same time, sexual violence is a crime against humanity based on Komnas Per-empuan data experienced by women. This Law, when examined from a feminist perspective, seems to be just a show that the Government cares about women, so it provides space through the TPKS Law. In reality, it is only a veil that is still silent to minimize the massive movement by feminists. Feminism gives more portion and position to women with a thoughtful and in-depth discourse through the study of serious issues experienced by women. These fundamental issues include, first, sexism. The word "sexism" became known in the 1960s during the European Women's Liberation Movement. At that time, feminist theorists explained that discrimination against women had spread and occurred at almost all levels of society. Hence, they began to speak out loudly about the notion or concept of sexism (Salama, 2013: 312). Sexism is an attitude that suggests that one sex is, in some sense, better than the other. Alternatively, sexism is an assumption based on prejudice or discrimination against another group simply because of gender differences. In this case, men are usually better than women. This understanding refers to sexual stereotypes, where women are only considered mothers and objects of male sexual lust (Simon & Danes, 2000, p. 186).

Sexism, although it takes the form of hatred of others based on sex differences, can also refer to all systems of sexual differentiation. Various beliefs manifest sexism. First, the belief that one sex/gender is more valuable than the other. Second, male or female chauvinism. Third, misogyny (hatred of women) or misandry (hatred of men). Fourth, distrust of people of a different gender. Ambivalent sexism reflects both bad sexism (which is colored by negative feelings and disappointment towards women) and good sexism (which is colored by affection, respect, and admiration) simultaneously (Salama, 2013: 313). People who come from societies that do not recognize the equality of men and women in the social, economic, and political fields are individuals with highly am- bivalent sexist characters. Although discrimination based on sex is wrong and against the Law, this kind of behavior seems to exist and survive in modern societies with qualified rationality. For example, female employees experience discrimination regarding work assignments, salaries, or promotions (Salama, 2013, pp. 312-313).

People still see sex differences as intrinsic to the structuring of life and the division of labor. The belief that men are different from women is thus a false construction of sex and causes violence against women. Second, women's reproductive rights.

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Reproductive rights are part of human rights recognized by national laws, international human rights documents, and other treaty documents. Indonesia is one of 178 countries that signed and recognized women's reproductive rights as stated in the International Conference on Population and Development (ICPD) action plan document. The state must fulfill re-productive rights as stated in the ICPD action plan (Fauzi, 2022, p. 12). Here, reproductive right is the fundamental rights for every couple and individual to freely and responsibly decide the number, spacing of births, and the time to have children and obtain information on how to do so, including the right to obtain the highest standard of reproductive health as well as sexual health as well as their right to make decisions regarding reproduction free from discrimination, arbitrary treatment, and violence.

Regarding reproductive freedom, radical feminism has two ideas supporting women's reproductive rights. First, the idea of selfdetermination. Second, the idea that reproductive consciousness continually affirms women's unity with nature and the cycle of time. According to Adrienne Rich, as cited by Arimbi Heroepoetri and R. Valentina, the possibility of liberation owned by women in reproductive capacity is by believing that women's reproductive freedom will lead women to a well-developed physical and mental condition and have the physical pleasure (Heroepoetri and Valentina, 2004: 22-23). Reproductive freedom can be in the form of knowledge of correct information about reproduction, decision-making regarding reproduction, access to technology such as contraceptives, and access to safe abortion and marital status (Heroepoetri & Valentina, 2004, p. 23).

In reality, the cultural system of society regulates women's reproductive freedom or reproductive rights in marriage, namely patriarchal culture. In patriarchal culture, men take over women's reproductive freedom. It invites radical feminists to fight for it. According to them, reproduction is the freedom of a human being as an individual. If the reproductive process is already under the control of men, then what happens is an exploitative mechanism. Such a reproduction model is the root of further evil, which arises from a sense of ownership that generates hatred and jealousy among humans. Women must be freed from patriarchal demands to obtain their reproductive rights as human beings equal to men—third, biological motherhood. Being a woman and a mother is a difficult job. As a mother, a woman must be responsible for her family. She is responsible for serving the needs of her husband and children. When it comes to household matters, a woman should be grateful for sophisticated technology such as washing machines, vacuum cleaners, gas stoves, microwaves, and others that can ease their work. Another alternative is to hire a household assistant (ART). However, not all families have an ART. If the family's income does not allow them to pay for an ART, the risk is that the mother will do all household chores alone. Referring to this, a woman also has the character of motherhood. She is both a woman and a mother figure. She does all the activities in family life as it is her obligation as a mother to her father and children. According to Adrienne Rich and Firestone, as cited by Rosemarie Putnam Tong, biological motherhood is a patriarchal cultural construction, a myth with oppressive goals that men institutionalize (Putnam, 2007, p. 123). Men have convinced women that the true woman is to be a mother. She must do household chores, including taking care of the children. Here, patriarchal culture convinces many women that mothering is the only work of women. As a result, it restricts the mobility and progressivity of women's roles. It ignores them in several communal life matters. This erroneous view of women's status creates boundaries that have naturally confined women to second-class status. The demands of the patriarchal cultural system have caused women to act only in the way of "motherhood" or biological motherhood (Putnam, 2007, pp. 123-124). Radical feminism is a women's movement that emerged around the 1960s in the United States (Mackay, 2015).

Radical feminism was born as a reaction to the dissatisfaction of a group of women with violence against women. (Hommes, 1992). The views related to radical feminism above refer to an understanding that the female body is the main object of oppression, discrimination, exploitation, and violence against women. Radical feminists then focus on freeing the body from the shackles of sexuality. Women must liberate their bodies to be free from oppression by men. The focus on liberating women's bodies from the issue of sexuality distinguishes the motivation of radical feminism from liberal feminism. Radical feminists believe that realizing the basic structure of violence will counteract violence against women. The structure in question is a patriarchal culture based on the sexual relationship between men and women.

Based on the explanation of radical feminism above shows that the essential attitude of dominant men causes sexual violence in some cases. Sexual abuse is the worst and most common crime against women. This type of violence is an act of violence directed at a person's genitals. Sexual violence against women is not only caused by gender but is also related to the gender relations between women and men, relating to power relations (Lusia Palulungan, 2020).

In simple terms, sexual violence is an act of sexual harassment. Sexual harassment is the abuse of sexual relations between women and men that is detrimental to one of the parties due to acts of humiliation or degradation of one's dignity. It may conclude that sexual harassment is a women's assault of a sexual nature, whether or not intercourse has occurred, and regardless of the relationship between the perpetrator and the victim. Sexual harassment varies widely in the form of attempted rape, rape, sadism in sexual relations, and coercion of other sexual activities that are unwelcome, degrading, hurting, or injuring the victim (Sumera, 2013). In short, sexual harassment contains elements of sexual coercion, oppression, and discrimination.

Cases of sexual violence experienced by women are another form of gender injustice in people's lives. This gender injustice then raises discourse in the public sphere (Government). In the end, Indonesia produced a Law on the Crime of Sexual Violence. Law 12 of 2022 on Sexual Violence Crime was issued to answer the lack or absence of prevention, protection, fair access, and recovery of victims in existing laws and regulations. Sexual Violence is any act that fulfills the elements of a criminal offense as stipulated

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in this Law and other acts of sexual violence as stipulated in the Law to the extent specified in this Law. Sexual violence always causes Victims. A victim is a person who suffers physical, mental, economic, and social harm due to the Crime of Sexual Violence. Every citizen's right to protection from violence and freedom from torture or degrading treatment is a constitutional right guaranteed in the 1945 Constitution of the Republic of Indonesia. Sexual violence is a form of violence and treatment that degrades human dignity, is contrary to divine and human values, and disturbs the comfort of society.

Indonesia has committed to eliminating all forms of torture and degrading treatment, and discrimination against women. Article 4 of the TPKS Law states that the crime of sexual violence consists of non-physical sexual harassment, forced contraception, forced sterilization, forced marriage, sexual torture, sexual exploitation, sexual slavery, and electronic-based sexual violence. As a consequence, Article 6 of the TPKS Law stipulates that people who commit physical, sexual harassment will receive the following sanctions: First, Every Person who commits physical or sexual acts directed against the body, sexual desires, and reproductive organs to degrading a person's dignity based on his/her sexuality and morality that is not included in other more severe criminal provisions shall be punished with a maximum imprisonment of 4 (four) years and a maximum fine of Rp50,000,000.00 (fifty million rupiahs). Second, Every person who commits physical or sexual acts directed against the body, sexual desires, and reproductive organs to unlawfully place someone under his/her power, both inside and outside of marriage, with a maximum imprisonment of 12 (twelve) years and a maximum fine of Rp300,000,000.00 (three hundred million rupiahs). Third, any person who abuses his/her (i) position, (ii) authority, (iii) trust, or (iv) influence arising from deception or a relationship of circumstances or takes advantage of a person's vulnerability, inequality, or dependency, forces or by misleading him/her to commit or allow to commit copulation or obscene acts with him/her or with another person, shall be punished with a maximum imprisonment of 12 (twelve) years and a maximum fine of Rp300,000,000.00 (three hundred million rupiahs) (TPKS, 2022).

It may explicitly say that the TPKS Law established by the Government is an effort to reduce the high number of sexual violence cases experienced by women in Indonesia. On the other hand, the TPKS Law was born as a form of concern over sexual violence against women. However, this TPKS Law as a response to these social symptoms is not correct on target. The social symptoms are violence against women, so why are the central issues not taken seriously and even neglected? The central issues that are the findings of the study of radical feminism analysis answer women's anxiety and expectations. Women feel that their existence is recognized and seen as equal to men. Even in the issue of power relations, if this becomes a collective social consciousness, it will not be a problem in society. The TPKS law answers the unrest of sexual violence against women, but it is not correct on target. Therefore, if the state has a level of concern for women, it needs to provide space and extreme attention to victims, namely women. Is the formation and ratification of this Law dominated by men so that it also pays attention to men? It is a critical reflective rhetorical question to us. Objectively, eliminate egoism, and give complete protection and space to women by drafting new laws that appropriately and thoughtfully give a place to women. Thus, feminists feel that they are citizens, recognized, and given particular positions and protection.

If not taken seriously, there could be a massive and radical movement by feminists. They will unite to fight to make women's bodies subjects and not objects. According to radical feminists, when women's bodies are in position as objects, then women are also sexually discriminated against—breaking the injustice experienced by women as victims of sexual violence. One way to reduce the state's disability is to provide space and place for women through laws specifically for them to protect women's rights. That way, in the future, it can reduce and consolidate any radical feminism movement on the ideology adopted. When the state has taken their hearts and fulfilled their deepest hopes, at the same time, it can prevent and reconstruct the understanding of the weaknesses of radical feminism. Indonesia has a Pancasila ideology where the movement does not erode the religious, humanitarian, social, and democratic values. The characteristics of this radical feminist movement deviate from Indonesian culture and civilization; including: pro-lesbian, anti-marriage; pro-sexual freedom. Therefore, the existence of a particular law for women can provide restrictions following Pancasila, which is the legal reference. There, there is certainty and legal protection that is serious about achieving an effective and efficient operation of the Law.

Politics is a relationship based on a power structure where men control women. In contrast to Millicent, who sees the political aspect of the relationship between men and women, Firestone, as cited by Arimbi Heroepoetri and R. Valentina in the book "The Dialectic of Sex" (1972), states that the source of women's weakness is in their biological structure. Women become figures who play a role in giving birth and breastfeeding, children. What happens then is the use of physical factors to create a sexual division of labor because it is political work. Firestone then offered that women should seize control over the means of reproductive technology (Valentina, 2004).

V. CONCLUSION

The enactment of Law Number 12 of 2022 on the Crime of Sexual Violence is a response to the phenomenon of sexual violence that continues to increase every year, experienced by women. This means that here women are the starting point for the formation of the Law on the Crime of Sexual Violence. However, in its realization, there is a shift in the point of departure, which previously focused on women as victims of sexual violence, but after the enactment of the regulation, it applies generally. Exactly at this point, there is a leap of reasoning from the phenomenon of sexual violence against women who are victims to the general application,

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whether it applies to men, women, and children. Based on the analysis of the Law on Sexual Violence from the concept of radical feminism, it is stated that this law does provide protection and legal certainty for victims of sexual violence, but it does not provide space and place in answering women's anxieties and concerns that have been neglected. Important women's issues are not the focus of attention and are not included in the law. These important issues include sexism, women's reproductive rights, and biological motherhood. Thus, the existence of women is recognized and equal so that there is no reproach for sexual violence against women. Women are no longer underestimated but are equal to men. The position and position of women must be taken seriously by the state in providing special space for women. The government needs to pay special attention to women by making new laws that talk about women. This method is to reduce the radical feminist movement that can lead to deviations in morality in Indonesian culture and civilization. For example pro-lesbian, anti-marriage, and pro-sexual freedom. Of course, it will be effective and efficient when there is a special law for women that touches on the main issues of women, making it easier for the government to provide restrictions.

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