



Dynamics of gender justice in the state's negation of victims of sexual violence

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ABSTRACT

This article examines the complexities surrounding the construction and understanding of gender justice for women victims of sexual violence who are overlooked by the state. Addressing the need for justice for these victims is vital, as women frequently face discriminatory treatment that can lead to victim-blaming. The study uses a qualitative, phenomenological approach based on Creswell's framework, emphasizing the interpretation of 'Gender Justice' through the experiences of key informants, which highlight varied perspectives influenced by their life experiences. The research primarily incorporates Gender and Feminism Theory and Gender Justice to analyze the issue. Key findings reveal a lack of empathy and insufficient training among law enforcement regarding sexual violence cases, along with stigma and intimidation from officers, coupled with inadequate legal protections for victims. Additionally, the legal bureaucracy is convoluted and unresponsive, making the current legal system ineffective in achieving gender justice and often neglecting the rights and needs of sexual violence survivors. These results indicate that the existing legal and governmental frameworks fail to provide equitable gender justice, often overlooking the requirements and rights of survivors. Legal certainty should be clear and consistent; however, in reality, victims often do not experience this certainty. The injustices faced by survivors stem not only from legal shortcomings but also from entrenched discriminatory and patriarchal social norms.

Keywords: State Negation; Discrimination; Intimidation; Gender Justice; Sexual Violence.

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ABSTRAK

Artikel ini bertujuan untuk membahas dinamika terkait konstruksi dan interpretasi keadilan gender bagi perempuan korban kekerasan seksual yang “diabaikan” negara. Persoalan keadilan bagi korban kekerasan seksual merupakan hal yang krusial, karena seringkali perempuan mendapat perlakuan diskriminatif yang berujung pada menyalahkan korban. Penelitian ini menggunakan metode kualitatif dengan pendekatan fenomenologi Creswell, dengan fokus pada interpretasi 'Keadilan Gender' melalui pengalaman para informan kunci, yang mengungkapkan beragam perspektif yang dibentuk oleh pengalaman hidup mereka. Teori Gender dan Feminisme serta Keadilan Gender menjadi aspek utama yang digunakan untuk membedah permasalahan penelitian ini. Studi ini menemukan, pertama, kurangnya empati dan pelatihan yang memadai di kalangan aparat penegak hukum mengenai kepekaan terhadap kasus kekerasan seksual. Kedua, adanya stigma dan intimidasi dari aparat penegak hukum, serta minimnya perlindungan hukum bagi korban. Ketiga, birokrasi hukum yang rumit dan tidak responsif menyebabkan sistem hukum yang ada tidak efektif dalam memberikan keadilan gender dan seringkali mengabaikan kebutuhan dan hak korban kekerasan seksual. Temuan-temuan ini menunjukkan bahwa sistem hukum dan pemerintahan yang ada saat ini belum memberikan keadilan gender yang setara dan seringkali mengabaikan kebutuhan dan hak para penyintas kekerasan seksual. Prinsip kepastian hukum seyogyanya harus jelas dan konsisten. Namun praktiknya, korban kekerasan seksual kerap tidak memperoleh kepastian hukum. Ketidakadilan yang dialami oleh penyintas bukan hanya persoalan hukum, tetapi juga merupakan hasil produksi dari norma sosial yang diskriminatif dan patriarkis.

Kata Kunci: Negasi Negara; Diskriminasi; Intimidasi; Keadilan Gender; Kekerasan Seksual.

1. INTRODUCTION

Gender justice and the protection of sexual violence victims are pressing issues that remain difficult to address. Despite existing legal frameworks and institutional initiatives, sexual violence continues to be widespread, with effective resolutions often elusive (Oli'i & Donri, 2023; Probila et al., 2021; Siddarta et al., 2023). The inadequacy of services from both state and community institutions significantly contributes to the rising number of sexual violence cases each year (Noviani et al., 2018), highlighting systemic deficiencies that hinder effective victim support (Amrizal et al., 2018; Ramadani & Yuliani, 2015; Salamor & Salamor, 2022; Susylowati et al., 2022).

Sexual violence affects all genders, with both men and women capable of perpetrating it; however, women are predominantly the victims. In 2023, there were 26,161 recorded female victims compared to 6,332 male victims (Simfoni PPA, 2023). This gender disparity is deeply rooted in cultural norms that valorize masculinity and create power dynamics where violence is seen as a means of control (Noviani et al., 2018). Various forms of violence against women are documented, with sexual violence being the most prevalent at 13,156 cases, followed by physical and psychological violence (Santika, 2023). This issue is not confined to developing nations; it is also prevalent in developed countries, highlighting a global crisis of sexual violence (Aprita & Hasyim, 2020; Said et al., 2017; Sukarno et al., 2022).

In Indonesia, a patriarchal system significantly contributes to the discrimination and inequality faced by women (Salamor & Salamor, 2022). This cultural backdrop undermines women's constitutional rights and protections (Rahayu, 2021), contradicting theories of justice that call for fairness and equality under the law (Radbruch, 2006). Data from the Ministry of Women's Empowerment and Child Protection shows a troubling rise in violence against women, with 29,883 victims recorded in 2023, up from 27,593 in 2022. Victims who seek help from authorities often encounter victim-blaming (Alindari & Krisnani, 2020).

A survey by the National Human Rights Commission and Kompas Research in 2021, revealed that widespread discrimination in how law enforcement handles cases of violence against women. Respondents reported significant difficulties in the legal process, slow case handling, and high costs associated with pursuing justice (Dihni, 2022). Law enforcement tends to act more swiftly on cases that attract public attention, revealing a lack of professionalism and adherence to ethical standards (Muamar, 2023; Grecya & Yahya, 2022).

In light with these challenges, this study seeks to explore how gender justice is dynamically implemented by the state in response to sexual violence. Using a qualitative, phenomenological approach, it investigates the systemic barriers faced by victims and evaluates the role of law enforcement in delivering justice. This research is crucial as it not only addresses legal inadequacies but also illuminates broader social and cultural obstacles to achieving gender equality.

2. LITERATURE REVIEW

2.1. *The Concept of Gender and Feminism from Judith Butler's Perspective*

Butler (1990) described gender using two terms Subjectivity and Performativity. Gender is not something we are born with but something we act out repeatedly every day. These actions of ours help shape and reinforce the rules of what gender should be or as she calls it “*Gender is a kind of imitation for which there is no original; in fact, it is a kind of imitation that produces the very notion of the original as an effect and consequence of the imitation itself*”.

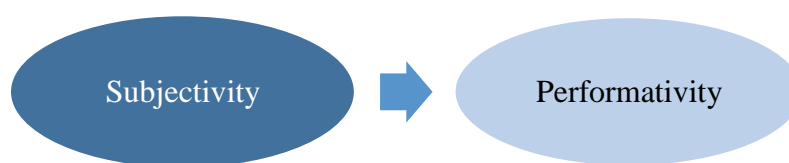


Figure 1. Butler's Key Ideas Regarding Gender (Butler, 1990).

Subjectivity which refers to the way a person understands and experiences their own identity. How a person sees himself as a man, woman, or other gender identity, is influenced by society. Then, *Performativity* is the idea that gender is not something we have, but something we do. Gender is shaped by the actions we take every day. For example, the way we dress, speak, and act all help shape our gender identity. Therefore, when we continually perform actions that conform to society's expectations about our gender, we reinforce gender norms. Butler criticizes the traditional gender view assuming that gender differences are something "natural". According to him, this view can be used to justify gender inequality and domination which benefits men and harms women (Butler, 1990; Butler, 2003). The concept of gender

introduced by Butler emerged as a response to dissatisfaction with traditional gender concepts which were unable to understand gender diversity as a whole (Butler, 1990). This inability causes injustice and discrimination against gender minorities because they do not conform to traditional gender norms.

2.2. *Gustav Radbruch's Concept of Justice Perspective*

Gustav Radbruch developed the idea of achieving equality and justice through the existence of law (Radbruch, 2006). This determines that every individual has the same rights before the law, namely respect. If the state wants to strengthen the law for society, then in its application, justice must be the main priority before implementing strict, rigid and inflexible legal rules (Radbruch, 2006). Therefore, Radbruch uses three views regarding legal certainty as it should be done.



Figure 2. Three Views of Justice (Radbruch, 2006).

First, the law must be fair and provide equal treatment to everyone. *Second*, expediency refers to the legal aim of achieving general welfare. *Third*, Legal Certainty, namely the principle that the law must be written and applied in a way that is "clear", understandable, "consistent" in its application, and can be "predictable" when individuals plan something in action, then they already understand the consequences that may arise. (Radbruch, 2006). Radbruch argues that good law must try to balance these three principles.

However, he also acknowledged that in practice, there is often a conflict between justice, expediency and legal certainty. For example, perfectly fair rules may not always be the most helpful or clearest. Therefore Radbruch provides a definition of law as "*That is a general set of rules for living with humanity*" (Radbruch, 2006). So, the task of law makers and law enforcers is to find the right balance between these three principles to achieve an effective and humane legal system (Muslih, 2013; Radbruch, 2006).

2.3. *The struggle for justice in sexual violence*

Review of literature regarding women fighting for justice in sexual violence, the discriminatory role of the state, this should be of greater concern (Adnyani & Rusadi, 2023; Ningrumsari et al., 2022). As is the case in the United States, the "Rape Kit Backlog" is physical evidence that victims collect when asked by law enforcement officials. However, the Rape Kit was not critically examined through a forensic laboratory in connection with the search for the DNA of the perpetrator in the case, showing that the state is not a priority in resolving the problems faced by the victim (Quinlan, 2021).

Unfair treatment by law enforcement officers has also occurred in Indonesia, a case experienced by Baiq Nuril Maknun, a former civil servant in Lombok in 2010. At that time, he provided evidence to the authorities regarding telephone conversations containing sexual

harassment by his superiors. However, in the legal process, Baiq Nuril became the defendant for committing defamation (Nopriadi, 2018). Challenges in seeking justice also occur in the Bintang Mountains. A woman who was raped by a member of the Indonesian Army in 2019 reported it to local law enforcement officials but instead experienced intimidation and threats from various parties (Patiran et al., 2022).

The case in question above highlights the importance of awareness and increasing the capacity of law enforcement officials in handling cases of sexual violence more fairly and effectively (Wulandari & Krisnani, 2020). The lack of responsiveness from law enforcement officials can become an obstacle in the efforts of women victims of sexual violence to fight for justice (Akmal et al., 2021; Atthahara, 2018). Therefore, justice is a form of criticism of men and the state in order to produce a just state without any differences in treatment (Adnyani & Rusadi, 2023; Akmal et al., 2021; Atthahara, 2018; Ningrumsari et al., 2022).

3. METHOD

This research employs a qualitative methodology with a transcendental phenomenological approach (Creswell, 2020). This approach seeks to uncover the shared meanings of lived experiences regarding a specific concept—in this case, gender justice. The researcher aims to investigate the phenomenon of gender injustice as experienced by women victims of sexual violence, while consciously setting aside personal biases and assumptions (epoche) to allow the subjects to guide the inquiry (Creswell, 2020). During the epoche phase, the researcher deliberately avoids allowing personal opinions to influence their understanding, concentrating instead on the informants' viewpoints. The next step involves phenomenological reduction, which aims to extract the essence of gender justice experiences. This includes eidetic vision, where the researcher distills the fundamental aspects of the victims' experiences without imposing personal judgments. The final phase is transcendence, in which universal meanings of the victims' experiences are objectively revealed.

Informants were selected through purposive sampling, focusing on five key individuals who are victims of sexual violence advocating for justice. Additionally, the researcher conducted interviews with secondary informants, including the victims' families, law enforcement officials, representatives from the National Commission on Violence Against Women, and LBH Apik. These interviews provided a broader understanding of the challenges victims face in their pursuit of justice and enriched the insights into their experiences within the legal system.

4. FINDINGS AND DISCUSSION

4.1. Explanation of the Experiences of Sexual Violence Victims

Violence in its various forms can cause serious long-term impacts for victims including physical trauma, mental disorders and social losses (Prastiti & Anshori, 2023; Wahyuni, 2016). High levels of violence can also threaten the stability and security of a country or community, triggering further conflict and worsening the security situation. In the analysis in this research, the key informants consistently described the experience of sexual violence as a deeply traumatic event. Based on statements from key informants regarding the type of violence they experienced as Naila said.

"...I was bullied, pushed until I fell, every physical education lesson I was thrown with a ball, every time I wanted to go home from school my helmet was hidden... at first I didn't realize that someone was making a video and photo, but when I realized I was really shocked ... I shared the video with my friends... when I was going to take food to the canteen... I was really pushed until I fell... I came home without any wounds on my body." (Naila, Interview, February 04, 2024).

The violence that Naila felt started from physical, being pushed to the ground, injuring her hands from being pushed, and being humiliated in front of her friends. Verbal violence, in the form of teasing and verbal abuse such as being thrown with a ball during PE class. Psychological violence, intimidating and degrading behavior, videos and photos without permission which are then distributed to friends. The violence that Asri felt started from physical, hair being pulled, face being slapped and punched. The sexual violence, recorded on video by the partner, was then used as a threat and a tool for blackmail. Psychological violence occurs through threats, blackmail, and the use of the video as a tool to control and pressure the victim. Alin's experience of domestic violence is different.

"...I'm used to my husband's harsh treatment, but that night I don't know why his emotions were different, at first he just said harsh words until he hit me without mercy. At that time, I couldn't fight back because I was afraid, he would hit the children. "He hit my body and face, my lips had to be sewn up because they were torn, and what hurt him was that before he ran away from the house, he took all the money I had in my wallet." (Alin, Interview, April 06, 2024).

The violence that Alin felt started from physical, her husband beat her brutally, causing serious injuries to her body, such as a tear on her lip that had to be sewn up. Economic violence, her husband took all the money she had and left her. The violence that Nala experienced was sexual, someone entered her bedroom and performed sexual acts without her permission while she was sleeping. Harassment, the perpetrator often invited him to meet alone and often invited him to do inappropriate things. Threats, the perpetrator threatens to make his life unsafe if he reveals the incident to other people. Psychological violence, threats and manipulation such as taking over his social media accounts and using One Time Password (OTP) codes to intimidate him into remaining silent.

The sexual harassment that Nala felt was the same as what Fatimah felt when she experienced sexual violence and harassment while sleeping on the train. from Tanah Abang to Depok, they received indecent treatment. Based on statements from key informants regarding the type of violence they experienced, it can be concluded that the victims experienced various forms of violence including physical, verbal, psychological, sexual violence, harassment, threats and economic violence. The violence experienced by the victims reflects a pattern that is detrimental and violates human rights. They feel fear, shame, trauma, and loss of security and self-confidence.

According to West Coast LEAF Vancouver research, many victims of sexual assault do not report their cases. This is because they fear the lack of privacy protections that could reveal their identities. They are worried that information about their cases will be released, which could have a negative impact on their mental health and financial situation (Adzhar, 2022). In addition to these aspects, the reluctance and inability of women who are victims of violence are often triggered by the stigma that exists in society. Violence against women is an important

problem, not only a matter of mental health, morals or problems that arise in society. However, the threat of violence that has an impact on women's actions and movements becomes limited and confined (Bahrudin, 2019).

4.2. Construction in the “Gender Justice” Dimension

Gender justice refers to equality in treatment and opportunities between men and women. This is not only about providing equal rights, but also about recognizing and respecting existing differences, and eliminating all forms of discrimination and injustice based on gender. The construction of gender justice requires a holistic approach, involving changes in culture and social norms, legal and public policy reform, fair access to education, equal economic opportunities, and inclusive health systems. Collective efforts from various sectors and active participation from all levels of society are essential to achieving true gender justice (Harjoni et al., 2020; Salsabila et al., 2024).

The gender dimension that is emphasized in women's reconstruction in understanding gender justice in general is based on the experience felt in fighting for justice in the problems that occur. Women often experience violence from time to time. Therefore, to see the perspective of women victims of injustice, the researcher asked the key informant the question of understanding gender justice, “How do you interpret or understand gender justice?”

Table 1.
 Understanding the Concept of Gender Justice.

No.	Significant Statement	Meaning Unit	Keywords
1.	“It has to be equal, bro. Especially rich in everyday life. there should be no difference in behavior.” (Naila, 2024)	Gender equality in everyday life. there is no difference in treatment.	a. Gender equality
2.	“...Actions and treatment that do not discriminate...they have the same rights and opportunities in a variety of lives...according to their respective needs.” (Asri, 2024)	Provide fair treatment and do not discriminate between men and women, ensuring that each person is treated according to their individual needs.	a. Gender equality b. Equal Rights and Opportunities c. Individual Needs
3.	“A situation... men and women receive fair and equal treatment.” (Alin, 2024)	Men and women receive fair and equal treatment.	a. Gender Equality
4.	“...Equal rights to access to education, employment, health services, and legal justice. without discrimination based on gender. This also includes the absence of gender stereotypes.” (Nala, 2024)	Equal rights to access education, employment, health services and legal justice without. And free from gender stereotypes.	a. Equal Rights and Opportunities b. Free c. Access
5.	“Regardless of gender...fair and equal in all aspects of life...creating the world...everyone	Everyone is treated fairly and equally in all aspects of life without barriers or	a. Gender Equality

can live and develop without facing obstacles...” (Fatimah, 2024) discrimination based on gender.

(Researcher Interview, 2024)

The analysis provided by the 5 (five) key informants above provides the same statement that gender justice is gender equality where men and women are given equal treatment. However, what is unique about Asri's opinion compared to other opinions is that it is not just describing justice in general regarding equal rights between men and women, but based on their needs.

“In my opinion, gender justice provides actions and treatment that do not discriminate, whether men or women have the same rights and opportunities in various aspects of life. “Actually, in my opinion, the focus is not on equal treatment in various matters, but on providing certainty that each person must be treated fairly according to their individual needs.” (Asri, Interview, March 23, 2024).

The statement expressed by Asri that giving equal treatment does not mean that all aspects of life are equal. However, there are also various things where men and women should not be treated the same. Therefore, Asri believes that justice and equality are in accordance with their respective needs. The five key informants above have their own unique characteristics in providing statements. As Naila and Alin emphasize the importance of equality in everyday life and avoiding differences in behavior based on gender.

Next, Nala emphasized the emphasis on equal access rights to various services and rights without discrimination as well as the importance of being free from gender stereotypes. Something different was expressed by Fatimah.

“This view of understanding gender justice eliminates what is called gender discrimination and all people or individuals have the same right to receive fair treatment. “Gender justice, in my opinion, also means that in life, don't just look down on women.” (Fatimah, Interview, March 02, 2024).

The statement given by Fatimah focused more on creating a world without barriers or discrimination based on gender with an emphasis on individual development without gender limitations. Overall, the informants agreed that gender justice involves equal treatment and opportunity for all people without discrimination based on sex. However, there are variations in emphasis, they focus on equal rights and access (Nala, Fatimah, Alin, Naila). Treatment tailored to individual needs (Asri). The general understanding that can be concluded is that gender justice includes equal rights and opportunities in all aspects of life and avoids discrimination and gender stereotypes.

4.3. The Negation of the States in the Interpretation of Gender Justice

Negation of the state in the construction of gender justice refers to the absence, incompetence, or deliberate actions carried out by the state that cause gender justice to not be achieved. This includes policies, laws and practices that explicitly or implicitly discriminate against or disadvantage certain groups based on gender (Khoirul, 2023). The forms of this negation can vary, ranging from unfair policies, weak law enforcement against violations of women's rights, to social and cultural structures supported by the state that reinforce gender inequality.

In Indonesia, although there has been some progress in legislation that supports gender equality, there are still many policies and regulations that are discriminatory or state negation. *First*, it is contained in the Marriage Law no. 1 of 1974, this Law contains several articles that are considered discriminatory, such as provisions that give greater power to husbands in the household (Article 31 Paragraph 3) (BPK, 1974). *Second*, the practices of law enforcement officers who prioritize responsive action when cases of sexual violence are popular on social media and ignore reporting that is not busy on social media (Mariana & Daya, 2020). One example is that reports provided by Indonesian Broadcasting Commission (KPI) officers were delayed and delayed. When he couldn't hold back his fear and restlessness, he finally had the courage to publicize his case on social media and when it became public on social media, the police officers handling his case moved quickly to handle his case (Nur Fadilah & Setiawan, 2021).

Third, before the 2022 Sexual Violence Crime Law (UU TPKS) was passed, women in Indonesia had not fully received their rights to justice. This injustice encourages people to stage demonstrations and protests, demanding that the government immediately pass the TPKS Law. These three forms of state negation show that the state does not fully accommodate the principle of gender equality. The state is often identified with a legal system that regulates citizen behavior and sets standards of justice. Through the judiciary, the state ensures that law and justice must be upheld for all citizens (Auli, 2023). However, in reality law enforcement against gender-based violence in Indonesia is still very weak. As happened to 5 (five) key informants in fighting for justice, they experienced the dynamics of a prolonged and ongoing process that was not resolved as expected by the key informants.

Key Informants are very aware that awareness of gender justice must be emphasized more when they experience unpleasant treatment ranging from crimes committed by perpetrators to injustices committed by the state. When Nala tries to get justice, she faces obstacles in the form of a complicated legal process.

"...taken to the police station at around 1 o'clock to the police, finally following the police rules, interrogation, checking, it took a really long time, it turns out, do you know what the police statement was? He said that this problem has been going on for more than a month and if it continues, in the end nothing will be achieved because the post-mortem cannot be carried out, the evidence is one of which is that sperm cannot be detected. The police only issued an order to the perpetrator to transfer his residence and place of work so that he would be different from me as a victim and the surrounding community. "If later A does something similar again, then follow up." (Nala, Interview, March 02, 2024).

Naila became a victim of physical and verbal violence. While trying to report and resolve her case, Naila experienced serious injustice.

"...but when I made the report, I was actually asked "why are you only reporting now" there I was silent because I was confused about how to answer... the police also brought up this issue to me as if it was an exaggeration and they didn't believe what I was saying. even though I brought a lot of evidence plus a really long period of time. The flow of reporting from KOMNAS HAM was also transferred to the police and then contacted LBH and only contacted me when I had given up on this problem. In addition... the police suddenly said that this problem could be discussed

with the perpetrator... even though previously Mr. Andi, who helped me with this problem, said he would help to solve it...” (Naila, Interview, February 04, 2024)

The process of handling Naila's case was very slow, to the point where the case was dismissed without a clear resolution. This shows a lack of commitment on the part of the authorities in handling the case. What Alin feels is different when facing physical violence, namely verbal and non-verbal forms. When Alin sought justice, he also faced a process that was made difficult by the authorities. This represents a significant obstacle to obtaining fair and speedy justice. Asri experienced violence in two forms, physical and online. He experienced injustice in a complicated process. Fatimah became a victim of sexual violence and harassment carried out on public transportation. This violence and harassment can include touching women's privacy. When Fatimah tried to get justice, she experienced injustice in the form of neglect and complicated legal processes.

Key Informants are very aware that awareness in gender justice must be emphasized more when they receive unpleasant treatment ranging from crimes committed by perpetrators to injustice committed by the state. Below is an illustration of the comments of five key informants who experienced various forms of intimidation or discrimination when dealing with the authorities:

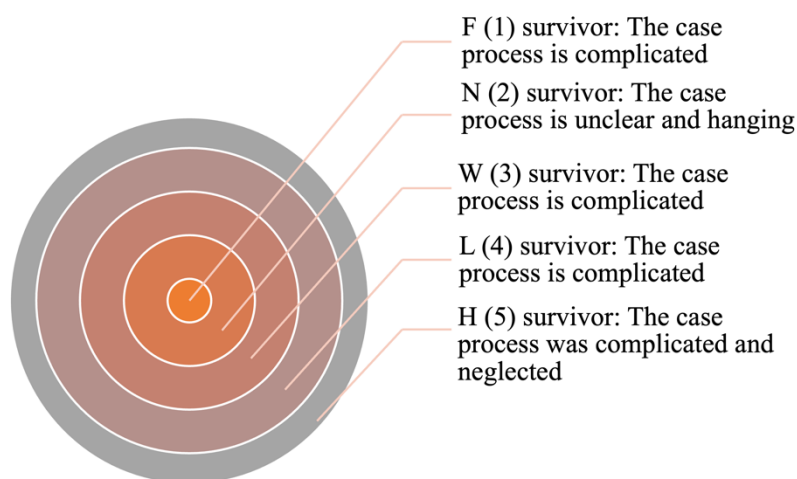


Figure 3. The Presence of State Negation According to Victims of Sexual Violence.

Women who are victims of violence face several obstacles in obtaining their rights to security, health, education, and employment opportunities. Violence against women can occur in various places, including the workplace, public spaces, domestic environments, and can be perpetrated by various parties including parents, partners, brothers and sisters, or other individuals (Atthahara, 2018; Erda et al., 2023; Salamor & Salamor, 2022a; Elliza, 2022). As the opinion of the five key informants regarding the problems they face, there is no clear legal certainty, which is different from when the case was widely circulated on social media. While in several other countries, such as the United Kingdom, there are better mechanisms to support victims and follow up on cases of sexual violence more seriously (Ambrose, 2021; Davies et al., 2022).

Discriminatory and unresponsive practices carried out by state officials can be an obstacle in the efforts of female victims of sexual violence to fight for justice (Akmal et al.,

2021). This is also confirmed by research results (Sari, 2019) which states that when employees receive verbal sexual violence when reporting to state officials, state officials do not side with the victim. A similar case was also experienced by a female victim in Bengkulu who was raped by a lecturer on her campus, but the lecturer was charged only with the article on unpleasant acts, not rape (Noer & Kartika, 2022).

The findings indicate a lack of serious efforts by authorities to handle sexual violence cases promptly. The five individuals interviewed faced various forms of violence physical, non-physical, verbal, and non-verbal along with significant administrative and procedural obstacles in seeking justice. Some experienced delays, while others had their cases dismissed without resolution. This contradicts Gustav Radbruch's principles of justice, utility, and legal certainty, where the law should be fair, beneficial, and predictable. Furthermore, the state's failure to protect victims, especially women, is reflected in the structural inequalities perpetuated by Marriage Law No. 1 of 1974, which reinforces patriarchal norms. This finding resonates with (Holqi et al., 2024) which highlights the deep rooted masculine culture in Indonesia that marginalizes women in both political and legal domains. The article emphasizes how the patriarchal structure undermines women's representation and influence, reinforcing systemic gender inequality a conclusion that aligns with the state's failure to adequately address sexual violence against women. Thus, this study contributes new insights by highlighting how the injustice faced by victims directly opposes Radbruch's ideal legal framework. It also provides a fresh perspective on the limitations of Indonesia's legal system in addressing gender-based violence.

5. CONCLUSION

Women often face injustice from law enforcement officers. A rigid legal system and complicated bureaucracy exacerbate the suffering of victims, making them feel neglected by the state. The principle of legal certainty states that the law must be clear, consistent, and predictable. However, in practice, victims of sexual violence often do not receive the legal certainty they need. Law enforcement officers are often inconsistent in handling cases of sexual violence and only respond quickly when the case gains popularity on social media, leading to increased distrust in the legal system.

The injustice experienced by victims is not merely a legal issue but also stems from discriminatory social norms. Victims of sexual violence often form their identities as "victims" who are not deemed important by the state. However, some victims fight for justice, showing that their subjectivity is not entirely determined by violence and stigma. The state's negation is evident in the neglect shown by law enforcement officers when they fail to provide adequate protection and justice for victims of sexual violence. Strong evidence can be observed when society demands comprehensive justice for women, leading to the formalization of the TPKS Law that the public has long sought. This indicates that the state is not yet fully present to protect the rights of victims.

Furthermore, the results of research related to the construction of gender justice experiences for women victims of sexual violence reveal that achieving gender justice not only requires firm legal enforcement but also a transformation of cultural and social norms that support equal rights and protection for victims.

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