

Integrated Legal Protection of Women in Conflict with the Law in the Criminal Judicial Process (Decision Case Number 677/Pis.Sus/2018/PN Cbi)

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ABSTRACT

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Purpose of the study:

The state has an obligation to ensure that women obtain justice and are free from all discrimination in the criminal judicial process. Women in conflict with the law frequently feel uncomfortable when facing court proceedings in the position of suspect, victim, or witness. This paper analyzed legal considerations in the court decision of Bogor Cibinong District Court number 677/Pis.Sus/2018/PN Cbi.

Methodology:

This research employed the doctrinal legal analysis methodology. This study aimed to analyze the legal protection of women in conflict with the law in the courtroom. This investigation could be a regulating juridical consideration with philosophical and conceptual approaches.

Results:

The result of the consideration appeared that the criminal equity handled in court was full of ethical issues. Recently, there was the issuance of Supreme Court Regulation Number 3 of 2017 concerning Rules on the Hearing of Cases Including Women in Conflict with the Law. The Decision of Bogor

Cibinong District Court Number 677/Pis.Sus/2018/PN Cbi managed a rapist of two children free from the charge of 14 years in prison for there is no witness who saw the rape. The integrated protection of women is required since they deal with the law during court proceedings and in the stages of inquiry, investigation, prosecution, and punishment.

Applications of this study:

Regulation through legislation is required to protect women in conflict with the law in the criminal justice process.

Novelty/Originality of this study:

In contrast to previous research, this research focused on studying how significant legal protection is for women in conflict with the law.

Keywords: Legal Protection, Women, Litigation

ABSTRAK

Tujuan: Negara memiliki kewajiban untuk memastikan perempuan memperoleh keadilan dan bebas dari segala diskriminasi dalam proses peradilan pidana. Perempuan yang berkonflik dengan hukum seringkali merasa tidak nyaman ketika menghadapi proses peradilan dalam posisi sebagai tersangka, korban, atau saksi. Artikel ini bertujuan untuk menganalisis pertimbangan hukum dalam putusan Pengadilan Negeri Bogor Cibinong nomor 677/Pis.Sus/2018/PN Cbi.

Metodologi: Penelitian ini menggunakan metodologi analisis hukum doktrinal. Penelitian ini bertujuan untuk menganalisis perlindungan hukum terhadap perempuan yang berkonflik dengan hukum di ruang sidang. Investigasi tersebut menjadi pertimbangan yuridis dengan pendekatan filosofis dan konseptual.

Hasil: Dari hasil penelitian ditemukan bahwa peradilan pidana yang ditangani di pengadilan sarat dengan persoalan etik. Baru-baru ini, telah diterbitkan Peraturan Mahkamah Agung Nomor 3 Tahun 2017 Tentang Pedoman Mengadili Perkara Perempuan Berhadapan dengan Hukum. Putusan Pengadilan Negeri Bogor Cibinong Nomor 677/Pis.Sus/2018/PN Cbi membebaskan pemerkosa dua anak dari dakwaan 14 tahun penjara karena tidak ada saksi yang melihat pemerkosaan tersebut. Perlindungan terpadu terhadap perempuan diperlukan karena mereka berhadapan dengan hukum selama proses peradilan dan pada tahap penyelidikan, penyidikan, penuntutan, dan hukuman.

***Aplikasi penelitian ini:** Pengaturan melalui peraturan perundang-undangan diperlukan untuk melindungi perempuan yang berkonflik dengan hukum dalam proses peradilan pidana.*

***Kebaruan/Orisinalitas:** Berbeda dengan penelitian sebelumnya, penelitian ini berfokus untuk mengkaji seberapa signifikan perlindungan hukum bagi perempuan yang berkonflik dengan hukum.*

Kata kunci: Perlindungan Hukum, Perempuan, Litigasi

INTRODUCTION

The examination handled in a court trial is part of the Criminal Justice System. The criminal justice system is a process that comprises ethical issues. Regarding the process, interactions occur among laws and regulations, administrative practices, institutional policies, the authorities' individuality, and the struggle of the suspect. The law is not solely what must be applied but how it must be applied (Prasetyo & Tanya, 2011). Without knowledge of ethics, criminal justice professionals are probably naive concerning ethical issues occurring within the criminal justice system (Banks, 2018).

Justice components are discussed, counting decency, balance, unbiasedness, and suitability of rewards and disciplines. These components relate to distributive and retributive justice (Pollock-Byrne, 1989). Proficient criminal justice officers must work in an environment of ethical values. When these values are internalized in practitioners' souls, offices prosper in polished skill and tolerability, and when they are not, they sink into the poisonous quality of debasement and rot (Souryal, 2015).

In juridical terms, Indonesia's legal instruments and regulations admit the principles of equal rights between men and women at national and international levels. However, at the level of state administration, discrimination, and injustice still occur to women (Kania, 2015a).

Judges are the ultimate point in the juridical process. One of the judicial powers that receive the investigation and decide cases (Mustofa, 2013). Judge, as a profession, is the embodiment of the law, the representative of fairness and justice. Judges' profession directly concerns the fundamental values of realizing human dignity in real life (Sidharta, 2015).

Ethics must be an inherent part of criminal judicature. Criminal judicature will become an institution of justice, truth, and humanity if the work process is guided by ethics (Prasetyo & Tanya, 2011). For example, the Decision of Bogor Cibinong District Court managed a rapist of two children free from the charge of 14 years in prison for no witness who saw the rape.

RESEARCH METHOD

This research employed the doctrinal legal analysis methodology. The researcher applied secondary data in the form of laws and regulations, literature, court decisions, and research results related to judges' ethics and behavior in the court toward women facing legal problems. Analytical descriptions were applied to describe in detail the ethics and behavior of judges in court proceedings. Data were collected using literature studies by searching, exploring, collecting, and analyzing the required data. This section explains the rationale for applying specific approaches, methods, procedures, or techniques employed to identify, select, and analyze information to understand the research problem/project. Furthermore, it allows the readers to critically evaluate the project's or study's overall validity and reliability.

RESULTS & DISCUSSION

Cases Involving Women in Conflict with the Law

Citizen security from all segregation actions employs constitutional rights (The 1945 Constitution of the Republic of Indonesia, 1945). Law is continuously required to accommodate the commitment of the state to protect the citizen's human rights, including women's rights (Savitri, 2008). The state obliges the rights of each citizen, counting women's rights to the law. Women encountering legal problems have the right to access justice (Triwati, 2019). The movement to improve women's conditions has been ongoing for a long time. However, gender inequality in various aspects of community life, including education, economics, politics, society, and culture, is still quite conspicuous (Arjani, 2008). The complex cluster of impacts on states of mind toward rude behavior committed by men against ladies. Two clusters of variables related to sex and culture impact numerous social arrangements on demeanors concerning savagery. They encourage components to work at personal, organizational, communal, or societal levels (Flood & Pease, 2009).

Indonesia has ratified the International Covenant on Civil and Political Rights with Law Number 12 of 2005 concerning the Ratification of the International Covenant on Civil and Political Rights. The International Covenant on Civil and Political Rights asserts that all

persons are equal before the law. The legislation prohibits discrimination and guarantees equal protection for all persons from discrimination for any reason, including sex or gender.

As a country in the Convention on the Elimination of All Forms of Discrimination Against Women, Indonesia admits the state's obligation to ensure that women have access to justice and are free from discrimination (Widyastuti, 2009). The provisional ratification means that the Convention is part of national law (Lutuhima, 2014). The Declaration on the Elimination of All Forms of Discrimination Against Women determines that the state must eliminate discrimination through competent national court institutions and adequate protection for women from any act of discrimination.

There are three components in the court process: law enforcement, justice, and correction (Pursley, 1977). The Public Prosecutor, the judge, and relevant court officials conduct the function of court proceedings. Through this function, a defendant's guilt and conviction are determined (Agustine, 2019). It explores the part of the criminal law inside society, the ethical limits on what behaviors can be suitably criminalized, the proper government reaction to criminal exercises, and the particular ethical issues confronting operators of the criminal justice system: administrators, police, prosecutors, judges, jail superintendents and watchmen, parole officers, and probation officers (Editorial Board, 1994).

Implementing justice in criminal law involves agencies in a bureaucratic system, and inequality can cause more suffering than is commonly accepted (Rahardjo, 2012). The state is responsible for protecting women who are victims and/or witnesses, suspects, defendants, and convicted persons (Malinda, 2016).

The problems of women concerning the law occur not only during court proceedings. Therefore, it is necessary to intensify the protection of women encountering legal problems in each stage of inquiry/investigation, prosecution, trial, and punishment. Even though the legal apparatus (police, prosecutors, and judges) has their institutions and regulations, their work begins with inquiry/investigation; prosecution and trial are inseparable. They are still connected and bound in one system (Muhammad, 2010).

Every regulation relating to justice administration should be formulated as simply as possible (case simplification), efficiently, and effectively to provide more benefits to the wider community in terms of time and cost. The longer the bureaucratic chain, the more expensive the cost. The improvement of justice administration must start from the reporting, complaint, or registration of legal services to the stage of decisions and corrections, similarly

an integrated process from the occurrence of legal events in the community to the realization of the situation or the restoration of justice in society (Rahmatullah, 2017).

There are various absolute rights for women related to access to justice when they conflict with the law: (a) The right to obtain protection for personal, family, and property security and free from threats related to testimony that will be, is being, or has been granted, (b) The right to provide information without pressure, (c) The right to be free from the question that ensnares, the right to gain information regarding the development of cases and decisions court (d) Right to receive assistance, (e) Right to retain their identity secret, (f) Right to obtain legal advice, (g) Right to get an interpreter, (h) Right to obtain restitution, (i) Right to recovery

Guidelines for adjudicating cases of women in conflict with the law in Supreme Court Regulation Number 3 of 2017 concerning Guidelines for Prosecuting Women's Cases Dealing with the following aims: (a) Understanding and applying the principles as referred to above; (b) Identifying situations of unequal treatment to obtain the result in Discrimination Against Women; and (c) Ensuring women's rights to equal access to justice.

The problems confronted by women dealing with the law are (a) Limited knowledge of legal rights due to lack of access to information, numerous women in conflict with the law do not recognize what their legal rights are or how they can defend their rights, especially in terms of receiving compensation loss. (b) Financial limitations, various women dealing with the law become victims, and the litigants have no rights to financial resources to bring the case to court, namely, to pay legal counsel, court fees, and transportation costs. Therefore, it is essential for women dealing with the law who cannot achieve legal assistance free of charge, and there is a waiver of court fees. (c) Limited access to In the household, the perpetrator usually receives legal advice, but the victim does not due to the inability to achieve it. It is because there is still discrimination in applying laws that have not recognized victims' rights to receive assistance or legal advisor. However, the Criminal Procedure Code only limits legal counsel for the suspect. In addition, victims have not fulfilled their rights to obtain assistance outside the law. (d) The existence of threats, pressures, and stigma against women victims, witnesses, and parties, as well as fears of repeated violence that what the perpetrators do to lead women who deal with the law are afraid to provide testimony. (e) Accountability and transparency, unaccountable court procedures, and transparency can make it problematic for women dealing with the law to access justice. (f) Language or communication barriers, women who confront the law and cannot speak the Indonesian language will be difficult to

understand and convey information in the judging process. (g) Physical or mental barriers, women confronting law that has physical disabilities or mental retardation require an appropriate companion or facilitator with special needs. (h) Distance and transportation constraints, considering that the court is located in a city or district that is far from the domicile (i) Other practices of law enforcement officers and community members that hinder women's access to justice dealing with the law coming from particular minority and ethnic groups (Putri & Ma'ruf, 2018).

The results of the National Commission on Violence Against Women study conducted since 2020 in Kepulauan Riau, Central Kalimantan, Jakarta, Central Java, and Maluku, discovered the factors that influence the application of the Supreme Court Regulation Number 3 of 2017 including, (a) gender and age of judges, (b) the expertise of the Public Prosecutor and Legal Advisors in digging comprehensive information, (c) availability of companions, (d) empathy towards women in conflict with the law regardless of the understanding of the substance of the Supreme Court Regulation Number 3 of 2017. (e) encouragement from superiors by providing examples, (f) high caseload and limited courtroom, (g) rapid mutation in the personnel of District Court Judges and the Court of Appeal (National Commission On Violence Against Women, 2020).

Meanwhile, the obstacles to the application of the Supreme Court Regulation Number 3 of 2017: (a) the lack of socialization and capacity building, (b) the lack of understanding regarding the rights of women in conflict with the law for recovery and inequality in gender relations; (c) the limited availability of budget, facilitation facilities, and infrastructure; (d) the limited availability of psychologists, translators, or assistants for women dealing with women with persons with disabilities law and in the military justice system; (e) the miscoordination in the governance of the criminal justice process. The weakness of litigation institutions is caused by gender bias among law enforcement officers. More frequently than not, they do not have good gender awareness and sensitivity in dealing with violence problems experienced by women (Abdullah et al., 2006).

According to the Institute for Criminal Justice Reform, judges' perceptions regarding judicial processes involving women are inconsistent. Some of the judges' decisions were discovered to consider women from obtaining access to justice, such as in the case of violation, the Decision of Bogor Cibinong District Court number 677/Pid.Sus/2018/PN Cbi.

The defendant in the verdict was declared acquitted. The decision was made because no witnesses saw the incident directly.

The judge's decision must be able to provide justice. In judicial practice, not all judges' decisions can fulfill the expectations of justice seekers. It can be perceived in the case of the crime of sexual harassment committed by the defendant in decision Number 677/Pid.Sus/2018/PN Cbi, which should have been subject to sanctions under Article 81 paragraph (2) of Law Number 35 of 2014 concerning amendments to Law Number 23 of 2002 concerning Child Protection in conjunction with Article 64 paragraph (1) of the Criminal Code.

The legal considerations of judges in imposing sentences on perpetrators of sexual violence do not only consider juridical aspects. However, it must also be considered in non-juridical aspects. Non-juridical or sociological considerations that the judge can use in this case are: (1) The background of the defendant. The defendant was a 41-year-old male, and the defendant recognized the victims because they lived in the same village, and the victims habitually went to play around the defendant's house. (2) The criminal act committed by the defendant impacts the victims and the environment around the community. The victims were children, and one had mental retardation, which can worsen the victim's mental condition. (3) The victims were traumatized by the incident.

Another issue is the consideration among judges in selecting discipline for culprits of savagery against women in terms of the control relationship. According to the Supreme Court Regulation Number 3 of 2017 regarding Guidelines on the Hearing of Cases Involving Women in Conflict with the Law, power relations are hierarchical relations, imbalance and/or reliance on social, social knowledge/education, and/or financial status that evoke control on one party to the other parties within the setting of intergender relations. It brought disadvantages for those who were in lower positions.

Regulation of Protection Women in Conflict with the Law

A patriarchal society system is a system that promotes and applies male values in the social, government, and state systems (Kania, 2015b). In legal science, patriarchal culture is enormously manifested; accordingly, it is also reflected in the practice of justice (Irianto & Nurtjahyo, 2006). The disappointment experienced by women's activists within the confront of the overwhelmingly manly courts of law and the male mastery of corrective organization

(Logan, 2008). It can be stated that the root of the violence problems against women is the culture of male domination. In this structure of domination, men frequently commit violence to win dissent, express dissatisfaction, prevent future behavior, and sometimes demonstrate dominance. All forms of violence frequently reflect the patriarchal system (Widyastuti, 2009).

Since 1984 Indonesia has ratified the Convention on the Elimination of All Forms of Discrimination Against Women through Law No 7 of 1984. Although Indonesia has passed various laws and regulations on women, there are still gaps in practice. Handler identification cases of violence against women at the stages of an investigation, prosecution, and trial, there are numerous actions or situations where law enforcement officers seem to have still gender bias, including blaming the victims, the assumption that the victims are inconsistent in providing testimony, still considering at the closeness of the victims and the perpetrators, making a settlement case out of court, and evidence that has not been friendly to victims. That attitude is a reflection of stereotypes and myths in the perception of law enforcement officers.

In cases of violence against women, women are still positioned as conditions sine qua non for the occurrence of a crime, in the prediction that it is women who trigger the occurrence of the crime. Stereotypes are based on assumptions, myths, and stereotypes from a culture in society, especially those related to the sexuality of women. Stereotypes related to gender, sexuality, and roles regarding gender differences (Maryam, 2017).

Women in conflict with the law include women as defendants, women as victims, women as witnesses, or women as parties (Malinda, 2016). It is stated in Article 1 of the Supreme Court Regulation Number 3 of 2017 regarding Guidelines on the Hearing of Cases Involving Women in Conflict with the Law. There are three women parties in conflict with the law: women as victims, women as witnesses, and women as parties. Women experience physical and psychological effects during court proceedings.

There were challenges in the structure of law enforcement and legal culture, followed by the substance of the law regulation. As victims or witnesses, in law enforcement structures, women require certain conditions to provide statements deliberately without pressure. Therefore, the case process must consider these women's certain conditions, starting from the inquiry and investigation, prosecution, to the court proceedings. Women as violence victims demand a separate room, especially those sexual violence victims who cannot express their feelings explicitly. Court proceeding requires a guarantee of physical and psychological security. Law enforcement officers show that they have not prioritized the interests of victims.

Therefore, there were constraints in seeking justice for victims, and even they lost their rights to attain protection. The situation showed a lack of awareness of law enforcement institutions regarding women's rights as victims, especially victims of violence (Kania, 2015b).

Indonesia has various laws and regulations for vulnerable groups. However, the level of implementation varies significantly. Some laws are weak in implementation. Thus, their existence provides no benefit to the community. In addition, some laws and regulations do not fully accommodate various problems relating to the vulnerable groups' requirement for protection. The existence of vulnerable groups as the majority in this country requires actively protecting their rights and interests through law enforcement and other legislative actions. The human rights of these vulnerable groups have not been maximally fulfilled. It has prompted consequences for them and their family and indirectly impacted society (Hoesin, 2003).

Reality shows that Indonesia has numerous laws and regulations for vulnerable groups. However, the level of implementation varies significantly. Some laws are weak in implementation. Thus, their existence does not benefit the community. Furthermore, some laws and regulations do not fully accommodate various problems relating to the vulnerable groups' requirement for protection (Hoesin, 2003). Justice for women as victims was difficult to live up to expectations since law enforcement officers frequently weakened their position (Nurhilmiyah, 2019). Women encountered questions that repeatedly cornered, ensnared, and harassed them. They had to communicate the same occurrences repeatedly. Consequently, they were tired, oppressed, and depressed.

Issues regarding court proceedings are (a) difficulties in obtaining court statements (b) the reluctance of witnesses to be involved in court proceedings that are regularly long and intricate, additionally the fear of the violent threat from perpetrator suspects; (c) limited understanding and expertise of law enforcers in handling violence cases against women; (d) proof paradigm based on the principle of "one witness means no witness," is one of the obstacles in violence case investigations, especially rape, in court. It happens because victims do not have *visum et repertum* that can be employed as evidence to support their witness. It repeatedly happens that after being raped, the victims will immediately clean themselves for feeling repulsive about what the perpetrators have committed to them, and this is significantly difficult for doctors to discover signs of rape, even if the victims visit the doctor. The requirement for a profound association of social specialists in dealing with vicious cases

against ladies has come up with no assistance to victims. Furthermore, decision-makers lacked information about the victims and the perpetrators (Harkrisnowo, 2016).

Judicial monitoring seeks the attitudes and views of law enforcement towards women as victims and perpetrators of crime. Victims frequently have to deal with law enforcers' difficult questions to answer, especially if the victim is underage or still traumatized due to violence (Irianto & Nurtjahyo, 2006). Law enforcement constantly involves ethics, and ethics enforcement always involves the law. It is undeniable since both are very closely related (Susanto, 2012). The criminal law area is a complete area with ethical issues (Prasetyo & Tanya, 2011). Ethics in criminal justice is an imperative theme since the control allowed those who control the justice system (Siegel & Worrall, 2017). When legitimate change continuing from women's activist development requests is institutionalized in courts, there are probably unmistakable crevices conveying substantive gender justice (Basu, 2012).

Social behavior is probably characterized broadly as benchmarks for outward human behavior based on standardizing rules for social conduct that are generally acknowledged among individuals in society. However, court behavior is barely characterized as a code of behavior for attorneys and judges. That code is not as it was joined, and has significant concerns for excellent conduct and neighborliness, but it also amplifies human interaction inside the limits of a court setting and centers on polished skill (Clarke, 1991).

The quality of judges' decisions is crucial, and it has detailed considerations that favor broader interests and similar situations, which requires judges to be at the forefront in guaranteeing aspects of morality and ethics (Susanto, 2012). The Bangalore Principles of Judicial Conduct (International Justice Conference in Bangalore, India, in 2001) agreed on the international code of ethics and conduct of judges, which include judges' propriety and courtesy (propriety principle) as the norm of personal morality and interpersonal morality reflected in the behavior of a judge. Meanwhile, the equality principle is a principle that guarantees equal treatment of all people based on fair and civilized humanity, without distinguishing one another based on religion, ethnicity, race, color, gender, marital status, physical condition, socioeconomic status, age, political views or other similar reasons (Maggalatung, 2014). Judges who have the perspective of women will understand the weak position of victims and conduct appropriate strategies in seeking material truth (Irianto, 2009). The legal culture of judges who tend to think formalistically will change due to gender understanding (Meinanti, 2019).

Several essential points must be considered in the Supreme Court Regulation on Guidelines for Prosecuting Women's Cases in Conflict with the Law: (a) This regulation is based on respect for human dignity and self-respect; non-discrimination; gender equality; equality before the law; justice; benefit; and legal certainty. (b) judges are prohibited from following actions: showing condescension, blaming, and intimidating women in conflict with the law; justifying the occurrence of discrimination against women by using culture, customary rules, or gender-biased expert interpretation; issuing views/statements containing gender stereotypes; and others. (c) judges must consider: gender equality and gender stereotypes in unwritten rules and laws; interpretation of unwritten rules or laws that guarantee gender equality; exploration of legal values, local wisdom, and a sense of justice to ensure gender equality, equal protection, and non-discrimination; ratification of international conventions/agreements related to gender equality. (d) in the trial, the judge must prevent the parties from demeaning, blaming, intimidating, and using the background of women's sexuality in dealing with the law. (e) when women experience physical and psychological disorders, it is permissible to invite a companion. (f) It is to provide various guidelines for the Supreme Court when adjudicating judicial review of regulations related to women in conflict with the law.

The Supreme Court issued Supreme Court Regulation Number 3 of 2017 concerning Guidelines on the Hearing of Cases Involving Women in Conflict with the Law. The regulation aimed to ensure the elimination of all potential discrimination against women. This system is required to allow women to obtain access to justice. In adjudicating women's cases, judges must apply principles regarding human dignity and status, non-discrimination, gender equality, equality before the law, justice, expediency, and legal certainty (Article 2).

The Supreme Court regulations also prohibit judges from showing their attitude or behavior to make statements that demean, blame, intimidate or justify the occurrence of gender discrimination, including questioning and/or taking into account the sexual experience or background of the victims. It corresponds to the Bangalore Principles, which contain principles that must be obeyed by judges in conducting tasks such as being impartial, biased, or prejudiced and requiring lawyers in court proceedings before the trial to refrain from expressing bias or prejudice based on irrelevant reason, by words or behavior. This Supreme Court regulation also regulates guidelines for judges to consider and explore values to ensure

gender equality. It can be a turning point in the establishment of progressive decisions interpreting the formulation that guarantees gender equality

Based on the inquiry about the appearance of the Indonesian Judicial Monitoring Society, Faculty of Law, Universitas Indonesia, Jakarta Apik Legal Aid Institute dealing with women's criminal cases through court decisions in 2015-2016, it was discovered injustices in handling cases against women in conflict with the law. These injustices range from gender stereotypes to discriminatory treatment. The establishment of the Supreme Court Regulation is momentum for policy changes in the internal judges to hold the principle of no discrimination, no revictimization, and no gender stereotype of women as victims, witnesses, or suspects (National Commission On Violence Against Women, 2018).

As the central judiciary actor, the position and role of a judge are crucial, especially with all their authority. Through their verdict, a judge can transfer one's ownership rights, revoke the freedom of citizens, declare illegitimate government tyranny against people, and order to revoke one's right to life (Aziz, 2011).

There are four disallowances for judges examining women in strife with the law. First, judges must not appear in their state of mind or issue explanations that disparage, fault, and/or scare ladies who struggle with the law. Moment, judges must not legitimize segregation against women by utilizing culture, standard rules, and other conventional hones or utilize the translation of gender-biased specialists. The three judges must not address and/or consider the sexual encounter or foundation of the victims as a premise for discharging the perpetrator or reducing the perpetrator's sentence. Fourth, judges are precluded from issuing explanations or considering gender generalizations content (Article 5 of the Supreme Court Regulation Number 3 of 2017 Guidelines on the Hearing of Cases Involving Women in Conflict with the Law, 2017).

The judges' honor is especially revealed in their decisions and the consideration of the entire decision-making process, based on laws and regulations, followed by a sense of justice and wisdom in society (Susanto, 2012). The quality of judges' decisions is crucial and has meticulous considerations that favor broader interests and similar situations of places. Furthermore, judges must be at the forefront of guaranteeing morality and ethics.

A decision has a gender perspective when it considers the following matters: (1) following the principles in Article 2 of Supreme Court Regulation Number 3 of 2017; (2) identifying court facts: social status, power relations, discrimination, physical/psychological

impact, inequality, history of violence; (3) considering gender equality and gender stereotypes in-laws and regulations and unwritten laws; (4) interpreting legislation/unwritten law that guarantees gender equality; (5) exploring legal values, local wisdom, a sense of justice that lives in society; (6) considering the implementation of international conventions and/or agreements related to gender equality.

What judges must consider in the verdict/decision: losses suffered by victims and the compensation/restitution; the existence of power relations and conditions of victims' dependence; the existence of violence cycled the history of violence from perpetrators against victims; women's experiences regarding gender violence and discrimination; the requirement for recovery (restitution, compensation, retrieval) (Article 8 of the Supreme Court Regulation Number 3 of 2017 Concerning Guidelines for Judging Women's Cases in Confronting the Law, 2017)

Sanction-based models, which overwhelm current considerations around overcontrolling criminals, contrarily influence the transgressor and society. It is contended that a more prominent center should be put on psychological approaches whose objective is to put through with and enact inside values inside miscreants to empower self-regulatory law-related behavior in the future (Tyler, 2006).

In examining and adjudicating cases, judges are expected not to apply stereotypes and myths that harm women victims and to be more sensitive to victims. There is a prodigious expectation of justice for the victims. The provisions in the Supreme Court Regulations can answer practices that have harmed women, not only on paper but also requirements to be followed up with socialization and training for judges. Furthermore, the problem of stereotypical practices and myths conducted by judges in particular, followed by law enforcement officers and other laws in general due to dealing with women's cases can be abolished.

CONCLUSION

Women who conflict with the law feel uncomfortable incessantly when facing court proceedings as suspects, victims, or witnesses. Legal considerations in the Bogor Cibinong District Court decision number 677/Pis.Sus/2018/PN Cbi., which acquitted the rapist of two children from 14 years in prison because of no witnesses who saw that the rape did not reflect justice. In making a decision, the judge must consider other evidence related to the crime.

Thus, from the evidence, there is a legal fact that the victims were raped. Code of ethics and courtroom procedures are necessary to maintain professionalism, fairness, and efficiency in court proceedings. The Supreme Court issued Supreme Court Regulation Number 3 of 2017 concerning Guidelines for Trial Cases Involving Women in Conflict with the Law for Judges in Indonesia. The regulation aims to eliminate all potential discrimination against women, which is a step forward for justice in Indonesia. This system is required to enable women to gain access to justice. The guideline for examining women's cases before the law is a breakthrough in strengthening women's access to justice, increasing public trust and confidence in justice, and strengthening public trust in improving women's rights.

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