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GENDER BASED VIOLENCE: THE RELATIONSHIP OF LAW AND PATRIARCHY IN INDONESIA

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Abstract. This article briefly examines Gender Based Violence (GBV) in Indonesia based on the 2021 and 2022 reports of the National Commission on Violence Against Women/Komnas Perempuan (NCVAW). It seeks to understand (GBV) and violence against women (VAW) viewed as a product of patriarchy that socially constructs and defines gender roles, gender relations, and power relations. Among several arguments, VAW cases are due to the vulnerable position of women caused by patriarchy that discriminates and subordinates women, in addition to the unequal power relation between men and women, husbands and wives, children and parents, other family members, friends, and colleagues. One perspective is selected to understand this violence: policy or law, providing directions from which this study focuses. Patriarchy or varieties of patriarchy applied in this work provide a brief theoretical tool of analysis to scrutinize GBV in Indonesia by assessing regulations and reports. This study employs a qualitative research approach that focuses on scrutinizing regulations and 2021 and 2022 reports. The findings suggest that GBV in Indonesia relates to the defined prescription of the husband and wife relationship in the marriage regulations. Patriarchal values may have shaped unequal social arrangements, gender roles, gender relations, and understandings of power relations at the macro and micro levels. Approaches to studying law and regulations concerning GBV are varied and complex. Theorising patriarchy and varieties of patriarchy are still relevant. The limitation of this article is that it offers broad contexts. Therefore, articulate research based on specific perspectives and distinct theories on these reports remains widely interesting.

Keywords: Gender Based Violence, Violence Against Women, Law, Patriarchy.

Abstrak. Artikel ini meneliti secara singkat mengenai kekerasan berbasis gender (Gender Based Violence/GBV) di Indonesia berdasarkan laporan Komisi Nasional (Komnas) Perempuan. Tulisan ini berupaya memahami GBV dan kekerasan terhadap perempuan (Violence Against Woman/VAW) sebagai produk patriarki yang mengonstruksi dan mendefinisikan secara sosial mengenai peran gender, relasi gender, dan relasi kuasa. Di antara banyak penjelasan, kasus VAW disebabkan oleh rentannya posisi perempuan akibat patriarki yang mendiskriminasi dan mensubordinasi perempuan, serta timpangnya relasi kuasa antara laki-laki dan perempuan, suami dan istri, anak-anak dan orang tua, anggota keluarga, teman, dan rekan kerja. Ada satu perspektif untuk memahami kekerasan: yakni kebijakan atau hukum, yang menyediakan arah di mana kajian ini mengambil fokus. Patriarki atau berbagai jenis dari patriarki yang digunakan di dalam penelitian ini menjadi alat analisis teoritis singkat untuk meninjau GBV di Indonesia dengan menilai aturan dan laporan. Kajian ini menggunakan pendekatan penelitian kualitatif yang berfokus pada peninjauan regulasi dan laporan tahun 2021 dan 2022. Hasil penelitian ini menjelaskan bahwa GBV di Indonesia berkaitan dengan aturan relasi suami istri yang ditetapkan di dalam pernikahan. Nilai-nilai patriarkis menciptakan ketimpangan di dalam tatanan sosial, peran dan relasi gender, serta pemahaman tentang relasi kuasa di tingkat makro dan mikro. Pendekatan terhadap kajian hukum dan peraturan yang berfokus pada GBV beragam dan kompleks. Namun teori patriarki dan jenis-jenis patriarki masih relevan. Pembatasan penelitian ini menawarkan konteks yang mendalam karena mengartikulasikan penelitian berdasarkan pada perspektif yang spesifik dan teori yang khas pada laporan ini tetaplah sangat menarik.

Kata kunci: Kekerasan Berbasis Gender, Kekerasan terhadap Perempuan, Hukum, Patriarki.



INTRODUCTION

The 2004 Indonesian Law on the Abolition of Domestic Violence defines *domestic violence* as “any action against someone, especially women, which results in physical, sexual, economic and or psychological miseries or sufferings, including threats of such act, coercion or unlawful deprivation of liberty, within the scope of the household” (GoI, 2004: 2). However, VAW or GBV, in Indonesia, have been consistent as the prevalent occurrence in both the domestic and public sphere. A general argument of VAW is partly viewed as a product of patriarchy that socially constructs and defines gender roles, gender relations, and power relations. In addition, the Women National Commission or *Komnas Perempuan* (NCVAW) reports indicate a patriarchal challenge within macro and micro levels related to GBV. Therefore, it is essential to assess this indication. The allegation of patriarchy as a crucial cause of GBV may provide a foundation to comprehend the Commission’s reports. Therefore, this article works under the influence of the commission report’s statements where violence operates not solely in the household or domestic but also in public.

There were 299,911 violence cases against women reported in 2020. This information was gathered from three sources, including [1] a total of 291,677 cases from the PN/Religious Court, [2] eight thousand two hundred thirty-four cases came from Komnas Perempuan's partner service agency, and [3] two thousand three hundred eighty-nine cases originated from the Service and Referral Unit (UPR), a unit that Komnas Perempuan purposefully established to receive direct complaints from victims. Two thousand one hundred thirty-four cases were gender-based, setting a record; 255 were non-gender-based or non-gender-based. During the pandemic, non-government service organizations or organizations from civil society have been visited more frequently than government service organizations (NCVAW, 2021).

According to 8,234 incidents of data gathered through the service agency/data collection form for Komnas Perempuan, domestic violence (KDRT) and intimate relationships are the most frequent form of violence against women, accounting for 79% of all cases (6,480 cases). In 3,221 of these, violence against wives (KTI) occupies the top rank, followed by violence in dating (1,309 incidents, 20%), which comes in second. With 954 cases (14%) in third place, violence against girls is followed by violence against domestic workers and violence by ex-husbands and ex-girlfriends. The same trajectory as

in previous years was observed in private sphere violence (NCVAW, 2022: 1).

In the 2022 report, there were 338,496 GBV cases against women, with Komnas Perempuan reporting 3,838 cases, service agencies reporting 7,029 cases, and BADILAG reporting 327,629 cases. There is an increase of up to 50% in GBV cases for women, from 226,062 cases in 2020 to 338,506 cases in 2021. BADILAG data showed a 52% increase, from 215,694 in 2020 to 327,629 in 2021. The source of complaint data to Komnas Perempuan also increased by 80%, from 2,134 cases in 2020 to 3,838 cases in 2021. Data from institutions' services reduced by 15%, or 1,205 cases, due to the Covid-19 pandemic's two years. Many service institutions were no longer in operation, and inadequate case documentation systems and limited resources (NCVAW, 2022:7).

The data presented displays an increase from the previous year, but the prevention and treatment have not significantly changed. Sexual violence is widespread in all domains and ages, from the young and productive in the real and cyberspace. In the public sphere, for instance, perpetrators of violence are still the closest people. They are expected to be protectors and role models such as teachers, lecturers, religious leaders, Indonesian National Army (TNI), Indonesian Republic Police (POLRI), State Civil Apparatus, medical personnel, public and law enforcement officials (NCVAW, 2022:8). 2021 reports a decrease in case of numbers due to the pandemic. The 2022 report on GBV in Indonesia and the violence against wives have significantly increased. It might signify at least two arguments; first, it may mark the raising awareness of women's rights within domestic spheres, especially on domestic violence issues. Secondly, the number may represent the tip of the iceberg phenomenon where culture and psychological pressures still obstruct women from coming forward (NCVAW, 2022). Thus, it is believed there are still many untold cases of domestic violence.

Although the number is significant, the cause of these violent occurrences remains varied and complex. According to the latest report of NCVAW, GBV takes place due to discriminatory and subordinate patriarchal culture, the vulnerable position of women, and unequal power relations between men and women, husbands and wives, children and parents, staff and employers, people, teachers, students, state. In a specific part of the reports, as the object of this article, “patriarchy” influence and the existence of unequal position and power relations among men and women are very likely the leading prevalent cause of GBV in this country.

The term patriarchy appears in several occurrences in the 2021 report. First, there was domestic violence (KDRT). The economic impact of the pandemic, in which many male workers were laid off, resulted in a masculinity crisis and an attempt to reverse the crisis through domestic violence (p. 12). Second, VAW by Public Officials occurred in domestic violence, which was initially reported as psychological violence, namely cheating or polygamy. It demonstrates that patriarchal values regard women as inferior to men and men's sexual objects (p. 85). Third, different diffable vulnerabilities are rooted in a culture known as ableism/normalcy and patriarchy. The intersection must also take into account the socioeconomic situation and level of education (p. 101). Fourth, in addition to morality, there are trigger factors related to women's roles in patriarchal social structures. Women are judged to be incapable of caring for children, unwilling to care for stepchildren, and incapable of getting up in the morning to cook. It demonstrates how gender inequality values contribute to the death of women; femicide (pp. 103 and 124). Fifth, Women's Leadership and Elections: Affirmative Action Policy Violations and the Objectification of Women's Bodies. So far, it is widely assumed that the description of patriarchal values assumes that leaders are men rather than women, so the inclusion of women as candidates for regional heads and deputy regional heads has become a joke and a farce (p.107).

In contrast, in the 2022 report, the word patriarchy is mentioned no more than three times in the report. One could be recorded in the context of Gender-Based Violence Against Women by Public Officers /State/ASN/TNI POLRI (NCVAW, 2022, p. 88). In addition, two are located in part on Sexual Violence against Persons with Disabilities (p. 90) and in the section on Women's Leadership and Recruitment of Public Officers (p. 120). However, the lesser mention has no means of undermining the importance of patriarchy's influence in the data. It could be indicated by specific recommendations that primarily address government and high-state institutions where patriarchy operates remains vivid (p. 136-141).

Based on the report to the commission and service institutions, there has been an increase in cases of GBV in the public sphere, occurring in various places, including in cyberspace (online), at residence, in public places, in places of education, at work, state, and in medical facilities. Data showing GBV for women in the public sphere throughout 2021 was reported to Komnas Perempuan in views starting from pages 50-71 (NCVAW, 2022), while in 2021, stated on pages 20-30 (NCVAW, 2021). A distinction is noted in the data presented in the 2022

report, where dating violence is assessed in a detailed manner (p. 69-71). There is an indication that Cyber GBV has become an extended field for the Commission to pay attention to.

The Commission reports offer extensive data serving as the latest *thick description* of the GBV in Indonesia. These reports can be a solid basis for further detailed research. The data presented can be dissected and analysed according to the researcher's interests. This article invites academics, researchers, and social welfare practitioners to use this data for scientific development and social work practice. This article attempts to understand the reports from a certain point of view while, at the same time, providing several entry points for further research.

Although this research approach has not been new, this article functions as a recollection of approaches to understanding gender-based violence in Indonesia through the specific area, which, in this article, is the state, adhering to specific national policies (Laws) and report documents. Analysing the text and context of the established documents is crucial to understanding the hidden ideology of the legislation. Comprehension of specific aspects in the regulations reflects how the Indonesian government perceives domestic violence and indicates approaches to addressing domestic violence. It is vital to provide insights on the nature of these related regulations with GBV and indicate why violence incidents seemingly keep rising rather than diminishing through patriarchy as theoretical analysis.

Hunnicut (2009) defines varieties of patriarchy as "social arrangements that privilege males, where men as a group dominate women as a group, both structurally and ideologically—hierarchical arrangements that manifest in varieties across history and social space." Patriarchy is debated as the cause of gender inequality rather than an analysis tool. This article argues that theory as a tool, as Walby (1990) coined as "theorising patriarchy," is still relevant and valuable to comprehend GBV. Patriarchy operates at both macro (bureaucracies, government, law, market, religion) and micro levels (interactions, families, organizations, patterned behavior between intimates) of patriarchy's operations (Hunnicut, 2009).

METHOD

This article employs a qualitative approach to examine selected crucial government policies through regulations and commission reports. This study uses research synthesis, a systematic, explicit, and reproducible method for identifying, evaluating, and synthesising the existing body of completed and

recorded work produced by researchers, scholars, and practitioners (Fink, 2010). A research synthesis, the collection and qualitative analysis of texts and documents, is considered the best fit to be utilised by looking at regulations and institution reports in addition to scholarly works such as books, research reports, and journal articles. This method embeds a synthesis of previous research and serves as an evaluative report of information found in the literature related to the area of study of the research (Onwuegbuzie, Leech, and Collins, 2012). The aims are to combine empirical research for possible generalisation, highlight relevant theories, and critical conflict resolves orientation in addition to the identification of the central issue for further research (Cooper, 2010, Cooper, Hedges & Valentine, 2009). Through research synthesis, irrelevant works will be discarded, and primary references will be examined. The use Gender Based Violence (GBV) and Violence against Women (VAW) is utilised interchangeably although both terms provide specific meanings.

The primary data consists of the 2021 and 2022 NCVAW reports, Law No.1/1974 on Marriage (GoI, 1974), Government Regulation no. 9/1975 on the implementation of Law No.1/1974 on Marriage (GOI 1975), and Presidential Decree on Islamic Law Compilation (GoI, 1991). The Commission consistently provides a regular report with reliable data. Each year, the NCVAW sends data forms to its partner agencies in October and November. The agencies fill in the data of VAW cases and then send it back to the Commission in January or February of the following year. Upon receiving the data, the Commission then compiles and analyses it. One primary data source originated from The Directorate General for Religious Courts (Direktorat Jenderal Badan Peradilan Agama - BADILAG). It is accessible via the BADILAG home page, providing extensive, timely, and reliable data from almost all-over religious courts in the districts/ cities in 30 provinces in Indonesia. NCVAW has a different data analysis approach from Religious Courts to recommend both Religious Courts and agencies partners.

RESULT AND DISCUSSION

The Nature of Law, Gender Based Violence, and Patriarchy

In Indonesia, research on law with domestic violence employs different perspectives, for example, using gender, women's rights, and politics (Hehanusa, 2014; Saroni & Islamiyati, 2004; Retnowulandari, 2006). Several analyses on its relation to state and cultural values that exist within the law system (structure, substantive, and culture), religion, and patriarchal values (Mutiarra &

Hasmonel, 2013; Fakhri, 2015; Retnowulandari, 2010; Rismawati, 2011; Halili, 2015; Irianto, 2012; Sukerti, 2005; Kuntjara, 1997; Mukminto, 2020; Agustina, 2022). Law critics offered at least two mainstream feminist theories: feminist legal theory (Fineman & Thomaddesen, 2005) and critical legal theory (Ward, 2004). Both reject the argument of law objectivity and neutrality because positivist law only produces sexist and unjust products toward women. One of the influences of critical legal theory keenly embraced by feminists is the deconstruction method, a method to critically analyse patriarchal thoughts and institutions (Fakhri, 2015).

Furthermore, feminist legal theory suggests that law, as the state's product, can be perceived as a field of female advocacy to access substantive justice, including critics in the elite process of law-making, technocratic, and gender bias (Fakhri, 2015). The basic assumption of feminist legal theory is based on the argument that men inform law to strengthen patriarchal social relations, thus ignoring women's experience, resulting in sexist and male biases regulations (Irianto et al., 2007). Therefore, the law is an ideological tool of patriarchy (Mukminto, 2020) that discriminates against women. This discrimination lies in the reality of law partiality on women that the oppression of women is due to the value and shared interests between the state and men (Fakih, 1999). The situation has created a field of advocacy by women activists to pursue and demand justice and gender-responsive regulations.

Law is a tool of social order and hegemony that portrays a relationship between the state and man. In particular, law mystifies social reality and leans towards a hegemonic tendency for women's social arrangement, thus creating patriarchal conceptions and symbols within the formal system (Rifkin, 1980). As a formal system, the law has the potential to evolve into an ideological mechanism that pervades all of the community's systems. Social institutions such as family, school, religion, and state policy can all be used to construct, institutionalize, and disseminate law. In this regard, the state's role is consistent with Walby's (1989) assertion that it has a systematic bias towards patriarchal interests in its policies and actions, where various types of violence may serve as a hegemonic, social control tool and women's subjugation in this system. Walby refuted claims that patriarchy is illegitimate, ahistoric, and universalistic. Furthermore, she proposed a patriarchy system model with six identified structures: patriarchal mode of production, patriarchal relations in waged labor, patriarchal state, male violence, patriarchal sexuality, and patriarchal culture (1990).

From the perspective of biological essentialism, routine violent experiences of women by men may consciously be considered natural and legitimate. With hegemonic power possessed by the state through the law, men legitimately dominate households and communities. In some instances, the refusal of states to intervene, except in certain cases, characterises a systematic condoning and legitimisation both in private and public domains. According to Fakhri (2015), this structural form of female oppression is due to the same values and interests between the state and men since the center of hegemony (the state, communities, and households) is still dominated by men. To a certain degree, legislation could transform into a genuine belief. This ideology builds gender relations based on interests and the power of influential men condensed in the perpetuation of unjust gender relationships included in the system.

In this sense, the law may become a hegemonic ideology (Rifkin, 1980). Patriarchal ideology has been built by gender relations based on the interests and power of influential men in perpetuating gender inequality included in the legal context (Fakhri, 2015). Consequently, law, as the product of a state and human collaboration, may have become a natural patriarchal product (Retnowulandari, 2010) that imposes difficulties on women. This argument is in line with Lacan, a thinker of eco-feminism and post-modernists, who stated that the symbolic rules of men impose difficulties on women and that these rules are expressed in a language and a way of thinking of masculinity, causing oppression of women repeatedly or inherently (Beasley, 2005).

In this regard, understanding feminists' approach to law is crucial. According to Fakhri (2015), there are three central commitments of feminists concerning the law, which are: (1) at the political level, striving for equality between men and women; (2) at the substantive level, the issue of gender as a focus of analysis to redefine the practice of law that had been ruled out, do not appreciate and undermines the interests of women; (3) on a methodological level, to prepare a framework to take into account women's experiences to identify the social transformations which are fundamental for the achievement of gender equality. Both first and second inter-relatedly influence this report where political context and regulations as the product of the law under examination.

In addition, from a legal and cultural perspective, Friedman (1984), as cited by Retnowulandari, (2010), stated that three values

influence how the law operates: structure, substance, and culture. Structure means a set of institutions within the framework of the legal system to ensure the workings of the law, such as legislators, police and attorney general institutions, and any institutions that possess the authority to implement and enforce the law. Substance refers to the law as the product of a law system, and culture as social values that bind the function of a legal system. Cultural value means beliefs, values, ideas, thoughts, and expectations espoused by humans. She further explains that culture may also mean a human attitude toward law and the legal system through beliefs, values, thoughts, and hopes. Thus, it can be concluded that the culture from a legal culture perspective is the whole fabric of social values relating to the law and their attitudes that affect legal acts (Retnowulandari, 2010).

The understanding of culture's role in regulations, according to Retnowulandari (2010), as referred to Gibson and Calder, is through "moving outside the legal system per se to focus more directly on the values of a broader mass public" (p. 21). It emphasises analysing society's cultural values in developing a legal system. This means that culture may play a significant role in every aspect of the law, not only in making the law, product, and implementation but also as an ideology, a driving force embedded within the creation of law and law implementation. In many cases, the prominent influence of culture in law has somehow blurred the differentiation between law and culture (Rifkin, 1980).

Therefore, the relationship between domestic violence and law is determined by textual, contextual, and ideological aspects within those regulations that have the inevitable imposition of biased gender roles and gender. For example, the fall of Soeharto created a chance for democratic advocacy of human rights. Indonesian feminists have fruitfully managed this opening space to influence the state through policy perspectives. Many regulations have been established under human rights since the regime's fall. Among those regulations that permeate the notion of women's rights, to mention a few, are law no. 39/1999 on Human Rights, Presidential Regulation no. 81/1998 on National Commission on Violence Against Women (GoI, 1998) which was updated with Presidential Regulation no. 65/2005 (GoI, 2005), Presidential Instruction No.9/2000 on Gender Mainstreaming, Law no. 44/2008 on Pornography, Law no. 23/2004 on Elimination of Domestic Violence, Law No

21/2007 on Human Trafficking, and 30% allocation of women in regular general election law.

The law could strongly be considered a product of human rights advocacy, especially women's rights, meaning that context and ideology play an essential role in the text. On the other hand, the regulations discussed in the following are products of the Soeharto regime, such as Marriage law and its implementation regulation and Islamic compilation law, with an ideological philosophy influenced by patriarchal values or specific ethnic groups' philosophies.

To conclude, the nature and the relationship between law and GBV offer various relations. On certain levels, the law may be perceived as a form of structural violence towards women, depending on the element of the legal system. Law's impact on society is intermingled with cultural values espoused by society. Law is strongly perceived as having the strong influence of patriarchy as a cultural value, thus claimed to be a tool of female discrimination and hegemony that is institutionalized by the state through the legal system, especially legal products. The influence of law on domestic violence may infer contextual conditions where the state, through its regime, influences legal products. Most of the research discussed above still perceives violence towards women because of state and male collaboration, positioning women as the victims, excluding the possibility of the law's potential negative impact on men. Thus, these approaches to scrutinising the NCVAW reports are available to researchers, academicians, and practitioners to dissect every part of the reports comprehensively and rigorously.

The Construction of Gender and Domestic Violence Concept

The notion of GBV in Indonesia is mainly related to the construction of the husband and wife relationship. The regulated relationship within marriage manifests the unequal social arrangements prescribed by the law. In addition, the construction of gender roles and gender relations stated in the regulation that governs the relationship between husbands and wives are biased toward gender and strongly mainstreamed by the ideology of patriarchy where law functions as an ideological tool of patriarchy and patriarchal law as systemic violence (Mukminto, 2020). Regulations may contain a discriminate and subordinate patriarchy and unequal power relation. Philosophically, men and women are considered equal in the marriage concept as one entity. However, the articulate prescription of gender roles and gender relations among husbands

and wives within regulations seems problematic from human rights perspective (Agustina, 2022).

The later research concludes that gender construction in Indonesia is primarily influenced by the dogma of the interpretation of the ulama towards women. Religious and cultural diversity is the critical element that distinguishes between the Western and Eastern concepts of gender. Furthermore, the concept is driven by the spirit of the state manifested in the law. The Islamic study approach, which prioritizes true justice for women as a core principle and bases its knowledge of *nash* and women's reality on women's actual experiences as individuals, adherents of the religion, and citizens, is always in conversation with gender in Indonesia (Agustina, 2022).

Law no.1/1974, Chapter VI on Rights and Duties of Husband and Wife, article 31, states that the husband is the head of a household and the wife is the housewife. In addition, in Article 34, paragraph (1), The husband shall protect his wife and provide every necessity of home life according to his ability. (2) A wife is obliged to manage the household's affairs as well as possible. The first paragraph in article 34 clearly states the function of a husband as a protector and breadwinner in the family. The gender relation between husband and wife are reinforced in Islamic compilation Presidential Decree or Law No. 1/1991, article 77, paragraph 1-5. First, a husband and wife bear a noble obligation to develop a *sakinah, mawaddah, and rahmah* mutually household, and this is generally understood as the basic principle of the fabric of society. Secondly, the husband and wife ought to mutually love, respect, be loyal, and provide physical and mental assistance. Thirdly, a husband and a wife assume the obligation to care for and nurture their children, including physical growth, spiritual as well as intellectual and religious education. Fourthly, the husband and wife are required to maintain their husband's honor. Fifthly, if a husband or a wife has a dereliction of duty, each can file a lawsuit to the Religious Court.

In addition, gender roles are reinforced by the Islamic compilation law (GOI, 1991), where the husband's role is articulated in article 80 while the wife is in article 83 states. In article 80 of the Islamic compilation, a husband must provide guidance and supervision to his wife. Furthermore, a husband functions as a protector and sustainer (breadwinner) for the household's needs to the best of his ability. The husband must provide religious education to his wife and give her a chance to learn valuable knowledge. A husband must also provide his children with a dwelling, household expenses, health coverage, and education (p. 13). Meanwhile, a wife shall be dutiful to her husband physically and

mentally within Islamic law boundaries and organize and arrange household chores at her best (p. 14).

Under both cultural and religious influences, the law partly socialises patriarchal perceptions of who men are and their roles in the family. Research finds a positive relationship between perceptions of patriarchal culture and sexual violence behavior against women in early adult men. Conversely, the more negative the perception of patriarchal culture, the more early adult men will judge the patriarchal culture prevailing in society as an inappropriate social system where it should be the position and status between women and men are equal (Pangestika, Purnamasari & Kurniawan, 2022). Thus, it is crucial to assess gender roles prescribed for men.

According to Retnowulandari (2018), identifying the head of the family based on national and religious law and customs is plural, particularly in communities. However, the term patriarchy as it imposes explicitly on men and husbands. The head of the family is followed by the role of a breadwinner (Agustina, 2022). It is worth noting that data from BADILAG indicate that economy is the second cause of divorce, with 115,639 in 2020 (NCVAW, 2021) and 113.343 (NCVAW, 2021). However, the 2022 report excludes the economy due to considering the dimensions of gender with the subordinate position of women, although still recognising economy as part of KDRT cases. These two concepts should not be dichotomous. There is a strong relationship between the head of the family and the role of breadwinner. BPS data shows that females as heads of families are rising yearly in urban and rural areas of 34 Indonesian provinces (BPS, 2017).

Although BADILAG shows the most cases due to continuous disputes and quarrels, the commission report suggests that all divorce cases are viewed under domestic violence categories (NCVAW, 2021). It is supported by Law no. 23/2004 on the Elimination of Domestic Violence articulately prescribes types of domestic violence in article 5 consisting of physical abuse, psychological violence, sexual violence, and household negligence. Therefore, to analyse data from religious courts prescribed in regulations, the Commission follows a human rights perspective, thus categorising those cases into three types: physical, economic, and psychological. Thus, disputes and quarrels very likely fall into these categories.

From a different perspective, a protectionist approach, as embedded in the law, positions men as having more privilege in physical attribution, whereas women lack this feature. Thus, women are labelled ideologically as constantly in need of

protection. Although this view indicates women cannot be victimized by any possible threats, at the same time, women seem to be powerless beings. In this sense, the protective characteristic of patriarchy is a legitimization of norms, and actions of protection can also be inferred as an instrument of repression. The protectionist paradigm labels women as vulnerable and weak, while men are more potent in completing heavier work than women (Eleanora & Supriyanto, 2020). The differentiation indicates that women's vulnerability correlates to unequal power relations (Hunnicut, 2009). This powerlessness caused by women's vulnerability is occasionally reinforced by ineffective law enforcement in dealing with domestic violence cases. Furthermore, in the report, a sense of powerlessness also tends to relate to violence existing for other specific categories such as LGBT, people with HIV/AIDS, diffable, dating victims, trafficking syndicates victims, and, about customary law, female domestic workers, migrant female workers, and women from minority groups: sexual minority, ethnicity, religion, and belief (NCVAW, 2022).

The protection concept could also mean men should position women as subordinate units in the family. In the report, the word subordination is entangled with patriarchy. By utilising ethnographic work on gender and gangs, this subordinate measure is noted in Miller & Decker' (2001) work. The study reveals that gender is both a risk factor and a protective factor for girls in gangs. In specific modes, girls are sexually exploited for their subordinated status, particularly when sexed into gang membership. Their sexual identities as girls protect them from dangerous gang activities, especially when they might result in fatal consequences.

On the other hand, one study claims that the protection of women is viewed as a respected status. An example of women's worthiness status can be indicated through the *Purdah* practice in some Muslim and Hindu cultures, where the practice exists to seclude women from the sight of strangers through restrictions on women's dress and mobility. In the research, although women are under the constant label of protection, they are denied participation in the freedom of everyday life (Cain, Khanam, & Nahar, 1979), as cited by Hunnicutt (2009). In this cultural norm, not every woman can afford a protective status when they violate the normative standards of female behavior; thus, women's privileges of male protection are discarded.

The victimisation of women is bound up with a protective element in patriarchal relations. Thus,

women's physical space is violated through physical and sexual violence. In addition, violation of personal space refers to women's experiences of restrained movement in society compared to those of males (Chatha, Ahmad, and Sheikh, 2014). Different women experience degrees of vulnerability under patriarchal systems. (Hunnicut, 2014, p. 566). Chavez & Dworkin argue, as cited by Hunnicutt (2009) that the protectionist value embraced is challenging to discuss because they are typically central to antifeminist while paradox in meanings. This paradox of protection means chivalry renders women powerless because accepting protection implies neediness and vulnerability; meanwhile, the threat of being victimized requires acquiescence to the protection men offer. In short, women are subject to varying amounts of risk, protection, and, ultimately, GBV.

To conclude, the gender construction of men and women in marriage is influenced by patriarchal values where the husband as the head of the household, the breadwinner, the protector, and the women as a housewife are standard features. The housewife position of women constructed by the law is problematic. The view always tends to place women into second class and vulnerable in society. This view is in line with the report where the vulnerable position of women is strongly related to the occurrence of violence against wives in Indonesia (NCVAW, 2021).

Patriarchy, Law, and Culture

The practice of patriarchal culture, as embodied in legal logic, has become ingrained in the dominant daily cultural practice. Inequality in a society is a symptom or manifestation of systemic violence that occurs naturally and unintentionally in everyday life (Mukminto, 2020). Therefore, the general view of feminists is a belief that society and legal order are patriarchal. The rule of law, which is said to be neutral and objective, has been just a cover against political and social considerations driven by the ideology of the decision maker, and ideology is not for the benefit of women. As gently portrayed in the Commission report, violence against women in Indonesia is due to a patriarchal culture that subordinates and discriminates against women. One element of how law functions in a culture where social values bind the function of law. To understand law culture, as Retnowulandari (2010) cited Gibson and Calder's law mapping analysis, is through "moving outside legal system per se to focus more directly on the values of the broader mass public," which emphasises the analysis of social, cultural values in the development of a legal system.

Examining respective regulations and their social context or cultural values underpinning them may offer a better understanding of the relationship between law and patriarchy concerning domestic violence.

The patriarchal nature of society and law is firmly attributed to the cause of women's injustice, domination, and subordination and, consequently, claims against gender equality. Domestic violence as part of gender inequality could not be eradicated in the institutional structure of the current patriarchal ideology. As cited by Fakhri (2015), Cain similarly portrays the conditions of women who are still considered inferior to allow women to define themselves. In this study context, the existing law in Indonesia, as discussed, could be considered a legal gendered social arrangement that males create for females. However, through varieties of patriarchy, an assessment of law by analysing the social context surrounding the establishment of regulations, especially those related to gender roles and gender relations among husbands and wives in Indonesia, might provide comprehension of law as a subtle or indirect instrument of power over men as well. It holds meaning that the state, through the law, contributes to the conceptual prescription of masculinity bound to follow, especially by those who are part of the legal system, such as religious courts and law officers. Both views could be scrutinized within specific political history conditions where patriarchy strongly influenced regulations in the Soeharto era.

The argument of law as power over women is a social construction of masculine and feminine roles and identities. Rakodi (2012) suggests putting women into disadvantaged positions characterized by patriarchy as a social system where men are the primary authority figures who define power relations over women, children, and property; thus privileged, in contrast to women's subordinate position. Although this claim is not necessarily a direct cause of domestic violence practices, the ideological value behind their establishments contains the same oppression doctrine, especially to women through human rights (NCVAW, 2022) and feminist perspectives (Fakih, 1999). In this regard, the oppression of women is due to the common interests between the state and men. Through the law, men dominate households and communities; consequently, the oppression of women may persist in both public and domestic contexts.

In Indonesia, the general understanding is that men inform law, aiming to strengthen the patriarchal social relations, so that the law ignores the female experience, resulting in sexist or biased law (Irianto et al., 2007). The most significant phase of patriarchal

influences through policy is during the Soeharto regime. During his thirty-two years of reign, the law regulated women's social arrangements in public and private. Patriarchal policies had a significant impact nationally. They were structurally and publicly promoted, for example, through the government's office network (Dharma Wanita), wives of military officers (Persit Kartika Chandra Kirana), the Family Welfare Program (PKK), and films and media (Lan, Susetawan, and Abrar, 2001). Even though these policies are not officially socialized currently, the policy, such as the Women Association called Dharma Wanita and Persit Kartika Chandra Kirana, is active in every government and military office department. At the same time, the PKK program still exists in the lowest government structure in Indonesia. The former two organisations confirm the position of females as male companions. Their existence, status, and honor portray women as under the shadows of their husbands' identities. The structure of the organizations follows men's structural positions in bureaucracy (Yuliani, 2010).

Regulations in this era were not only used as a tool of social engineering to maintain power stability in general but also to articulately regulate family matters, for example, the 1974 law on marriage and government regulation no 9, 1975, and Islamic compilation law. These legal prescriptions suggest that both men and women behave in distinctive ways influenced by cultural norms or religious teaching, especially in the relationships between husbands and wives. The two concepts of motherhood and fatherhood were under the framework of family planning (Blackburn, 1999). Indonesian feminists argue that *ibuisme* concept broadly means "motherhood." Therefore, it refers to biological and natural attribution to women having a reproductive role, raising children, domestic chores, and taking care of their spouses, commonly known as *konco wingking*, a concept strongly influenced by Javanese philosophy from Indonesia's majority ethnicity. Consequently, the conception of *ibuisme* has led to *bapakisme*, or a concept of fatherhood, attributing to leadership and authority in the domestic sphere where protection and breadwinning are the leading features. Detailed research on "ibuisme" as a social construction in the New Order era is available from the work of Suryakusuma (2011).

The relationship between respect and obligation in the family parallels official Suharto-era state definitions of leadership. Mulder (1994, p. 61), as cited by Adamson (2007), argues that the official notion of leadership, beginning under Indonesia's first president Sukarno but elaborated during the

Suharto period, is one of patronage. The hierarchical nature of patronage is such that it ties people together in personal bonds of unequal moral and material value. Adamson (2007) further cited Reid (2007). The latter similarly characterises the history of patronage relationships in Southeast Asia as a system of unequal relationships in which the client is bound to the patron through moral and material ties. The acceptance of inequality conforms to the relationship between debt and obligation that members hold within a hierarchy. To disrespect or not honor such a debt would be to go against what the government emphasized as a grounding social and moral principle. Nevertheless, in addition to a hierarchy of elders, Suharto-era social programs and bureaucratic organizations for women, such as the Family Welfare Program (PKK) and Dharma Wanita, a mandatory organization for the wives of civil servants, may have also reinforced a gendered hierarchy of patriarchal leadership (Adamson, 2004).

As a result, the New Order regime may have supported hegemonic masculinity, which engaged in structural violence and domination, particularly against women. According to a study of spouses aged forty to sixty who married between twenty and forty years ago, marriage is a social, cultural, and religious obligation. With a few exceptions, women have a strong tendency to regard sexual relations in marriage as an obligation and a right of their husbands. This anthropological research concludes that religious and cultural discourses justify and support this viewpoint, and rejecting it is considered a sin (*dosa*) or taboo (*pamali*). Both discourses emphasize marital obedience to the husband (Nurlaelawati, 2020). As ideological domination works through a symbol that engineers consent and docility, in this case, patriarchy, hegemony may be perceived as a consensus. In other words, once loosely propagated by the state, patriarchal ideology positions men and women with ideas that cast their unequal status as usual and are taken for granted (Darwin, 1999).

The influence of patriarchy through religious norms shapes male ideological hegemonic males in both national and Islamic regulations, such as the notion that men are leaders of women. A male Muslim feminist, Asghar Ali Engineer, argues that "men are leaders" is not a normative statement but a contextual one. This sentence does not mean that men must be leaders. The Qur'an only states that men are leaders. He argues that the superiority of men and women is not the superiority of sex but rather the superiority of the social functions of both sexes as

referred by Arifin, Yudani, & Aziza (2022). Men (husbands) earn a living, and women (wives) do domestic work, not as an obligation but as a division of labor, complementing each other (Wahid, 2001).

It has been debated how gendered social arrangements of the law indicate the dominant conception of husbands upon their wives. These dominant conceptions of males through legislation, as Gramsci (1972), as referred by Hunnicutt (2009) explained, dominance is possible without direct coercion, and violence could only occur when these sets of hegemonic breaks down or are challenged. From a broader perspective, an example of challenging the hegemonic institution during the Soeharto regime was the violence against Marsinah, an "insubordinate" factory worker who was abducted, tortured, raped, and murdered. However, it is probably military-connected elements as a lesson to other female workers who might think of asserting their rights (Balckburn, 1999).

Several studies support the argument that contesting a cultural husband's hegemonic authority and dominance may have implications for domestic violence (Hayati et al., 2014, Nilan, et., al, 2014, Aisyah & Parker, 2014, Rowe, Sutan & Dulka, 2006, Chatha, Ahmad & Syeikh, (2014), Margunani, et., al, 2021, Mshweshwe, 2020). From these researches, most arguments raise the justification of domestic violence derived from cultural and religious dogma rather than regulation. Thus, domestic violence could be inferred to be a consequence of patriarchy, not legislation and law, which are manifestations of patriarchal values already ingrained in society. However, men rarely use such violence to maintain gender hierarchies consciously. In this sense, there is a genuine contradiction between those interested groups, the dominant, with subordinate groups concerning domestic violence practice. In this regard, patriarchal ideology could be viewed as a guarantor of social cohesion and cooperation. Otherwise, conflict will emerge (Pyke, 1996). This condition may indicate whether any significant changes in the contested Law may significantly impact the elimination of domestic violence.

The influence of cultural value in domestic violence during the pandemic indicates the rising number of cases. State institutions such as BADILAG receive fewer cases due to public contact restrictions. However, most cases are filed through NCVAW and its partner agencies. The restriction forced the family to stay mostly at home, where interaction among family members has been intense—only 34% of institutions that returned questionnaires reported increased case complaints during the pandemic. Data on complaints to Komnas Perempuan also experienced a drastic increase of 60% from 1,413

cases in 2019 to 2,389 cases in 2020. It was observed that an increase in the intensity of violence against women in the personal sphere, especially in sexual violence form. In the past decade, violence in the private sphere has consistently been the most reported case.

In 2020, 79% or 6,480 of the complete 8,234 case reports were collected by 120 violence service institutions in the personal sphere. It indicates an increase of 4% from the reporting composition in 2019. There is also a 6% increase in the composition of sexual violence in the personal sphere. A total of 1,983 of the 6,480 cases of violence in the private sphere were sexual violence, including 57 cases of marital rape between 1,309 cases of violence against wives and 215 cases of incest among 954 cases of violence against girls. Notably, a sharp increase in cases of sexual violence committed mainly by ex-boyfriends and ex-husbands, from 35 cases in 2019 to 329 cases in 2020. Both offline and online violence is closely related to the pandemic situation, which causes the duration of being together at home and the use of gadgets to become longer and the economic impact that must be borne by the family (NCVAW, 2021).

Another example of how patriarchy as a cultural value was profound in this regime can be depicted through media. Through values and meanings in society, media constructed or socialised unbalanced relations between men and women through symbols and myths, thus creating a gloomy representation or reality of women to society and gender-biased practices of journalism have several causes in a patriarchal society such as in Indonesia (Lan, Susetiawan, & Abrar, 2001).

As varieties of patriarchy, the cultural value such as patriarchy penetrates throughout history. Even though the fall of Soeharto has opened up human rights perspectives in the making of legislation, the present patriarchy has still succeeded apparently in other areas post-Soeharto. For example, through progressive gender roles theory, Utomo et al. 's (2009) research suggests that textbooks from Year 1 to Year 12 are heavily gender-biased. In this research, children's activities are also intensely segregated by gender, where boys tend to be active in sports and play with mechanical toys. Girls, in contrast, are represented as playing with dolls and teddy bears, celebrating birthday parties, and liking art and music. Overwhelmingly, those girls are rarely illustrated as leading figures in science and technology. This illustration signifies girls as having a lack of intellectual capacity. The analysis found that public and domestic stereotypes are commonly discovered in the textbooks of Bahasa Indonesia, English Language, Science, Social Sciences, Islamic

Religion and Sport, and Healthy Living books (p. 11). The research concludes that these stereotypical gender roles can be unlearned. Girls and women can be taught to be more autonomous if social institutions, especially the family environment, schools, religious institutions, the state, and political climate, are socialising progressive gender norms.

Soeharto's leadership had been evaluated to have close relation with his ethnic philosophy. According to Adamson (2007), Javanese philosophy persists were a moral hierarchy of gender relations, mimetically extended from family to nation, dovetails with religious interpretations to resolve anxieties about social change and security through the control of women. She further states that a moral hierarchy mediates contradictions between the individual and the community in culturally specific ways that have consequences for gender relations and speaking about women's rights. Javanese culture discourages individualism and focuses on the central values of family and community. Javanese is also a hierarchical society where status and positions are not merely cultural categories but are reinforced through specific language - use (p. 7), for example, 3 UR: *sumur, dapur dan kasur* (well, kitchen and bed), or 3 M, *macak, manak, and masak* (makeup, give birth, and cooking), and *wadon*; a term used to call women in the Javanese language which means *abdi Laki* (servant of man) (Retnowulandari, 2010).

Furthermore, the contemporary Javanese family structure contains patriarchal elements. Another common cultural justification for women's subordination at many advocacy programs was that Javanese culture defined women as *konco wingking* (domestic-related chores) or the "friend in the back." Based on Adamson's research (2009), the informants often explained that this pretext reminded them about the role of sitting behind their husbands (both a literal and figurative custom) and supporting them as needed. Both men and women are often referenced in combination with Surah An-Nisa '34, meaning that if women could not perform this obligation, men had the authority to discipline her physically. An NGO called Rifka Annisa, a Yogyakarta women's crisis center in Central Java, regularly faces this combination of religious and cultural justification from abusers and victims (Adamson, 2004). This patriarchal understanding of gender roles exists at the familial level. It thus coincided with the national-level ideology of dominance and subordination in such a way as to directly impact women's lives and bodies.

Based on the above discussions, it seems that patriarchal socialisation, either through state or cultural norms, is a crucial element as it is the process by which individuals acquire the beliefs, values, and behaviors considered desirable and appropriate by their culture (Usta, Farver & Hamieh 2016). In this sense, domestic violence may be perceived as a never-ending phenomenon when few men regard their violent acts in a household as average or acceptable as part of a functioning society.

CONCLUSION

The conception of domestic violence within the Indonesian legal framework relates to the ideas of husband and wife relationships, manifested and prescribed within regulations such as Law on Marriage and its implementation regulation in addition to Islamic compilation law. In general, these regulations indicate unequal social arrangements within domestic spheres and a narrative of biased gender on gender roles and gender relations of which is strongly influenced by patriarchal ideology. Additionally, it could be suggested that these laws may not stimulate violence against a wife in such a direct way. However, the articulate prescription of gender roles and gender relations among husbands and wives seems to be problematic from a human rights perspective.

It is clearly shown in the reports that both macro (bureaucracies, government, law, market, religion) and micro level (interactions, families, organizations, patterned behavior between intimates) of patriarchy's operations are still prevalent. Theorising patriarchy and varieties of patriarchy remain helpful to explore and analyse GBV and its dimensions and to resolve justice in the gendered relation between male and female in the macro-micro or public and private sphere. Patriarchy is "a concept too useful to lose."

Indonesia's regulations are likely to contain a patriarchal character, thus, represent the character of the state" that has been structurally constructed together with religious influence, of political manifestation and institutionalization driven and fabricated by masculinity.

The study indicates that the most significant relationship of domestic violence can be further assessed through structural perspectives of the law of those who implement the law, especially religious courts where legal decisions are primarily based on the established patriarchal legislation which, according to the commission report, are far removed from a human rights perspective, especially with reference to the reasons of divorce lawsuits,

indicating a severe challenge in terms of finding out the reason of divorce cases. Furthermore, a future investigation is likely required to understand more how these patriarchal regulations affect decision-making in courts and how these juxtapose with human rights-based regulations. The limitation of this article is that it offers broad contexts. Therefore, further specific research on particular perspectives and distinct theories based on these reports remain widely stimulating.

REFERENCES

- Agustina, A. M. (2022). Assessing Women Ulama's Perspectives on Gender Contestation and Law Establishment in Indonesia. *Indonesian Journal of Law and Islamic Law*, 4(1), 1-35.
- Aisyah, S., & Parker, L. (2017). Problematic conjugations: Women's Agency, Marriage, and Domestic Violence in Indonesia. In *Contestations Over Gender in Asia* (pp. 42-60). Routledge.
- Arifin, I., Yudani, A. P., & Aziza, F. M. (2022). Patriarki Sebagai Pemicu Kekerasan Pada Wanita Dalam Rumah Tangga Menurut Perspektif Al-Qur'an dan Kemasyarakatan. *Istighna: Jurnal Pendidikan dan Pemikiran Islam*, 5(1), 18-31.
- Beasley. (2005). *Gender & sexuality: critical theories, critical thinkers*. SAGE.
- Blackburn, S. (1999). Gender violence and the Indonesian political transition. *Asian Studies Review*, 23(4), 433-448.
- Cain, M., Khanam, S. R., & Nahar, S. (1979). Class, Patriarchy, and Women's Work in Bangladesh. *Population and Development review*, 405-438.
- Chatha, S. A., & Ahmad, D. K. (2014). Socio-Economic Status and Domestic Violence: A Study on Married Women in Urban Lahore, Pakistan. *South Asian Studies*, 29(1).
- Cooper, H., Hedges, L. V., & Valentine, J. C. (Eds.). (2019). *The Handbook of Research Synthesis and Meta-Analysis*. Russell Sage Foundation.
- Cooper, H. (2015). *Research Synthesis and Meta-Analysis: A Step-by-Step Approach* (Vol. 2). Sage publications.
- Darwin, M. (1999). Maskulinitas: Posisi laki-laki dalam Masyarakat Patriarkis. *Center for Population and Policy Studies Gadjah Mada University*, 4, 1-10.
- Eleanora, F. N., & Supriyanto, E. (2020). Violence Against Women and Patriarkhi Culture in Indonesia. *International Journal of Multicultural and Multireligious Understanding*, 7(9), 44-51.
- Fakhri, M. (2015). Hukum Perkawinan Di Indonesia (Kajian Hukum Berkeadilan Gender Dalam Kerangka Feminist Legal Theory). *MUWAZAH: Jurnal Kajian Gender*, 7(2).
- Fakih, M. (1996). Analisis Gender dan Transformasi Sosial, Yogyakarta.
- Fineman, M. A., & Thomadsen, N. S. Feminist Legal Theory' (2005) 13 *Journal of Gender. Social Policy and the Law*, 13.
- Fink, A. 2010, *Conducting research literature reviews: from the Internet to paper*, 3rd edn, SAGE, Los Angeles.
- Halili, H. (2012). Implementasi Konvensi Anti Diskriminasi Perempuan dalam Politik Hukum Indonesia. *Jurnal Penelitian Humaniora*, 17(2).
- Hayati, E. N., Emmelin, M., & Eriksson, M. (2014). We No Longer Live in the Old Days: a Qualitative Study on Men's Views on Masculinity and Violence within Marriage in Rural Java, Indonesia. *BMC Women's Health*, 14(58).
- Hehanusa, M. (2014). "Kekerasan terhadap Perempuan Perspektif Hukum, Budaya dan Gender." *Aequita Iuris*, 9, (1).
- Hunnicut, G. (2009). Varieties of Patriarchy and Violence against Women: Resurrecting "Patriarchy" as A Theoretical Tool. *Violence against women*, 15(5), 553-573.
- Irianto, S., Meij, L.S., Purwanti, F., & Widiastuti, L, (Editor B. Rahmanto), *Perdagangan Perempuan Dalam Jaringan Pengedar Narkotika*, (Jakarta: Yayasan Obor Indonesia, 2007).
- Irianto, S (2012). "Law Does Not Work for Women," *Indonesian Feminist Journal*, 1, (1).
- Kuntjara, E. (1997), "Challenging the Tradition of Javanese Women", *Asian Journal of Women's Studies*, vol. 3, no. 3, pp. 77-100.
- Lan, M., & Susetiawan, A. N. A. (2001). Budaya patriarki dalam pers Indonesia masa Orde Baru. *Sosiohumanika*, 14 (2001).
- Margunani, M., Melati, I. S., Widyawati, A., & Ahmad, T. A. (2021, August). The Factors Triggering Intimate Partnership Violence (IPV) Against Women in Patriarchy Society: A Case Study in Central Java, Indonesia. In *International Conference on Economics, Business, Social, and Humanities (ICEBSH 2021)* (pp. 1410-1416). Atlantis Press.
- Miller, J., & Decker, S. H. (2001). Young Women and Gang Violence: Gender, Street Offending, and Violent Victimization in Gangs. *Justice Quarterly*, 18(1), 115-140.
- Mukminto, E. (2020). Hukum, Ideologi Patriarki, dan Kekerasan Sistematis Atas Perempuan—Suatu Kajian Žižekian. *Nurani Hukum*, 3(1), 1-13.
- Mutiara, D., dan Hasmonel. (2013). Implementasi Undang-Undang Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan dalam Rumah Tangga

- dalam Melindungi Saksi Korban. *Project Report. Universitas Terbuka, Jakarta.*
- Mshweshwe, L. (2020). Understanding Domestic Violence: Masculinity, Culture, Traditions. *Heliyon*, 6(10), e05334.
- Nilan, P., Demartoto, A., Broom, A., & Germov, J. (2014). Indonesian Men's Perceptions of Violence against Women. *Violence against Women*, 20(7), 869-888.
- Nurlaelawati, E. (2020). Islam, Women's Sexuality and Patriarchy in Indonesia: Silent Desire, by Irma Riyani. *Journal of the Humanities and Social Sciences of Southeast Asia*, 178(2-3), 352-355.
- Onwuegbuzie, A. J., Leech, N. L., & Collins, K. M. (2012). Qualitative Analysis Techniques for the Review of Literature. *Qualitative Report*, 17, 56.
- Pangestika, A. P., Purnamasari, S. E., & Kurniawan, A. P. (2022). Hubungan antara Persepsi Budaya Patriarki dengan Perilaku Kekerasan Seksual Terhadap Perempuan pada Laki-Laki Dewasa Awal. *PSIKOSAINS (Jurnal Penelitian dan Pemikiran Psikologi)*, 16(2), 137-148.
- Pyke, K. D. (1996). Class-Based Masculinities: The Interdependence of Gender, Class, and Interpersonal Power. *Gender & Society*, 10(5), 527-549.
- Rakodi, C. (2012). A Framework for Analysing the Links between Religion and Development. *Development in Practice*, 22(5-6), 634-650.
- Retnowulandari. (2010). Patriarchal Culture Versus Feminist: Law Enforcement Court in Domestic Violence Cases," *Jurnal Hukum /Law Journal*, 8, (3).
- Retnowulandari, (2006). Perempuan Muslim dalam Hukum Perkawinan yang Berperspektif Gender di Indonesia. A Conference Paper of Gender Law Development in Surabaya 18-20 September 2006.
- Retnowulandari, W. (2018). A Review of The "Head of The Family" Concept from The Family Law, Gender Perspective. In *SHS Web of Conferences* (Vol. 54, p. 02008). EDP Sciences.
- Rifkin, J. (1980). Toward A Theory of Law and Patriarchy. *Harv. Women's LJ*, 3, 83.
- Rismawati, S. D. (2011). Pembangunan Hukum yang Berkeadilan Gender (Pendekatan Studi Hukum Kritis bagi Perlindungan Hak Asasi Perempuan di Indonesia Pasca Ratifikasi CEDAW). *MUWAZAH: Jurnal Kajian Gender*, 3(2).
- Rowe, W. S., Sutan, F. N., & Dulka, I. M. (2006). A Study of Domestic Violence against Academic Working Wives in Medan. *International Social Work*, 49(1), 41-50.
- Sarono, A., & Islamiyati. (2004). "Gender Discourse of Islamic Marriage Law in Indonesia (Analysis of the Rights and Duties of Husband and Wife, Polygamy and Divorce)," A Research Report, University of Diponegoro.
- Sukerti, N. N. (2005). Gender dalam Hukum Adat. *Jurnal Studi Jender Srikandi*, 5(1).
- Usta, J., Farver, J. M., & Hamieh, C. S. (2016). Effects of socialization on gender discrimination and violence against women in Lebanon. *Violence against Women*, 22(4), 415-431.
- Utomo, I.D, McDonald, P, Hull, T, Rosyidah, I, Hattimah, T, Idrus, N.I., Sadli, S., Makruf, J., (2009), "Gender Depiction in Indonesian School TextBooks: Progress or Deterioration", A conference article, Marrakech, IUSSP International Population Conference Session 185: Progress or Deterioration in Gender Equality.
- Wahid, S. N. (2001). *Wajah Baru Relasi Suami-Isteri Telaah Kitab "Uqud al-Lujjayn*. LKIS.
- Walby, S. (1989), "Theorizing Patriarchy", *Sociology-The Journal of The British Sociological Association*, vol. 23, no. 2, pp. 213-234.
- Ward, I. (2004), *Introduction to critical legal theory*, 2nd edn, Cavendish Pub, London; Portland.
- Yuliani, S. (2010). Tubuh Perempuan: Medan Kontestasi Kekuasaan Patriarkis di Indonesia. *Jurnal Sosiologi Dilema*, 25(2), 2010.

Internet/Website

- GOI (Government of Indonesia) 1974, Marriage Law No. 1. <http://www.djpp.depkumham.go.id/>.
- GOI (Government of Indonesia) 1975, Government Regulation on the Implementation of Law No.1/1974 on Marriage. <http://www.djpp.depkumham.go.id/>.
- GOI (Government of Indonesia) 1991, Presidential Decree on Islamic Law Compilation on Marriage. <http://www.djpp.depkumham.go.id/>.
- National Commission of Anti Violence Against Women 2022, Yearly Report on Violence against Women. <http://www.komnasperempuan.go.id/>.
- National Commission of Anti Violence Against Women 2021, Yearly Report on Violence against Women. <http://www.komnasperempuan.go.id/>.