

Law does not work for women

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Abstrak

Broadly speaking, this paper aims to examine how Indonesia law views rape and sexual crimes against women, how victims (women and girls) are projected in the law, and how criminal law affects the female victims seeking justice. Are there any laws adequate in providing protection for victims of sexual crimes? The main law referred to in Indonesia rape cases is the Penal Code (KHUP) created by the Dutch during their occupation in Indonesia. This legal reference has become a "holy book" for law enforces, particularly policemen and prosecutors. However because the Penal Code was created during the colonial period, today it is obsolete and does not offer much protection for victims of sexual crimes. From a woman's perspective, the law might be biased because it was formulated from a male point of view. Indeed, despite efforts by legal development programs to improve management of the judiciary, serious problems remain. The law relating to rape along with the procedural law shows how sex crimes are projected to justice. When the interpretation of law is removed from the context of human victims and perpetuated by institutions access to justice for victims of sexual assault is difficult to obtain. The law which essentially has multiple interpretations is standardized into a single meaning and freezes. When the law freezes, dew interpreters will be sensitive, principled, and courages enough to exercise the necessary discretion to bring justice to victims.