

Public Policy Analysis: Root Causes and Solutions of Sexual Violence in Aceh

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ABSTRACT

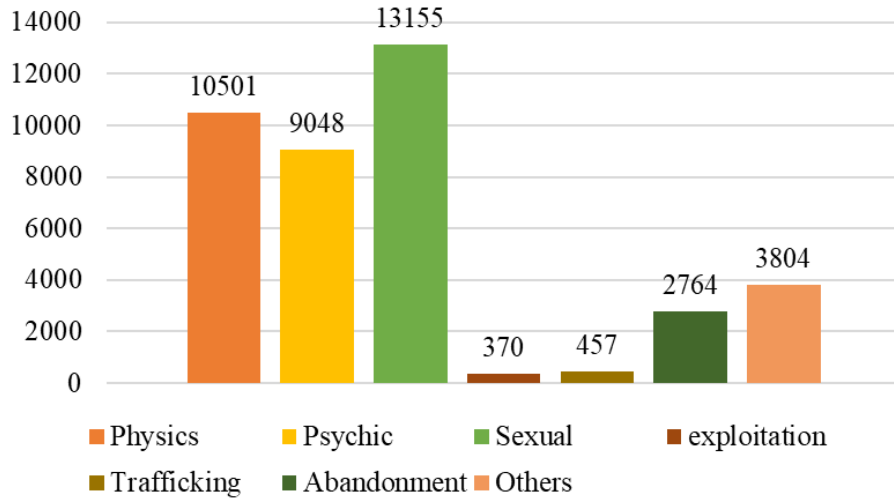
This paper aims to analyze the problem of sexual violence in Aceh using the Multiple Perspective Analysis theory introduced by William N Dunn. Sexual violence is complex problem with cases like an iceberg phenomenon where few cases are visible or openly reported while the majority of the problem remains hidden or undetected. Sexual violence cases in Indonesia are difficult to handle in many provinces, such as Aceh, where this problem has been a protracted problem that must be resolved with effective solutions. The method used in this paper is a qualitative method with secondary data sources and literature studies. The results found by the researcher show that the problem of sexual violence in Aceh caused by multiple factors ranging lack of availability for safe house facilities and the unoptimal service system from the PPA unit at Aceh police, TPKS Law that cannot be implemented optimally due to overlapping regulations with Qanun Jinayat, and the taboo discussion of “sex” in the community that impacts survivors who often get negative stigma from the community. This research provides useful implications for a sustainable sexual violence response system in Aceh that requires effective leadership from the government, efficient infrastructure, and an effective response system.

Keywords: Sexual Violence; Satisfying Methode; Multiple Perspective Analysis

INTRODUCTION

Sexual violence is unwanted and inappropriate because it involves sexual behavior or acts that harm, harass, intimidate others without their consent. According to *Komnas Perempuan*, there are 15 forms of sexual violence, namely Rape, Sexual Intimidation including Threats or Attempted Rape; Sexual Harassment (Nugroho, 2023). Sexual Exploitation, Trafficking in Women for Sexual Purposes, Forced Prostitution, Sexual Slavery, Forced marriage including custodial divorce, Forced Pregnancy, Forced Abortion, Forced contraception and sterilization, Sexual Torture, Inhuman and sexual punishment, Sexualized traditional practices that harm or discriminate against women, and Sexual control including through discriminatory laws based on morality and religion (Komnas Perempuan, 2013).

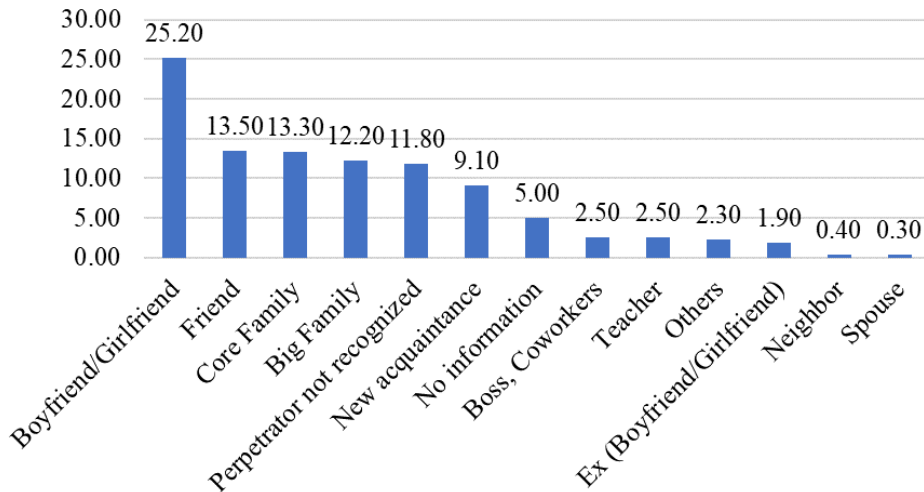
Based on data released by the Ministry of Women's Empowerment and Child Protection (KemenPPA) through SIMFONI-PPA, out of a total of 29,884 incoming cases of violence, 13,155 were reports of sexual violence in 2023.



Source: KemenPPA (2023)

Figure 1. Type of violences experienced by the victim

Based on a survey conducted by the Indonesia Judicial Research Society (IJS) on the issue of sexual violence in Indonesia during 2018-2020. It was found that most of the perpetrators of sexual violence were the people closest to them. In this survey, IJS stated that 25.2 percent of reported perpetrators of sexual violence were the victim's boyfriend. As many as 13.5 percent were friends, 13.3 percent were nuclear family members. Then, 59.9 percent of sexual violence occurred in the victim's own home.

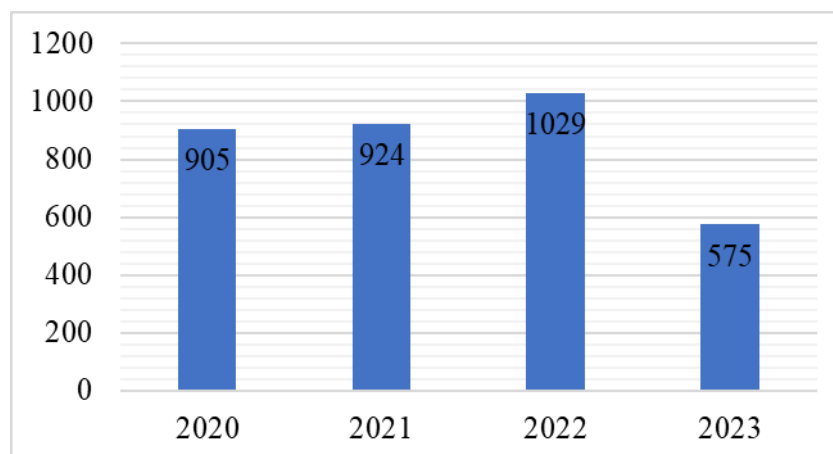


Source: Indonesia Judicial Research Society

Figure 2. Relationship between perpetrators and victims of sexual violence based on 735 court decisions (2018-2020)

Aceh is the westernmost province in Indonesia and is known for its strong Islamic practices. However, this does not guarantee that cases of sexual harassment do not occur in Aceh. The taboo of discussing “sex” has led to the rise of sexual violence cases in Aceh (Aissiyah, 2023). Law enforcement in Aceh is different from other regions in Indonesia because Aceh has its own law (*Qanun*) that contains Islamic law. Qanun number 6 of 2014 concerning Jinayat Law is the Aceh regional regulation used to follow up on sexual harassment cases in Aceh (Pemerintah Aceh, 2014). The Qanun, which was made in 2014, is not guided by and does not cover matters regulated in the TPKS Law. The Qanun Jinayat has not included the nine types of sexual violence in the TPKS Law, including physical harassment, non-physical harassment, electronic-based violence, sexual torture, forced contraception, forced sterilization, sexual exploitation, forced marriage, and sex slavery (Wahyuni & Hajid, 2023).

Qanun Jinayat is not able to protect victims of sexual harassment and violence in Aceh, where this Qanun does not provide a deterrent effect for perpetrators due to the light punishment given (Rachmad, Amdani, & Ulya, 2021). This is in accordance with Sahwani as a paralegal for survivors of victims said that in the handling there were differences in punishment where often the perpetrators were only flogged or ended in peace (Wahyuni & Hajid, 2023). To support this problematization, the author also conducted a forecasting analysis. Specifically, the analysis is based on time-series data from the Aceh Women's Empowerment and Child Protection Agency (DP3A).



Source: Data Processed By Researcher

Figure 3. Number of cases of violence and sexual harassment in Aceh

There were 905 cases in 2020 and 924 cases in 2021, with 355 of them involving minors. In 2022, the Aceh government recorded 1,029 cases and in 2023 there were 575 cases reported up to July (Wijaya, 2023). The data shows an increasing trend of sexual violence cases in Aceh. So the question is "How is the root cause analysis of sexual violence cases and what solutions are effective to overcome the problem of sexual violence in Aceh?". The analysis of the source of the problem of handling sexual violence in Aceh was carried out using public policy analysis techniques.

METHOD

This research explains the data collected using qualitative research methods and reviews the results found through previous research literature studies from journals and books (Wright, 2007). In this research, the author uses Multiple Perspective Analysis theory to analyze why the problem of sexual violence continues to increase in Aceh and is seen as an alternative to a more exclusive approach (Dunn, 2003). The satisficing method is used in this research to formulate policy recommendations. In this case, policy alternatives are evaluated based on predetermined alternative criteria, policy alternatives that can satisfy all criteria are selected to be used as policy recommendations (Prabawati et al., 2020).

RESULT AND DISCUSSION

Result

1. Technical Perspective

a. The service system of the Police PPA Unit in Aceh is still not optimal

The suboptimal handling system of the Women and Children Protection Unit (PPA) in Aceh's police stations and police forces has led to an increase in sexual violence cases. The lack of effective management and readiness of the PPA unit can contribute to the challenges in handling the increasing cases of sexual violence. This is characterized by the unavailability of a special investigation room in handling cases of violence against women and children, which has an impact on victims who are already traumatized to be even more uncomfortable to tell what happened because they are ashamed of others who are around them. According to LBH APIK Aceh, in the investigation process victims are often positioned in quite difficult conditions. First, she needs to prove herself as a victim, legally she must be able to present witnesses, pay the cost of a post mortem, prepare other evidence, and seek protection independently (Serunee, 2019).

b. Inadequate availability of safe house facilities

Safe houses offer fear-free shelter, providing survivors with the opportunity to break the cycle of violence, repair their relationships, and prepare for long-term transitions (Herawati, Pinilih, & Nurcahyani, 2021). For instance, the case of sexual violence that occurred in Bener Meuriah in 2022 where the Bener Meuriah government does not yet have a safe house facility for survivors. They are only able to provide rehabilitation services for 14 days and of course this is not enough for victims. Anne, who is one of the victims of this incident, admitted that she is still traumatized by the incident that occurred a year ago. Sahwani as a paralegal considers that Anne and other survivors need intensive recovery because they also receive negative stigma from the community (Wahyuni & Hajid, 2023).

In West Aceh, because there was no safe place for victims of sexual violence survivors and the light punishment given to the perpetrators, a private party emerged, namely dayah or pesantren in which became a safe house for these victims. This dayah is called Dayah Diniyah Darussalam

which was founded by Hanisah Abdullah in 2000. F. Noya, umi Hanisah said that the most cases handled were cases of sexual harassment and violence against children, the victims of sexual harassment and violence ranging from 14-21 years old (Noya, 2023). This Dayah accommodates various *santri* with various types of sexual harassment and violence that they have experienced (BBCIndonesia, 2022). In the complaint process, the TPKS Law mandates temporary protection orders carried out by the police in collaboration with LPSK or UPTD PPA. However, the implementation of this provision faces challenges because not all UPTD PPAs have safe house facilities. For instance, the UPTD PPA in North Aceh does not have a safe house for victim survivors. If service agencies need safe house services, then the practice is to leave them at the Social Service orphanage, but the rehabilitation process is not really monitored by the UPTD PPA (Bahagijo et al., 2022).

2. Organizational Perspective

a. The TPKS Law Cannot Be Implemented Optimally Due To Overlapping Regulations With Qanun Jinayat

There is a contradiction between the customary law (Qanun Jinayat) which is still strong with the TPKS Law. When the investigation takes place, the condition of the victim and his family has limitations in proving the perpetrator's crime, making the perpetrator easily get a light sentence, sometimes even the position held by the perpetrator may exempt him from legal bondage. The legal system that does not favor victims is reflected in the number of threats imposed on perpetrators of sexual violence (Serunee, 2019). In this case, Qanun Jinayat still does not contain 9 types of violence that are in the TPKS Law and contains "articles" that have contradictions with the TPKS Law. There are some overlapping rules between Qanun Jinayat and the TKPS Law (DPRA, 2022):

Table 1. Overlapping rules between Qanun Jinayat and the TKPS Law

| Qanun Jinayat | TPKS Law |
|--|---|
| Only regulates the punishment and does not have clear restitution provisions. | Contains various matters ranging from prevention, handling, protection and restitution (recovery) of victims. |
| Does not regulate the capacity building of law enforcement officials in handling cases of sexual violence. | Addresses the capacity of law enforcement officials to ensure victims' rights are fulfilled during the investigation and sentencing process. |
| Only contains punishment for the perpetrator and does not regulate the rehabilitation of the perpetrator. | Regulates the rehabilitation of perpetrators for behavior change, where when the perpetrator returns to the community, it is hoped that he will not commit sexual violence again. |
| Can give the opportunity to free the perpetrator by only stating an oath. | Attempts to make victims feel comfortable reporting cases of sexual harassment and rape and the perpetrators will still be punished. |
| Must show physical evidence such as post mortem results, and present sanctions | It is not necessary to show physical evidence such as a post mortem, but you can also show indirect |

| Qanun Jinayat | TPKS Law |
|---------------|---|
| | evidence such as the results of an assessment from a psychologist/psychiatrist. |

Source: Data processed by the author

b. Priority programs related to handling sexual violence will only begin to be focused on 2024

In 2023, Aceh's development policy still focuses on increasing food self-sufficiency and community welfare to reduce unemployment and poverty in order to overcome the social and economic impacts of Covid-19. Meanwhile, the issue of sexual violence will only be focused on Aceh's development policy in 2024 (Pemerintah Aceh, 2022).

Table 2. Aceh Development Policy 2023-2026

| Year | Development Policy |
|------|---|
| 2023 | Improving food self-sufficiency and community welfare to reduce unemployment and poverty in order to overcome the socio-economic impact of Covid-19 |
| 2024 | Improving the quality of human resources and realizing the fulfillment of civil, political, social, economic rights of the community and succeeding the political agenda of simultaneous legislative and regional head elections. |
| 2025 | Strategic infrastructure development to reduce regional inequality while preserving the environment and natural resources and promoting peace. |
| 2026 | Optimizing the implementation of Islamic law and fostering partnerships and increasing Aceh's own revenue to enhance fiscal independence. |

(Pemerintah Aceh, 2022)

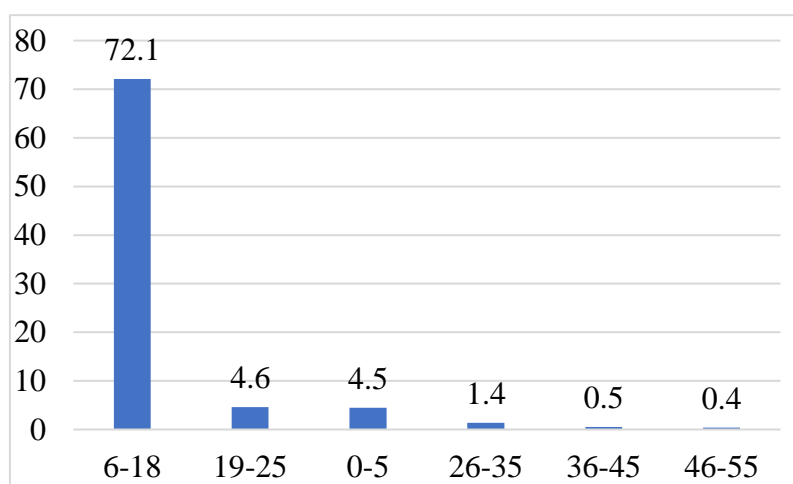
3. Personal Perspective

a. Negative Stigma Against Survivors

Negative stigma in cases of sexual violence in the social environment still occurs, some people think that sexual violence occurs because victims are unable to protect themselves, such as like to go out at night, or wearing revealing clothes so that strangers abuse victims (Jessica, 2023). For instance Khuzaimah, a paralegal in North Aceh, said that there is still a negative stigma in the community that victims of violence and sexual harassment are not good women. This has an impact on the “iceberg” phenomenon in cases of sexual violence and harassment in Aceh because victims choose to remain silent rather than be labeled bad by the community, so that these cases are increasingly prevalent but not revealed to the surface (Zulkarnaini, 2023).

b. The taboo of discussing “sex” in society

The Indonesia Judicial Research Society (IJS) conducted a survey related to cases of sexual violence that occurred in Indonesia during 2018-2020, precisely before the enactment of the TPKS Law. The majority of sexual violence occurs in victims aged 6-18 years. Children who are still minors do not understand sexual violence and are unable to provide resistance, so they are more easily manipulated (Jessica, 2023).



Source: Goodstats

Figure 4. Age of Sexual Assault Victim

Discussion

The taboo on the discussion of “sex” in Aceh is influenced by cultural and religious values where people consider the discussion of sex as something that is contrary to religious teachings or moral norms that are held firmly. Professor of UIN Ar-Raniry Prof. Yusny Saby said that Acehese people are still not ready to accept sex education openly because it is considered a taboo and controversial topic so that people have concerns if sex education is taught to children (Akhyar, 2021). An academic at the Faculty of Tarbiyah and Keguruan UIN Ar-Raniry, Dewi Fitriani said that sex education for children needs to be done. Such as introducing which body parts can be touched or not, which if they have sexual knowledge they can report to their mothers or to other people who can be trusted when cases of sexual violence and harassment occur (Roni, 2021).

Based on some perspectives, it is formulated that the formal problems that cause difficulties in dealing with cases of violence and sexual harassment are due to the lack of safe house facilities, overlapping regulations between Qanun Jinayat and the TPKS Law, and community behavior that still considers “sex” is something taboo to discuss. After determining the formal problem that is the source of the problem, the next stage is the determination of recommendations by making

alternative policies and suitable criteria for these alternatives. So the alternative policies offered are:

1. Revision of Qanun Jinayat Number 6 of 2014 by referring to Law Number 12 of 2022 (TPKS Law) which regulates the punishment and rehabilitation of perpetrators and restitution to victims.
2. Psychological support and counseling to victims by providing safe house facilities and psychologists/psychiatrists.
3. Providing education to the community regarding the importance of 'sex education'

In this case, the author takes the Political Viability criteria which are considered in accordance with the formal problem that has been formulated, so the results of the analysis can be seen in the table below:

Table 3. Policy Alternative

| Policy Alternative | Policy Criteria | | | | |
|---|---|---|--|---|--|
| | Political Viability | | | | |
| | Acceptability | Appropriate | Responsiveness | Legal | Equity |
| Revision of Qanun Jinayat Number 6 of 2014 by referring to Law Number 12 of 2022 (TPKS Law) which regulates the punishment and rehabilitation of perpetrators and restitution to victims. | Accepted by the government and the community, marked by the Aceh Parliament holding a Public Hearing Meeting (RDPU) on the revision of Qanun Jinayat on November 10, 2022. The public hearing was attended by community representatives, academics and legal practitioners from all over Aceh.. | The revised Qanun does not damage and does not conflict with community values such as ethical, religious, social and cultural values. | Responsive to the needs of the community, especially victim survivors who demand justice for cases of violence and sexual harassment that have occurred to them. | Legislators have drafted a revision of Qanun Jinayat and are currently waiting for the results of facilitation from the Ministry of Home Affairs. | It will create equity in society, because the rights of victim survivors can be fulfilled, which so far the handling of cases using Qanun Jinayat often ignores the rights of victims. |
| Support for psychological counseling services to | It is acceptable to the community and government | Does not conflict with societal values. | Responsive to the needs of survivors who require | It doesn't have rules yet. | Can create inclusion in the community |

| Policy Alternative | Policy Criteria | | | | |
|--|--|--|---|----------------------------|---|
| | Political Viability | | | | |
| | Acceptability | Appropriate | Responsiveness | Legal | Equity |
| victims by providing safe house facilities and psychologist/s/psychiatrists. | because it can help them in the rehabilitation of trauma survivors. | | rehabilitation services for their trauma. | | , especially for victims who are increasingly difficult to recover their trauma because they are also negatively stigmatized by the community. |
| Educate the public on the importance of 'sex education'. | There will be resistance from some people because they think 'sex' is a private matter that should not be discussed in public. | Some people consider this to be against religious and moral values as 'sex' is a controversial issue to talk about and are concerned if 'sex education' is taught to children. | Responsive to the needs of victims, where for survivors who are minors, they can know that they have been abused and can report it to their parents or other people they trust. | It doesn't have rules yet. | Sex education will create equity in society but it will take a long time. This is because people still consider this issue a taboo to discuss widely. |

Source: Analyzed by Author

From the analysis above, the three existing policy alternatives, only policy alternative 1 namely revision of Qanun Jinayat Number 6 of 2014 by referring to Law Number 12 of 2022 (TPKS Law) which regulates punishment and rehabilitation of perpetrators and restitution to victims is superior and fulfills all aspects in the policy criteria. While policy alternative 2 has shortcomings in the “legal” sub-criterion because it does not yet have rules and policy alternative 3 has shortcomings in the “Appropriate” sub-criterion because some people still consider “sex education” is something that is contrary to norms and religion and also in the “legal” sub-criterion because the Aceh government does not yet have rules governing the method of sex education.

Therefore, the Revision of Qanun Jinayat No. 6/2014 by referring to Law No. 12 of 2022 which regulates the punishment and rehabilitation of perpetrators and restitution to victims is considered suitable to overcome the problems of sexual violence and harassment cases in Aceh. The study shows that the revision of Qanun Jinayat in Aceh can harmonize the local regulation with the national law, namely the TPKS Law, which provides a comprehensive legal framework to address sexual violence (Kamarusdiana, 2016). It reflects a balance between cultural sensitivity and legal adaptation. This approach recognizes the unique characteristics of Aceh while ensuring that legal provisions are in line with national standards, thus contributing to the effectiveness of legal protection measures for victims and contributing to the response to sexual violence and harassment (Manan, 2020).

CONCLUSION

It was found that there were overlapping regulations between the Qanun Jinayat and the TPKS Law, and in Aceh's development plan for 2023-2026, the problem of handling sexual violence and harassment would only be effectively focused on in 2024. Then, there are still some people who give negative stigma to victims and the taboo of discussing "sex" is also a source of problems found. Based on that, the researcher give a policy alternative, namely Revising the Qanun Jinayat Number 6 of 2014 by referring to Law Number 12 of 2022 (TPKS Law) which regulates the punishment and rehabilitation of perpetrators and restitution to victims) is considered to meet the criteria. This research has limitations in the aspect of data acquisition that only uses secondary data sources. For future research, it is hoped that primary data can be obtained so that the solutions provided can cover a broader picture of cases of sexual violence and harassment in Aceh.

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