

WOMEN'S RIGHTS AND ALTERNATIVE SOLUTIONS TO PREVENT VIOLENCE FOR MUSLIM MARRIAGE DISPENSATION COUPLES IN PONOROGO

Indah Fatmawati, Ritus Nur Armada, Agustinus Astono

Institut Agama Islam Riyadlotul Mujahidin Ponorogo, POLRES Ponorogo,
Universitas Panca Bhakti Pontianak

indahfatmawati@iairm-ngabar.ac.id, ritusnur84@gmail.com,
agustinusastono@upb.ac.id

Abstract: Of the many cases of dispensation from marriage, it is known that the bride-to-be is already pregnant, while the man as the groom-to-be is willing to marry for responsible reasons. Of course, this is considered morally right, but if viewed from a gender perspective, even if the marriage takes place, a series of accompanying problems will arise, including divorce, violence and gender injustice against women. From the data that the researchers found at the Religious Court class 1A in Ponorogo Regency, from 2021 to 2022 there were 345 cases of dispensation of marriage, of which more than 125 cases were filed because the prospective bride was pregnant. Furthermore, from the reports of the Women and Children Protection Unit (PPA) POLRES Ponorogo, it was also found that there were approximately 9 cases of violence against female partners who did dispensation of marriage. This is certainly interesting to study considering the cases that occurred showed that there was both physical and sexual violence that occurred in underage marriages. This study aims to examine women's rights by looking at the role of men and alternative solutions in preventing acts of violence against women in marriage dispensation couples with a gender perspective. Furthermore, the research was carried out by interviews and direct observation and also supported by existing secondary data. From this research, it can be concluded that the role of men must be taken into account by being responsible for marrying the woman they are pregnant with in preventing violence, while alternative solutions must continue to be actualized by maximizing the role of stakeholders in preventing violence against women.

Keywords: *Women's right; Marriage Dispensation; Sexual Violence*

Abstrak : Dari sekian banyak kasus dispensasi pernikahan, diketahui bahwa calon pengantin perempuan sudah dalam keadaan hamil, sementara calon pengantin laki-laki bersedia menikah dengan alasan tanggung jawab. Hal ini tentu dianggap benar secara moral, namun jika ditinjau dari perspektif gender, meskipun pernikahan tetap dilangsungkan, serangkaian permasalahan akan muncul, termasuk perceraian, kekerasan, dan ketidakadilan gender terhadap perempuan. Berdasarkan data yang ditemukan peneliti di Pengadilan Agama Kelas 1A Kabupaten Ponorogo, dari tahun 2021 hingga 2022 terdapat 345 kasus dispensasi pernikahan, di mana lebih dari 125 kasus diajukan karena calon pengantin perempuan telah hamil. Selanjutnya, dari laporan Unit Perlindungan Perempuan dan Anak (PPA) POLRES Ponorogo, juga ditemukan sekitar 9 kasus kekerasan terhadap pasangan perempuan yang menjalani dispensasi pernikahan. Hal ini tentu menarik untuk diteliti mengingat kasus-kasus yang terjadi menunjukkan adanya kekerasan fisik dan seksual dalam pernikahan usia dini. Penelitian ini bertujuan untuk mengkaji hak-hak perempuan dengan menyoroti peran laki-laki serta solusi alternatif dalam mencegah tindakan kekerasan terhadap perempuan dalam pernikahan yang dilakukan melalui dispensasi, dengan pendekatan perspektif gender. Penelitian ini dilakukan melalui wawancara dan observasi langsung serta didukung oleh data sekunder yang tersedia. Dari hasil penelitian ini disimpulkan bahwa peran laki-laki harus diperhitungkan dengan menunjukkan tanggung jawab untuk menikahi perempuan yang telah mereka hamili guna mencegah kekerasan, sementara solusi alternatif harus terus diaktualisasikan dengan memaksimalkan peran para pemangku kepentingan dalam mencegah kekerasan terhadap perempuan.

Kata kunci: Hak perempuan; Dispensasi Pernikahan; Kekerasan Seksual

INTRODUCTION

Sexual violence is a form of crime that often afflicts women as victims. Of the many incidents of sexual violence that exist, it often occurs in adolescents or women who have not yet entered into marriage at the age of 14 to 20 years,¹ Meanwhile, in a study written by Winda Ayu Safitri, it is explained that adolescence is a transition period between childhood and adulthood that runs between the ages of 12 years to 21 years.² As if to be a scourge, the phenomenon of sexual violence against women does not only occur in Indonesia, but also occurs in several countries in the world,³ not only in the real world, but also in the virtual world.⁴

The sexual violence that occurs is mostly unnoticed by the victims due to lack of knowledge. The victims do not understand what actions are classified as sexual harassment. Explained by Mansur Fakih, there are eight forms of crimes categorized as sexual violence, including physical acts such as hitting, rape, physical assault, torture, prostitution, pornography, and covert violence in the form of holding or touching certain body parts. In addition, there is also violence carried out in verbal form, such as commenting or issuing vulgar pornographic jokes against someone offensively, throwing words that hurt or embarrass someone, interrogating sexual activities and someone's life, promising something or things by asking for sexual rewards.⁵

From the many cases of violence that have occurred, it also shows that women at the age of adolescence or junior high school age (Junior High School) are victims with a greater number compared to the age above them, as has just happened and the most sad is the case that occurred against teenagers from Rejang Lebong District,

¹ "View of Pemodelan Teks Tweet Pada Isu Pelecehan Seksual Berbasis Analisis Sentimen Dan Leksikon Emosi," accessed February 20, 2023, <https://senada.upnjatim.ac.id/index.php/senada/article/view/33/19>.

² Windha Ayu Safitri, "Dampak Kekerasan Dalam Berpacaran," January 22, 2014, <https://repository.unej.ac.id/xmlui/handle/123456789/20665>.

³ Indah Fatmawati, "Pernikahan Anak Di India," *IJouGS: Indonesian Journal of Gender Studies* 1, no. 1 (June 22, 2020): 29–40, <https://doi.org/10.21154/IJOUGS.V1I1.2064>.

⁴ Moh. Faiz Maulana, "Meme and Cyber Sexism: Habitus and Symbolic Violence of Patriarchy on the Internet," *Simulacra* 4, no. 2 (November 18, 2021): 215–28, <https://doi.org/10.21107/SML.V4I2.11899.G6107>.

⁵ Helenerius Ajo Leda, "Seksisme Dan Kekerasan Seksual Di Flores," 2020.

Bengkulu Province, Junior high school students who were still 14 years old with the initials YN became victims of rape by 14 men when after returning from school. Based on this case, it seems to clarify the impact of a patriarchal culture so that women are often victims of sexual abuse, physical violence, and victims of murder on the basis of sexuality.⁶

Indications of the still rampant cases of sexual violence that occur in adolescents, can also be seen from the number of applications for marriage dispensation due to pregnancy in religious courts, which on average are still between the ages of 14 to 18 years. This condition is based on being unstable and starting to explore things that are of the same nature, so it is not uncommon for many teenagers to start knowing dating and in the end many become victims of both physical and sexual violence. The reason for the occurrence of pregnancy outside of marriage is supported by several studies that also explain that the factors of lack of parental attention and supervision, promiscuity, courtship that is only oriented towards sexual relations, lack of self-fortification, lack of knowledge about sexuality, and finally because technological developments are the cause of extramarital pregnancy in adolescents.⁷

As for the marriage dispensation because pregnancy is a form of sexual violence, this reason is not without basis, if viewed from the coercion of one of the parties to have a husband and wife relationship, it can certainly be interpreted that there has been coercion which is a form of violence against the couple, so that the other party feels forced. These coercions are by giving lure or promises to marry or also by giving threats to the partner so as to affect the victim's psychic. These reasons end up being the basis for controlling the victim, so that the victim obeys the will of his partner to have sexual intercourse. The dispensation of marriage due to pregnancy that occurs is a series of consequences of a relationship that gives birth to

⁶ "Darurat Kejahatan Seksual - Andika Wijaya, Wida Peace Ananta - Google Buku," accessed February 20, 2023.

⁷ Theresia Tiodora Sitorus, Implikasi Pembinaan Pemuda Gereja Atas Faktor-Faktor Penyebab, and Universitas Kristen Satya Wacana, "Implikasi Pembinaan Pemuda Gereja Atas Faktor-Faktor Penyebab Kasus Hamil Di Luar Nikah, Theresia Tiodora Sitorus," *Jurnal Teologi Injili Dan Pembinaan Warga Jemaat* 4, no. 2 (2020): 195-208.

the dominance of one of the parties which results in psychic and sexual violence.

Based on the phenomenon of the rampant cases of marriage dispensation due to pregnancy filed at the Ponorogo Regency Religious Court which also went viral on social media.⁸ Based on the results of data revealed by the Ponorogo PPPA Office, Ponorogo Education Office, Badilag Ponorogo, and Badilag of the Supreme Court at the end of 2022, it was found that 176 Marriage Dispensation Decision Data and 60% of them were cases of pregnancy outside the marriage so that Ponorogo Regency occupied the highest position in marriage dispensation cases because they were pregnant. In this study, the data obtained is in the form of marriage dispensation applications from 2021 to 2022, while the data in 2023 is only briefly described because the new case will be recapitulated at the end of the year, namely in December 2023. From the data obtained through an interview with Lala Khoironi Lutfi, officer of the Legal Aid Post (POSBKUM) of the Ponorogo Religious Court, it shows that 70% of the marriage dispensations filed at the Ponorogo Religious Court were obtained for reasons of pregnancy, while 30% were due to fear that unwanted things would happen which also essentially led to fear if it happened. Furthermore, from the results of observations at the Women and Children Protection Unit (PPA) of the Ponorogo Police, it was found that there were records of cases of violence against women that occurred in 2021 and 2022, violence against women also occurred in couples who married after obtaining a marriage dispensation permit at the Religious Court. The research in the PPA Unit of the Ponorogo Police is very synchronously carried out considering that the PPA is authorized to handle cases of violence against women and children that occur in the Ponorogo Regency area, with this connection explaining the direction of authority of each institution, both the Religious Court in charge of giving decisions and the Indonesian National Police as the executor and control of the implementation of the decision.

Many applications for marriage dispensation in the Ponorogo County Religious

⁸ "Ratusan Anak Ponorogo Minta Dispensasi Nikah, 60 Persen Sudah Hamil," accessed February 20, 2023, <https://www.beritasatu.com/news/1019971/ratusan-anak-ponorogo-minta-dispensasi-nikah-60-persen-sudah-hamil>.

Court were found to be due to pregnancy reasons. This certainly needs to be a common concern. In addition, such conditions show that women in adolescence are still unaware of actions that are classified as sexual violence. Based on this, many adolescent girls do not understand related to actions that lead to sexual violence such as violence in the form of coercion during dating, namely the compulsion to have a husband and wife relationship by a man who is his own girlfriend, especially to the point of causing the woman to become pregnant before marriage. This will not only have an impact on the sexual violence that will be accepted, but also the psychic burden that must be borne when a pregnancy occurs before marriage.⁹

Furthermore, if this is the case, the man then feels compelled to take responsibility by marrying the woman he impregnated. But what must be considered is that when men are willing to take responsibility by marrying the impregnated woman, it will not necessarily be able to solve existing problems, moreover, it can create new problems. The reason is that marriage because it is based on compulsion will later cause a series of problems that accompany it which often lead to divorce. This means that a man's accountability by marrying his future wife who is pregnant is considered of humanitarian value, but on the other hand it is an access for men to commit acts of violence both physically and sexually to their partners.¹⁰

The condition of women who are still very vulnerable to various forms of violence, especially sexual violence that occurs as described above, is certainly influenced by several factors, but gender inequality is the main factor, so it is necessary to prevent and overcome it, especially against men who are often perpetrators of violence. Furthermore, from this problem, this study will discuss the role of men and alternative solutions in preventing sexual violence against women in marriage dispensation partners from a gender point of view with feminism theory.

⁹ Laura Tarzia, "'It Went to the Very Heart of Who I Was as a Woman': The Invisible Impacts of Intimate Partner Sexual Violence," *Qualitative Health Research* 31, no. 2 (2021): 287-97, <https://doi.org/10.1177/1049732320967659>.

¹⁰ B Rudi Harnoko, "Dibalik Tindak Kekerasan Terhadap Perempuan," *Muwazah: Jurnal Kajian Gender* 2, no. 1 (2012): 181-88, <http://ejournal.iainpekalongan.ac.id/index.php/Muwazah/article/view/16>.

Feminism itself was used in this study, because it was felt to be able to decipher the problems of existing inequalities such as misogyny (one-sided views of women), and stereotypes (negative labeling) of women as described earlier.¹¹

In the research that will be conducted, this study will focus research on how the role of men and what alternative solutions can be offered in preventing sexual violence against marriage dispensation couples filed in the Ponorogo District Religious Court. For comparison, several studies were obtained, one of which was conducted by Sindung Haryanto and Teuku Fahmi with the title "The Role of Men in Reproductive Health and Violence Prevention" which discussed the role of men in their participation in birth control to maintain reproductive health and also reduce gender-based violence.¹² Furthermore, the research conducted by Amanda Elista et al, entitled "The Role of Stakeholders in the Domestic Violence Prevention Program in Semarang City" which in the study only explained how the role of Semarang City stakeholders in carrying out violence prevention programs against women in household.¹³ So no one has conducted research on the role of men and alternative solutions in preventing sexual violence against women in marriage dispensation partners from a gender point of view.

This research is a field research with a case study approach. The purpose of this study is to examine the role of men and alternative solutions in preventing acts of violence against women in marriage dispensation couples in the Ponorogo Regency Class 1A Religious Court from the point of view of gender inequality using feminism theory. In this study, researchers collected primary data by interviewing officers of the Legal Aid Post (POSBAKUM) in addition to also making direct observations to

¹¹ Khoirul Faizain, "Mengintip Feminisme Dan Gerakan Perempuan," *EGALITA* 0, no. 0 (2007), <https://ejournal.uin-malang.ac.id/index.php/egalita/article/view/1951>.

¹² "View of Peran Laki-Laki Dalam Kesehatan Reproduksi Dan Pencegahan Kekerasan," accessed February 20, 2023, <https://jurnalsosiologi.fisip.unila.ac.id/index.php/jurnal/article/view/82/84>.

¹³ Amanda Elista, Kismartini Kismartini, and Amni Zarkasyi Rahman, "Peran Stakeholder Dalam Program Pencegahan Kekerasan Dalam Rumah Tangga Di Kota Semarang," *Journal of Public Policy and Management Review* 10, no. 3 (June 30, 2021): 363-77, <https://doi.org/10.14710/JPPMR.V10I3.31422>.

the Ponorogo Regency Religious Court and also to the Ponorogo Police PPPA Unit to obtain valid data. In addition to collecting primary data, researchers also support research with secondary data in the form of books and reference sources that support this study. In this study the data will be presented descriptively and analyzed in a deductive way, while the conclusions displayed later are presented deductively.

RESULT AND DISCUSSION

Sexual violence can occur in the public or domestic sphere. Before the existence of regulations that specifically regulate sexual violence as the TPKS Law which was born in 2022, in Indonesia itself a regulation has been issued regarding domestic sexual violence, namely Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT Law).¹⁴ This rule was created with the aim of preventing and protecting women from physical and sexual violence that occurs on a domestic scale or in family areas that often occur in relationships between husband and wife.

In the Domestic Violence Law, it is stated that what is meant by domestic violence is any act against a person, especially a woman, which results in physical, sexual, psychological, and/or domestic neglect or suffering including threats to commit acts, coercion, or unlawful deprivation of independence within the domestic sphere. Acts of violence against wives in the household are a form of violence that often occurs in women and occurs in private spaces, namely within the family sphere. This action is often associated with torture both physical and psychic carried out by people who have a close relationship.

The explanation of domestic violence itself as outlined in article 2 paragraph (1) of Law No. 23 of 2004 on domestic violence, includes: husband, wife, children and; persons who have a family relationship with a husband, wife and children due to blood relations, marriage, marriage, marriage, nurturing and guardianship who are settled in the household and/or; people who work help the household as well as

¹⁴ "View of Perlindungan Hukum Terhadap Perempuan Korban Kekerasan Dalam Rumah Tangga (KDRT) Pada Tingkat Penyidikan Berdasarkan Undang-Undang No. 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga (UUPKDRT)," accessed February 20, 2023, <https://journals.unisba.ac.id/index.php/JRIH/article/view/70/12>.

settle in the household. The form of domestic violence in article 5 of Law No. 23 of 2004 concerning Domestic Violence is grouped into: physical, psychological, sexual violence and domestic neglect. In the following chapters, each of these forms of violence is emphasized. 1). Physical violence is an act that results in pain, falling ill or serious injury (article 6); 2) Psychic violence is an act that results in fear, loss of self-confidence, ability to act, a sense of helplessness and/or severe psychic suffering in a person. (art. 7); 3) Sexual violence is the coercion of sex performed on a person who is settled within the scope of the household or the coercion of sex against one within the scope of the household with another person for a specific commercial purpose (article 8). For example forced mating on girls and; 4). Domestic neglect is the abandonment of a person who by agreement is obliged to provide life, care or maintenance to that person and applies to an economically dependent person by limiting and or prohibiting decent work inside or outside the home so that the victim is under the control of that person (article 9). An example of this type of violence is not giving the wife a living, even spending the wife's money.

Furthermore, in some cases, not only domestic violence is common for women, but also in conditions before marriage or during courtship. As for violence in courtship among adolescents, it is one of the triggers for domestic violence, so that if this is not handled properly, it will have a sustainable impact with the fall of victims, thus causing an impact on the physical, psychological, social, moral, economic and future generations of the next. In their writings, Wishesa and Suprapti explained that related to the level of sexual violence, these levels are the first level of verbal and emotional violence, the second level is sexual violence, and the third level is physical violence.¹⁵ Of the three, the most common form of violence is verbal violence. Next is sexual violence or Sexual abuse which generally takes the form of a) Rape, by having sex without the permission of the partner; b) Unwanted touching often occurs on the chest, buttocks; c) Unwanted or non-consensual kisses. While hitting,

¹⁵ Mariani Harmadi, Ruat Diana Sekolah Tinggi Theologia Baptis Indonesia, and Sekolah Tinggi Teologi Simpson, "Tinjauan Psiko-Teologi Terhadap Fenomena Kekerasan Dalam Pacaran Pada Remaja," *Januari* 4, no. 1 (n.d.): 92-102.

slapping, kicking, pushing, as well as other physical actions are grouped into physical violence.¹⁶

Actions regarding sexual violence that occur in Indonesia actually have a legal umbrella, namely with the existence of Law Number 12 of 2022 concerning the Crime of Sexual Violence (TPKS).¹⁷ The law regulates various kinds of actions that lead to forms of sexual violence in the form of harassment, discrimination and acts of degrading the dignity and degree of other human beings. The existence of this rule is nothing but to prevent and protect society, especially women and children who are vulnerable to being victims of sexual violence in general.

In the TPKS Law, which seems to be very recently established, articles related to Forced Marriage (Article 17) and Sexual Slavery (Article 19) have been explicitly regulated regarding the prohibition of coercive acts of intercourse during courtship which is part of a form of violence, in which one party feels forced and threatened with the other party whose position is more dominant. From the description above, this study then analyzes existing cases, namely adolescents' incomprehension of violence that occurs. What is often not understood and realized by adolescent girls is violence in the form of coercion during dating, namely the compulsion to have a husband and wife relationship by a man who is his own girlfriend, especially to the point of causing the woman to become pregnant before marriage. If this is the case, not only sexual violence will be accepted, but also the psychic burden that must be borne when a pregnancy occurs before marriage. Furthermore, if this is the case, the man then feels compelled to take responsibility by marrying the woman he impregnated. But what must be considered is whether when a man is willing to take responsibility by marrying a impregnated woman it will solve the problem. The reason is that marriage because it is based on compulsion will later cause a series of

¹⁶ Agisna Viet Maulida and Bambang Waluyo, "The Urgency of Law Number 12 of 2022 Concerning Criminal Acts of Sexual Violence as Legal Protection against Adult Man Victims of Sexual Violence," *International Journal of Social Science and Human Research* 05, no. 07 (2022): 2944–47, <https://doi.org/10.47191/ijsshr/v5-i7-23>.

¹⁷ "UU No. 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual [JDIH BPK RI]," accessed February 20, 2023, <https://peraturan.bpk.go.id/Home/Details/207944/uu-no-12-tahun-2022>.

problems that accompany it which often lead to divorce.

Looking at the data obtained by researchers from the directory page of the Supreme Court of the Republic of Indonesia's decisions, starting in 2021 there are 2274 application cases and in 2022 there are 2147 application cases that have been decided by the Ponorogo Religious Court. Furthermore,¹⁸ from the results of an interview with Sindi Kartika as an officer of the POSBAKUM Ponorogo Religious Court, it was explained that in 2021 there were 158 cases of marriage dispensation with a total of 73 cases filed because the bride-to-be was pregnant, while in 2022 from January to December there were 105 cases of marriage dispensation with a total of 54 filed because of pregnancy, while in 2023 from the beginning of January to mid-February it has entered approximately 30 marriage dispensation cases with a total of approximately 15 cases filed for reasons of pregnancy. Furthermore, from the observing from the Women and Children Protection Unit (PPA) of the Ponorogo Police, there was 1 case of violence against women in 2021 that was reported and 8 cases in 2022, of which 1 in 8 cases occurred in couples who had a marriage after filing a marriage dispensation at the Religious Court. This shows that there are cases of violence against couples with marriage dispensation.

¹⁸"Direktori Putusan," accessed February 20, 2023, <https://putusan3.mahkamahagung.go.id/pengadilan/index/ditjen/agama.html>.



Photo 1: Service at POSBAKUM (Legal Aid Post) Ponorogo Religious Court

So from the data, it can be drawn that before marriage and when married many women experience violence, both physical and sexual. In the case of couples who marry because they become pregnant before marriage, women as victims obviously do not only get violence in the form of sexual violence but also the psychic burden that must be borne when a pregnancy occurs before marriage. Furthermore, the role of men who are forced to take responsibility by marrying the woman they impregnate has not been able to solve the existing problems. This is then used by men to vent their emotions by committing acts of sexual and physical violence against women, namely their partners.

In line with research conducted by Bambang Rudi Harnoko which states that of the many female victims in existing cases of violence are caused by a cultured patriarchal culture.¹⁹ Quoting from the arguments of feminists who say that in a society with a patriarchal culture causes an inequality in gender relations between men and women, so that of the 95% of violence that often occurs, the victims are women. It is emphasized by John Galtung that, in reality, violence of any kind must involve two unbalanced relationships, namely there are strong parties as

¹⁹ Harnoko, "Dibalik Tindak Kekerasan Terhadap Perempuan."

perpetrators and weak ones as victims. Therefore, feminists believe that violence against women is the same as gender-based violence.

In some studies, it is stated that the condition of women who are still very vulnerable to various forms of violence is caused by historical causes. This historical reason began with the era of the kingdom which has carried out the institutionalization of gender violence, namely the enactment of compliance norms and commodities in the community. The cause of women's oppression is because of the social order and male domination that drives feminism. Feminist groups also argue that the family is a source of exploitation, especially for women. The division of labor and roles in the family according to the view of this group occurs unfairly and unequally, so gender relations become unequal. The division of labor is generally based on the patriarchy ideology perpetuated in society.

The foregoing is also supported by the findings in the field, related to the incident that cornered the women, the event occurred when the family of the male side as the bride-to-be in the application for marriage dispensation in the Religious Court cornered the bride-to-be. The form of shrinkage is in the form of the groom's family who think that all the problems that occur are the result of the actions of women who flirt with their sons, so that the son or bride-to-be was available to have a husband and wife relationship which led to the pregnancy of the prospective female pregnant. In this case, women are certainly very disadvantaged. Women are considered the cause of the problem and men are never in question.

Based on the findings of the Ponorogo Religious Court regarding family attitudes on the part of men who tend to discredit women, causing discrimination against female gender. Women considered seducers who identify as "naughty" have an impact on the direction of unjustified negative connotations. This clearly violates the Law of the Republic of Indonesia Number 7 of 1984 concerning ratification of the Convention on the Elimination of All Forms of Discrimination Against Women which states that all positions of men and women in the economic, political, and social fields are equal. The attitude of the male side of the family is not without

reason, This kind of attitude is a form of patriarchal domination systems that have long been going on in Indonesia supported by several cultures, which think that women should be at home, taking care of children, and being bullied to cook, this puts women only as objects of biological reproduction.²⁰

If you look at it from the gender side, it is clear that men and women have equal positions, and both have the right to get happiness over the relationships built in the household. Women who have lost the right to study, the right to study when pregnant, not to mention having to bear the psychic burden when pregnant outside of marriage still have to be aggravated by circumstances that force them to receive abusive treatment in the form of sexual, verbal and physical violence from their partners, of course the suffering is increasingly not finding its end.

The impact of gender injustice in such a highly patriarchal society is felt more by women than by men. Women's access in all aspects became very limited and placed them in subordinate positions. They do not have a great responsibility in the family and society, and inevitably the differences in treatment can shape them into weakened beings. In this case it is blamed.²¹

Not without reason, this is the case if examined from the history of gender differences between men and women, caused by a very long process, namely a process of socialization that is strengthened and constructed socially, culturally, through religious and state teachings. Society, the State and religious teachings participate in creating gender-based attitudes and behaviors. The concept of gender that has been developing in society has created inequality and become the root of patriarchal culture. Women are formed and defined as weak and emotional beings, while men are strong and rational beings.

²⁰ Adinda Pasya Pangestika, Santi Esterlita Purnamasari, and Aditya Putra Kurniawan, "Hubungan Antara Persepsi Budaya Patriarki Dengan Perilaku Kekerasan Seksual Terhadap Perempuan Pada Laki-Laki Dewasa Awal," *PSIKOSAINS (Jurnal Penelitian Dan Pemikiran Psikologi)* 16, no. 2 (September 2021): 137–48, <https://doi.org/10.30587/psikosains.v16i2.4578>.

²¹ Jurnal Ilmiah dalam Bidang Pendidikan STIT Al-Hikmah Tebing Tinggi et al., "Ketidakadilan Gender Dan Budaya Patriarki Di Kehidupan Masyarakat Indonesia," *Murabbi* 5, no. 1 (April 8, 2022), <https://www.ejournal.stitalhikmah-tt.ac.id/index.php/murabbi/article/view/100>.

According to Rubin in his essay *Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality*, gender and sexuality have similarities, both are social constructs and have a biological basis on sex, are political, that is, organizing into a system of power, which supports and values certain individuals and activities, while suppressing and punishing others. Between sexuality and gender are clearly related, even the development of sexual systemics takes place in the context of gender relations. But they are not the same thing because they are formed from different social bases.²²

This social difference in gender concepts has given birth to differences in the roles of women and men in society, as well as causing injustice to women and men. The concept of gender difference, which has been passed down for generations, has given birth to a character that requires a person to think, behave and act on definitions and traits in accordance with socio-cultural provisions in that society. For example, men from childhood are taught to be protectors and heads of the family, equipped with martial arts and higher education, while women are taught the opposite. So it is not surprising that women are victims of male violence because sexual violence against women is gender-based violence. Thus, if the male fails to perform his role, then he is considered a weak being and gets a low position in society.²³

Partriarchy culture was believed by thinkers of the 20th century to be a view in the system of society that later gave rise to subordination to women and led to gender injustice. In simple terms, partriarchy can be interpreted as a system characterized by men. In this system, the male is in power to determine. This system is considered reasonable because it is aligned with the division of labor based on sex.²⁴

²² hesri Mintawati, "Manajemen Strategi Pencegahan Kasus Kekerasan Seksual Pada Perempuan Dan Anak," *KNOWLEDGE: Jurnal Inovasi Hasil Penelitian Dan Pengembangan* 2, no. 2 (June 11, 2022): 62–71.

²³ Harnoko, "Dibalik Tindak Kekerasan Terhadap Perempuan."

²⁴ "View of Gender Dalam Kasus Kekerasan Terhadap Perempuan Di Media Online," accessed February 20, 2023, <http://jurnal.fdk.uinsgd.ac.id/index.php/annaba/article/view/581/92>.

Meanwhile, to respond to existing cases, the Ponorogo Police PPA Unit carries out efforts to prevent and overcome existing violence, namely through socialization by conducting counseling to community groups, then in overcoming it, the Ponorogo Police PPA Unit collaborates with stake holders in the Ponorogo Regency area such as the PPPA Office, P2TP2A Task Force, PEKSOS, Diknas, Ministry of Religion by building synergy through the formation of the TPKS task force and conducting law enforcement.



Photo 1: Service at the PPA Unit of the Ponorogo Police



Photo 2: PPA Unit Team at the meeting to improve performance and service to the community

The efforts made by the Ponorogo Police PPA Unit are certainly in accordance with the study conducted by Tetti Solehati who explained that there must be a role of stake holders that can be an alternative solution, namely by providing sexual education to adolescents as a form of handling sexual harassment to adolescents. Because adolescence is the most important time to get sex education. Such education can be done in the form of lectures with power point media or other media about reproductive health and sexuality among adolescents explaining consent, sexuality, and sensitive issues related to gender. This is useful for protecting children and adolescents from sexual violence, by getting sexual education as early as possible they will understand that every sexual act committed against them, both verbally and nonverbally, requires prior consent, and if not, then the act is a form of sexual violence.²⁵ This is done with the aim that when Indonesian teenagers have begun to understand how forms of sexual violence are, they can take self-protection actions. So that unwanted things will not happen, such as the existence of a marriage dispensation due to pregnancy which leads to domestic violence.

In addition to some of the steps above, it seems that it is also necessary to take steps as an alternative solution that can be done to decipher the patriarchal culture that institutionalizes in society, namely by conducting education directly or indirectly. This step can also be done by the POSBAKUM Religious Court because it is the main gateway in litigating in the Religious Court, besides that POSBAKUM which can have direct contact with the community, so that when providing legal consultations, educational materials can be inserted about sexual violence and gender justice for applicants for marriage dispensation in particular, and all justice-seeking communities in general. In addition to POSBAKUM, LBH (Legal Consultation Institute) and PBH (Legal Aid Center) in Ponorogo Regency should also be encouraged to be able to provide education to the community by carrying out

²⁵ Tetti Solehati et al., "Edukasi Kesehatan Seksual Remaja Untuk Meningkatkan Pengetahuan Dan Sikap Remaja Terhadap Pelecehan Seksual," n.d., <http://journal.stikeskendal.ac.id/index.php/Keperawatan>.

activities that can be in direct contact with the community.²⁶

In addition to POSBAKUM, LBH and PBH, judges can also act as community educators by providing understanding to applicants for marriage dispensation about the existence of regulations governing sexual crimes and domestic violence. Polri institutions through PPA must continue to be encouraged to synergize with PSGA (Center for Gender and Child Studies) to improve services in preventing and handling sexual violence in the community, especially those that occur in adolescents. Not only stopping there, PSGA in the Ponorogo Regency area can synergize with LBH Campus such as PSGA IAIN Ponorogo can synergize with LBH IAIN Ponorogo to carry out activities that can be directly related to the community to provide education to the community, especially people living in suburban areas who are usually applicants for marriage dispensation hearings in Religious Courts.

The synergy of all institutions and stakeholders mentioned above is very important, considering that the problem that occurs is not a simple matter, but must involve many parties to break the chain. In addition, synergy, common vision and mission and commitment of each institution are needed to achieve noble common goals. An understanding of harmony in passing through the household ark for couples with marriage dispensation is also very necessary, such as education that a happy family must be encouraged by the maturity of each partner, namely maturity in terms of physical, biological, mental, especially how to manage emotions, maturity in financial and social matters, as well as knowledge of religion which is the basis for carrying out life.²⁷ This knowledge must be instilled so that marriage dispensation couples can understand the direction and purpose of marriage which also has an impact on awareness of their respective roles and responsibilities in domestic

²⁶ Indah Fatmawati, "Optimalisasi LKBH (Lembaga Konsultasi Dan Bantuan Hukum) Dan PBH (Pusat Bantuan Hukum) Dalam Penyuluhan Hukum," *Pro Justicia: Jurnal Hukum Dan Sosial* 1, no. 2 (2021): 36–50, <https://jurnal.iairm-ngabar.com/index.php/projus/article/view/148>.

²⁷ "Dispensasi Nikah (Akibat Hamil Di Luar Nikah) - Bayu Wasono - Google Buku," accessed February 20, 2023, https://books.google.co.id/books?hl=id&lr=&id=dTBMEAAQBAJ&oi=fnd&pg=PA19&dq=laki-laki+dalam+dispensasi+nikah&ots=CKfpf7l62s&sig=wzehOpK9M0_MLo8VFsNo-2GKIHO&redir_esc=y#v=onepage&q=laki-laki+dalam+dispensasi+nikah&f=false.

relations, so that it is expected to be able to break the chain of violence in the household.

CONCLUTION

The responsibility of a man by marrying a woman he impregnated has not had a significant role in preventing violence, it seems to be an opportunity for men to vent their emotions by committing acts of violence both physically and sexually against their partners. Behind the proliferation of sexual violence against women is due to a patriarchal culture that causes discrimination and injustice in society. In addition to this, legal provisions and law enforcement related to the existence of sexual violence such as the Criminal Code Law, the Domestic Violence Law, the PKS Law and similar laws are only the beginning of the theoretical struggle of women. Based on this, other struggles to change the fundamental structure of the position of women have been conceived in such a way by the views of society, especially in Ponorogo Regency, by continuing the struggle ideologically and culturally. The alternative solution offered in preventing violence against women in the household is by synergizing between institutions such as Posbakum, LBH, PBH, POLRES, PSGA and other stakeholders in improving services to provide education to the community regarding these problems.

BIBLIOGRAPHY

Darurat Kejahatan Seksual - Andika Wijaya, Wida Peace Ananta - Google Buku."
Accessed February 20, 2023.

Direktori Putusan." Accessed February 20, 2023.
<https://putusan3.mahkamahagung.go.id/pengadilan/index/ditjen/agama.html>.

Dispensasi Nikah (Akibat Hamil Di Luar Nikah) - Bayu Wasono - Google Buku."
Accessed February 20, 2023.

Elista, Amanda, Kismartini Kismartini, and Amni Zarkasyi Rahman. "Peran Stakeholder Dalam Program Pencegahan Kekerasan Dalam Rumah Tangga Di Kota Semarang." *Journal of Public Policy and Management Review* 10, no. 3 (June 30, 2021): 363-77.

- Faizain, Khoirul. "Mengintip Feminisme Dan Gerakan Perempuan." *EGALITA* 0, no. 0 (2007).
- Fatmawati, Indah. "Optimalisasi LKBH (Lembaga Konsultasi Dan Bantuan Hukum) Dan PBH (Pusat Bantuan Hukum) Dalam Penyuluhan Hukum." *Pro Justicia: Jurnal Hukum Dan Sosial* 1, no. 2 (2021): 36-50.
- — —. "Pernikahan Anak Di India." *IJouGS: Indonesian Journal of Gender Studies* 1, no. 1 (June 22, 2020): 29-40.
- Harmadi, Mariani, Ruat Diana Sekolah Tinggi Theologia Baptis Indonesia, and Sekolah Tinggi Teologi Simpson. "Tinjauan Psiko-Teologi Terhadap Fenomena Kekerasan Dalam Pacaran Pada Remaja." *Januari* 4, no. 1 (n.d.): 92-102.
- Harnoko, B Rudi. "Dibalik Tindak Kekerasan Terhadap Perempuan." *Muwazah: Jurnal Kajian Gender* 2, no. 1 (2012): 181-88.
- Ilmiah dalam Bidang Pendidikan STIT Al-Hikmah Tebing Tinggi, Jurnal, Saifuddin Zuhri, Diana Amalia Dosen Program Studi Ilmu Komunikasi UPN, and Veteran Jatim JIRaya Rungkut Madya Gunung Anyar Surabaya. "Ketidakadilan Gender Dan Budaya Patriarki Di Kehidupan Masyarakat Indonesia." *Murabbi* 5, no. 1 (April 8, 2022).
- Leda, Helenerius Ajo. "Seksisme Dan Kekerasan Seksual Di Flores," 2020.
- Maulana, Moh. Faiz. "Meme and Cyber Sexism: Habitus and Symbolic Violence of Patriarchy on the Internet." *Simulacra* 4, no. 2 (November 18, 2021): 215-28.
- Maulida, Agisna Viet, and Bambang Waluyo. "The Urgency of Law Number 12 of 2022 Concerning Criminal Acts of Sexual Violence as Legal Protection against Adult Man Victims of Sexual Violence." *International Journal of Social Science and Human Research* 05, no. 07 (2022): 2944-47.
- Mintawati, Hesri. "Manajemen Strategi Pencegahan Kasus Kekerasan Seksual Pada Perempuan Dan Anak." *KNOWLEDGE: Jurnal Inovasi Hasil Penelitian Dan Pengembangan* 2, no. 2 (June 11, 2022): 62-71.
- Pangestika, Adinda Pasya, Santi Esterlita Purnamasari, and Aditya Putra Kurniawan. "Hubungan Antara Persepsi Budaya Patriarki Dengan Perilaku Kekerasan Seksual Terhadap Perempuan Pada Laki-Laki Dewasa Awal." *PSIKOSAINS (Jurnal Penelitian Dan Pemikiran Psikologi)* 16, no. 2 (September 2021): 137-48..
- Ratusan Anak Ponorogo Minta Dispensasi Nikah, 60 Persen Sudah Hamil." Accessed February 20, 2023. <https://www.beritasatu.com/news/1019971/ratusan-anak-ponorogo-minta-dispensasi-nikah-60-persen-sudah-hamil>.
- Safitri, Windha Ayu. "Dampak Kekerasan Dalam Berpacaran," January 22, 2014..

- Solehati, Tetti, Rida Siti Toyibah, Shelly Helena, Karlina Noviyanti, Sabrina Muthi, Desy Adityani, Tsabitah Rahmah Fakultas Keperawatan, Universitas Padjadjaran, and Jln KM Raya Bandung-Sumedang. "Edukasi Kesehatan Seksual Remaja Untuk Meningkatkan Pengetahuan Dan Sikap Remaja Terhadap Pelecehan Seksual," n.d.
<http://journal.stikeskendal.ac.id/index.php/Keperawatan>.
- Tarzia, Laura. "'It Went to the Very Heart of Who I Was as a Woman': The Invisible Impacts of Intimate Partner Sexual Violence." *Qualitative Health Research* 31, no. 2 (2021): 287-97. <https://doi.org/10.1177/1049732320967659>.
- Tiodora Sitorus, Theresia, Implikasi Pembinaan Pemuda Gereja Atas Faktor-Faktor Penyebab, and Universitas Kristen Satya Wacana. "Implikasi Pembinaan Pemuda Gereja Atas Faktor-Faktor Penyebab Kasus Hamil Di Luar Nikah, Theresia Tiodora Sitorus." *Jurnal Teologi Injili Dan Pembinaan Warga Jemaat* 4, no. 2 (2020): 195-208.
- UU No. 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual [JDIH BPK RI]." Accessed February 20, 2023.
<https://peraturan.bpk.go.id/Home/Details/207944/uu-no-12-tahun-2022>.
- View of Gender Dalam Kasus Kekerasan Terhadap Perempuan Di Media Online." Accessed February 20, 2023.
<http://jurnal.fdk.uinsgd.ac.id/index.php/annaba/article/view/581/92>.
- View of Pemodelan Teks Tweet Pada Isu Pelecehan Seksual Berbasis Analisis Sentimen Dan Leksikon Emosi." Accessed February 20, 2023.
<https://senada.upnjatim.ac.id/index.php/senada/article/view/33/19>.
- View of Peran Laki-Laki Dalam Kesehatan Reproduksi Dan Pencegahan Kekerasan." Accessed February 20, 2023.
- View of Perlindungan Hukum Terhadap Perempuan Korban Kekerasan Dalam Rumah Tangga (KDRT) Pada Tingkat Penyidikan Berdasarkan Undang-Undang No. 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga (UUPKDRT)." Accessed February 20, 2023.