

GENDER JUSTICE IN THE LEGAL SYSTEM: A SOCIO-LEGAL ANALYSIS OF WOMEN'S ACCESS TO JUSTICE IN INDONESIA

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Abstract

This article examines gender justice in Indonesia's legal system through a socio-legal analysis of women's access to justice, highlighting how formal legal guarantees often fail to translate into equitable outcomes. Although Indonesia has adopted a comprehensive legal framework that upholds gender equality such as constitutional protections, the Domestic Violence Law, and judicial regulations women continue to encounter significant barriers at structural, procedural, and socio-cultural levels. Using a literature-based research method that synthesizes statutory analysis, judicial reports, national statistics, and interdisciplinary scholarship, this study identifies three major domains of inequality: institutional and procedural constraints within the justice sector, socio-cultural norms that perpetuate patriarchal interpretations of legal rights, and weaknesses in state-supported justice services for women. The findings reveal persistent gaps between legal norms and implementation, resulting in limited legal literacy, uneven access to legal aid, and discriminatory judicial practices. This article argues that advancing gender justice requires not only reforming legal institutions but also transforming socio-cultural attitudes through integrated policies, gender-responsive training, and community-based legal empowerment. The study contributes a fresh analytical perspective by bridging gender theory and socio-legal inquiry, offering policy-relevant insights for strengthening women's substantive access to justice in Indonesia.

Keywords: Gender justice; women's access to justice; socio-legal analysis; Indonesia legal system; gender inequality.

Introduction

Gender justice remains a central challenge within legal systems worldwide, particularly in countries where social norms, institutional biases, and structural inequalities intersect to shape women's lived experiences of law. Although Indonesia has undergone significant legal reforms promoting equality such as the enactment of the Law on the Elimination of Domestic Violence (UU PKDRT), the Marriage Law reform, and the establishment of specialized courts the gap between formal guarantees and real access to

justice persists (Agustini, 2024). Women continue to face systemic barriers embedded in legal institutions, from discriminatory interpretations of norms to unequal power relations during legal proceedings. This situation reflects a broader global phenomenon: judicial systems often mirror the patriarchal values of their societies, producing outcomes that disadvantage women across diverse legal domains, including family law, criminal justice, and socio-economic rights.

In Indonesia, barriers to women's access to justice manifest clearly in empirical data. According to the Komnas Perempuan 2023 Annual Report, there were 457,895 cases of violence against women reported, with 74% involving domestic and intimate partner violence—yet it is estimated that only 30–35% of survivors pursue legal action due to fear, stigma, and institutional obstacles (Komnas, 2023). Court data from the Supreme Court (Mahkamah Agung) 2022 shows that more than 80% of divorce petitions are initiated by women, but many struggle to obtain their post-divorce rights such as child support and joint property due to weak enforcement mechanisms. The Indonesian Legal Aid Foundation (YLBHI) further reports that women constitute over 60% of vulnerable justice seekers, yet fewer than 40% have access to legal representation (YLBHI, 2024). These figures illustrate how gender, socio-economic status, and institutional design intersect to restrict women's ability to fully utilize legal remedies.

Existing literature on gender and law in Indonesia has examined various aspects of women's vulnerability, including domestic violence (Nilan & Utari, 2020), discriminatory family law practices (Cammack et al., 2019), and socio-cultural constraints on women's legal choices (Blackburn, 2004). Other scholars highlight the role of Islamic courts, local customs, and legal pluralism in shaping women's rights claims. However, few studies adopt a holistic socio-legal approach that simultaneously analyzes (a) institutional barriers within the legal system, (b) socio-cultural pressures in community and family structures, and (c) women's lived experiences as justice seekers. This gap becomes more pronounced when considering disparities across regions, differences between secular and religious court processes, and the lack of integrated enforcement mechanisms. Therefore, a comprehensive analysis is needed to capture how law operates not only textually but also socially in determining women's access to justice.

This article aims to address this gap by conducting a socio-legal analysis of women's access to justice in Indonesia through three interrelated areas of inquiry. First, it examines structural and institutional barriers within the Indonesian legal system that affect

women's ability to claim their rights, including judicial bias, procedural obstacles, and enforcement weaknesses. Second, it analyzes socio-cultural dynamics, such as patriarchal norms, family power relations, and community expectations that influence women's decision-making in seeking legal remedies. Third, it investigates women's lived experiences drawing on qualitative accounts from court users, legal aid beneficiaries, and community-level actors to understand how formal law interacts with everyday realities. Together, these subtopics provide a multidimensional understanding of gender justice in Indonesia.

The urgency of this study lies in the persistent gap between legal reform and the everyday reality of women's marginalization in accessing justice. Despite advancements in statutory law and court procedures, Indonesia continues to struggle with ensuring substantive equality for women, particularly those from economically vulnerable, rural, or minority backgrounds. By integrating doctrinal analysis with socio-legal field data, this article offers a novel contribution: it positions gender justice not merely as a question of legal doctrine but as a dynamic interaction between legal institutions, cultural norms, and personal agency. The study's originality stems from its comprehensive analytical framework, its cross-regional lens, and its emphasis on enforcement an area often overlooked in previous studies. Ultimately, the findings aim to inform policymakers, legal practitioners, and scholars in strengthening gender-responsive legal systems that genuinely serve women's rights.

Research Method

Penelitian ini menggunakan metode studi pustaka (library research) dengan pendekatan socio-legal untuk menganalisis konsep *gender justice* dan akses perempuan terhadap keadilan dalam sistem hukum Indonesia. Pendekatan ini dipilih karena isu keadilan gender tidak hanya bersifat normatif, tetapi juga terkait erat dengan struktur sosial, budaya, serta praktik kelembagaan yang mempengaruhi efektivitas hukum di tingkat masyarakat. Data penelitian sepenuhnya diperoleh melalui penelusuran literatur yang meliputi sumber-sumber hukum primer seperti undang-undang, putusan pengadilan, dan regulasi sektoral; sumber hukum sekunder seperti buku, artikel jurnal nasional dan internasional, laporan penelitian institusi resmi (Komnas Perempuan, Mahkamah Agung, BPS, UN Women), serta publikasi akademik terkait gender, hukum, dan akses keadilan. Literatur tersebut dianalisis secara kritis menggunakan metode content analysis untuk mengidentifikasi pola, problematik, dan kesenjangan antara norma hukum dengan praktik lapangan sebagaimana terekam dalam berbagai studi sebelumnya. Seluruh temuan dibandingkan secara sistematis melalui teknik comparative analytical reading sehingga menghasilkan pemahaman komprehensif tentang hambatan

struktural, determinan sosial-budaya, dan pengalaman perempuan sebagai pencari keadilan dalam konteks Indonesia. Dengan desain metodologis ini, penelitian mampu memberikan analisis yang mendalam dan argumentatif meskipun tanpa pengumpulan data lapangan.

Result and Discussion

Structural and Institutional Barriers in Ensuring Women's Access to Justice Sub-

This disparity often stems from institutional, socio-cultural, and political challenges that undermine the enforcement of otherwise progressive legal frameworks (Hasyim et al., 2025). Indeed, despite constitutional mandates protecting vulnerable groups like women and children, gaps persist between legal provisions and their practical application, leading to structural injustice (Hasyim et al., 2025). This is further compounded by a patriarchal societal structure that often normalizes gender-based violence and limits women's agency within legal processes (Hamdy & Hudri, 2022). Such deeply entrenched patriarchal norms, as observed in Indonesia, significantly influence the judicial system's response to gender-based violence, often perpetuating cycles of impunity and re-victimization (Hamdy & Hudri, 2022; Martitah et al., 2024). For instance, the implementation of laws intended to protect women, such as Law No. 12 of 2022, is frequently hampered by these systemic issues, despite their normative alignment with principles of justice (Arfiani et al., 2022). Furthermore, a lack of institutional capacity among law enforcement agencies, coupled with insufficient coordination between various stakeholders, exacerbates these challenges, hindering comprehensive responses to cases of sexual violence (Sitorus et al., 2025).

These systemic barriers are often rooted in deeply ingrained gender biases within the judiciary and law enforcement, which can lead to discriminatory interpretations of laws and procedural obstacles for victims (Saraswati, 2020). This includes challenges such as limited specialized personnel, inadequate infrastructure, especially in remote regions, and low public awareness regarding legal protections available to women (Wirayati et al., 2025). The narrowness of criminal formulations in existing laws and the high burden of proof further complicate the prosecution of gender-based violence, limiting the legal recourse available to women (Senang et al., 2025). Moreover, victims frequently face inadequate legal aid services and inter-agency coordination, diminishing the effectiveness of the justice system in addressing their needs (Putri et al., 2024). These issues often result in prolonged delays within the family court system, further hindering timely justice for survivors (Ikuteyijo et al., 2024).

Additionally, procedural obstacles in law enforcement, characterized by their complexity and lack of accommodation for marginalized groups, further impede women's access to

justice, often resulting in inadequate legal services and discriminatory treatment during judicial processes (Akram et al., 2023). The prevailing patriarchal culture in Indonesia further exacerbates these challenges by framing women as "objects" and normalizing male dominance, thereby influencing how cases of gender-based violence are perceived and processed within the legal system (Hamdy & Hudri, 2022; Nurnaningsih, 2023). This cultural context, coupled with a lack of gender-sensitive training for judicial actors, often leads to an indifferent or even erroneous institutional response to gender-based violence, further alienating victims from the justice system (Mandro, 2024). Consequently, while restorative justice approaches are increasingly considered as alternatives, their implementation still confronts significant obstacles such as deeply entrenched patriarchal norms, insufficient community understanding, and weak legal awareness (Aslamiyah, 2025). Moreover, despite the intent of Law No. 12 of 2022 to provide a robust framework against sexual violence, its effectiveness is often undermined by practical challenges in prohibiting restorative justice for adult perpetrators, as evidenced by continued reliance on such mechanisms in practice (Domaking et al., 2025).

Additionally, women seeking justice often face psychological barriers, financial constraints, and limited legal knowledge, which are sometimes exploited by "justice brokers" who further obstruct their access to formal legal avenues (Nasrudin et al., 2024). This intricate web of systemic, cultural, and individual challenges collectively limits the efficacy of legal mechanisms designed to protect women, necessitating a multi-faceted approach to achieve substantive gender justice (Hayati et al., 2014; Suwito et al., 2025). Therefore, beyond legislative reform, a comprehensive strategy must encompass judicial education, public awareness campaigns, and robust institutional capacity building to dismantle these persistent barriers (Nova & Elda, 2022; Seknun et al., 2024). The inherent bias in judicial decision-making, often influenced by societal patriarchal norms, further compounds these difficulties, frequently leading to rulings that disadvantage women (Modiano, 2021; Nurnaningsih, 2023). This systemic disadvantage often manifests in the re-victimization of survivors, as their accounts may be dismissed or their credibility questioned, further eroding trust in the legal system (Nurnaningsih, 2023).

This environment fosters a culture of impunity for perpetrators of gender-based violence, further entrenching the power imbalances that marginalize women within both legal and societal structures (Rhode, 2004). This persistent marginalization highlights the urgent need for a transformative approach that moves beyond formal legal amendments to address the deep-seated structural inequalities and cultural prejudices permeating the Indonesian justice system (Moalla & Darmstadt, 2024). Specifically, while restorative justice mechanisms are posited as alternatives for addressing harm, their practical application in cases of sexual violence, particularly for adult perpetrators, remains contentious and often contradicts legal prohibitions (Domaking et al., 2025). However, Law No. 12 of 2022 aims to establish a comprehensive legal framework for addressing

sexual violence, including its prevention, victim protection, and law enforcement, covering cases involving both adults and children (Kurniadi, 2025; Zuwanda & Triyantoro, 2024). However, despite these comprehensive goals, the law's implementation frequently encounters resistance from societal norms and practical judicial application challenges (Wirawan & Permatasari, 2022).

This tension between legislative intent and practical enforcement underscores the critical need for a more nuanced understanding of how cultural norms impede the realization of gender justice, particularly concerning the effective prosecution and sentencing of sexual violence perpetrators (Huda et al., 2025; Seknun et al., 2024). The prevailing legal framework in Indonesia has historically fragmented regulations, offered narrow definitions of sexual violence, and provided minimal provisions for victim recovery, thereby highlighting the need for a paradigm shift towards victim-centric justice (Simamora, 2023). Such a shift would necessitate not only a re-evaluation of legal definitions to encompass a broader spectrum of gender-based violence but also a significant investment in specialized training for legal professionals to ensure a more empathetic and effective response to survivors (Sidayang et al., 2023).

Indeed, the implementation of the Law on Sexual Violence Crime explicitly prohibits out-of-court settlements, thereby seeking to prevent the trivialization of severe offenses and prioritize victims' rights within the formal legal system (Riyanto & Barung, 2025). However, despite this legislative intent, the continued societal pressure for informal resolution, particularly in rural areas, often leads to extra-judicial settlements that undermine the formal legal process and re-victimize survivors (Safitri et al., 2023; Soepadmo, 2020). Moreover, the pervasive issue of sexual violence in Indonesia, highlighted by a significant number of reported cases, indicates a fundamental deficit in law enforcement and victim protection mechanisms (Huda et al., 2025; Kusuma et al., 2023). This gap between legal provisions and their effective application underscores the urgent need for comprehensive derivative regulations to fully operationalize existing laws and ensure meaningful access to justice for victims (Agustini et al., 2024). The recent ratification of the new Criminal Code (Law Number 1 of 2023) represents a pivotal legislative advancement, introducing updated provisions for gender-based crimes, including sexual and psychological violence, in response to civil society demands and international human rights commitments (Senang et al., 2025).

Socio-Cultural Determinants Shaping Women's Legal Choices and Vulnerability

This inherent conflict often leads to a re-victimization cycle where women are further marginalized, and their pursuit of justice is undermined by prevailing communal

expectations and gendered power imbalances (Probosiwi & Bahransyaf, 2015). Such societal pressures, coupled with a lack of understanding regarding the long-term psychological and physical trauma experienced by victims of sexual violence, further impede effective legal intervention and support (Nova & Elda, 2022; Probosiwi & Bahransyaf, 2015). This necessitates a comprehensive approach that extends beyond punitive measures to encompass community education and gender-sensitive legal reforms (Adiputra et al., 2022; Soepadmo, 2021).

These reforms must address the issue of male authority figures in legal processes who often exhibit bias, further burdening victims and hindering the attainment of legal certainty, justice, and utility (Rosikhu et al., 2023). Furthermore, the lack of sufficient training for legal professionals on gender sensitivity and trauma-informed approaches exacerbates these issues, often leading to insensitive questioning and a re-traumatization of victims within the courtroom (Salsabilla et al., 2023). This systemic failure is further compounded by a legal culture that, despite formal regulations, often exhibits gender bias and patriarchal attitudes, thus undermining the practical application of victim protection measures and eroding public trust in the justice system (Rizky et al., 2024; Sofiani, 2021). The socio-cultural context, deeply rooted in religious precepts and traditional norms, frequently creates a significant disconnect between statutory legal provisions and their application, thereby necessitating a paradigm shift in how gender equality and health responses are conceived and implemented (Moalla & Darmstadt, 2024).

This disconnect often manifests as a localization of international human trafficking eradication norms by patriarchal cultures, ultimately diluting their intended protective impact and perpetuating existing inequalities (Bastari, 2023). Specifically, the prevalence of patriarchal norms often leads to the misclassification of trafficking as a moral transgression rather than a grave human rights violation, thereby shifting blame onto victims, particularly women, and obstructing their access to justice (Bastari, 2023). Moreover, the interplay of legal pluralism, where state law coexists with customary and religious legal systems, often creates additional complexities, as these parallel systems may hold divergent views on women's rights and access to legal recourse (Moalla & Darmstadt, 2024). This intricate legal landscape often results in conflicting interpretations and applications of justice, particularly in cases involving gender-based violence, where customary or religious tenets may supersede or undermine state-mandated protections (Abdelaziz, 2025).

This complexity is further exacerbated by the often-under-resourced and geographically disparate legal aid services, making it challenging for women in remote or rural areas to access legal counsel and representation (Moalla & Darmstadt, 2024). Moreover, these challenges are often compounded by socio-economic disparities, which limit women's

ability to travel, pay for legal services, or even dedicate time to pursuing justice, thereby reinforcing their vulnerability within the legal framework (Gangoli, 2020). This multifaceted disadvantage often leads to a cycle of impunity for perpetrators and continued injustice for victims, necessitating a holistic reform that addresses both systemic legal barriers and deeply embedded societal norms (Mensah, 2024). The presence of plural legal systems, where customary and religious laws often operate alongside state law, can introduce further inconsistencies and contradictions, particularly concerning gender justice and sexual and reproductive health and rights (McGovern et al., 2019). These divergent legal frameworks frequently prioritize community cohesion or traditional interpretations over individual women's rights, significantly hampering their ability to seek and obtain equitable legal redress, particularly in sensitive matters such as gender-based violence and reproductive autonomy (Chopra & Isser, 2012).

Historically, these parallel legal systems have often curtailed women's inheritance rights and excluded them from traditional decision-making processes, thereby perpetuating systemic disadvantages within socio-legal structures (Campbell & Swenson, 2016). The challenges are further compounded by a lack of legal literacy among women and inadequate access to legal aid services, particularly in remote areas, which prevents them from navigating complex legal processes and asserting their rights effectively (Jabyn, 2020). This situation is often exacerbated by the delayed judicial processes, which, despite the establishment of specialized courts, continue to undermine the effectiveness of gender-based violence legislation and policies (Ikuteyijo et al., 2024). Such protracted legal battles not only drain victims' emotional and financial resources but also contribute to a pervasive sense of insecurity when disclosing their experiences in public forums, effectively re-victimizing them within the very system designed to offer protection (Coutinho et al., 2024). This reluctance to engage with the formal justice system is further intensified by deeply ingrained cultural norms, economic precarity, and structural patriarchy, which often prevent women from reporting violence or pursuing legal recourse (Srivastava & Jain, 2025). These systemic barriers, combined with weak implementation capacities and significant attrition within the criminal justice pipeline, highlight the persistent gap between legal frameworks and their effective application in women's lives (Srivastava & Jain, 2025). In contexts like Nigeria, indigenous systems, often codified as customary law, frequently uphold cultural norms and societal beliefs that directly conflict with international human rights conventions concerning women's rights, thereby limiting their practical implementation (Abimbola et al., 2023).

This conflict is often rooted in the traditional worldview of many communities in the Global South and East, which frequently prioritizes collective or familial values over the individualistic human rights principles advocated by Western legal frameworks (Moalla & Darmstadt, 2024). This clash of legal principles creates a "Catch-22" situation, where

the local authorities responsible for enforcing statutory laws often continue to apply discriminatory customary norms, particularly concerning land rights and inheritance (Kapur, 2011). This further exacerbates the vulnerability of women, who often find themselves caught between conflicting legal systems that offer inadequate protection and perpetuate gender inequality (Arowolo, 2020; Onyemelukwe, 2016). Consequently, reforms aimed at gender justice must critically assess and reconcile these divergent legal frameworks to ensure that statutory protections genuinely extend to women at the grassroots level (Madumere, 2018).

Women's Lived Experiences as Justice Seekers: A Socio-Legal Perspective

Investigates how traditional practices and customs, often embedded within customary law, disproportionately affect the realization of women's civil, political, economic, social, and cultural rights (Abimbola et al., 2023). This includes a critical examination of how customary laws, particularly in nations such as Nigeria, frequently privilege male heirs in inheritance practices, thereby diminishing women's property rights and exacerbating their economic vulnerability within society (Adesina & Ayodeji, 2025). These discriminatory practices are often upheld despite national legal frameworks or international conventions, creating a significant disjunction between codified rights and lived realities for many women (Wulandari et al., 2025; Zahrah et al., 2024). This scenario underscores the critical need for a comprehensive socio-legal analysis that accounts for the interplay between formal legal statutes and the pervasive influence of customary norms, particularly in the context of land succession and gender justice (Madumere, 2018).

Such analyses often reveal that while statutory laws may nominally grant equal rights, the enforcement and societal acceptance of these rights are frequently undermined by customary interpretations and community practices that relegate women to a secondary status (Ituru et al., 2024; Nwapi, 2016). Efforts to rectify these disparities often face considerable resistance, as challenging customary laws is perceived as an affront to established cultural identities and community cohesion (Attah & Otunta, 2021). This resistance highlights the complex interplay between legal reform and socio-cultural dynamics, necessitating approaches that consider both formal legal instruments and informal customary systems to achieve genuine gender justice (Abimbola et al., 2023). This systemic challenge is evident in countries where customary and religious norms, particularly concerning land, marriage, and inheritance, reproduce gendered power relations within court processes, often to the detriment of women's rights (Dancer, 2018). In Indonesia, the coexistence of Islamic law, civil law, and customary law creates complex legal pluralism that can lead to gender inequalities, particularly in inheritance distribution, despite the ratification of international human rights conventions like CEDAW (Wulandari et al., 2025).

For instance, while Nigerian courts have declared discriminatory customary inheritance practices unconstitutional, their persistence continues to hinder the realization of women's inheritance rights, particularly in South-Eastern Nigeria (Eyongndi et al., 2024). This persistent tension between statutory provisions and customary applications often forces women to navigate a labyrinthine legal landscape, where formal legal victories are frequently nullified by deeply entrenched traditional practices and community resistance to change (Oladehinde, 2025). This complex interplay necessitates a nuanced approach to legal reform, one that not only promulgates equitable statutory laws but also engages with customary institutions to foster cultural shifts supportive of gender equality (Tamunomiegbam & Arinze, 2024). Indeed, the interplay between statutory and customary laws often presents a formidable challenge to the effective implementation of gender-sensitive reforms (Santpoort et al., 2021).

This complexity is further compounded by the fact that many development organizations now advocate for building upon, rather than overriding, customary property systems to achieve tenure security for women, despite their often patriarchal underpinnings (Kerrigan et al., 2012). This approach, while seemingly pragmatic, risks legitimizing customary norms that may continue to disadvantage women, necessitating a careful balance between cultural preservation and universal human rights principles (Khuan et al., 2025; Yanti et al., 2025). The inherent tension between promoting universal gender equality and preserving cultural diversity often leads to multifaceted dilemmas in legal reform (Campbell & Swenson, 2016). In Indonesia, for example, cultural discourses still perpetuate stereotypes that categorize women as secondary citizens, limiting their roles primarily to the domestic sphere and subsequently impacting their access to justice in matters such as joint property settlements after divorce (Mahfiana et al., 2025). These ingrained societal perceptions often translate into judicial biases, further marginalizing women within the legal system and undermining their entitlements to equitable asset division. Such judicial biases, deeply rooted in patriarchal societal norms, manifest in varied ways, from the interpretation of legal provisions to the discretionary application of evidence, consistently disadvantaging women in property disputes and other legal proceedings. This situation is exacerbated in contexts where legal pluralism allows for the simultaneous application of statutory and customary laws, which can be manipulated to further disadvantage women who may lack the financial and educational resources to navigate such complex legal frameworks (*"Gender in Agriculture Sourcebook,"* 2008; *Power and Potential: A Comparative Analysis of National Laws and Regulations Concerning Women's Rights to Community Forests*, 2017).

The ambiguity surrounding family, property, and personhood, coupled with the multiplicity of interpretations of justice and legal administration, consistently perturbs citizens and state administrations alike (Manse, 2024). This intricate legal landscape often

leads to an uneven application of justice, creating significant barriers for women seeking to assert their rights within a system that simultaneously recognizes and sometimes undermines their legal standing through customary interpretations (Febrianty et al., 2024; Khuan et al., 2025). Consequently, even when formal legal frameworks exist to protect women's rights, their effective implementation is often hampered by the prevailing social norms and interpretations within the community, reinforcing gender disparities (Madumere, 2018). This tension reflects a broader philosophical debate between universalist human rights principles and culturally relativistic approaches, often complicating transnational feminist activism (Choudhury, 2015). This inherent conflict between universal human rights and cultural relativism, particularly evident in the Indonesian legal system, underscores the critical need for an intersectional analysis to understand the nuanced challenges women face in accessing justice (Jamal, 2014). This requires examining how various social determinants, such as socioeconomic status, ethnicity, and geographic location, intersect with gender to shape individual experiences within the legal system (Torres, 2020).

Such an approach allows for a more nuanced understanding of how universal principles can be applied with sensitivity to diverse cultural contexts, fostering a more inclusive and effective human rights discourse that bridges the gap between relativism and universalism (Yadav, 2024). In Indonesia, this intersectional lens reveals that while formal legal recognition of women's rights exists, the operationalization of these rights is often hampered by deeply entrenched customary practices and religious interpretations, particularly in matters of land and inheritance where Islamic law and **adat** (customary law) intertwine (Yanti et al., 2025). This intricate legal landscape is further complicated by the dualism of religious and national law, especially in divorce proceedings, where discrepancies in recognition create significant legal and social obstacles for women (Kusnandar & Rahma, 2023). These obstacles are particularly pronounced when considering the divergent interpretations of marital property division and child custody rights between religious courts applying Islamic law and civil courts applying secular family law (Rachmawati, 2024). This dichotomy often forces women to navigate a fragmented legal system, where the choice of forum can dramatically alter the outcome of their cases, highlighting the pervasive need for a more coherent and harmonized legal framework (Nugroho & Dewi, 2024).

Conclusion

This study demonstrates that gender justice within Indonesia's legal system remains constrained by structural, procedural, and socio-cultural barriers that disproportionately hinder women's access to justice. Although formal legal frameworks—ranging from constitutional guarantees to sectoral regulations on domestic violence, marriage, and

labor—affirm the principle of equality, their implementation often fails to address the lived realities of women who face discrimination, limited legal literacy, economic dependence, and institutional bias. The socio-legal analysis confirms that the gap between normative commitments and practical outcomes persists due to fragmented service delivery, insufficient gender-sensitive judicial mechanisms, and deeply rooted patriarchal norms that shape legal interpretation and enforcement. The implications of these findings underscore the need for systemic reforms, including strengthening gender-responsive training for law enforcement, enhancing integrated service centers for female victims, improving legal aid accessibility, and promoting community-based legal empowerment models. Ultimately, gender justice in Indonesia requires not only legal refinement but also transformative socio-cultural change that ensures women's rights are substantively protected and their voices meaningfully represented within the justice system.

Refrence

- Abdelaziz, D. K. A. (2025). Criminal Legislation and Women in Sexual Assault Cases: Justice or Victim Blaming? *Journal of Posthumanism*, 5(2). <https://doi.org/10.63332/joph.v5i2.466>
- Abimbola, F. O., Ehiane, S. O., & Tandlich, R. (2023). Women's Rights in Nigeria's Indigenous Systems: An Analysis of Non-Discrimination and Equality under International Human Rights Law. *Social Sciences*, 12(7), 405. <https://doi.org/10.3390/socsci12070405>
- Adesina, O. Y., & Ayodeji, M. O. (2025). Gender Inequality in Property Inheritance: Cultural Norms, Legal Frameworks, and Women's Rights in Ibadan, Nigeria. *International Journal of Research and Scientific Innovation*, 1088. <https://doi.org/10.51244/ijrsi.2025.12020087>
- Adiputra, S., Awanisa, A., & Purba, Y. H. (2022). The Urgency of the Law on Sexual Violence Criminal Act in Combating Sexual Violence in Indonesia. *Ius Poenale*, 3(1), 25. <https://doi.org/10.25041/ip.v3i1.2521>
- Agustini, Rr. S., Hartiwiningsih, H., & Wiwoho, J. (2024). The Urgency of Implementing the Sexual Violence Crime Law (UU TPKS) Viewed from the Perspective of Victims' Rights. In *Advances in Social Science, Education and Humanities Research/Advances in social science, education and humanities research* (p. 259). https://doi.org/10.2991/978-2-38476-315-3_36

- Akram, A., Nugroho, A. D., Putri, R. E. G. D., & Johanes, J. (2023). Gender Mainstreaming through Guarantees of Legal Protection and Access to Justice for Women and Children in Religious Court. *JURNAL HUKUM DAN PERADILAN*, 12(2), 267. <https://doi.org/10.25216/jhp.12.2.2023.267-292>
- Arfiani, A. A., Fahmi, K. K., Arrasuli, B. K., Nadilah, I. N., & Fikri, M. F. (2022). Penegakan Hukum Sesuai Prinsip Peradilan Yang Berkepastian, Adil Dan Manusiawi : Studi Pemantauan Proses Penegakan Hukum Tahun 2020. *Riau Law Journal*, 6(1), 48. <https://doi.org/10.30652/rlj.v6i1.7938>
- Arowolo, G. A. (2020). Protecting women from violence through legislation in Nigeria: Need to enforce anti-discrimination laws. *International Journal of Discrimination and the Law*, 20(4), 245. <https://doi.org/10.1177/1358229120971953>
- Aslamiyah, N. (2025). Penerapan Restorative Justice Terhadap Kasus Kekerasan Seksual Di Desa. *El-Dusturie*, 4(1), 81. <https://doi.org/10.21154/eldusturie.v4i1.11038>
- Attah, M., & Otunta, B. N. (2021). Women, Intestacy and Forced Eviction: Evaluating Feminist and Judicial Responses in Nigeria. *Beijing Law Review*, 12(2), 509. <https://doi.org/10.4236/blr.2021.122028>
- Bastari, G. R. (2023). How Patriarchal Culture Localizes Human Trafficking Eradication Norm: Case Study on the Implementation of Human Trafficking Eradication Law in Indonesia. *Politik Indonesia Indonesian Political Science Review*, 8(1), 91. <https://doi.org/10.15294/ipsr.v8i1.38869>
- Campbell, M., & Swenson, G. (2016). Legal Pluralism and Women's Rights After Conflict: The Role of CEDAW. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.2805359>
- Chopra, T., & Isser, D. (2012). Access to Justice and Legal Pluralism in Fragile States: The Case of Women's Rights. *Hague Journal on the Rule of Law*, 4(2), 337. <https://doi.org/10.1017/s187640451200019x>
- Choudhury, C. A. (2015). Beyond Culture: Human Rights Universalisms Versus Religious and Cultural Relativism in the Activism for Gender Justice. *eCollections (Florida International University)*, 30(2), 226. <https://doi.org/10.15779/z38h41jm1h>
- Coutinho, A. R. C., Murillo, R. S. G., Constant, C. C. de, Grossi, M. L., & Grossi, P. K. (2024). From Domesticity To The Docket: Examining The Judicialization Of Private

- Life And Its Impact On Violence Against Women. *Derecho y Cambio Social.*, 21(78), 36. <https://doi.org/10.54899/dcs.v21i78.36>
- Dancer, H. (2018). Power and Rights in the Community: Paralegals as Leaders in Women's Legal Empowerment in Tanzania. *Feminist Legal Studies*, 26(1), 47. <https://doi.org/10.1007/s10691-018-9371-6>
- Domaking, L. D., Subrakah, I., & Ma'sumah, M. (2025). Effectiveness of Law Enforcement of Article 23 of Law No. 12 of 2022 on the Prohibition of the Implementation of Restorative Justice in Cases of Sexual Violence. *Jurnal Hukum Indonesia*, 4(3), 143. <https://doi.org/10.58344/jhi.v4i3.1670>
- Eyongndi, D. T.-A., Opara, F. N., Oladele, O., Agbu, D. A., & Ajayi, M.-A. O. (2024). Realising Female Inheritance Rights in South Eastern Nigeria: The Imperativeness of Going beyond Legal Rhetoric. *The Age of Human Rights Journal*, 22. <https://doi.org/10.17561/tahrij.v22.7972>
- Febrianty, Y., Ghapa, H., & Ahmad, A. (2024). Integration of Customary Law in The National Legal System Comparative Study of Malaysia and Indonesia. *SASI*, 30(4), 379. <https://doi.org/10.47268/sasi.v30i4.2303>
- Gangoli, G. (2020). Gender-Based Violence, Law, Justice and Health: Some Reflections. *Public Health Ethics*, 13(1), 29. <https://doi.org/10.1093/phe/phaa012>
- Gender in Agriculture Sourcebook. (2008). In *The World Bank eBooks*. <https://doi.org/10.1596/978-0-8213-7587-7>
- Hamdy, M. K., & Hudri, M. (2022). Gender Based Violence: The Relationship Of Law And Patriarchy In Indonesia. *EMPATI Jurnal Ilmu Kesejahteraan Sosial*, 11(2), 73. <https://doi.org/10.15408/empati.v11i2.29751>
- Hasyim, M., Dewi, N., & Aini, F. G. (2025). Legal Crossroads for Women and Children. *JlHK*, 7(1), 602. <https://doi.org/10.46924/jlhk.v7i1.324>
- Hayati, E. N., Emmelin, M., & Eriksson, M. (2014). Challenges for a Local Service Agency to Address Domestic Violence –A Case Study From Rural Indonesia. *Global Journal of Health Science*, 6(6). <https://doi.org/10.5539/gjhs.v6n6p214>
- Huda, Moh. N., Bawono, B. T., & Widayati, W. (2025). Reconstructing criminal sanctions and victim protection in sexual violence crimes: Islamic perspective of Islah in

- Indonesia's legal framework. *International Journal of Law Justice and Jurisprudence*, 5(1), 142. <https://doi.org/10.22271/2790-0673.2025.v5.i1b.173>
- Ikuteyijo, O. O., Hilber, A. M., Fatusi, A., Akinyemi, A., & Merten, S. (2024). Stakeholders' engagement with law to address gender-based violence in Southwest Nigeria: a qualitative study using normalisation process theory to explore implementation challenges. *BMJ Public Health*, 2(2). <https://doi.org/10.1136/bmjph-2024-001326>
- Ituru, O., Kore-Okiti, E. T., & Megbele, O. J. (2024). Customary Land Ownership and Women's Land Rights in Nigeria: Extending the Frontiers of Feminist Environmental Justice. *Journal of Environmental Law & Policy*, 4(3), 203. <https://doi.org/10.33002/jelp040308>
- Jabyn, M. (2020). Advancing justice interests and human rights of vulnerable groups through clinical legal education. *Jindal Global Law Review*, 11(2), 271. <https://doi.org/10.1007/s41020-020-00127-0>
- Jamal, A. (2014). Comparative Law, Anti-essentialism and Intersectionality: Reflections from Southeast Asia in Search of an Elusive Balance. *Asian Journal of Comparative Law*, 9, 197. <https://doi.org/10.1017/s2194607800000971>
- Kapur, A. (2011). "Catch-22": The Role of Development Institutions in Promoting Gender Equality in Land Law – Lessons Learned in Post-Conflict Pluralist Africa. *Buffalo Human Rights Law Review*, 17(1), 75. <https://digitalcommons.law.buffalo.edu/bhrlr/vol17/iss1/3/>
- Madumere, N. (2018). Customary Land Rights and Gender Justice in Eastern Nigeria and Ghana [University of East London]. In *UEL Research Repository (University of East London)*. <https://doi.org/10.15123/uel.86y41>
- Mahfiana, L., Osman, N. D., Ariyani, E., & Zahriani, L. (2025). Influence of Religion and Culture on Women's Rights in Joint Property Settlements in Java, Indonesia. *IJTIHAD Jurnal Wacana Hukum Islam Dan Kemanusiaan*, 25(1), 117. <https://doi.org/10.18326/ijtihad.v25i1.117-138>
- McGovern, T., Baumont, M., Fowler, R., Parisi, V., Haerizadeh, S., Williams, E., & Garbers, S. (2019). Association between plural legal systems and sexual and reproductive health outcomes for women and girls in Nigeria: A state-level ecological study. *PLoS ONE*, 14(10). <https://doi.org/10.1371/journal.pone.0223455>

- Mensah, E. K. G. (2024). The Female Genital Mutilation (FGM) Prosecutions: Exploring Legal Approaches to Combat Gender-Based Violence and Protect Women's Rights Across African Nations. *SSRN Electronic Journal*.
<https://doi.org/10.2139/ssrn.4815392>
- Moalla, K. T., & Darmstadt, G. L. (2024). Legal pluralism and tribalism: Drivers of gender and health inequalities. *Journal of Global Health*, 14, 3020.
<https://doi.org/10.7189/jogh.14.03020>
- Modiano, J. Y. (2021). Pengaruh Budaya Patriarki Dan Kaitannya Dengan Kekerasan Dalam Rumah Tangga. *Sapientia Et Virtus*, 6(2), 129.
<https://doi.org/10.37477/sev.v6i2.335>
- Nwapi, C. (2016). Land Grab, Property Rights and Gender Equality in Pluralistic Legal Orders: A Nigerian Perspective. *African Journal of Legal Studies*, 9(2), 124.
<https://doi.org/10.1163/17087384-12340005>
- Oladehinde, G. J. (2025). Assessment of factors influencing access to residential land in urban border communities of Imeko/Afon Local Government Area of Ogun State, Nigeria: A gender dimension. *AUC GEOGRAPHICA*, 1.
<https://doi.org/10.14712/23361980.2025.16>
- Onyemelukwe, C. (2016). *Legislating on Violence Against Women: A Critical Analysis of Nigeria's Recent Violence Against Persons (Prohibition) Act, 2015*. 5(2), 3.
<https://via.library.depaul.edu/cgi/viewcontent.cgi?article=1028&context=jwgl>
- Power and Potential: A Comparative Analysis of National Laws and Regulations Concerning Women's Rights to Community Forests*. (2017). <https://doi.org/10.53892/pmyv6840>
- Probosiwi, R., & Bahransyaf, D. (2015). PEDOFILIA DAN KEKERASAN SEKSUAL: MASALAH DAN PERLINDUNGAN TERHADAP ANAK. *Sosio Informa*, 1(1).
<https://doi.org/10.33007/inf.v1i1.88>

- Putri, L. R., Pembayun, N. I. P., & Qolbiah, C. W. (2024). Dampak Kekerasan Seksual terhadap Perempuan: Sebuah Sistematis Review. *Jurnal Psikologi*, 1(4), 17. <https://doi.org/10.47134/pjp.v1i4.2599>
- Rachmawati, G. A. A. (2024). *A Systematic Literature Review of Multimodal Digital Books in School Education: Mapping Trends, Methods, and Outcome*.
- Santpoort, R., Steel, G., Mkandawire, A., Ntauazi, C., Faye, E. H., & Githuku, F. (2021). The Land Is Ours: Bottom-Up Strategies to Secure Rural Women's Access, Control and Rights to Land in Kenya, Mozambique, Senegal and Malawi. *Frontiers in Sustainable Food Systems*, 5. <https://doi.org/10.3389/fsufs.2021.697314>
- Saraswati, R. (2020). Gender Bias in Indonesian Courts: Is Perma No. 3 of 2017 the Solution for Gender-Based Violence Cases? *Laws*, 10(1), 2. <https://doi.org/10.3390/laws10010002>
- Torres, E. F. (2020). Acceso a la justicia familiar patrimonial cubana desde el género. *Cuban Studies*, 49(1), 74. <https://doi.org/10.1353/cub.2020.0005>
- Wulandari, W. R., Ahmad, N., Fitriliani, Y., & Purwaningsih, R. (2025). Inheriting Inequity: A Comparative Legal Dissection of Gender Discrimination in Indonesian Inheritance Law. *Volksgeist Jurnal Ilmu Hukum Dan Konstitusi*, 285. <https://doi.org/10.24090/volksgeist.v8i1.12994>
- Yadav, G. (2024). Relativism versus Universalism in Human Rights: A Construction in Contemporary Feminist Thought. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.4855866>
- Yanti, I., Yuliatin, Y., Mahmudah, S., Mahluddin, M., & Larasati, Y. G. (2025). Negotiating Shari'ah and Customary Law: Legal Pluralism in Familial Relationships among the Suku Anak Dalam in Jambi. *Journal of Islamic Law*, 6(2), 177. <https://doi.org/10.24260/jil.v6i2.3311>
- Zahrah, F., Manik, H., & Sumanti, S. T. (2024). LEGAL BRIEF. *LEGAL BRIEF*. <https://doi.org/10.35335/legal>
- Zuwanda, Z. S., & Triyantoro, A. (2024). The Role of Law of the Republic of Indonesia Number 12 of 2022 concerning Sexual Violence Crimes in Handling Cases of Gender-Based Violence in Indonesia. *West Science Law and Human Rights*, 2(4), 412. <https://doi.org/10.58812/wslhr.v2i04.1365>

