

REIMAGINING CRIMINAL JUSTICE: OVERCOMING SYSTEMIC BARRIERS TO LEGAL PROTECTION FOR WOMEN THROUGH FEMINIST JURISPRUDENCE

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Abstract

Violence against women remains a pervasive issue, affecting women physically, psychologically, socially, economically, and politically. Despite the existence of various laws, the barriers to accessing justice for women victims of violence remain substantial. These obstacles include revictimization, discriminatory legal procedures, and limited access to support services. Violence against women is rooted in systemic gender inequalities, where patriarchal cultural values often influence legal systems, perpetuating gender biases that undermine women's ability to seek justice. Feminist jurisprudence challenges the traditional legal frameworks by questioning the so-called neutrality of the law. It emphasizes that the law, as it stands, often fails to protect women adequately due to the masculine perspectives embedded within it. By rejecting the objectivity of legal positivism, feminist jurisprudence advocates for a legal system that prioritizes the experiences of women, aiming for a more inclusive, victim-centered approach. This framework seeks to dismantle discriminatory legal structures and create an environment where women can safely access justice without fear of discrimination or retraumatization. In Indonesia, the enactment of the Sexual Violence Crime Law and the Supreme Court Regulation on adjudicating cases involving women have been significant steps toward addressing gender-based violence. These reforms reflect a shift toward victim-centered justice, focusing on protecting women and ensuring that their rights are upheld throughout the legal process. However, these laws can only be effective if they are supported by adequate resources, including victim assistance programs and trained law enforcement officials. Ultimately, the challenge lies in overcoming cultural and institutional barriers to justice. Strengthening access to justice for women requires not only legal reform but also a cultural shift toward gender equality. Feminist jurisprudence offers a holistic approach to this issue, calling for legal transformation, victim empowerment, and a supportive environment that enables women to fully participate in the justice process. By combining legal and societal changes, a more equitable legal system for women can be realized.

Keywords: *Access To Justice; Feminist Jurisprudence; Violence Against Women; Legal Reform; Victim Empowerment.*

A. Introduction

Violence against women, in its various forms, has significant physical, psychological, social, economic, and political impacts.¹ Women are at heightened risk of becoming victims of violence

¹ Jacqui True, *The Political Economy of Violence Against Women* (Oxford University Press, 2012); Claudia García-Moreno et al., 'Addressing Violence Against Women: A Call to Action', *The Lancet* 385, no. 9978 (2015): 1685–95, [https://doi.org/10.1016/S0140-6736\(14\)61830-4](https://doi.org/10.1016/S0140-6736(14)61830-4); Carol E. Jordan et al., 'Violence and Women's Mental Health: The Impact of Physical, Sexual, and Psychological Aggression', in *Annual Review of Clinical Psychology*, vol. 6, Annual Reviews, 2010, <https://doi.org/10.1146/annurev-clinpsy-090209-151437>.

due to factors such as cultural influences, gender perspectives, social status, and their legal standing.² This violence occurs not only in private, domestic settings but also in the public sphere. Data on violence against women reveals a troubling trend, with the annual average from 2020 to 2024 consistently exceeding 200,000 cases across different forms of violence. Despite some fluctuations, the numbers remain alarmingly high. In 2020, there were 226,000 reported cases, while in 2021 and 2022, the figures rose to between 338,000 and 340,000. Though there was a slight decrease to 289,000 cases in 2023, the number surged again in 2024, reaching 330,000. This persistent trend underscores the urgent need for more effective measures to address and prevent violence against women.³

A major challenge in enforcing laws that address violence against women is the systemic inadequacy of the approach to justice. This approach should be based on equitable, effective, and accountable adjudicative mechanisms, both formal and informal, that empower vulnerable populations to protect their rights and seek redress for abuses of power. Moreover, it should include the participatory capacity to influence the creation, implementation, and institutionalization of legal norms. As emphasized by the Attorney General's Office (AGO) Guideline Number 1 of 2021, access to justice for women and children is not merely a procedural matter but a fundamental jurisprudential imperative.⁴ This imperative is crucial for safeguarding the rights and interests of those navigating the legal system, ensuring that justice is not only available but also fair and meaningful.

Although approach to justice has become a state concern and commitment, in the practice of law enforcement, access to justice still faces obstacles. Barriers to access to justice for victims often occur in the judicial process and institutions. The Infid and Forum of Service Providers (FPL) report stated that although there are various adequate laws, discriminatory procedures and practices against women victims still occur, hampering victims' access to justice. Obstacles generally occur in terms of: first, revictimization of victims; second, difficult access to assistance;

² Peggy C. Giordano and Jennifer E. Copp, 'Girls' and Women's Violence: The Question of General Versus Uniquely Gendered Causes', in *Annual Review of Criminology*, vol. 2, no. Volume 2, 2019, Annual Reviews, 2019, <https://doi.org/10.1146/annurev-criminol-011518-024517>; Gonca Kurt and Aysel Akin, 'Gender and Exposure to Childhood Violence Are Important Determinants of Domestic Violence Among Academics', *Heliyon* 9, no. 11 (2023): e22078, <https://doi.org/10.1016/j.heliyon.2023.e22078>; Annastasya J. Watts et al., 'Barriers to Family and Domestic Violence Support for Culturally and Linguistically Diverse Women in Australia: A Systematic Review', *Journal of Family Violence*, ahead of print, 29 October 2025, <https://doi.org/10.1007/s10896-025-00976-0>.

³ Komnas Perempuan, *Catatan Tahunan Kekerasan Terhadap Perempuan 2024* (Jakarta, 2024).

⁴ Kejaksaan Republik Indonesia, *Prosecutor's Guideline Number 1 of 2021 Concerning Access to Justice for Women and Children in Handling Criminal Cases* (Indonesia Judicial Research Society (IJRS), 2026), <https://ijrs.or.id/en/publikasi-ijrs/prosecutors-guideline-number-1-of-2021-concerning-access-to-justice-for-women-and-children-in-handling-criminal-cases/>.

third, consideration of sexual history in cases of sexual violence; fourth, neglect of the impact of violence and recovery for victims; Fifth, sentencing for perpetrators that does not reflect justice.

Problems with access to justice, particularly for women who are victims of violence, ultimately result in the neglect of their substantive rights and interests. Obstacles to justice are deeply tied to the value standards embedded in the substance, structure, and culture of the existing legal system. These values often reflect the patriarchal foundations of society, which significantly shape the masculine, coherent, and neutral nature of the law—structures that can unintentionally discriminate against women.⁵ This pattern is evident in the legal positivist tradition, which separates legal norms (considered objective) from the social realities and contextual factors that surround them. Additionally, the legal style shaped by patriarchal values emphasizes neutrality (impartiality) at the cost of addressing inherent inequalities.⁶ This systemic issue is at the core of why access to justice is not fully realized or effectively implemented for women victims of violence.

Feminist jurisprudence, in contrast to the values of legal positivism that often reflect a masculine perspective, calls for a re-alignment of law enforcement, particularly with respect to vulnerable groups, and challenges the neutrality and objectivity of the law.⁷ It highlights women's lived experiences as a critical lens through which to assess whether the laws in place truly deliver justice or instead perpetuate discrimination.⁸ The focus of feminist jurisprudence is deeply rooted in the historical context of gender inequality and the ongoing discrimination against women within the legal system.⁹ Given this backdrop, analyzing how feminist jurisprudence can strengthen access to justice for women survivors of violence becomes essential. Two key issues are central to this analysis: first, how can the interests of women victims of violence be effectively protected through access to justice? And second, how can feminist jurisprudence enhance and reinforce this

⁵ Nancy E. Dowd, 'Masculinities and Feminist Legal Theory', *Wisconsin Journal of Law, Gender & Society* 23, no. 2 (2008): 201–48, <https://scholarship.law.ufl.edu/facultypub/415/>; Aga Natalis, 'From Feminist Debates to Feminist Policy: Toward a Polymorphous Discourse in Prostitution Regulation', *Revista Direito e Sexualidade* 6, no. 2 (2025): 1–41, <https://doi.org/10.9771/rds.v6i2.66251>.

⁶ Sally White et al., 'Voting against Women: Political Patriarchy, Islam, and Representation in Indonesia', *Politics & Gender* 20, no. 2 (2024): 391–421, Cambridge Core, <https://doi.org/10.1017/S1743923X23000648>; Minh Hoang Dang, 'Applying Feminist Legal Principles to Achieve Gender Equality in Vietnam's Labor Legislation', *Cogent Social Sciences* 10, no. 1 (2024): 2350566, <https://doi.org/10.1080/23311886.2024.2350566>.

⁷ Hilaire Barnett, *Sourcebook on Feminist Jurisprudence* (Taylor & Francis, 1996); Patricia A. Cain, 'Feminist Jurisprudence: Grounding the Theories', *Berkeley Women's Law Journal* 4 (1988): 191–214, <https://digitalcommons.law.scu.edu/facpubs/251/>; Ann C. Scales, 'Towards a Feminist Jurisprudence', *Indiana Law Journal* 56, no. 3 (1981): 375–444, <https://www.repository.law.indiana.edu/ilj/vol56/iss3/1>.

⁸ Triantono, 'Feminis Legal Theory Dalam Kerangka Hukum Indonesia', *Progressive Law and Society (PLS)* 1, no. 1 (2023): 14–26, <https://doi.org/10.14710/pls.20744>

⁹ Aga Natalis, 'Reformasi Hukum Dalam Rangka Mewujudkan Keadilan Bagi Perempuan: Telaah Feminist Jurisprudence', *Crepido* 2, no. 1 (2020): 11–23, <https://doi.org/10.14710/crepido.2.1.11-23>.

access? This paper aims to explore and analyze the protection of victims' rights through the lens of feminist jurisprudence, emphasizing the need to strengthen access to justice for women.

B. Addressing Gender-Based Violence: Feminist Jurisprudence and Strengthening Access to Justice for Women Survivors

Violence against women is understood as a manifestation of gender-based cruelty, deeply rooted in systemic gender inequities and the persistence of unequal power dynamics.¹⁰ This perspective suggests that such violence is not an isolated event but rather a byproduct of the hierarchical structures that govern relationships between men and women. While gender differences naturally exist in society, these differences become problematic when they result in gender injustice and violence against women.¹¹ Such violence arises from imbalanced power relations, often perpetuated by the standardization of gender roles and differing societal perceptions of gender. For instance, the widespread assumption that men hold a superior position to women is a manifestation of patriarchal culture. This culture places men in a dominant, superior, and higher status, while women are relegated to second-class status, perceived as inferior or subordinate. As a result, violence against women becomes ingrained, existing as a latent issue in all cultures that position women beneath men.¹²

In addition to gender factors, in the view of intersectionality as proposed by Kimberle Crenshaw, injustice against women victims can occur due to factors of race, social class, age, disability, sexual orientation, and legal status. The interaction of these factors overlaps and becomes a combination that creates vulnerability.¹³ A woman with an ethnic minority identity who

¹⁰ Beverley M. Essue et al., 'Women's Experiences of Gender-Based Violence Supports Through an Intersectional Lens: A Global Scoping Review', *BMJ Public Health* 3, no. 1 (2025): e001405, <https://doi.org/10.1136/bmjph-2024-001405>; Sophie Namy et al., 'Towards a Feminist Understanding of Intersecting Violence Against Women and Children in the Family', *Social Science & Medicine* 184 (July 2017): 40–48, <https://doi.org/10.1016/j.socscimed.2017.04.042>.

¹¹ Carrie L. Yodanis, 'Gender Inequality, Violence Against Women, and Fear: A Cross-National Test of the Feminist Theory of Violence Against Women', *Journal of Interpersonal Violence* 19, no. 6 (2004): 655–75, <https://doi.org/10.1177/0886260504263868>; Susan Moller Okin, 'Gender Inequality and Cultural Differences', *Political Theory* 22, no. 1 (1994): 5–24, <https://doi.org/10.1177/0090591794022001002>; Barbara Krahé, 'Violence Against Women', in *Aggression and Violence: A Social Psychological Perspective* (Routledge, 2016).

¹² Georgi Petrunov, 'Cultural, Ideological and Structural Conditions Contributing to the Sustainability of Violence Against Women: The Case of Bulgaria', *Social Sciences* 14, no. 8 (2025): 488, <https://doi.org/10.3390/socsci14080488>; Makpal Kainazarova et al., 'Quantifying a Hidden Crisis: Challenges in Addressing Domestic Violence Against Women in Kazakhstan', *International Journal of Discrimination and the Law*, 23 April 2025, 13582291251337325, <https://doi.org/10.1177/13582291251337325>.

¹³ Kimberlé Crenshaw, *On Intersectionality: Essential Writings* (New Press, 2023); Devon W. Carbado et al., 'Intersectionality: Mapping the Movements of a Theory', *Du Bois Review: Social Science Research on Race* 10, no. 2 (2013): 303–12, Cambridge Core, <https://doi.org/10.1017/S1742058X13000349>; Kimberle Crenshaw, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine,

is also a migrant worker certainly has greater vulnerability. The weakness of traditional law is its inability to unpack the combination of these intersectionality problems. If there is a case, it will be seen in pieces, for example, only from the aspect of gender, or economy, or occupation, or legal status. Without analyzing intersectionality, the law risks failing to see vulnerability and determine justice for victims of cruelty.

Seeing the complex characteristics of violence against women requires a responsive approach, including in law enforcement. Law enforcement should not only prioritize procedural aspects but also substantial aspects that emphasize victim protection¹⁴. Guaranteeing access to justice is an important approach to ensure that the participation, empowerment, and recovery of victims can run well. Legal responsiveness to the interests of victims can be realized through fulfilling access to justice for women victims of cruelty who are also vulnerable groups in society.¹⁵

Mauro Cappelletti and Bryant Garth¹⁶ highlight two foundational pillars of access to justice, emphasizing its crucial role in the functioning of the legal system. They argue that access to justice is not just about entering the legal system but about ensuring that it operates fairly and equitably for everyone. The first essential pillar they identify is that procedural pathways must be equally accessible to all individuals, without any disparity. This means that the legal processes should not favor one group over another based on their social status, wealth, gender, or any other distinguishing factor. Everyone, regardless of their background, should be able to access legal resources and pursue justice through the same fair and transparent procedures.

The second pillar that Cappelletti and Garth¹⁷ discuss is the substantive outcome of the legal process. They stress that the legal system must ensure that judicial decisions not only adhere to procedural fairness but also meet the deeper demands of justice. This entails that the decisions made by courts should be meaningful and fair, reflecting both individual rights and the broader social order. It's not enough for the law to simply be followed in a technical sense; the outcomes

Feminist Theory and Antiracist Politics', *The University of Chicago Legal Forum* 140 (1989): 139–68, <https://philpapers.org/rec/CREDTI>.

¹⁴ Mengyao Lu et al., 'Understanding Law Enforcement Interventions for the Response to and Prevention of Sexual Exploitation and Abuse Against Children and Women in Ghana: Findings from a Realist Review', *Aggression and Violent Behavior* 83 (July 2025): 102068, <https://doi.org/10.1016/j.avb.2025.102068>; Aisha K. Gill and Sundari Anitha, 'A Matter of Trust? Policing Violence Against Women and Girls', *Policing and Society*, 5 February 2026, 1–17, <https://doi.org/10.1080/10439463.2026.2623413>.

¹⁵ Nur Hidayati, 'Akses Keadilan Bagi Perempuan Dan Pidana Anak Dalam Pembangunan Berkelanjutan', *Eksekusi: Jurnal Ilmu Hukum Dan Administrasi Negara* 1, no. 3 (2023): 338–57, <https://doi.org/10.55606/eksekusi.v1i3.541>.

¹⁶ Mauro Cappelletti and Bryant Garth, 'Access to Justice: The Newest Wave in the Worldwide Movement to Make Rights Effective', *Buffalo Law Review* 27, no. 2 (1978): 181–292, <https://www.repository.law.indiana.edu/facpub/1142/>.

¹⁷ Ibid.

must address the core issues of fairness and justice that affect both the litigant involved and society at large.

These two principles are crucial because they highlight that justice is not just about the legal framework in place but also about how it is applied. Access to justice requires that the legal system is accessible, transparent, and capable of delivering just and equitable outcomes. In this sense, justice must not be a privilege for the few, but a right for all. This perspective underlines the importance of ensuring that legal systems are reformed and continually improved to meet the needs of vulnerable and marginalized groups who might otherwise be excluded from fair access to legal protection.

Furthermore, these ideas call attention to the need for both procedural and substantive justice to work in tandem. Procedural justice ensures that individuals have the opportunity to be heard and to present their cases in a fair manner, while substantive justice guarantees that the outcomes of those proceedings are fair and just. For women, particularly those who are victims of violence, this dual approach is essential in ensuring that they not only have access to legal recourse but also that the legal process recognizes the severity of their circumstances and provides adequate remedies.

The emphasis on access to justice revolves around two key objectives. First, it ensures that all individuals, particularly vulnerable groups, can defend their rights and resolve disputes under the protection of the state. Access to the legal system must be available to everyone equally, ensuring that the system can provide fair and just results for both individuals and society as a whole. This equality of access is fundamental in promoting fairness and justice across diverse populations.

Access to justice, at its core, is about empowering individuals, particularly those from marginalized and economically disadvantaged backgrounds, to voice their grievances and secure equitable adjudication. It requires both state and non-state institutions to provide effective avenues for individuals to seek redress. This means ensuring that grievances are heard and appropriately addressed, with mechanisms in place to remedy wrongs. Without such access, individuals would be left without the means to defend their rights, perpetuating injustice.

Moreover, the legitimacy of the adjudication process stems from the application of a pluralistic normative framework, which can encompass various forms of law, such as statutory, religious, or customary law. However, these norms must always be applied in alignment with the fundamental principle of the supremacy of law, ensuring that no legal system is used to justify discrimination or unequal treatment. This pluralistic approach allows for flexibility in the legal

process while maintaining a commitment to fairness and justice, reinforcing the legitimacy and effectiveness of the system.

Access to justice for women victims will focus on four things: first, ensuring recognition of the rights and interests of women victims of cruelty in the normative legal framework (substance); second, guaranteeing protection and access to law enforcement institutions; and third, increasing capacity and awareness of legal products and processes; and fourth, ensuring effective legal administration.¹⁸

The empirical landscape regarding access to justice for women as a traditionally vulnerable cohort is elucidated by the *2019 Access to Justice Index*, which reveals that 52% of Indonesian women facing legal exigencies refrain from seeking redress through formal adjudicative channels.¹⁹ This institutional attrition is further corroborated by *Komnas Perempuan* data from 2021, documenting 4,660 instances where women in conflict with the law encountered significant procedural delays across various service institutions.²⁰ Furthermore, reports indicate a disturbing trend of reverse criminalization, with 36% of sampled service providers noting that domestic violence survivors are frequently subjected to retaliatory litigation by perpetrators.²¹ Collectively, these metrics underscore persistent barriers to justice, characterized by suboptimal service quality, systemic institutional impediments, and a lack of victim centric policy responsiveness.

¹⁸ Natalia Gherardi, 'Violence Against Women in Latin America', *Sur: International Journal on Human Rights* 13, no. 24 (2016): 129–36, <https://sur.conectas.org/en/violence-against-women-in-latin-america/>; Charlotte Kabaseke and Barbara Kitui, 'Access to Justice for Female Victims of Sexual Violence in Uganda', in *Violence Against Women and Criminal Justice in Africa: Volume II: Sexual Violence and Vulnerability*, ed. Ashwanee Budoo-Scholtz and Emma Charlene Lubaale (Springer International Publishing, 2022), https://doi.org/10.1007/978-3-030-75953-7_3; Gaby Ortiz-Barreda and Carmen Vives-Cases, 'Legislation on Violence Against Women: Overview of Key Components', *Revista Panamericana De Salud Pública* 33, no. 1 (2013): 61–72, <https://doi.org/10.1590/S1020-49892013000100009>; Nelly Warega, 'Access to Justice for Sexual Violence Against Women: A Socio-Legal Analysis of Case Reporting in Kenya', in *Violence Against Women and Criminal Justice in Africa: Volume I: Legislation, Limitations and Culture*, ed. Emma Charlene Lubaale and Ashwanee Budoo-Scholtz (Springer International Publishing, 2022), https://doi.org/10.1007/978-3-030-75949-0_6.

¹⁹ Indonesia Judicial Research Society (IJRS), '52% Perempuan Masih Enggan Melaporkan Permasalahan Hukumnya, Pemberdayaan Hukum Jadi Alternatif Solusi!', Indonesia Judicial Research Society (IJRS), 14 December 2023, <https://ijrs.or.id/2023/12/14/52-perempuan-masih-enggan-melaporkan-permasalahan-hukumnya-pemberdayaan-hukum-jadi-alternatif-solusi/>.

²⁰ Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan), 'Siaran Pers Komnas Perempuan Dalam Rangka Memperingati Hari Bhakti Adhyaksa', Komnas Perempuan, 22 July 2022, <https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komnas-perempuan-dalam-rangka-memperingati-hari-bhakti-adhyaksa>.

²¹ Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan), 'Siaran Pers Komisi Nasional Anti Kekerasan Terhadap Perempuan: Kesalahan Penerapan Hukum Dalam Kasus Kriminalisasi Korban KDRT Di PN Karawang', Komnas Perempuan, 16 November 2021, <https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komisi-nasional-anti-kekerasan-terhadap-perempuan-kesalahan-penerapan-hukum-dalam-kasus-kriminalisasi-korban-kdrt-di-pn-karawang-jakarta-16-november-2021>.

A genuine commitment to facilitating access to justice for women survivors of cruelty entails profound implications across the tripartite dimensions of the legal system: the procedural, the normative, and the organizational. Consequently, the efficacy of such access is contingent upon the state's proactive endeavors to interrogate and reconstruct the existing mechanisms of legal implementation. This requires a shift from mere statutory existence to a transformative application of law that addresses the specific exigencies of marginalized subjects. The state has a considerable interest in not only formulating and evaluating its norms but also reforming the quality of its implementation. The touch on law enforcement institutions also includes ensuring the personal responsiveness of its members.

Based on this, the success of the work of access to justice for women survivors of cruelty is determined by the mutually supporting roles of both the state and civil society groups, such as non-governmental organizations that provide services to victims. These institutions are often able to reach victims and have close ties with them. However, on the other hand, all the limitations of civil society can also be an obstacle to the realization of approach to justice for victims.

Access to justice for women survivors of cruelty also intersects with aspects of participation and empowerment of both the community and the victims themselves.²² Legal services provided to victims must be based on proportional victim participation. Although it must be ensured that there are services and assistants for victims, participation realized through empowerment is the best way to find out what the best interests of victims are. In addition, the space for victim participation will also open up more clearly and deeply about the experiences of victims of violence, so that the law enforcement process is no longer a formalistic-authoritative mechanism where the standards of achieving justice are only determined by law execution officials.

The fundamental of the 'best interest of the victim' dictates that the preservation and fulfillment of legal entitlements must be inherently grounded in the specific exigencies of the survivor. Consequently, the participation and empowerment of the victim are not merely secondary considerations but constitute the fundamental prerequisites of the adjudicative process. Within this framework, a clear teleological distinction emerges: access to justice functions as the instrumental mechanism, while the realization of the victim's best interests remains the ultimate objective. This synergistic relationship is operationalized through a tripartite analytical framework: the normative, procedural, and substantive dimensions.

²² Agus Raharjo et al., 'Akses Keadilan Bagi Rakyat Miskin (Dilema Dalam Pemberian Bantuan Hukum Oleh Advokat)', *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 27, no. 3 (2016): 432, <https://doi.org/10.22146/jmh.15881>.

The normative dimension is a means provided in the context of approach to justice for survivors by compiling a norm construction that obliges law enforcement officials and authorized institutions to ensure the accomplishment of victims' needs, such as the right to evidence, legal support, psychosocial services, and assistance.²³ The principles of best interests are constructed in the norm and operationalized through procedures for access to justice for victims. Since this time, the procedural dimension in the fulfillment of the principle of best interests has been carried out through access to justice. In this dimension, a victim-centered approach is used to assess, analyze, and make decisions. This procedure is also important to prevent revictimization and ensure that every decision and access to justice obtained by victims is in line with the best interests of victims.

Furthermore, the causal relationship between best interests and access to justice takes its form in the substantial dimension. Legal products and procedures, decisions, and policies that lead to consideration of the best interests of victims will be easier if there is adequate access for victims. The affordability of victims in fully accessing legal procedures based on the principles of participation and empowerment (victim empowerment) will facilitate the achievement of adequate victim protection.²⁴

Access to justice is a bridge that connects victims of violence with the realization of their best interests. The form of the best interests in question can be in the form of, but not limited to, an effective restitution system, a restorative justice model with a victim approach, legal assistance, and a comprehensive and holistic recovery mechanism.²⁵

Based on the description above, it can be said that, in short, access to justice includes the substance and procedures of every individual, including women victims of violence, to obtain the best interests for themselves. These interests can include the protection and fulfillment of rights to physical, psychological, economic, social, and legal recovery. Consequently, access to justice

²³ Mia Davies et al., 'Trauma-and-Violence-Informed Care for Victim-Survivors of Domestic, Family and Sexual Violence: A Qualitative Meta-Synthesis of Service Providers' Perspectives', *Trauma, Violence, & Abuse*, 4 November 2025, 15248380251383933, <https://doi.org/10.1177/15248380251383933>; John P. J. Dussich, 'Ensuring Victims' Participation in the Criminal Justice System of the United States of America', in *An International Perspective on Contemporary Developments in Victimology: A Festschrift in Honor of Marc Groenhuijsen*, ed. Janice Joseph and Stacie Jergenson (Springer International Publishing, 2020), https://doi.org/10.1007/978-3-030-41622-5_14; Stephanie P. Manzi and Tricia P. Martland, 'Victim Rights', in *The Encyclopedia of Women and Crime Set* (Wiley, 2019), <https://doi.org/10.1002/9781118929803.ewac0518>.

²⁴ Amy N. Cole and Sarah Ullrich-French, 'Exploring Empowerment for Sexual Assault Victims in Women's Only Group Fitness', *Women in Sport and Physical Activity Journal* (Champaign IL, USA) 25, no. 2 (2017): 96–104, <https://doi.org/10.1123/wspaj.2016-0005>; John Quattrochi et al., 'Effects of an Empowerment Program for Survivors of Sexual Violence on Attitudes and Beliefs: Evidence from the Democratic Republic of Congo', *International Journal for Equity in Health* 18, no. 1 (2019): 149, <https://doi.org/10.1186/s12939-019-1049-4>.

²⁵ Heather Hensman Kettrey and Noah Samuel Reynolds, 'Is Restorative Justice Appropriate for Sexual Assault and Domestic Violence? A Systematic Review and Meta-Analysis of the "Empirical Vacuum"', *Journal of Experimental Criminology*, ahead of print, 3 December 2024, <https://doi.org/10.1007/s11292-024-09651-8>.

when oriented toward the realization of the victim's interests must be operationalized through a multidimensional framework. This encompasses the protection and fulfillment of rights, the facilitation of victim empowerment and participation, and a robust prevention strategy spanning primary, secondary, and tertiary scales. Within this paradigm, approach to justice is established as an indispensable prerequisite for the vindication of a survivor's interests. There exists, therefore, a direct correlation: the efficacy of the access provided dictates the probability of achieving substantive justice for women survivors; conversely, systemic barriers to access necessarily result in the failure to satisfy the victim's legal and personal interests.

C. Feminist Jurisprudence: Challenging Patriarchal Legal Systems and Advocating for Gender-Equitable Justice

Feminist Jurisprudence is an intellectual and ideological response to the use of law as a tool for maintaining male dominance over women.²⁶ The law, both in its theoretical and practical forms, has failed to embody the spirit of equality in ensuring access to justice. The legal processes involved in lawmaking remain constrained by the narratives of dominant, hegemonic forces and have not fully supported movements aimed at affirming the rights of vulnerable women. From this perspective, feminist jurisprudence seeks to reshape the law to reflect, establish, and enforce protections for vulnerable groups, particularly those excluded from the pursuit of justice.²⁷ In this way, the law should not only be a product of political power but also a participatory and affirmative instrument that is both fair and meaningful.²⁸

Feminist jurisprudence contends that the law is historically complicit in the maintenance of male dominance.²⁹ By embedding masculine perspectives into the definition of human nature and legal capacity, the existing normative order reflects a profound gender bias. Although these legal instruments are framed within a facade of neutrality, feminist scholars argue that such neutrality is merely a rhetorical shield that facilitates and legitimizes disparate treatment and gender-based

²⁶ E. F. Kingdom, *Feminist Jurisprudence* (Taylor and Francis / Routledge, 1998), <https://doi.org/10.4324/9780415249126-T005-1>; Patricia Smith, 'Feminist Jurisprudence', in *A Companion to Philosophy of Law and Legal Theory* (2010), <https://doi.org/10.1002/9781444320114.ch18>; Margaret Thornton, 'The Development of Feminist Jurisprudence', *Legal Education Review* 9, no. 2 (1998): 3, <https://doi.org/10.53300/001c.6057>.

²⁷ Sharon Thompson, 'The Inconspicuous Impact of Feminist Pressure through Law', *Current Legal Problems* 78, no. 1 (2025): 29–64, <https://doi.org/10.1093/clp/cuaf003>; Katharine T. Bartlett, 'Feminist Legal Methods', *Harvard Law Review* 103, no. 4 (1990): 829–88, <https://doi.org/10.2307/1341478>.

²⁸ Tania Ellena Dharmanto and Victor Immanuel Williamson Nalle, 'Kebijakan Afirmatif Dan Partisipasi Perempuan Dalam Pembentukan Undang-Undang', *Legalitas: Jurnal Hukum* 14, no. 2 (2023), <https://doi.org/10.33087/legalitas.v14i2.358>.

²⁹ Siti Dana Retnani, 'Feminisme Dalam Perkembangan Aliran Pemikiran Dan Hukum Di Indonesia', *Jurnal Ilmu Hukum: ALETHEA* 1, no. 1 (2017): 95–109, <https://doi.org/10.24246/alethea.vol1.no1.p95-109>.

discrimination.³⁰ The emergence of revictimization of sexual violence cases, victim blaming by law enforcement officials against female victims, women's access to legal processes that are still limited, and others are examples of the implementation of neutral but discriminatory laws.

The issue of gender inequality in the legal system is deeply rooted in the patriarchal hegemony that influences the perspectives of legal policymakers and law enforcers. This hegemony shapes the way laws are created, interpreted, and applied, often to the detriment of women. Feminist jurisprudence, as an intellectual and ideological movement, challenges this dominance by advocating for a foundational revision of the law's underlying norms. Proponents of feminist jurisprudence argue that the inclusion of women's perspectives in legal frameworks requires more than just representation. It involves a transformative project aimed at deconstructing the traditional relationships between the state, the workplace, and the family, all of which have historically been shaped by patriarchal values. The goal is to dismantle the legal frameworks that have long marginalized female agency and to ensure that women have equal access to justice in both private and public spheres.³¹

Historically, the feminist jurisprudence movement emerged in the late 1960s, driven by feminists in America and Europe who sought to challenge legal positivism.³² Legal positivism, with its emphasis on the separation of law from social realities, reinforced the dichotomy and discrimination that negatively impacted women. Under this paradigm, the law was constructed as an impartial and objective system, which in theory, should apply equally to all. However, in practice, legal positivism overlooked the historical context of gender inequality and failed to address the unique needs and experiences of women. The law, though presented as neutral, in fact reflected and perpetuated the unequal power dynamics between men and women, particularly through the exclusion of women from positions of power and influence within the legal system.

Feminist jurisprudence critiques this traditional legal approach by exposing the ways in which laws have historically ignored the experiences of women, particularly as vulnerable subjects of discrimination. This exclusion has been evident not only in the creation of laws but also in their implementation. Women's experiences have often been marginalized, their voices silenced, and their needs overlooked in legal proceedings. Feminist scholars argue that the law, as it stands, fails

³⁰ Dharmanto and Nalle, 'Kebijakan Afirmatif Dan Partisipasi Perempuan Dalam Pembentukan Undang-Undang'.

³¹ Ann Juergens, 'Feminist Jurisprudence: Why Law Must Consider Women's Perspectives', *William Mitchell Magazine* (Saint Paul, MN) 10, no. 2 (1991): 31–32, <https://open.mitchellhamline.edu/facsch/111/>.

³² Robin West, 'Women in the Legal Academy: A Brief History of Feminist Legal Theory', *Fordham Law Review* 87, no. 3 (2018): 977–1003, <https://ir.lawnet.fordham.edu/flr/vol87/iss3/8/>; Cain, 'Feminist Jurisprudence: Grounding the Theories'.

to address the full scope of women's experiences, particularly those related to gender-based violence, discrimination, and systemic inequality.

The criticism of legal neutrality and objectivity stems from the realization that laws have often been shaped by patriarchal values that fail to consider the realities of women's lives. Legal neutrality, in this context, is not truly neutral but instead reflects a male-dominated perspective that marginalizes women. Feminist jurisprudence challenges this by calling for a legal system that recognizes and incorporates the experiences of women, especially those from marginalized groups. This approach demands a shift in how the law is both conceptualized and applied, moving from a focus on theoretical neutrality to a recognition of the lived realities of women's oppression.

Moreover, feminist jurisprudence does not just critique existing legal structures; it also provides an alternative vision for justice. It advocates for a legal system that is participatory, inclusive, and affirmatively addresses the needs of vulnerable groups, particularly women. This vision emphasizes the need for laws that empower women to challenge gender-based discrimination and violence, enabling them to fully participate in legal processes that affect their lives. Ultimately, feminist jurisprudence seeks to create a more equitable and just legal system that not only acknowledges the past marginalization of women but actively works to rectify it by providing them with the tools to access justice and participate meaningfully in the legal sphere.

Key thinkers in Feminist Jurisprudence, such as Catharine A. MacKinnon³³, argue that the law is inherently part of a patriarchal system, which means that both its substance and implementation often reflect a male-dominated perspective. According to MacKinnon³⁴, this requires a radical feminist approach and movement that seeks to deconstruct the patriarchal social and legal structures. Additionally, Carol Gilligan's³⁵ criticism, as expressed through her concept of the ethics of care, centers on the differing perspectives between men and women. She highlights how these differing perspectives influence the law and legal practices, calling for a legal framework that better considers the relational and empathetic dimensions of justice.

The differing perspectives and moral reasoning between men and women, where men often prioritize black-and-white coherence while women tend to emphasize aspects of care, significantly influence the operation of the law. Recognizing this in the context of law can enrich it,

³³ Catharine A. MacKinnon, ed., 'Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence', *Signs: Journal of Women in Culture and Society* 8, no. 4 (1983): 635–58, <https://doi.org/doi:10.1086/494000>.

³⁴ Catharine A. MacKinnon, *Toward a Feminist Theory of the State* (Harvard University Press, 1989).

³⁵ Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Harvard University Press, 1982).

transforming it into a more humanistic system. Around 1990, Martha Minow³⁶ introduced cultural feminism, which views the law as an instrument that should be inclusive, taking into account the diverse experiences of gender, race, and social background. According to this perspective, the law should not be limited to a formalistic approach but should embrace diversity and reflect the complexities of individual and collective experiences.

Kimberle Crenshaw³⁷ introduced a key concept in feminist jurisprudence known as intersectional feminism. In her article *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics*, she argues that injustice in the law is not a singular issue but rather the result of interrelated factors—such as race, gender, and other identities—intersecting and shaping the experiences of marginalized groups. Therefore, the law must be open to recognizing and addressing these intersecting factors to provide fair and effective justice for victims. This perspective aligns with Robin West’s concept of relational feminism, which critiques legal liberalism for being overly individualistic. West³⁸ argues that the law should not solely focus on formal legal rights but should instead prioritize relationships and empathy as the foundation for justice. In her work *Jurisprudence and Gender*, West asserts that the law must take into account the context of social relations, recognizing that justice cannot be determined by legal formalism alone.

Ann Scales introduced one of the most recent developments in feminist jurisprudence through Feminist Legal Theory (FLT), an academic discipline that bridges feminist theory with practical legal theory. In her work *Legal Feminism: Activism, Lawyering, and Legal Theory*, Scales³⁹ advocates for a transformation of traditional, authoritative, and deductive legal structures into more participatory and inductive systems that focus on real, concrete social issues. FLT emphasizes the need to challenge established legal norms and create a more inclusive, dynamic legal framework that accounts for the lived experiences of marginalized groups, particularly women.

Feminist jurisprudence recognizes that women’s awareness and empowerment must be cultivated in order to achieve equal rights and opportunities within the legal system. Various factors hindering gender equality must be understood as systemic issues that require resolution. A

³⁶ Martha Minow, *Making All the Difference: Inclusion, Exclusion, and American Law* (Cornell University Press, 1990).

³⁷ Crenshaw, ‘Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics’.

³⁸ Robin West, ‘Jurisprudence and Gender’, *The University of Chicago Law Review* 55, no. 1 (1988): 1–72, <https://doi.org/10.2307/1599769>.

³⁹ Ann Scales, *Legal Feminism: Activism, Lawyering, and Legal Theory* (NYU Press, 2006).

key aspect of feminist jurisprudence is the acknowledgment of partisanship, particularly toward women victims, who are often viewed as vulnerable groups. This partisanship is not just a moral stance, but a rational approach to increase access to justice for women. Gender injustice, stigmatization, and vulnerability—often shaped by social factors—contribute to the continued disparity between the protection of rights and the opportunity for legal redress for women.

For example, men are often favored in securing rights, social roles, and economic opportunities, while women are confined to domestic spaces with limited reproductive rights and roles. This ingrained societal structure reinforces inequality. Feminist jurisprudence argues for a change in this discriminatory construction, calling for a new awareness grounded in legal substance and procedures that are gender-equitable, inclusive, and focused on the needs of vulnerable groups.

Feminist jurisprudence includes a variety of approaches, such as liberal feminism, radical feminism, intersectional feminism, and feminist legal theory, each suited to different contexts. These frameworks are not mutually exclusive; rather, they can be used in combination as part of an integrated strategy to address gender-based legal inequities. The operationalization of feminist jurisprudence involves a three-pronged reformative agenda: First, it calls for a substantive revision of existing legislative and regulatory frameworks; second, it emphasizes the enhancement of the pedagogical and professional capacity of law enforcement personnel; and third, it advocates for strengthening the institutional efficacy and service quality of victim support organizations.

Despite these advancements, women victims of violence still face serious barriers within the legal system. These obstacles include limited access to justice, gender bias in the evidentiary process, patriarchal social norms that perpetuate stigmatization and discrimination, and the gap between positive legal norms and the substantive protection and fulfillment of victims' rights. Feminist jurisprudence offers a critical perspective and analytical tool to address these obstacles, providing a framework for rethinking and transforming the legal system to better serve women's needs. It is through these reforms that feminist jurisprudence seeks to challenge the status quo and ensure a more just and equitable legal landscape for women.

D. Holistic Approaches to Access to Justice: Overcoming Barriers and Empowering Women Victims of Violence

The United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012) and the mandates of Sustainable Development Goal 16 emphasize that justice should be universally accessible, allowing all individuals to utilize legal frameworks to protect and

vindicate their rights.⁴⁰ This approach moves beyond merely ensuring procedural access to judicial institutions and calls for a more comprehensive strategy that dismantles the entrenched socio-structural and cultural barriers that prevent equitable participation in the legal system. Such barriers often hinder marginalized and vulnerable groups, including women, minorities, and economically disadvantaged individuals, from fully accessing justice. These barriers are not just procedural; they are deeply rooted in social norms, economic inequalities, and cultural factors that shape people's ability to engage with and benefit from the legal system.

A more holistic approach to justice recognizes that access to the legal system must be accompanied by an effort to eliminate these structural impediments, ensuring that all individuals can participate equally in legal proceedings. This includes addressing issues such as the lack of legal literacy, financial constraints, and societal stigmas, all of which can prevent people from seeking redress or fully understanding their rights within the justice system. It also necessitates the creation of an environment where legal services are available, affordable, and understandable for all individuals, regardless of their social or economic background.

In alignment with the 2005 UN Basic Principles and Guidelines, the right to a remedy is conceptualized as an indivisible triad of rights. This triad requires the state to provide not only formal procedural fairness, but also effective material restitution and full disclosure of relevant information. Formal procedural fairness ensures that legal processes are transparent and accessible, allowing individuals to assert their rights and resolve disputes in a fair and impartial manner. However, procedural fairness alone is not enough. The legal system must also guarantee effective material restitution, meaning that those who have been wronged are not only heard, but also compensated or restored to a position of equity. This aspect of the triad recognizes that justice is not simply about the process, but about addressing the harm done and providing concrete remedies for victims.

Full disclosure of relevant information is another critical component of this triad, ensuring that individuals involved in legal proceedings have access to all necessary information to make informed decisions. This transparency helps to prevent miscarriages of justice and ensures that individuals can engage with the legal system in a meaningful way. When these three elements—procedural fairness, material restitution, and full disclosure—are effectively implemented, they

⁴⁰ Olaitan O. Olusegun and Olatunji S. Oyelade, 'Access to Justice for Nigerian Women: A Veritable Tool to Achieving Sustainable Development', *International Journal of Discrimination and the Law* 22, no. 1 (2022): 4–29, <https://doi.org/10.1177/13582291211043418>; Sabina Garahan, 'Legal Aid: Promoting Sustainable Development Through Greater Access to Justice', in *Peace, Justice and Strong Institutions*, ed. Walter Leal Filho et al. (Springer International Publishing, 2021), https://doi.org/10.1007/978-3-319-95960-3_4.

create a justice system that is both accessible and substantively just. This holistic approach to justice ensures that the rights of all individuals are protected and that the legal system serves its intended purpose of delivering justice for everyone.

Physical and procedural access to justice involves ensuring that legal facilities and infrastructure are available, accessible, and affordable to all individuals. This is reflected in the establishment of various legal aid posts within court institutions, mandated by Law Number 16 of 2011 on Legal Aid. These legal aid posts aim to provide individuals with the resources necessary to access legal services, particularly those who face financial or logistical barriers. However, access to justice goes beyond the physical and procedural dimensions; it also encompasses substantive access. This means that existing laws must recognize and protect the rights of all groups, including women victims of violence and persons with disabilities, without exception. Laws should ensure that these vulnerable populations are not excluded or discriminated against, and that their specific needs are addressed by the justice system.

Cultural and structural access is another crucial component of the access to justice framework. This aspect focuses on overcoming non-structural barriers that often arise due to societal conditions, cultural norms, and community structures. For example, social stigmatization and revictimization of women survivors of violence can prevent them from seeking justice or fully participating in legal processes. These barriers are deeply embedded in the culture and social fabric of many societies and can be difficult to address without targeted interventions. Socio-cultural support, therefore, becomes essential to ensuring that justice is not only accessible but also truly available to all individuals, including those from marginalized or vulnerable groups.

As highlighted in the broader understanding of access to justice, it is more than just the physical availability of legal infrastructure or representation. Access to justice is fundamentally tied to human dignity, individual agency, and institutional accountability. Without equitable access, the legal system fails to uphold the fundamental rights of individuals, leading to a breakdown in institutional legitimacy and the further marginalization of vulnerable groups. Despite the centrality of this issue, limited access to justice remains a widespread problem across global legal systems, with obstacles such as prohibitive costs, long timelines, and complex legal procedures standing in the way of individuals' ability to assert their rights.

In many cases, access to justice is not merely a matter of accessing legal procedures, but of empowering individuals to navigate often complex and expensive legal systems. The need for specialized technical proficiency in legal processes further complicates access for those without the necessary resources or knowledge. Although significant efforts have been made to improve

access to justice, especially for women survivors of violence, challenges persist, particularly in countries like Indonesia. Inadequate distribution of legal infrastructure—both in terms of quantity and quality—along with limited public awareness of available legal services, creates substantial barriers to accessing justice. Additionally, the quality of human resources, both among legal professionals and within communities, contributes to these challenges. Insufficient training and awareness among law enforcement and legal professionals often results in ineffective support for victims, further hindering their ability to seek justice.

Feminist jurisprudence serves as a crucial foundation for ensuring that the law—both substantively and procedurally—supports women victims of violence, who are a vulnerable group with limited access to justice. This approach addresses the underlying issues of gender bias and the systematic barriers that hinder justice for women. By questioning traditional legal frameworks, feminist jurisprudence aims to dismantle legal norms and structures that prevent the fair treatment of women victims. The law must not only remain neutral but actively work to protect women as a vulnerable group, prioritizing their safety and rights. This becomes the basis for establishing a legal perspective that centers on victim protection and promotes equality.⁴¹

Access to justice, particularly for vulnerable groups such as women victims of violence, requires substantial strengthening. A feminist jurisprudence approach provides a holistic solution to this issue, incorporating legal reform, the enhancement of institutional structures, cultural shifts within the legal system, and empowerment of victims. Legal reform, in this context, goes beyond the revision of statutes. It calls for a comprehensive restructuring of the entire legal framework, including its application. The aim is to create a system that guarantees protection and meets the needs of victims effectively. These reforms must be anchored in the principles of equality and the best interests of the victim, ensuring a shift towards a justice system that places victim protection at its core. Moreover, reforms must also establish clear and practical procedural mechanisms that are sensitive to the diverse and multifaceted needs of survivors.

Strengthening access to justice cannot be limited to legal reform alone. It is equally important to ensure that legal services and assistance mechanisms are affordable, accessible, and efficient. Legal services must be simplified, removing bureaucratic barriers that could prevent vulnerable victims from seeking help. The state must prioritize the substantive interests of justice over bureaucratic procedures. Additionally, legal service structures must integrate law enforcement, psychosocial institutions, and community-based organizations. Such an integrated approach

⁴¹ Rebecca L. Sandefur, 'Access to Civil Justice and Race, Class, and Gender Inequality', in *Annual Review of Sociology*, vol. 34, Annual Reviews, 2008, <https://doi.org/10.1146/annurev.soc.34.040507.134534>.

ensures a cohesive, efficient, and effective service delivery system. The aim is to provide a range of inclusive services that are designed to meet the diverse needs of victims, particularly women survivors of violence. Through these inclusive mechanisms, access to legal services becomes not only more affordable but also more effective and high-quality.

Legal reforms, when accompanied by improvements in service quality, require a collaborative, polycentric approach. This approach involves the cooperation of multiple stakeholders, including state institutions, civil society organizations, and the general public. While collaboration is essential, the state must retain its primary responsibility. As the central authority under the social contract, the state is legally and ethically bound to ensure that the rights of all citizens are protected and fulfilled. This responsibility is non-delegable and must be prioritized above all else. Civil society organizations are essential partners in advocating for victims' rights, often playing a pivotal role in reaching out to victims and providing necessary support. However, these organizations often face challenges, particularly due to limited resources. Their capacity to serve victims depends on adequate funding, training, and institutional support.

The role of the community is also vital in both preventing and protecting victims of violence. Victims are not isolated from the community; they are an integral part of it. Through participatory collaboration, the community can help determine preventive measures and provide ongoing support to victims. This involvement is crucial in addressing the cultural stigma that often surrounds victims of violence. Involving the community in these efforts leads to a cultural shift towards greater empathy and support, which helps victims recover. Furthermore, community involvement in the legal process can help build awareness about the rights of victims and encourage greater rejection of all forms of violence. By promoting legal awareness, communities can become proactive participants in the justice process, ensuring that victims' voices are heard and supported.

Community involvement in strengthening access to justice offers significant advantages. It helps break down both structural and cultural barriers, encouraging more victims to come forward and report their cases. When victims feel supported by the community, they are more likely to seek justice, knowing that they will not be met with rejection or stigma. Additionally, community support facilitates the long-term recovery process for victims. Good practices in community involvement include programs like the Community Paralegals Program in Kenya, where local paralegals help bridge the gap between victims and the formal legal system⁴², and the Barangay

⁴² Vivek Maru and Varun Gauri, 'Paralegals in Comparative Perspective: What Have We Learned across These Six Countries?', in *Community Paralegals and the Pursuit of Justice*, ed. Vivek Maru and Varun Gauri (Cambridge

VAW Program in the Philippines, which supports victims through local government units and community-based services.⁴³ These programs show that effective community involvement can enhance access to justice, helping victims to navigate the legal system and rebuild their lives with dignity.

E. Feminist Jurisprudence and the Transformation of Legal Systems: Advancing Gender Equality and Addressing Violence Against Women

A critical focus of feminist jurisprudence is the intersectional analysis of women's experiences within the penal system.⁴⁴ Feminist critiques of criminal law examine how legal concepts are influenced by language and categories that are inherently masculine. The idea of legal neutrality is often challenged, as these categories overlook the real-world vulnerability of women as a class. For instance, in sexual assault cases, the burden of proof and the definition of consent are typically framed in ways that make it extremely difficult for survivors to achieve justice. Additionally, the focus on the victim's behavior during investigations often leads to victim-blaming, shifting responsibility away from the perpetrator.

Feminist jurisprudence highlights that strengthening access to justice is not a one-time legislative action but an ongoing process of institutional and cultural transformation. This transformation requires a comprehensive, multi-sectoral approach that connects legal theory with practical reforms in courtrooms and policing. One crucial aspect of this transformation is the integration of intersectionality into sentencing and trial management. This approach is vital for addressing the disproportionate incarceration rates among Indigenous and marginalized women, who often face compounded forms of discrimination.

The evolution of feminist jurisprudence within Indonesia's legal landscape is deeply influenced by a global mix of international human rights standards. The internalization of these

University Press, 2018), Cambridge Core, <https://doi.org/10.1017/9781316671801.001>; H. Abigail Moy, 'Kenya's Community-Based Paralegals: A Tradition of Grassroots Legal Activism', in *Community Paralegals and the Pursuit of Justice*, ed. Vivek Maru and Varun Gauri (Cambridge University Press, 2018), Cambridge Core, <https://doi.org/10.1017/9781316671801.005>.

⁴³ Gillian Dorado Consignado et al., 'Community-Based Violence Against Women (VAW) Desks in the Philippines: A Multi-Level Assessment', *Pertanika Journal of Social Sciences and Humanities* 30, no. 2 (2022): 901–26, <https://doi.org/10.47836/pjssh.30.2.25>; Eugenio Dela Rosa Jr., 'Assessment of Interagency Procedures and Performance in Handling Violence Against Women and Children: A Comparative Study of PNP, DSWD, and Barangay', *Aloysian Interdisciplinary Journal of Social Sciences, Education, and Allied Fields* 1, no. 7 (2025): 134–41, <https://doi.org/10.5281/zenodo.16533438>; Rosemarie Carreon Farro, 'Breaking The Silence: VAW Curriculum and Community-Based System.', *International Journal of Child Development & Mental Health* 12, no. 2 (2024): 43–55, <https://he01.tci-thaijo.org/index.php/cdmh/article/view/270876>.

⁴⁴ Komberly D. Bailey, 'Feminist Judgments: Rewritten Criminal Law Opinions', in *Criminal Law and Criminal Justice Books*, ed. Bennett Capers et al. (Cambridge University Press, 2022).

global norms has acted as a key driver for domestic legal reforms, particularly in the areas of sexual violence adjudication and systemic discrimination. At the heart of this shift is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which serves as the cornerstone of international norms requiring the Indonesian state to eliminate discriminatory practices and ensure the full realization of gender equality.⁴⁵

The implementation of CEDAW in Indonesia has encountered significant “narrative contestation,” with social and political resistance often framed through traditional or religious values, hindering the full acceptance of international norms related to reproductive rights and sexual autonomy. Despite this resistance, the Indonesian government has made notable strides in aligning national laws with international treaties. This normative alignment is evidenced by the formal adoption of the Beijing Platform for Action, which has driven the systematic development of national action plans focused on advancing gender equality. These developments reflect the state’s commitment to translating international consensus into tangible domestic policy frameworks.

A key mechanism for norm diffusion has been the “Bangkok General Guidance for Judges,” which provides a regional standard for integrating a gender perspective into judicial acts. This guidance was directly incorporated into the Indonesian legal system through Supreme Court Regulation No. 3 of 2017. By adopting these regional and international standards, the Indonesian judiciary has aimed to create an “enabling environment” where women can seek justice without fear of discrimination or secondary victimization.⁴⁶

The most concrete and progressive step taken by the Indonesian judiciary in addressing gender bias came with the issuance of Supreme Court Regulation on Guidelines for Adjudicating Cases Involving Women. This policy arose from the Supreme Court’s recognition that judicial practices, until that point, had often failed to meet women’s expectations of justice due to a lack of gender awareness among judges.⁴⁷

The enactment of the Sexual Violence Crime Law on April 12, 2022, marks the most significant legislative achievement of feminist jurisprudence in Indonesia to date. This law was developed as a direct response to the “escalating crisis of sexual assault” and the glaring

⁴⁵ Marita and Yustisia Pratiwi Pramesti, ‘Feminist Legal Theory as a Review of Legal Philosophy : Its Relation with Gender Equality in Indonesia’, *Journal of Transcendental Law* 5, no. 2 (2023): 82–90, <https://doi.org/10.23917/jtl.v5i2.4160>.

⁴⁶ Rika Saraswati, ‘Gender Bias in Indonesian Courts: Is Perma No. 3 of 2017 the Solution for Gender-Based Violence Cases?’, *Laws* 10, no. 1 (2020): 2, <https://doi.org/10.3390/laws10010002>.

⁴⁷ *Ibid.*

inadequacy of existing legal safeguards, such as the old Criminal Code, which contained a narrow and exclusionary definition of rape and sexual abuse. The Sexual Violence Crime Law introduces a comprehensive and “responsive” legal framework that shifts the criminal justice system’s focus from being purely offender-oriented to becoming victim-centered. It explicitly recognizes nine specific types of sexual violence that were previously difficult to prosecute under general criminal law.⁴⁸

The Sexual Violence Crime Law presents a new paradigm that prioritizes victim protection through a victim-centered approach. The ‘consent’ paradigm in this law shifts the investigative focus from proving physical violence (as required under the old Criminal Code) to proving that consent was freely and voluntarily given. This is especially important in cases where victims experience psychological pressure or “freezing” responses, which prevent them from physically resisting but do not imply consent. Additionally, the law mandates that law enforcement officials undergo integrated training to ensure a uniform and humane approach in handling sexual violence cases, free from discrimination.

As the world faces increasing digital threats in 2025, feminist jurisprudence must evolve to address technology-facilitated violence. True access to justice in the modern era requires a legal framework that is flexible and globally interconnected, capable of regulating emerging forms of abuse in the digital age. It is crucial to ensure that the promise of safety and equality is upheld for all women, both online and offline, in order to address new challenges while safeguarding fundamental rights.

F. Conclusion

Violence against women is a pervasive issue deeply rooted in systemic gender inequalities and patriarchal structures that position men as dominant and women as subordinate. This imbalance is not an isolated occurrence but rather a reflection of societal power dynamics that perpetuate gender-based cruelty. Feminist jurisprudence seeks to challenge these power structures by advocating for legal systems that recognize and address the specific needs of women, especially those who are victims of violence. The legal system’s failure to adequately recognize the

⁴⁸ Christina Maya Indah Susilowati and Mardian Putra Frans, ‘Interpreting Power, Grooming, and Deception in Sexual Violence Cases: A Hermeneutic Study on Legal Challenges in Indonesia’, *International Journal for the Semiotics of Law - Revue Internationale de Sémiotique Juridique*, ahead of print, 27 November 2024, <https://doi.org/10.1007/s11196-024-10223-2>; Christina Maya Indah Susilowati and Mardian Putra Frans, ‘Legal Reform in Addressing Sexual Violence in Indonesia: An Analysis of the Implementation of Law No. 12 of 2022 on Sexual Violence Crimes’, *ARTIGOS, Revista Direito e Sexualidade* 5, no. 2 (2024): 183–202, <https://doi.org/10.9771/rds.v6i2.63279>.

intersectional nature of women's oppression leads to significant barriers to justice. Factors such as race, class, age, disability, sexual orientation, and legal status combine to create a unique vulnerability for many women, making it essential for the law to consider these overlapping identities.

A traditional, gender-blind legal system risks failing to address the full scope of women's experiences. Feminist jurisprudence emphasizes the need for a responsive, holistic approach that incorporates intersectionality into all stages of the legal process, from lawmaking to enforcement. This requires legal reforms that not only address procedural fairness but also ensure substantive justice for women. Mauro Cappelletti and Bryant Garth highlight two key pillars of access to justice: first, that legal pathways must be equally accessible to all individuals, and second, that the outcomes of legal processes must be meaningful and fair. This dual focus ensures that justice is not only procedural but also substantive, delivering outcomes that reflect both individual rights and the broader social needs for equity and fairness.

The integration of feminist jurisprudence into legal frameworks transforms them into systems that prioritize the protection and empowerment of women, particularly those who are most vulnerable. This shift is exemplified by the enactment of the Sexual Violence Crime Law in Indonesia, which represents a significant change in how the legal system addresses sexual violence. The law moves from a perpetrator-centered approach to one that is victim-centered, recognizing the complexity of sexual violence and providing a more comprehensive legal framework for its prosecution. By explicitly identifying nine types of sexual violence previously difficult to prosecute, the law shifts the focus from physical violence to the issue of consent, acknowledging that victims may face psychological pressures that prevent them from resisting but do not imply consent.

However, legal reforms alone are insufficient without the institutional capacity and cultural transformation needed to support them. Law enforcement and the judicial system must undergo reforms to ensure that legal processes are not only accessible but also fair and sensitive to the needs of women. This includes the training of legal professionals and law enforcement officers to handle cases of sexual violence without discrimination or bias. Furthermore, feminist jurisprudence advocates for a victim-centered approach in which the empowerment and participation of women in the legal process are central to achieving justice. By ensuring that victims are active participants in the justice system, it becomes possible to create a legal environment that is not only responsive to their needs but also promotes their recovery and empowerment.

The role of civil society organizations is crucial in bridging the gap between the legal system and the victims it aims to protect. These organizations often have the flexibility and resources to reach marginalized women, providing them with the support and advocacy they need to navigate the legal system. While the state has a central role in reforming legal structures, civil society groups play a vital role in ensuring that the system is truly accessible to all. Collaboration between state institutions and civil society is essential to overcome the institutional barriers that prevent women from accessing justice and to provide holistic support to survivors of violence.

Community involvement is another critical aspect of feminist jurisprudence, as it helps challenge the cultural stigmas surrounding violence against women. By engaging communities in the process of legal reform and victim support, it is possible to foster a more empathetic and supportive environment for survivors. Programs that promote legal awareness and community-based legal assistance, such as the Community Paralegals Program in Kenya, can serve as effective models for empowering communities to take an active role in strengthening access to justice.

Looking to the future, feminist jurisprudence must continue to evolve in response to emerging challenges, particularly the rise of technology-facilitated violence. As the digital landscape expands, it is crucial for the legal system to adapt and ensure that women's rights and safety are protected online as well as offline. This requires a flexible, globally connected legal framework capable of addressing new forms of abuse while maintaining the core principles of justice, equality, and victim protection.

Feminist jurisprudence, by challenging patriarchal structures and advocating for a justice system that recognizes the unique experiences of women, particularly survivors of violence, is crucial for achieving real and lasting justice. Through comprehensive legal reforms, institutional transformation, and active community involvement, it is possible to create a legal system that empowers women and ensures their full participation in the pursuit of justice. Access to justice, when aligned with the best interests of victims, is not merely a procedural step but a transformative process that can lead to meaningful change for women in both legal and societal contexts.

REFERENCES

- Bailey, Komberly D. 'Feminist Judgments : Rewritten Criminal Law Opinions'. In *Criminal Law and Criminal Justice Books*, edited by Bennett Capers, Sarah Deer, and Corey Rayburn Yung. Cambridge University Press, 2022.
- Barnett, Hilaire. *Sourcebook on Feminist Jurisprudence*. Taylor & Francis, 1996.
- Bartlett, Katharine T. 'Feminist Legal Methods'. *Harvard Law Review* 103, no. 4 (1990): 829–88. <https://doi.org/10.2307/1341478>.

- Cain, Patricia A. 'Feminist Jurisprudence: Grounding the Theories'. *Berkeley Women's Law Journal* 4 (1988): 191–214. <https://digitalcommons.law.scu.edu/facpubs/251/>.
- Cappelletti, Mauro, and Bryant Garth. 'Access to Justice: The Newest Wave in the Worldwide Movement to Make Rights Effective'. *Buffalo Law Review* 27, no. 2 (1978): 181–292. <https://www.repository.law.indiana.edu/facpub/1142/>.
- Carbado, Devon W., Kimberlé Williams Crenshaw, Vickie M. Mays, and Barbara Tomlinson. 'Intersectionality: Mapping the Movements of a Theory'. *Du Bois Review: Social Science Research on Race* 10, no. 2 (2013): 303–12. Cambridge Core. <https://doi.org/10.1017/S1742058X13000349>.
- Cole, Amy N., and Sarah Ullrich-French. 'Exploring Empowerment for Sexual Assault Victims in Women's Only Group Fitness'. *Women in Sport and Physical Activity Journal* (Champaign IL, USA) 25, no. 2 (2017): 96–104. <https://doi.org/10.1123/wspaj.2016-0005>.
- Consignado, Gillian Dorado, Jennifer Marie Sunga Amparo, and Erwin Gaspar Alday Alampay. 'Community-Based Violence Against Women (VAW) Desks in the Philippines: A Multi-Level Assessment'. *Pertanika Journal of Social Sciences and Humanities* 30, no. 2 (2022): 901–26. <https://doi.org/10.47836/pjssh.30.2.25>.
- Crenshaw, Kimberle. 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics'. *The University of Chicago Legal Forum* 140 (1989): 139–68. <https://philpapers.org/rec/CREDTI>.
- Crenshaw, Kimberlé. *On Intersectionality: Essential Writings*. New Press, 2023.
- Dang, Minh Hoang. 'Applying Feminist Legal Principles to Achieve Gender Equality in Vietnam's Labor Legislation'. *Cogent Social Sciences* 10, no. 1 (2024): 2350566. <https://doi.org/10.1080/23311886.2024.2350566>.
- Davies, Mia, Lata Satyen, and John W. Toumbourou. 'Trauma-and-Violence-Informed Care for Victim-Survivors of Domestic, Family and Sexual Violence: A Qualitative Meta-Synthesis of Service Providers' Perspectives'. *Trauma, Violence, & Abuse*, 4 November 2025, 15248380251383933. <https://doi.org/10.1177/15248380251383933>.
- Dharmanto, Tania Ellena, and Victor Immanuel Williamson Nalle. 'Kebijakan Afirmatif Dan Partisipasi Perempuan Dalam Pembentukan Undang-Undang'. *Legalitas: Jurnal Hukum* 14, no. 2 (2023). <https://doi.org/10.33087/legalitas.v14i2.358>.
- Dowd, Nancy E. 'Masculinities and Feminist Legal Theory'. *Wisconsin Journal of Law, Gender & Society* 23, no. 2 (2008): 201–48. <https://scholarship.law.ufl.edu/facultypub/415/>.
- Dussich, John P. J. 'Ensuring Victims' Participation in the Criminal Justice System of the United States of America'. In *An International Perspective on Contemporary Developments in Victimology: A Festschrift in Honor of Marc Groenhuijsen*, edited by Janice Joseph and Stacie Jergenson. Springer International Publishing, 2020. https://doi.org/10.1007/978-3-030-41622-5_14.
- Essue, Beverley M., Cyndirela Chadambuka, Amaya Perez-Brumer, et al. 'Women's Experiences of Gender-Based Violence Supports Through an Intersectional Lens: A Global Scoping Review'. *BMJ Public Health* 3, no. 1 (2025): e001405. <https://doi.org/10.1136/bmjph-2024-001405>.

- Farro, Rosemarie Carreon. 'Breaking The Silence: VAW Curriculum and Community-Based System.' *International Journal of Child Development & Mental Health* 12, no. 2 (2024): 43–55. <https://he01.tci-thaijo.org/index.php/cdmh/article/view/270876>.
- Garahan, Sabina. 'Legal Aid: Promoting Sustainable Development Through Greater Access to Justice'. In *Peace, Justice and Strong Institutions*, edited by Walter Leal Filho, Anabela Marisa Azul, Luciana Brandli, Amanda Lange Salvia, Pinar Gökçin Özuyar, and Tony Wall. Springer International Publishing, 2021. https://doi.org/10.1007/978-3-319-95960-3_4.
- García-Moreno, Claudia, Cathy Zimmerman, Alison Morris-Gehring, et al. 'Addressing Violence Against Women: A Call to Action'. *The Lancet* 385, no. 9978 (2015): 1685–95. [https://doi.org/10.1016/S0140-6736\(14\)61830-4](https://doi.org/10.1016/S0140-6736(14)61830-4).
- Gherardi, Natalia. 'Violence Against Women in Latin America'. *Sur: International Journal on Human Rights* 13, no. 24 (2016): 129–36. <https://sur.conectas.org/en/violence-against-women-in-latin-america/>.
- Gill, Aisha K., and Sundari Anitha. 'A Matter of Trust? Policing Violence Against Women and Girls'. *Policing and Society*, 5 February 2026, 1–17. <https://doi.org/10.1080/10439463.2026.2623413>.
- Gilligan, Carol. *In a Different Voice: Psychological Theory and Women's Development*. Harvard University Press, 1982.
- Giordano, Peggy C., and Jennifer E. Copp. 'Girls' and Women's Violence: The Question of General Versus Uniquely Gendered Causes'. In *Annual Review of Criminology*, vol. 2. no. Volume 2, 2019. Annual Reviews, 2019. <https://doi.org/10.1146/annurev-criminol-011518-024517>.
- Hidayati, Nur. 'Akses Keadilan Bagi Perempuan Dan Pidana Anak Dalam Pembangunan Berkelanjutan'. *Eksekusi: Jurnal Ilmu Hukum Dan Administrasi Negara* 1, no. 3 (2023): 338–57. <https://doi.org/10.55606/eksekusi.v1i3.541>.
- Indonesia Judicial Research Society (IJRS). '52% Perempuan Masih Enggan Melaporkan Permasalahan Hukumnya, Pemberdayaan Hukum Jadi Alternatif Solusi!' Indonesia Judicial Research Society (IJRS), 14 December 2023. <https://ijrs.or.id/2023/12/14/52-perempuan-masih-enggan-melaporkan-permasalahan-hukumnya-pemberdayaan-hukum-jadi-alternatif-solusi/>.
- Jordan, Carol E., Rebecca Campbell, and Diane Follingstad. 'Violence and Women's Mental Health: The Impact of Physical, Sexual, and Psychological Aggression'. In *Annual Review of Clinical Psychology*, vol. 6. Annual Reviews, 2010. <https://doi.org/10.1146/annurev-clinpsy-090209-151437>.
- Juergens, Ann. 'Feminist Jurisprudence: Why Law Must Consider Women's Perspectives'. *William Mitchell Magazine* (Saint Paul, MN) 10, no. 2 (1991): 31–32. <https://open.mitchellhamline.edu/facsch/111/>.
- Kabaseke, Charlotte, and Barbara Kitui. 'Access to Justice for Female Victims of Sexual Violence in Uganda'. In *Violence Against Women and Criminal Justice in Africa: Volume II: Sexual Violence and Vulnerability*, edited by Ashwanee Budoo-Scholtz and Emma Charlene Lubaale. Springer International Publishing, 2022. https://doi.org/10.1007/978-3-030-75953-7_3.
- Kainazarova, Makpal, Zauresh Abdukarimova, Kabdulsamikh Aitkhozhin, and Aigerim Bayanbayeva. 'Quantifying a Hidden Crisis: Challenges in Addressing Domestic Violence

- Against Women in Kazakhstan'. *International Journal of Discrimination and the Law*, 23 April 2025, 13582291251337325. <https://doi.org/10.1177/13582291251337325>.
- Kejaksaan Republik Indonesia. *Prosecutor's Guideline Number 1 of 2021 Concerning Access to Justice for Women and Children in Handling Criminal Cases*. Indonesia Judicial Research Society (IJRS), 2026. <https://ijrs.or.id/en/publikasi-ijrs/prosecutors-guideline-number-1-of-2021-concerning-access-to-justice-for-women-and-children-in-handling-criminal-cases/>.
- Kettrey, Heather Hensman, and Noah Samuel Reynolds. 'Is Restorative Justice Appropriate for Sexual Assault and Domestic Violence? A Systematic Review and Meta-Analysis of the "Empirical Vacuum"'. *Journal of Experimental Criminology*, ahead of print, 3 December 2024. <https://doi.org/10.1007/s11292-024-09651-8>.
- Kingdom, E. F. *Feminist Jurisprudence*. Taylor and Francis / Routledge, 1998. <https://doi.org/10.4324/9780415249126-T005-1>.
- Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan). 'Siaran Pers Komisi Nasional Anti Kekerasan Terhadap Perempuan: Kesalahan Penerapan Hukum Dalam Kasus Kriminalisasi Korban KDRT Di PN Karawang'. Komnas Perempuan, 16 November 2021. <https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komisi-nasional-anti-kekerasan-terhadap-perempuan-kesalahan-penerapan-hukum-dalam-kasus-kriminalisasi-korban-kdrt-di-pn-karawang-jakarta-16-november-2021>.
- Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan). 'Siaran Pers Komnas Perempuan Dalam Rangka Memperingati Hari Bhakti Adhyaksa'. Komnas Perempuan, 22 July 2022. <https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komnas-perempuan-dalam-rangka-memperingati-hari-bhakti-adhyaksa>.
- Komnas Perempuan. *Catatan Tahunan Kekerasan Terhadap Perempuan 2024*. Jakarta, 2024.
- Krahé, Barbara. 'Violence Against Women'. In *Aggression and Violence: A Social Psychological Perspective*. Routledge, 2016.
- Kurt, Gonca, and Ayşe Akın. 'Gender and Exposure to Childhood Violence Are Important Determinants of Domestic Violence Among Academics'. *Heliyon* 9, no. 11 (2023): e22078. <https://doi.org/10.1016/j.heliyon.2023.e22078>.
- Lu, Mengyao, Ebenezer Owusu-Addo, Miho Yoshikawa, Hilda Mensah, and Deborah Fry. 'Understanding Law Enforcement Interventions for the Response to and Prevention of Sexual Exploitation and Abuse Against Children and Women in Ghana: Findings from a Realist Review'. *Aggression and Violent Behavior* 83 (July 2025): 102068. <https://doi.org/10.1016/j.avb.2025.102068>.
- MacKinnon, Catharine A. 'Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence'. *Signs: Journal of Women in Culture and Society* 8, no. 4 (1983): 635–58. <https://doi.org/doi:10.1086/494000>.
- MacKinnon, Catharine A. *Toward a Feminist Theory of the State*. Harvard University Press, 1989.
- Manzi, Stephanie P., and Tricia P. Martland. 'Victim Rights'. In *The Encyclopedia of Women and Crime Set*. Wiley, 2019. <https://doi.org/10.1002/9781118929803.ewac0518>.
- Marita, and Yustisia Pratiwi Pramesti. 'Feminist Legal Theory as a Review of Legal Philosophy : Its Relation with Gender Equality in Indonesia'. *Journal of Transcendental Law* 5, no. 2 (2023): 82–90. <https://doi.org/10.23917/jtl.v5i2.4160>.

- Maru, Vivek, and Varun Gauri. 'Paralegals in Comparative Perspective: What Have We Learned across These Six Countries?' In *Community Paralegals and the Pursuit of Justice*, edited by Vivek Maru and Varun Gauri. Cambridge University Press, 2018. Cambridge Core. <https://doi.org/10.1017/9781316671801.001>.
- Minow, Martha. *Making All the Difference: Inclusion, Exclusion, and American Law*. Cornell University Press, 1990.
- Moy, H. Abigail. 'Kenya's Community-Based Paralegals: A Tradition of Grassroots Legal Activism'. In *Community Paralegals and the Pursuit of Justice*, edited by Vivek Maru and Varun Gauri. Cambridge University Press, 2018. Cambridge Core. <https://doi.org/10.1017/9781316671801.005>.
- Namy, Sophie, Catherine Carlson, Kathleen O'Hara, et al. 'Towards a Feminist Understanding of Intersecting Violence Against Women and Children in the Family'. *Social Science & Medicine* 184 (July 2017): 40–48. <https://doi.org/10.1016/j.socscimed.2017.04.042>.
- Natalis, Aga. 'From Feminist Debates to Feminist Policy: Toward a Polymorphous Discourse in Prostitution Regulation'. *Revista Direito e Sexualidade* 6, no. 2 (2025): 1–41. <https://doi.org/10.9771/rds.v6i2.66251>.
- Natalis, Aga. 'Reformasi Hukum Dalam Rangka Mewujudkan Keadilan Bagi Perempuan: Telaah Feminist Jurisprudence'. *Crepido* 2, no. 1 (2020): 11–23. <https://doi.org/10.14710/crepido.2.1.11-23>.
- Okin, Susan Moller. 'Gender Inequality and Cultural Differences'. *Political Theory* 22, no. 1 (1994): 5–24. <https://doi.org/10.1177/0090591794022001002>.
- Olusegun, Olaitan O., and Olatunji S. Oyelade. 'Access to Justice for Nigerian Women: A Veritable Tool to Achieving Sustainable Development'. *International Journal of Discrimination and the Law* 22, no. 1 (2022): 4–29. <https://doi.org/10.1177/13582291211043418>.
- Ortiz-Barreda, Gaby, and Carmen Vives-Cases. 'Legislation on Violence Against Women: Overview of Key Components'. *Revista Panamericana De Salud Pública* 33, no. 1 (2013): 61–72. <https://doi.org/10.1590/S1020-49892013000100009>.
- Petrunov, Georgi. 'Cultural, Ideological and Structural Conditions Contributing to the Sustainability of Violence Against Women: The Case of Bulgaria'. *Social Sciences* 14, no. 8 (2025): 488. <https://doi.org/10.3390/socsci14080488>.
- Quattrochi, John, Rosalie Biaba, Ragnhild Nordås, et al. 'Effects of an Empowerment Program for Survivors of Sexual Violence on Attitudes and Beliefs: Evidence from the Democratic Republic of Congo'. *International Journal for Equity in Health* 18, no. 1 (2019): 149. <https://doi.org/10.1186/s12939-019-1049-4>.
- Raharjo, Agus, A. Angkasa, and Rahadi Wasi Bintoro. 'Akses Keadilan Bagi Rakyat Miskin (Dilema Dalam Pemberian Bantuan Hukum Oleh Advokat)'. *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 27, no. 3 (2016): 432. <https://doi.org/10.22146/jmh.15881>.
- Retnani, Siti Dana. 'Feminisme Dalam Perkembangan Aliran Pemikiran Dan Hukum Di Indonesia'. *Jurnal Ilmu Hukum: ALETHEA* 1, no. 1 (2017): 95–109. <https://doi.org/10.24246/alethea.vol1.no1.p95-109>.

- Rosa Jr, Eugenio Dela. 'Assessment of Interagency Procedures and Performance in Handling Violence Against Women and Children: A Comparative Study of PNP, DSWD, and Barangay'. *Aloysian Interdisciplinary Journal of Social Sciences, Education, and Allied Fields* 1, no. 7 (2025): 134–41. <https://doi.org/10.5281/zenodo.16533438>.
- Sandefur, Rebecca L. 'Access to Civil Justice and Race, Class, and Gender Inequality'. In *Annual Review of Sociology*, vol. 34. Annual Reviews, 2008. <https://doi.org/10.1146/annurev.soc.34.040507.134534>.
- Saraswati, Rika. 'Gender Bias in Indonesian Courts: Is Perma No. 3 of 2017 the Solution for Gender-Based Violence Cases?' *Laws* 10, no. 1 (2020): 2. <https://doi.org/10.3390/laws10010002>.
- Scales, Ann. *Legal Feminism: Activism, Lawyering, and Legal Theory*. NYU Press, 2006.
- Scales, Ann C. 'Towards a Feminist Jurisprudence'. *Indiana Law Journal* 56, no. 3 (1981): 375–444. <https://www.repository.law.indiana.edu/ilj/vol56/iss3/1>.
- Smith, Patricia. 'Feminist Jurisprudence'. In *A Companion to Philosophy of Law and Legal Theory*. 2010. <https://doi.org/10.1002/9781444320114.ch18>.
- Susilowati, Christina Maya Indah, and Mardian Putra Frans. 'Interpreting Power, Grooming, and Deception in Sexual Violence Cases: A Hermeneutic Study on Legal Challenges in Indonesia'. *International Journal for the Semiotics of Law - Revue Internationale de Sémiotique Juridique*, ahead of print, 27 November 2024. <https://doi.org/10.1007/s11196-024-10223-2>.
- Susilowati, Christina Maya Indah, and Mardian Putra Frans. 'Legal Reform in Addressing Sexual Violence in Indonesia: An Analysis of the Implementation of Law No. 12 of 2022 on Sexual Violence Crimes'. *Revista Direito e Sexualidade* 5, no. 2 (2024): 183–202. <https://doi.org/10.9771/rds.v6i2.63279>.
- Thompson, Sharon. 'The Inconspicuous Impact of Feminist Pressure through Law'. *Current Legal Problems* 78, no. 1 (2025): 29–64. <https://doi.org/10.1093/clp/cuaf003>.
- Thornton, Margaret. 'The Development of Feminist Jurisprudence'. *Legal Education Review* 9, no. 2 (1998): 3. <https://doi.org/10.53300/001c.6057>.
- Triantono. 'Feminis Legal Theory Dalam Kerangka Hukum Indonesia'. *Progressive Law and Society (PLS)* 1, no. 1 (2023): 14–26. <https://doi.org/10.14710/pls.20744>
- True, Jacqui. *The Political Economy of Violence Against Women*. Oxford University Press, 2012.
- Warega, Nelly. 'Access to Justice for Sexual Violence Against Women: A Socio-Legal Analysis of Case Reporting in Kenya'. In *Violence Against Women and Criminal Justice in Africa: Volume I: Legislation, Limitations and Culture*, edited by Emma Charlene Lubaale and Ashwanee Budoo-Scholtz. Springer International Publishing, 2022. https://doi.org/10.1007/978-3-030-75949-0_6.
- Watts, Anastasya J., Suzanne Rock, Natalie Gately, and Antionette L. Smith. 'Barriers to Family and Domestic Violence Support for Culturally and Linguistically Diverse Women in Australia: A Systematic Review'. *Journal of Family Violence*, ahead of print, 29 October 2025. <https://doi.org/10.1007/s10896-025-00976-0>.
- West, Robin. 'Jurisprudence and Gender'. *The University of Chicago Law Review* 55, no. 1 (1988): 1–72. <https://doi.org/10.2307/1599769>.

- West, Robin. 'Women in the Legal Academy: A Brief History of Feminist Legal Theory'. *Fordham Law Review* 87, no. 3 (2018): 977–1003. <https://ir.lawnet.fordham.edu/flr/vol87/iss3/8/>.
- White, Sally, Eve Warburton, Pramashavira, Adrianus Hendrawan, and Edward Aspinall. 'Voting against Women: Political Patriarchy, Islam, and Representation in Indonesia'. *Politics & Gender* 20, no. 2 (2024): 391–421. Cambridge Core. <https://doi.org/10.1017/S1743923X23000648>.
- Yodanis, Carrie L. 'Gender Inequality, Violence Against Women, and Fear: A Cross-National Test of the Feminist Theory of Violence Against Women'. *Journal of Interpersonal Violence* 19, no. 6 (2004): 655–75. <https://doi.org/10.1177/0886260504263868>.