

Sexual Politics and Marital Rape in Indonesia

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Abstract

Marital rape has become a hot topic of conversation in Indonesia in recent times along with the discourse on the ratification of the RUU-PKS. Some people consider it a crime, others consider it unreasonable so they think that the RUU-PKS is not needed in Indonesia. Then, is it true that marital rape is a crime? If it is true, why do so many still think of it as making it up? This topic is important to be discussed because marital rape is a form of violence that seems to be legalized in society. Whereas, National Commission on Violence Against Women reported that the cases of marital rape always more than 100 cases every year. By using the literature research method that refers to the descriptive-qualitative research model and using Kate Millett's sexual-political theory, the answers to these questions are found. That marital rape is a crime that falls into the category of sexual violence because it has an element of coercion in sexual intercourse. In addition, people who do not agree with the criminalization of marital rape are caused by the existence of a patriarchal mindset in the culture of Indonesian society. This mindset is influenced by inherited customs and by misconceptions of religion taught long ago. This research aims to explain why the RUU-PKS could be a tool to educate the public about marital rape so that it can gradually eliminate marital rape and patriarchy in Indonesia..

Keywords:

Marital Rape; RUU-PKS; Sexual Politics; Patriarch

INTRODUCTION

Recently there was a lot of debate about marital rape in Indonesia along with the discussion of the RUU-PKS (The Draft Law on the Elimination of Sexual Violence). In this draft, there is an article criminalizing perpetrators of sexual violence including marital rape, namely in article 11. Waves of support as well as rejection come from many parties who have contrasting views. Cultural and spiritual issues are the main reasons for those who refuse to agree on the draft.

According to the opposing party, the article regarding criminalization of marital rape is considered to deviate from the norms. An example for this argument is announced on iNews by Tengku Zulkarnaen, a popular religious figure, which pointed out that marital rape is a customary because meeting the sexual needs of a husband is a wife's obligation (iNews, 2019).

The contra wave against the criminalization of marital rape in the RUU-PKS seems to show that there is a grand misunderstanding about what is meant by marital rape. This can be seen in a placard carried by one of the demonstrators in a protest against the RUU-PKS in 2019 which reads "raping a

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wife is the right and duty of the husband", implementing a failure to understand what is called marital rape (Adikara, 2019). The denial to marital rape concept in Indonesia can be a product from the cultural misconception which is influenced by an inaccurate interpretation of religion along with the existence of a strong patriarchal system in the community.

Cultural patriarchy influence has led to sexual-politicization in society (Millett, 2000). Sexual politics that occur is certainly determinant on personal life, including household dynamic or marriage. In Indonesia, sexual politics in the household can be seen in several marital cases that were reported and entered in the trial. For example, the marital rape case against Siti Fatimah in Denpasar in 2015 where the perpetrator pleaded not guilty because he believed that it was his right to be served by his wife. Another case is the rape committed by Hari Ade Purwanto against his wife and defending it by arguing that serving the husband is the wife's obligation as taught by his religion (Duduk Perkara Kasus Marital Rape, 2015).

In addition to the reported cases, there are still many other cases that do not receive legal attention because marital rape is considered a domestic problem that should be resolved on its own. In truth, National Commission on Violence Against Women noted that in 2019 there were 100 unprocessed reports of cases of marital rape in Indonesia (Catatan Kekerasan Terhadap Perempuan Tahun

2019, 2020). UU-PKDRT (The Law on Domestic Violence) which contains a direct prohibition of sexual violence could not protect marital rape victims because it is in fact prone to misinterpretation and does not refer specifically to marital rape (Sari & Sularto, 2019). For this reason, despite having a law about this matter, Indonesia still has an obstacle to conquer. Thus, a law that explicitly regulates marital rape actions such as RUU-PPKS should be validated to ensure the security of household relationships. With the literature research method that refers to descriptive-qualitative research, it is hoped that it can explain Indonesia's need for the criminal law of marital rape crime.

RESEARCH METHOD

The research was conducted by examining material objects through formal objects from various main and supporting library sources. Then researcher carried out the research method as presented by Creswell:

1. Conducted an inventory of correlative literature data with the research;
2. Reduced the data in order to obtain the main sources as the main material in the study and categorize the data according to the needs of the researcher;
3. Review the data so that easier to understand the problem;
4. Draw conclusion from the research that has been done.

REALITY OF MARITAL VIOLENCE IN INDONESIA

Domestic Violence in Indonesia

Domestic violence is an act of violence within the scope of the household (husband, wife, children, family in the same household) which results in physical, psychological, and harmonious relationship. In this case, perpetrators of domestic violence often play with fear, guilt, or shame to threaten, hurt, manipulate, and dominate relationships.

In the UU-PKDRT (Law on the Elimination of Domestic Violence) No. 23 of 2004 article 1 states: Domestic Violence is any act against someone, especially women, which results in physical, sexual, psychological, and / or neglect of the household, including threats to commit acts, coercion, or illegal deprivation of liberty within the scope of the household.

Meanwhile, based on the SPHPN 2016 (National Women's Life Experience Survey) results, there are 4 factors that cause domestic violence, especially physical and / or sexual violence:

1. Individuals, as often quarrels occur
2. Spouses, such as infidelity, drinking, drug users
3. Socio-cultural, such as crimes from the environment
4. Economy, such as poverty, unemployment, gambling

There are four types of domestic violence. Aside from physical and financial, there are mental and sexual

violence. While physical and financial abuse are often visible and can be proven relatively easy, mental and sexual abuse can be tricky to report and sought for justice. As mental and sexual abuse relies on honest testimonies, numerous factors can play into action. Personal values and beliefs contribute a great deal of justification on perpetrators doing, this includes their faith and cultural influences (Violence Against Women, 2021).

Indonesia is a country that is very famous for its cultural wealth which is firmly held by the people who occupy thousands of islands with various tribes and even different races. Culture is a way of life for Indonesian people as in Bakker (1989) that the essence of culture is a deep and comprehensive human reality in understanding space and time as well as local historical dimensions (Bakker SJ, 1989). This reveals the fact that culture has influenced Indonesian people in acting, living their daily lives, to the way they think, such as work, beliefs, relationships, and household.

The influence of culture in the household can be seen in the pattern of household patterns in Indonesia. The husband, for example, is generally assigned to earn a living to meet daily needs, to be the head of the family who is obeyed and served, and to be a mentor for his wife and children in the future if they have children. The wife is also considered to be in charge of household affairs, such as cooking, washing, cleaning, taking care of children, serving her husband, and

obeying her husband's orders ("Hari Kartini, Pingitan Yang Merenggut Masa Kecil," 2016). Cultural influences like this often position women as bearers of domestic tasks that narrow the space for women to move and discredit the position of women as human beings who also have rights that must be fulfilled. This is none other than due to a system called patriarchy which is ingrained and deeply rooted in Indonesian cultures.

Patriarchy comes from the word patriarchate which means a system or social structure of society that positions the highest power in men (Sakina & Siti, 2016). Patriarchy in English is patriarchy which is defined by rules of the father or a fatherly tradition which has traditionally made men the heirs of power. Patriarchy has become a mindset that can lead to various cases of subordination against women. Patriarchy has also been deeply rooted in Indonesian cultures and has become a guideline for the daily life of Indonesian people (Gerhard, 2013).

Patriarchy has given rise to many thoughts that harm one party, especially women, by creating gaps in various aspects of life, whether social, economic, political, psychological, or even private, such as sexual relations (Sakina & Siti, 2016). Discriminatory treatment and placing women in an inferior position are some of the results of patriarchal culture in Indonesia. Examples are the stereotype that women must be gentle in order to be liked by men, smart in taking care of themselves such as wearing closed

clothes so as not to provoke male lust, until women have to follow what their husbands say which may actually harm them. For example, the pattern of households in Javanese culture. Phrases such as suwarga nunut, neraka katut (to heaven riding, to hell following) implement the inequality of power relations between men and women as husband and wife in which the husband has full power over his wife (Putri & Lestari, 2015). The wife is thus obliged to obey and obey the will of her husband. This expression implies the different rights and obligations of husband and wife in Java. The husband who is considered to be in charge of providing for the family has the right to be respected, respected, served, and obeyed as the person in charge of married life. While the wife is considered to have an obligation to do domestic tasks and is not allowed to earn a living except for the purpose of helping her husband but will not abort her obligations as a domestic work manager.

Toba Batak culture has the term boru naung gabe (blessed woman) which is attached and is intended for women who are married and have successfully given birth to a son. Marriage in Toba Batak has the main goal of having children and when getting a son, a woman is considered to have fulfilled her obligations as a Toba Batak woman. The husband will respect and be grateful, be responsible and guarantee the life of his wife (Vergouwen, 1986). This attitude can cause concern for women and lead to

disappointment when they do not get male offspring. This can also raise concerns about a bias in the attitude of a husband towards his wife which may also lead to violence, including coercion which leads to what is known as marital rape. This attitude also creates discrimination against women who corner the role of the wife in reproduction which seems to be an object that only gives birth to the power of the husband. Inequality of power is also the impact of this assumption. This can be seen from the culture where men have the choice of how to respond to their wives, especially after having children, while women as wives can only follow and undergo their husband's attitude towards him, especially if the child born is not a boy.

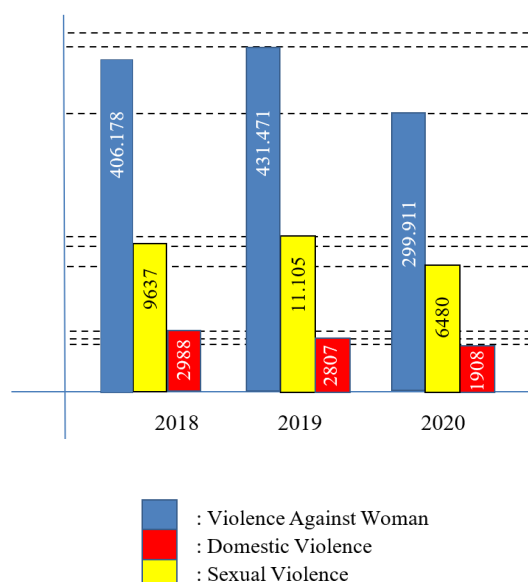
violence, domestic violence occupies the highest number from year to year and is dominated by sexual violence. Although not every year the number of violence against women shows an increasing graph, they claim that many victims do not dare to report, especially during the Covid-19 pandemic (Catatan Kekerasan Terhadap Perempuan Tahun 2020, 2021).

Marital Rape as Domestic Violence

There are reasons as to why marital rape has always been considered taboo and do not require legal intervention. First, it is undoubtedly a very private matter. A romantic intercourse between married couple has its own perks and consequences. As long as the dynamic in that household is healthy, then there is nothing to worry about authorities barging in. The reason why marital rape is so commonly occurred while simultaneously unspoken is that the victims are not getting the protection and justice they deserve.

Indonesia and its rich, unique, diverse culture had something in common: a touch of patriarchy. The patriarchal system is indeed nothing new in culture. An example is the inheritance rights system in the Vedic era of 1500 BC where women did not get the right to inheritance from their husbands or families (Oldenberg, 2011). One example of a patriarchal system in Indonesia is the expression *suwarga nunut, neraka katut* in the Javanese tradition, which means that a wife must be proper to her husband as if a wife only rides a husband's

Chart 1. Violence Against Women between 2018-2020



According to National Commission on Violence Against Women, among the reported cases of

paradise and if it is hell then the wife will come with him (Sakina & Siti, 2016). Maybe this expression also implies an expression of a wife's loyalty to her husband, but more than that this expression implements the weakness of a woman as a wife so that she needs a man as a husband who can guide her. In everyday life, victim blaming occurs against rape victims, including rape in the household. This behavior reflects the attitude of society that is indifferent to sexual violence.

Marital rape is a real case of gender oppression and cannot be tolerated. The World Health Organization (WHO) has classified marital rape into a type of sexual violence because it has a significant impact on the health of the victim, especially psychological health (Violence Against Women, 2021). The impact caused by marital rape is almost the same as that caused by rape cases. Victims of marital rape will feel the health effects, both physical and psychological (Pasinringi, 2021).

The physical impact of marital rape is the result of physical violence carried out by the perpetrators which can be in the form of beatings, use of sharp weapons, or other physical violence. Physical violence like this can cause bleeding, cuts, bruises, and even damage to the victim's organs (Milda, 2007). Research entitled Marital Rape: New Research and Directions published by the National Resource Center on Domestic Violence conducted in the United States stated that the physical impact of marital

rape in the United States was in the form of wounds in the vaginal area, anal area, bruises, and torn muscles in the genital area. victim. Victims who received physical violence during marital rape also experienced cuts, fractures, bladder infections, and unplanned pregnancies (Pasinringi, 2021).

The psychological impact of marital rape can be felt directly by the victim or in the long term. The psychological impact of marital rape includes fear of the perpetrator so that the victim becomes anxious and depressed in carrying out their duties. Victims also become more silent and resigned as if giving up their freedom to the perpetrator. The highest risk of marital rape is that the victim may experience mental disorders such as depression, post-traumatic syndrome (PTSD), even anxiety or anxiety disorders because of traumatic events for the victim and the position of the victim who lives with the perpetrator makes the victim always feel in danger. Another fatal risk is that the victim may have suicidal tendencies because of the mental stress he is facing and he doesn't know what to do because the victim is also afraid to report or even embarrassed to tell the closest person or others (Milda, 2007).

Patriarchy directs humans to be domineering and men who are appointed by patriarchy move to become rulers in a relationship between humans. This male domination penetrates into the private realm of humans which will affect the development of patriarchy to become

more powerful (Millah, 2017). Power relations in the private sphere such as marriage give birth to dominating processes that benefit the patriarchy so that there is an imbalance of power between husband and wife which also maximizes patriarchal power. Bias of power relations like this gives birth to unilateral actions that are detrimental to other parties who have been dominated by patriarchy (Millett, 2000). These domineering actions can take many forms, including: violence, control, subordination, and others. These actions are an irony where the community considers it a common thing to do by husbands, especially marital rape which is considered a form of wife's obligation to her husband (Milda, 2007). This fact shows how patriarchy has mastered the ideology of the general public and considered it the most ideal system as Millett had said.

Marital rape implies how patriarchy is deeply rooted in marriage or traditional patriarchal family culture. This action interferes with women's rights to their sexuality which is veiled behind the marriage bond. Violence committed in marital rape causes physical and psychological impacts on women (Milda, 2007). A further impact is the formation of a mindset so that it normalizes these actions and perpetuates the patriarchy which is the initiator of it. This action is a way to make patriarchy always present in the family so that the patriarchal mindset will continue to be embedded in humans.

The dominance of patriarchy in traditional marriages has caused marital rape to be considered a fabrication because it is 'impossible' for a husband to rape his wife. The wife belongs to the husband and it is the husband's right to fulfill his sexual desires by the wife. This belief is a belief that is firmly held in traditional families so that marital rape is imaged as a legal action for the husband. The patriarchy held by the husband confirms this kind of domination, so that preventive measures to undermine ideology are needed to change the fate of women, especially wives, as offered by Millett. The concept of marital rape becomes an important part that must be instilled and straightened out to realize Millett's ideals.

Marital rape emerged as a tool in controlling women as wives completely by reducing the rights of the wife. The elements of coercion in marital rape which are categorized as a form of rape against women that reduce women's rights to sex, including reproduction, are a method that maximizes the benefits of patriarchy continuously. Marital rape can form a patriarchal mindset in the family which plays a very important role in the growth and development of human thought and behavior. This is related to Millett's theory which cites psychoanalysis about human growth and development through its smallest environment, namely the family.

The power relations contained in traditional marriages also play an important role in the emergence of

marital rape. Bias in power relations reflects how patriarchal domination has so much control in traditional families. The strong male power in marriage causes a man to feel he has full control over his wife so that his wife's sexuality is also considered as his right (Millah, 2017). This traces the occurrence of marital rape as a form of representation of the husband's power over his wife's sexuality.

The bias of power relations in marital rape shows how patriarchy is very influential in human sexual life. The patriarchy uses it as a political tool that has an impact on the maximum benefits obtained by the patriarchy. This means that marital rape is both a product and a political tool used by the patriarchy in maximizing its political and social benefits (Saguni, 2014). Sexual politics in marital rape will direct people to affirm patriarchal ideology and instill it in their children so that patriarchy will always regenerate continuously. Marital rape will only silence the counter to patriarchy and perpetuate the sexual counter-revolution that thwarts sexual freedom, especially for women (Gerhard, 2013).

Marital rape in Indonesia is also a political tool used by men to maximize social and political benefits in their environment, even though the smallest environment is the family. They use marital rape as a political tool to show the dominance of their power over their wives. The fear of losing power and the benefits that have been obtained is the reason why men support marital rape,

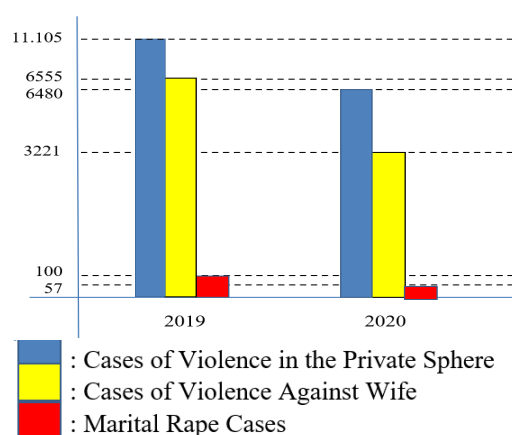
which is a husband's right. Rape against the wife is impossible for them, because they believe that the husband's right to be served primarily in his sexual and the wife is only obliged to fulfill it. If the wife refuses then it is the wife's fault and sin against her husband, the husband has the right to forcibly take what he believes is his right (Milda, 2007). This is an interpretation of the reasons for the reluctance of the Indonesian people to understand that marital rape is an act of violence against the wife that harms the wife. The woman as a wife finally kept silent and only believed what her husband believed was the truth. Fear and a shift in women's mindsets are the result of the act of domination shown in the marital rape.

Marital rape can be an important loophole that can eliminate patriarchy in Indonesia. Reduction of the husband's power can shift people's belief in human nature and the differences between men and women that are exaggerated by patriarchy as in psychoanalytic theory. The shift in belief in patriarchy will undermine the ideology of patriarchy and create a sexual revolution that will give birth to a single standard of sexual freedom. Women's freedom will be realized and oppression and gender bias will also be eliminated so that sexual and gender equality can be achieved.

National Commission on Violence Against Women lists domestic violence cases as one of the main contributors to the high numbers of violence reports. The violence to wives takes form in various

actions, from financial abuse, mental abuse, to sexual abuse including marital rape. Although the number of cases of marital rape in 2020 decreased by almost 50% compared to 2019, authorities believes that the pandemic conditions and social restrictions has forced them to spend more time at home with the perpetrators, prevented the victims from reporting. This can be seen from cases of violence in the private matter which were reported to have decreased by almost 50% from 11,105 cases the previous year (Catatan Kekerasan Terhadap Perempuan Tahun 2020, 2021).

Chart 2. Marital Rape Cases Reported in 2019 and 2020



Legal Protection of Marital Rape

It can be said that the law of marital rape in Indonesia is not fully securing and is still ambiguous even though the UU-PKDRT has existed. The law contains article 8 which explains the coverage of victims of domestic violence. However, many considered that the article has a double interpretation of the forced victim. This ambiguity resulted in many cases of marital rape not being well protected and

only becoming domestic cases. Whereas authorities should be able to handle private subject matter because the family environment has a tremendous consequence in the case of sub-ordination of women.

Incorporating politics to the private proceeding can be initiated by formulating laws that extend to the private aspects. Such as the RUU-PKS which is considered to have actuate overcoming the problem of sexual violence in a more diverse domain than the existing legal provisions. Many parties support that this draft be legalized immediately because it is believed to provide protection for victims of sexual violence, which so far has been denied. In particular, protection for marital rape victims itself is still considered taboo by many parties (Wahid, 2001).

The marital rape issue in Indonesia is a serious complication. Utilizing Kate Millett's concept of sexual politics, the case of marital rape in Indonesia is a result of the existence of sexual politics in society. Forced sexual politics is the result of a culture influenced by a patriarchal system. This is also strengthened by the understanding of religion with a patriarchal mindset to the detriment of women.

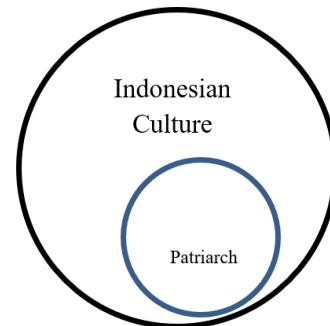
The husband as the head of the family and the wife as a housewife who is obliged to help her husband are the result of traditional family culture that closes the opportunities for the development of women's freedom of rights. Wives may get the freedom to work, go to school, etc., but this is nothing but the use of women's deep desires that are advantageous in economic, social and political factors.

Women are paid less than men with the alibi of women only helping their husbands. This mindset is implanted and shaped in such a way that it becomes a prevailing reality (Netting & Wilk, 1984).

For example, as stated in the introduction, the case of marital rape carried out by Hari in Pasuruan in 2015. The perpetrator considered his actions right in accordance with what was taught by his religion, Islam. However, in his defense he only cited one argument which was in his favor without seeing other opinions that could be the basis for the victim's defense (*Duduk Perkara Kasus Marital Rape*, 2015). This shows the perpetrator's patriarchal mindset as a husband who feels he has stronger dominance over his wife and that her feelings do not deserve to be validated.

Apart from these cases is the marital rape case in Denpasar which was carried out by Tohari. Despite getting a prison sentence, he stood his ground that he still feels innocent. For him, wives have an obligation to fulfill the husbands' request and if she refuses it means they are disobeying their husband (Saputra, 2015). The reason is similar to the case of marital rape in Pasuruan. It is extraordinary how similar the patriarchal concepts can be, even in different locations. This kind of mindset is considered normal because the patriarchal system has been assimilated and dissolved in society for such a long time and seems to have become corrupted, causing bias in society (Millett, 2000).

Figure. 1. Patriarchy Blended with Indonesian Culture



Family implies the least patriarchal institution. The power relations that exist in traditional families are political tools used by patriarchy to maximize profit opportunities. Millett criticized psychoanalytic theory that suggests maximizing the differences between men and women from an early age is carried out starting from the family as the first environment known to humans. Many things show that this theory has succeeded in provoking traditional families to be stronger in shaping their children according to what the patriarchy wants. An example is a traditional family that educates and requires their daughters to cook, wash, and sweep because they believe that is the nature of women, while men must be independent and have to work hard because that is the nature of men (Alwisol, 2019).

One approach to abolish patriarchy is to remove it from the smallest sphere, namely the family as the root of patriarchism. If the patriarchy in the family sphere can be eliminated, the patriarchal system in society and in wider states will also be eliminated as the patriarchal mindset is instilled since childhood and taught as a fundamental

principal. It starts plain sailing, seems straightforward and simple, like demanding young females not to wander at night by the reason of maintaining their honor while young males are set free to basically do anything and still carry their honor. The concept of female honor and self-worth is taught to be dependent on male's judgement and nothing else. It only rocketed male's egoism, discrimination, and created imbalance power between two sexes. Other examples include the existence of *pingitan* customs in Javanese culture which prohibits women from leaving house before marriage to make them learn about kitchen and housekeeping matters as their life dedicated to serve their husbands and obey their husbands' orders ("Hari Kartini, Pingitan Yang Merenggut Masa Kecil," 2016). Habit or culture like this is a result of patriarchy in Indonesia societies (Sakina & Siti, 2016). On account of this, to eliminate the injustice is to bring politics to the private sphere, including sexuality, as said by Millett.

In fact, sexual relations in the household have problems that are perpetuated by the personal scope which should be a place of protection for individuals. Marriage is not a guarantee of sexual security because gender oppression persists. Sexual violence in marriage is actually worse than others because the general public perceives it not as an abuse but as what should happen in marriage. Sexual violence, especially marital rape, grows into a necessity for wives who are considered disobedient to their husbands. Women finally can only follow and lose control over their

sexuality and believe that their sexuality is the right of their husbands (Wagner, 1971).

Marital Rape Law in Terms of Millett's Sexual Politics

Marital rape is nothing but the result of the patriarchal ideology found in traditional families. Millett said that the traditional family is the smallest institution of how patriarchy plays its role and fosters maximum profit. Marital rape as a form of husband domination over his wife becomes important in patriarchy because then patriarchy will also be embedded in women's consciousness. Obedience to husband's coercion accompanied by threats will make women afraid and understand it as the truth or in other words marital rape will brainwash women as the second gender in patriarchy (Featherstone, 2001). Women will become obedient to regulations that actually cover their individual rights. This obedience will also cover the biggest threats to patriarchy because women will close themselves to access that is contrary to what their husband wants (Gree, 2013).

Millett revealed that sexual politics in the private sphere is a supporter of the patriarchal ideological movement in carrying out its political mission. This of course cannot be allowed to continue like what Millett said, because it will only allow women to suffer continuously (Canby, 1971). Millett continued that political law must be presented in the private sphere by providing guarantees of protection for victims of sexual violence in the domestic sphere. Protection of sexuality in the

private sphere will provide a sense of security that will develop into freedom for women as victims (Millett, 2000).

Indonesia is still considered clumsy in protecting sexual freedom in the private sphere. Domestic matters are considered as personal problems that should be resolved amicably. In fact, victims of marital rape often cannot escape from the perpetrators because they are always close to the victim. The use of power and economic dependence are the main factors in how victims are constrained and unable to gain freedom over their sexuality. In fact, the authorities do not protect the victim, in fact, the victim feels more threatened when she reports. Cases like this often occur because the authorities consider that marital rape is a domestic problem that should be resolved outside the court (Gree, 2013). This will only perpetuate sexual politics in marriage because the state also agrees to this.

State intervention in sexual politics in marriage by presenting the criminal article on marital rape will spark the sexual revolution that Millett has predicted (Freely, 2001). This article will provide a deterrent effect on perpetrators of marital rape who will also initiate an initiation to the sexual revolution. The wife as the victim also feels protected because this bill guarantees the rights of the victim, which will eliminate the traditional habit of blaming the wife with accusations of disobedience to her husband for committing acts of abuse which are considered as wife's obligations (Hamilton, 2011). Women will also get a wider space to speak out and the critical nature of women can be

guaranteed by the state. This guarantee of criticism is also implied in the criminal article on marital rape, that victims have rights so that they can voice their opinions to guarantee their privacy. The critical nature that can grow from the legalization of this article will be able to destroy patriarchy. Criticism is the greatest enemy of patriarchy which patriarchy will always try to cover up.

The criminal article on marital rape will also make people aware that marital rape is a political system that creates a lot of inequality in marital relations. Traditional family marriages will then disappear as sexual freedom for both women and men will be realized (Putra, 2020). The new family system will leave the traditional family with patriarchal ideology. Families that have evolved will create a new pattern in the cultivation of human behavior. Human development will then be in accordance with the notion of human sexual freedom and a single standard without the gender stereotypes that have shackled humans. This standard will not be broken by patriarchy because the traditional patriarchal family system and sexual power relations have been lost.

The bias of sexual relations and patriarchal domination that is manifested in marital rape will thus disappear along with people's understanding of marital rape. The sexual revolution aspired by Millett will also be achieved by shifting people's beliefs towards the system of domination echoed by patriarchy. This marital rape criminal article will thus produce a single standard of permissive sexual freedom. Gender bias, oppression towards women, sexual stereotypes,

sexual violence can be overcome and women's freedom can be realized along with the realization of the sexual revolution (Buchanan, 2011).

Efforts to formulate laws that explicitly criminalize marital rape such as the RUU-PKS reflect an attempt to eradicate patriarchy from its roots, the household, the family upbringing. The perspective about marital rape being an oppressive act against women as wives should not be seen as a mere domestic problem and should be handled directly by the state. With the presence of politics in the case of marital rapes, victims will be protected and their safety will be guaranteed, especially since the RUU-PKS also regulates the rights of protection for victims.

CONCLUSION

Indonesia needs legal laws that explicitly regulate marital rape. Not only is the case a cause for concern, but the condition of the victim is often neglected. This is aided by patriarchal mindset and culture which is dangerously cornering victims of marital rape so that preventive protection is needed. RUU-PKS can actually become a tool to protect victims of marital rape and to eliminate marital rape as a product of the patriarchal mindset.

REFERENCES

- Adikara, G. (2019). *Perkosaan dalam Pernikahan, Kapan Kita Sadar?* Detiknews.
- Alwisol. (2019). *Psikologi kepribadian* (Revisi). UMM Press.
- Bakker SJ, J. W. . (1989). *Filsafat Kebudayaan: Sebuah Pengantar* (3rd ed.). Kanisius.
- Buchanan, P. D. (2011). *Radical Feminists: A Guide to an American Subculture*. ABC-CLIO.
- Canby, V. (1971). *Kate Millett's Film of and by Women Begins Run*. The New York Times.
- Catatan Kekerasan Terhadap Perempuan Tahun 2019. (2020). Komnas Perempuan.
- Catatan Kekerasan Terhadap Perempuan Tahun 2020. (2021). Komnas Perempuan.
- Duduk Perkara Kasus Marital Rape. (2015). Gresnews.Com.
- Featherstone, L. (2001). *Daughterhood Is Powerful*. The Washington Post.
- Freely, M. (2001). *Return of the Troublemaker: Kate Millett*. The Guardian.
- Gerhard, J. (2013). *Desiring Revolution: Second-Wave Feminism and the Rewriting of Twentieth-Century American Sexual Thought*. Columbia University Press.
- Gree, L. (2013). Feminism. In *Encyclopedia of Modern Political Thought* (p. 285). CQ Press.
- Hamilton, N. A. (2011). *American Social Leaders and Activists*. Infobase Publishing.
- Hari Kartini, Pingitan yang Merenggut Masa Kecil. (2016). Tempo.Co.
- iNews. (2019). Ustaz Tengku Zulkarnain TOLAK KERAS "Hubungan Suami Istri Tak Boleh Ada Paksaan" - iNews Sore 08/03. iNews.
- Milda, M. (2007). *Marital Rape: Kekerasan Seksual Terhadap Istri*. PT Lukis Pelangi Aksara.
- Millah, Z. (2017). *Seksualitas dan Kuasa dalam Relasi Suami-Istri: Studi Fikih*

- Seksualitas. *De Jure: Jurnal Hukum Dan Syari'ah*, 9(1).
- Millett, K. (2000). *Sexual Politics*. University of Illinois Press.
- Netting, R. M., & Wilk, R. R. (1984). *House holds: Comparative and Historical Studies of the Domestic Group* (E. J. Arnould (Ed.)). University of California Press.
- Oldenberg, H. (2011). On the Antiquity of Vedic Culture. *Journal of the Royal Society*, 41(4).
- Pasinringi, T. (2021). *Magdalene Primer: "Marital Rape" dan "Consent" dalam Pernikahan*. Magdalene.
- Putra, A. (2020). *Marital Rape, Saat Pemerkosaan Terjadi dalam Pernikahan*. SehatQ.
- Putri, D. P. K., & Lestari, S. (2015). Pembagian Peran dalam Rumah Tangga pada Pasangan Suami Istri Jawa. *Jurnal Penelitian Humaniora*, 16(1).
- Saguni, F. (2014). Pemberian Stereotype Gender. *Musawa*, 6(2).
- Sakina, A. I., & Siti, D. H. (2016). Menyoroti Budaya Patriarki di Indonesia. *Social Work Jurnal*, 7(1).
- Saputra, A. (2015). *Lagi, Suami Dipenjara Karena Memperkosa Istrinya*. Detiknews.
- Sari, A. A., & Sularto, R. B. (2019). Kebijakan Formulasi Kekerasan Seksual Terhadap Istri (Marital Rape) Berbasis Keadilan Gender Di Indonesia. *Jurnal Pembangunan Hukum Indonesia*, 1(1), 117. <https://doi.org/10.14710/jphi.v1i1.117-127>
- Vergouwen, J. C. (1986). *Masyarakat dan Hukum Adat Batak Toba*. LKIS.
- Violence Against Women. (2021). World Health Organization.
- Wagner, C. (1971). Sexual Politics, By Kate Millett (Book Review). *The Australian Quarterly*, 43(4).
- Wahid, A. (2001). *Perlindungan Terhadap Korban Kekerasan Seksual: Advokasi atas Hak Asasi Perempuan*. PT Refika Aditama.