

29-05-2026

Interpretation of gender-responsive law in realizing substantive justice for women: A feminist legal theory study of law enforcement in Indonesia

Erlin Faridha, Ni Putu Tya Suindrayani, Rizkina Mewahni

To cite this article: Faridha, E., Suindrayani, N. P. T., & Mewahni, R. (2026). Interpretation of gender-responsive law in realizing substantive justice for women: A feminist legal theory study of law enforcement in Indonesia. *Priviet Social Sciences Journal*, 6(5), 307–323.
<https://doi.org/10.55942/pssj.v6i5.1840>

To link to this article: <https://doi.org/10.55942/pssj.v6i5.1840>



Follow this and additional works at: <https://journal.privietlab.org/index.php/PSSJ>
Priviet Social Sciences Journal is licensed under a Creative Commons Attribution 4.0 International License.

This PSSJ: Original Article is brought to you for free and open access by Privietlab. It has been accepted for inclusion in Priviet Social Sciences Journal by an authorized editor of Privietlab Journals

Full Terms & Conditions of access and use are available at: <https://journal.privietlab.org/index.php/PSSJ/about>



Interpretation of gender-responsive law in realizing substantive justice for women: A feminist legal theory study of law enforcement in Indonesia

Erlin Faridha*, Ni Putu Tya Suindrayani, Rizkina Mewahni

Faculty of Law, Nusa Cendana University, Jl. Adisucipto Penfui, Manulai II, Kec. Alak, Kota Kupang, Nusa Tenggara Timur, Indonesia

*email: erlin.faridha@staf.undana.ac.id

Received 10 February 2026

Revised 26 May 2026

Accepted 28 May 2026

ABSTRACT

Discrimination against women as a vulnerable group is still a structural problem in the Indonesian legal system. Although Article 27 paragraph (1) and Article 28B paragraph (2) of the 1945 Constitution, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Law, the Civil Rights Act, and the Crime of Sexual Violence or Tindak Pidana Kekerasan Seksual (TPKS) Law have been designed in a normatively neutral and gender-responsive manner, substantive protection for women has not been optimally realized in law enforcement practices. This gap is evident in the dominance of formalistic interpretations that apply the law textually without considering the power relations and structural vulnerability of women as victims. This is reflected in the case of Baiq Nuril Maknun who was convicted while defending himself from sexual harassment, as well as various cases of victimization of victims of sexual violence in the evidentiary process in court. This study aims to analyze how gender-responsive legal interpretations can build norms that strengthen women's rights in the Indonesian legal system. The research uses normative legal methods with legislative and conceptual approaches. The analysis was carried out using Feminist Legal Theory, especially liberal feminism and cultural feminism, to examine systemic biases in the application of norms that appear to be textually neutral. The results of the study show that the formalistic approach has not been able to bring substantive justice. Alternatively, gender-responsive legal interpretation offers the principles of substantive equality, contextual reasoning, and anti-subordination to strengthen the protection of women's rights in law enforcement practices in Indonesia.

Keywords: gender responsive legal interpretation; women's rights; feminist legal theory; substantive justice; gender bias; law enforcement

1. INTRODUCTION

The development of reform continues to be pursued, both in the legislative, executive, and judicial institutions. Legal reform is an important agenda, especially in the process of formation, enforcement, and monitoring, including the evaluation stage. One of the main efforts of legal reform is to include the development of legal science that discusses all societal problems (Ansori, 2018). Legal reform is an important element in the development of a modern rule of law that upholds human rights and the principles of social justice. In the contemporary paradigm of the rule of law, law is no longer understood only as a set of formal, technical, and procedural rules, but rather as a normative instrument that has a corrective function against social inequality and structural injustice. One of the issues that shows the urgency of legal reform is the existence of gender gaps or inequality that are still rooted in the legal system and judicial practices in Indonesia (Milky et al., 2024). In addition, the existence of an international humanitarian agenda serves as a reference for policies with a gender justice perspective, which is necessary and important to formulate (Firdaus & Wulandari, 2023). One of the global phenomena discussed in this field is women's struggle to get out of poverty and underdevelopment (Breitkreuz & Baird, 2025). Efforts to obtain political rights, advance education, and eliminate discrimination and domestic violence against women are struggles carried out by women (Putri et al., 2025). Furthermore, state efforts and strategies are needed to improve the quality of women's lives, eliminate violence against women, uphold the human rights of women and children, and encourage the realization of justice for all citizens. This can be achieved through development program policies and agendas by the government and non-governmental institutions, which also serve as a manifestation of gender equality and justice (Hardiyanti, 2022).

Gender inequality in legal practice in Indonesia has an impact on the substantive fulfillment of women's rights, especially when legal interpretations by law enforcement officials do not consistently integrate equality perspectives (Tirkantara, 2025). Indonesia has adopted various legal instruments that normatively guarantee equality before the law and prohibit discrimination. Article 27 paragraph (1) and Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution of the Republic of Indonesia) affirm the principle of equality of status in law and protection from discriminatory treatment. The state has also ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) through Law Number 7 of 1984, which explicitly requires the state to eliminate all forms of discrimination against women in all areas of life, including in the legal and judicial spheres. Furthermore, Law Number 23 of 2004 concerning the Elimination of Domestic Violence or Penghapusan Kekerasan dalam Rumah Tangga (PKDRT) Law and Law Number 12 of 2022 concerning the Crime of Sexual Violence or Tindak Pidana Kekerasan Seksual (TPKS) Law are sectoral legal instruments that editorially recognize the specific vulnerability of women and provide a protection mechanism with a victim's perspective. Normatively, all of these legal instruments have been designed in a gender-neutral framework and do not contain textual discriminatory biases. This should further strengthen the state's commitment to protecting women from all forms of discrimination.

Nevertheless, implementation in the field shows that there are obstacles that are closely related to the way the law is interpreted. Although these legal instruments have been normatively neutral and gender-responsive, their application in judicial practice is still dominated by formalistic and textual interpretations, which ignore the context of power relations and the specific experiences of women as a group vulnerable to structural injustice (Putri et al., 2025). The gap between normative formulation and the reality of implementation is not abstract, but is concretely manifested in Indonesian judicial practice. The case of Baiq Nuril Maknun is the most representative paradigmatic illustration in this context, where a woman who is a victim of sexual harassment is actually positioned as a defendant and convicted under Law Number 11 of 2008 concerning Electronic Information and Transactions or Undang-Undang Informasi dan Transaksi Elektronik (UU ITE) for recording conversations as an effort to protect themselves. The Supreme Court Decision Number 574 K/Pid.Sus/2018 in the case reflects the dominance of formalistic interpretations that apply procedural textual norms without integrating the analysis of gender power relations, thus criminalizing the actions of victims who are substantially a defensive response to the situation of sexual violence they experience. A similar phenomenon is also seen in various cases of sexual

violence where the evidentiary process in court actually puts the victim in a position to account for her behavior, morality, and reputation, a mechanism that in feminist legal literature is known as secondary victimization or structural victimization. This practice systemically shifts the moral burden of proof to the victim, and is a direct product of a legal interpretation that ignores the context of women's structural subordination in unequal power relations.

In other words, the main problem does not lie in the absence of protection norms, but in the interpretation methods used by law enforcement officials in applying these norms. Formalistic interpretations that break away from the social context and gender power relations are actually instruments that neutralize the potential for substantive protection contained in the legal instruments in question. This situation is further complicated by patriarchal culture and legal paradigms that still place women in subordinate positions, thus preventing the principle of gender equality from being fully realized in practice (Agustina et al., 2025).

This situation illustrates the need for the core idea that all human beings have equal dignity and status, thus becoming the basis for protecting women's human rights. Gender inequality that is institutionalized through social structures and cultural values has a direct impact on women, especially in accessing the judicial mechanism (Sulastri, 2025). Recent studies have revealed gaps between norms and practices, particularly in the application of non-discrimination principles in the justice system, which point to gender bias in decision-making and weak gender perspectives in law enforcement (Hasrah et al., 2025). In reality, women still face structural challenges in accessing justice, ranging from gender stereotypes in the judicial process, the burden of proof that burdens victims, to court decisions that are insensitive to the context of gender-based violence (Sulastri, 2025). This inconsistency between norms and practices demonstrates the need for a more responsive interpretive approach to gender issues to ensure effective protection of women's rights in Indonesia's positive legal system.

Several previous studies have examined the dimensions of this problem. The study entitled "Feminist Legal Theory and Legal Protection for Women in Indonesia" confirms the obstacles in implementing legal regulations that benefit women, caused by cultural factors, the intellectual capacity of officials, and the perpetuation of social stigma in a society that is minimally responsive to gender (Sitanggang, 2025). Wildasari and Sunaryo (2025) stated that legal pluralism in society still maintains patriarchal norms, so a feminist legal theory perspective is needed to build an inclusive legal system for women's rights and dignity.

These studies, although they have made important contributions, have not specifically established an operational and doctrinally applicable method of interpreting gender-responsive law to existing legal instruments. In particular, there has been no systematic study that uses concrete judicial cases such as the Baiq Nuril case and the phenomenon of revitalization in proving sexual violence as an analytical basis to demonstrate that the dominance of formalistic interpretation is the root of the problem that is structural and methodological, not just the individual failure of law enforcement officials. Previous studies have tended to stop at the diagnosis of the problem, without offering a methodological reconstruction of how the law should be interpreted in order to produce substantive justice for women. This is where the main contribution of this research lies in building the interpretation of gender-responsive law as a normative method that can be doctrinally used to strengthen women's rights in the Indonesian legal system, by relying on Feminist Legal Theory as an analytical knife on legal instruments that are normatively neutral but in practice still produce gender bias through the dominance of formalistic interpretations as proven through a concrete analysis of court decisions.

Based on these issues, there is an urgency to conduct research with problem formulation on how the concept of gender-responsive legal interpretation can build norms to strengthen women's rights in the Indonesian legal system. Legal interpretation plays a strategic role in determining the direction of norm implementation. The current legal system is still dominated by a positivist paradigm, with interpretations that are often textual and formalistic, ignoring the social context and power relations that underlie legal events. This has a real impact on cases involving women as victims, including as illustrated in the Baiq Nuril case and cases of victimization of sexual violence victims where norms that have been editorially gender-responsive have lost their protection because they are interpreted mechanically and regardless of

the reality of structural subordination experienced by women. Therefore, this article emphasizes that the development of gender-responsive legal interpretation methods is not just a critical discourse, but an urgent normative need in an effort to realize substantive justice for women in the Indonesian legal system.

2. LITERATURE REVIEW

2.1. Interpretation of Gender-Responsive Law as a Layered Conceptual Framework

The interpretation of gender-responsive law in the framework of the protection of women's rights can be understood as a conceptual structure that is hierarchically arranged and mutually supportive. At the most fundamental layer, legal theories serve as epistemological foundations, including legal feminism, human rights theory, legal hermeneutics, substantive justice theory, and progressive legal theory (Asshiddiqie & Safa'at, 2006). The whole theory starts from the premise that the law is never completely neutral, but rather is formed in a social context and power relations that have historically placed women in subordinate positions. Therefore, a theoretical approach is needed that can critique gender bias while positioning women's experiences as an integral part of legal analysis (MacKinnon, 1987).

The next layer is legal principles that serve as operational normative guides, including the principles of equality before the law, non-discrimination, substantive justice, protection of human rights, and respect for human dignity. In the context of gender, these principles affirm that equality cannot be understood formally alone, but must be realized through fair and sensitive treatment of the structural conditions of women as a group vulnerable to discrimination and violence (Fineman, 2014). Furthermore, these principles are operationalized through the interpretation of gender-responsive law as an applied layer, which is carried out using systematic, teleological, progressive, and constitutional interpretation methods oriented towards the protection of human rights and substantive justice. In judicial practice, this approach allows judges and law enforcement officials to go beyond the rigidity of legal positivism by making the protection of women and the best interests of victims as primary considerations in the application of the law (Rahardjo, 2009). The culmination of this overall conceptual structure is the protection of women's rights as the ultimate goal which includes the elimination of gender bias, the prevention of victimization, the improvement of women's access to justice, and the realization of dignified substantive justice. Thus, the relationship between theories, legal principles, and gender-responsive legal interpretations forms a coherent conceptual framework, in which law functions not only as a set of norms, but as an instrument of social transformation towards gender equality and justice (Tanya et al., 2013).

2.2. Feminist Legal Theory: An Analytical Foundation and Critique of Legal Formal Neutrality

Feminist Legal Theory (FLT) is a tradition of critical legal thought that systematically questions claims of legal neutrality and objectivity from a gender perspective. This theory departs from the assumption that modern legal structures are formed in patriarchal social contexts that have historically positioned the male experience as a universal standard, particularly in the formulation of law enforcement norms, procedures, and practices. In its development, FLT does not form a single stream, but rather develops into several branches, each offering a distinctive analytical perspective (Ratnanun et al., 2025).

Liberal feminism, as developed by MacKinnon (1987), argues that the legal system is built on historically male-dominated standards and experiences as the universal norm of a condition known in the FLT literature as androcentric epistemology. MacKinnon further asserts that law often reproduces gender dominance relations because it adopts a masculine perspective as a measure of rationality, objectivity, and fairness (Ratnanun et al., 2025). The doctrinal implication is that the law claiming formal neutrality is never really neutral, because the standards used to measure equality themselves are built on references to men's experiences. Meanwhile, cultural feminism as developed by Robin West emphasizes that women's life experiences as victims including the psychological dynamics of trauma, structural dependence, and social pressure are legitimate sources of legal knowledge (women's lived experience) and must be integrated into legal reasoning so that the adjudication process produces authentic justice. West's contribution methodologically lays the groundwork for the argument that the standard of proof in gender-based crime

should be constructed by accommodating the psychological reality of the victim, rather than based on culturally constructed ideal behavioral assumptions (Halili, 2018).

In the context of protecting women's rights, FLT criticizes the formal concept of equality which simply places women and men in a normatively equal position without considering real structural inequalities. This condition illustrates the failure to address the social reality of women who experience subordination, economic dependence, gender-based violence, and systemic barriers to accessing justice (Ardan et al., 2025). Therefore, FLT encourages a paradigm shift towards substantive equality that demands affirmative and proportionate treatment for the achievement of true justice. The principle of anti-subordination, which is the most distinctive analytical contribution of FLT, further directs the orientation of legal interpretation to actively eliminate rather than simply not reproduce gender-based systemic subordination (Munifah, 2021). This principle goes beyond the conventional principle of non-discrimination by demanding the active elimination of structures that produce subordination, so that the law is positioned not merely as a passive instrument of recording inequality, but as a corrective instrument methodologically directed to transform it. Within the framework of gender-responsive legal interpretation, FLT serves as a foundation that strengthens a progressive hermeneutic approach, where legal interpretation is directed not only to the textual meaning of norms but also to the analysis of power relations, social contexts, and the impact of law on vulnerable groups (Wildasari, 2025).

2.3. Gender-Responsive Legal Interpretation within the Framework of Protecting Women's Rights

The conceptual distinction between formal equality and substantive equality is one of the most fundamental theoretical contributions of the FLT to the development of contemporary legal doctrine. Formal equality presupposes that justice is achieved when all parties are treated identically regardless of differences in characteristics. In contrast, substantive equality recognizes that the identical treatment of structurally unequal parties will produce outcomes that are substantively discriminatory (Munifah, 2021). MacKinnon's (1987) critique of doctrinal formal neutrality shows that laws that abstract real power relations actually perpetuate structural inequalities because the legal standards are applied uniformly to parties whose positions are not equal will substantively favor the dominant party in the power relationship. The concept of substantive equality has a solid normative foundation in international legal instruments, especially through Article 2 and Article 5 of CEDAW which require States Parties to eliminate discrimination not only formally, but also substantively in all domains of life including judicial administration. This substantive obligation includes a mandate to change social and cultural patterns that perpetuate stereotypes of gender roles, an obligation that is directly relevant to the reform of legal interpretation methodologies in judicial practice.

The implementation of substantive equality in judicial practice requires the expansion of legal interpretation methods beyond traditional approaches such as grammatical, systematic, and historical interpretation. Effective legal interpretation within the framework of the protection of women's rights must be expanded through a progressive approach that is sensitive to the socio-cultural realities of the gender dimension, so that it is not just literal but reflects the values of substantive justice and the principle of non-discrimination guaranteed in various national and international legal instruments (Sidabutar, 2025). Teleological interpretation reads norms within the framework of the purpose of law formation as a whole, thus preventing the application of norms that are contrary to the ratio legis of victim protection instruments (Arrasyid, 2019). Systematic interpretation integrates the norms examined with other norms in the broader regulatory ecosystem, resulting in an internally coherent reading of the law that is consistent with the principles of gender equality mandated by international and constitutional legal instruments. Gender-responsive legal interpretations also require core principles of non-discrimination, substantive equality, and protection of vulnerable groups, so the position of women vulnerable to violence and marginalization needs to be supported by a perspective of legal feminism that criticizes patriarchal structures in legal texts and practices while encouraging interpretations that genuinely respect women's rights as legal subjects (Sitanggang, 2025).

2.4. Gender-Based Violence, Structural Victimization, and Judicial Bias

Gender-based violence is a phenomenon that inherently has relational and structural dimensions, where the power imbalance between perpetrators and victims is not purely individual, but is shaped by broader social, economic, and cultural structures (Arrasyid, 2019). Gender equality is a fundamental component of human rights that focuses on conditions where men and women have equal status, rights, obligations, opportunities, and treatment in all aspects of life, including in the legal field. Gender equality does not mean uniformity of roles, but rather ensures that biological and social differences are not used as a basis for discrimination, subordination, or unfair treatment of certain genders (Ismiati, 2023). The relationship between human rights and gender equality is mutually reinforcing, so that the fulfillment of human rights cannot be separated from efforts to eliminate gender-based injustices (Sitanggang, 2025).

The phenomenon of structural victimization, which in feminist jurisprudence literature, is also known as secondary victimization occurs when the judicial process itself causes additional suffering for the victim through a mechanism of morality assessment, denial of evidence, or the imposition of evidentiary standards that de facto shift the moral burden from the perpetrator to the victim (Kadir, 2025). Victimization is not just an individual failure of law enforcement officials, but a structural product of the dominance of androcentric epistemology in judicial methodology that fails to integrate women's specific experiences and vulnerabilities into the construction of legal reasoning. Gender-based bias in judicial reasoning manifests in various forms that are not always explicit, ranging from the use of language that puts the victim in a position of responsibility for the violence she experiences, to considerations that prioritize the interests of the perpetrator or family institution over the protection of the victim (Noviana, 2025).

Understanding the psychological dynamics of post-violence trauma, including the phenomenon of learned helplessness in victims of domestic violence that is repetitive, has significant judicial relevance in explaining the behavior patterns of victims such as delays in reporting, withdrawal of reports, or inconsistencies of information (Sidabutar, 2025). These relevant gender-responsive principles in addressing law enforcement bias are urgent, as gender-sensitive legal interpretations can help reduce discriminatory stereotypes, support fairer judgments, and create more inclusive and responsive public policies to women's experiences in the legal system (Santoso et al., 2025).

2.5. National and International Legal Framework for the Protection of Women's Rights

Indonesia's national legal system has provided a normative framework that is editorially designed responsive to women's structural vulnerabilities. Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia guarantees the equal position of every citizen before the law, while Article 28B paragraph (2) provides a constitutional basis for protection from discriminatory treatment. Law Number 7 of 1984 concerning the Ratification of CEDAW requires the state to substantively abolish all forms of gender-based discrimination in all domains of life, including judicial administration (Milky et al., 2024). Law Number 23 of 2004 concerning PKDRT explicitly recognizes the specific vulnerability of women in domestic relations marked by power inequality, while Law Number 12 of 2022 concerning TPKS introduces a victim-centered approach paradigm that normatively integrates the recognition of unequal power relations into the construction of norms. However, the fragmentation of regulations between these instruments and the provisions of general criminal law creates legal uncertainty for law enforcement officials and opens up space for inconsistent implementation (Hardiyanti, 2022).

At the international level, CEDAW General Recommendation No. 33 and No. 35 specifically require countries to ensure that the justice system operates free from gender stereotypes and adopt a victim-centered approach to handling cases of gender-based violence (Luhulima, 2014). This international obligation provides a strong normative basis for the reform of legal interpretation methodologies in Indonesian judicial practice. Gender-responsive legal interpretation demonstrates that the protection of women's rights is a multi-layered final goal from legal theory as a conceptual foundation, legal principles as normative guides, to legal interpretation as an operational instrument in law enforcement practice (Santoso et al., 2025).

2.6. Patriarchal Culture in Judicial Institutions and Institutional Transformation

The persistence of patriarchal culture in judicial institutions is one of the most fundamental structural obstacles to the realization of substantive justice for women. In FLT's perspective, patriarchal culture in judicial institutions is not just a matter of individual attitudes of law enforcement officials, but an epistemological issue that forms interpretive prejudice implicitly positioning the experience of men as a universal standard so that women's specific vulnerabilities become incalculable in the adjudication process (Agustina et al., 2025). This condition confirms that legal interpretation reform cannot rely solely on regulatory changes, but must fundamentally target the paradigm of legal reasoning and the institutional culture that operates in judicial practice.

The transformation of judicial institutional culture towards gender sensitivity requires systemic interventions that include continuing education and training, the development of gender-based judicial guidelines by the Supreme Court, as well as the development of progressive jurisprudence that explicitly adopts the principles of substantive equality as binding interpretive rules (Wardhani et al., 2025). Within this framework, jurisprudence serves not only as a documentation of individual judgments, but as an instrument of legal cultural construction that gradually shifts the paradigm of judicial reasoning from the dominance of androcentric epistemology to an epistemology that recognizes and integrates women's specific experiences as legitimate and determinant sources of legal knowledge. Thus, FLT-based interpretation of gender-responsive law positions law as a transformative instrument that is methodologically operationalized to realize substantive justice and encourage the elimination of gender-based structural discrimination in the Indonesian legal system in a sustainable manner (Mukamala, 2025).

3. METHOD

This study uses a normative legal research method that examines legal norms and concepts related to the interpretation of gender-responsive law as a mechanism to strengthen women's rights in the Indonesian legal system. The approaches used are statutory and integrated conceptual approaches. The main objects of analysis include Article 27 paragraph (1) and Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, Law Number 7 of 1984 concerning the Ratification of CEDAW, Law Number 23 of 2004 concerning PKDRT, and Law Number 12 of 2022 concerning TPKS. These instruments are studied based on the premise that although they have been designed in a normatively neutral and gender-responsive manner, their application in judicial practice still results in gender bias due to the dominance of formalistic interpretations, as reflected in the Supreme Court Decision Number 574 K/Pid.Sus/2018 and the phenomenon of victimization of sexual violence victims (Hidayat, 2021). As a doctrinal analysis knife, this study uses Feminist Legal Theory, especially liberal feminism and cultural feminism, to identify systemic biases in the application of norms that appear to be textually neutral while building principles of alternative interpretation, including substantive equality, contextual reasoning, and anti-subordination. The analysis techniques used are descriptive analytical and interpretive analysis to examine the consistency of the practice of legal interpretation that applies to the principle of substantive justice (Efendi & Ibrahim, 2016).

4. RESULT AND DISCUSSION

4.1. The Gap between Normative Neutrality and Substantive Justice in the Indonesian Legal System

Discrimination against women in the Indonesian legal system cannot be reduced solely as a matter of the absence of adequate legal norms. A more fundamental and structural problem lies in the methodology of legal interpretation applied in law enforcement practice, which systemically fails to integrate gender equality perspectives into judicial reasoning processes (Wardhani et al., 2025). The national legal system actually has normative instruments that are editorially designed to be gender-neutral and responsive to women's structural vulnerabilities (Ratnanun et al, 2025). Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia guarantees the equal position of every citizen before the

law, while Article 28B paragraph (2) provides a constitutional basis for protection from discriminatory treatment. Law Number 7 of 1984 concerning the Ratification of CEDAW requires the state to eliminate all forms of gender-based discrimination not only formally, but substantively in all domains of life, including administration (Pujayanti et al., 2025). Law Number 23 of 2004 concerning PKDRT explicitly recognizes the specific vulnerability of women in domestic relations marked by power inequality, while Law Number 12 of 2022 concerning TPKS introduces a victim-centered paradigm that normatively integrates the recognition of unequal power relations into the construction of norms. The four instruments as a whole form a legal framework that at the textual level does not contain discriminatory bias (Milky et al., 2024).

However, these normative facts do not automatically result in adequate substantive protection in the judicial practice. Various studies have shown that the implementation of these instruments still faces structural obstacles, including the dominance of patriarchal culture, the uneven capacity of law enforcement officers, and the absence of effective oversight mechanisms for the application of gender equality principles (Tirkantara, 2025). These conditions contribute to the persistence of gender inequality in various aspects of life, including access to legal protection, which negatively impacts the achievement of sustainable development goals in Indonesia (Pujayanti et al., 2025). This misalignment between *das sollen* and *das sein* demonstrates that harmonizing the ideal norms mandated in the national legal system is a crucial prerequisite for ensuring that gender equality is not only recognized theoretically but also realized in social reality and legal practice (Hardiyanti, 2022).

4.2. The Dominance of Formalistic Interpretation as the Root of Structural Problems: A Feminist Legal Theory-Based Analysis

To doctrinally analyze the root of the above problem, this study operationalizes FLT as the main analytical framework. In the liberal tradition of feminism developed by MacKinnon and Chamallas, laws that claim formal neutrality are never truly neutral, as they are built on historically male-dominated norms and experiences as the universal norm of a condition known in the FLT literature as androcentric epistemology (Mursalim et al., 2025). Meanwhile, cultural feminism as developed by Robin West emphasizes that women's life experiences as victims including the psychological dynamics of trauma, structural dependence, and social pressure are legitimate sources of legal knowledge (women's lived experience) and must be integrated into legal reasoning so that the adjudication process produces authentic justice (Nurmadani et al., 2025).

If the legal instrument that is the object of study is criticized through the formal concept of neutrality critique MacKinnon, it appears doctrinally that textual neutrality is not synonymous with substantive neutrality in its application. MacKinnon argues that laws that abstract real power relations actually perpetuate structural inequalities, because legal standards that are applied uniformly to structurally unequal parties will produce outcomes that are substantively discriminatory (Arrasyid, 2019). The test of the neutrality claims of the four instruments must be carried out not only at the level of text, but also at the level of how these norms are interpreted in concrete situations involving women as victims of gender-based violence. This test analytically reveals that the root of the problem lies in the dominance of formalistic interpretations of a method that understands norms grammatically and textually without integrating the analysis of social contexts, power relations, and structural conditions behind the legal events being tried (Susanto et al., 2024).

One of the recurring patterns of bias in judicial practice is the tendency of law enforcement officials to assess the credibility of victims based on culturally constructed standards of morality and ideal behavior (Ardan et al., 2025). In a number of cases of sexual violence, aspects such as the victim's clothing, relationship history with the perpetrator, or delay in reporting are still used as indicators of doubt about the truth of the events experienced. In the perspective of liberal feminism, such a pattern of reasoning reflects the androcentric operation of epistemology implicitly in legal considerations, where standards of judgment are built on assumptions that place the male perspective as a universal reference point so that women's specific experiences as victims do not gain adequate recognition. This pattern determinatiously

influences the outcome of cases (Pujayanti et al., 2025), and demonstrates the implicit incorporation of gender stereotypes into the construction of judicial considerations.

Similar systemic bias is evident in the application of evidentiary standards that are insensitive to the inherent characteristics of gender-based crimes. Acts of gender-based violence generally occur in the private realm without the presence of direct witnesses; therefore, they structurally require a more contextual approach to proof. However, in practice, law enforcement officials often rigidly require the presence of physical evidence or direct witnesses, which weakens the victim's position and increases the probability of the perpetrator's acquittal (Larasati & Noviani, 2021). Through the framework of Western cultural feminism, the inability of the evidentiary system to accommodate women's lived experience, including the psychological dynamics of post-violence trauma which often causes delays in reporting and inconsistencies in information are manifestations of the structural failure of legal reasoning in integrating knowledge sourced from the victim's experience as legitimate legal truth (Wardhani et al., 2025).

Further structural bias is seen in rulings that impose light sanctions on perpetrators of domestic violence with consideration of the integrity of the family or the social status of the perpetrators. Such considerations reflect the operation of the patriarchal paradigm that places family harmony above the safety and dignity of female victims. Theoretically, this situation strengthens FLT's argument that the claim of legal objectivity is problematic: court decisions are not born in a vacuum of value, but are determinatively influenced by the social, cultural, and gender-based background of the apparatus that implements them (Noviana, 2025). Such conditions confirm that legal interpretation reform cannot rely solely on regulatory changes, but must fundamentally target the paradigm of legal reasoning that operates in judicial practice.

4.3. The Case of Baiq Nuril Maknun as a Paradigmatic Demonstration of the Failure of Formalistic Interpretation

The most paradigmatic manifestation of the above problem is found in the Supreme Court Decision Number 574 K/Pid.Sus/2018 in the case of Baiq Nuril Maknun. A woman who is a victim of sexual harassment by her boss is positioned as a defendant and sentenced under Article 27 paragraph (1) jo. Article 45 paragraph (1) of Law Number 11 of 2008 concerning Information and Electronic Transactions, because recording and disseminating conversations containing harassment content is an effort to protect themselves. If this case is studied through the FLT framework, at least three dimensions of systemic bias can be identified doctrinally. First, the panel of judges applies the norms of the ITE Law in a purely textual-procedural manner: as long as the elements of the offense are formally met, the punishment is considered legitimate, without considering the context of the power relationship between the defendant as a subordinate and the victim of harassment and the perpetrator as the superior, a relationship that in the framework of FLT is a determining factor in the assessment of the proportionality of actions (Tirkantara, 2025). Second, the judge's reasoning construction does not accommodate the fact that the defendant's actions are a victim's defensive response to a situation of gender-based violence a dimension that in Western cultural feminism is categorized as a women's lived experience that must be integrated into legal reasoning in order for adjudication to produce substantive justice. Third, criminalization effectively reverses the position of the victim into the perpetrator of a judicial paradox that is contrary to the spirit of women's protection in CEDAW and the 1945 Constitution of the Republic of Indonesia, and which in FLT terminology can be identified as a failure of the principle of anti-subordination: instead of eliminating structural subordination, the ruling reinforces it through formal legal mechanisms.

The Baiq Nuril case cannot be qualified as an individual judicial anomaly, but rather a representation of a broader structural pattern in Indonesian judicial practice. A similar pattern is manifested systemically in sexual violence cases, where the evidentiary process often puts the victim in a position to account for his or her behavior, morality, relationship history, and psychological condition before a panel of judges. This mechanism, which in feminist jurisprudence literature is identified as secondary victimization or structural victimization, is a direct consequence of legal interpretations that break away from the analysis of gender power relations. Examined through the FLT framework, the phenomenon of victimization is not merely an individual failure of law enforcement officials, but a structural product of the dominance of

androcentric epistemology. Standards of proof and assessment of victim credibility are built on assumptions that implicitly place the male perspective as a universal reference, so that the specific experiences of victims include the psychological dynamics of post-violence trauma and survival mechanisms did not obtain adequate recognition in the construction of the judge's reasoning. The standard of proof applied de facto shifts the moral burden from the perpetrator to the victim, thus systematically reducing the substantive protection power that should be operationalized by the PKDRT Law and the TPKS Law.

This normative gap is further exacerbated by two interrelated structural factors. First, the fragmentation of regulations that has not been systemically addressed: the difference in protection standards between the PKDRT Law, the TPKS Law, and the provisions of general criminal law creates legal uncertainty for law enforcement officials, while the absence of an integrative framework that requires a gender-responsive approach in cross-instrumental interpretation further deepens this problem. Second, the persistence of patriarchal culture in judicial institutions that systemically affects the way judges read, understand, and apply legal norms (Agustina et al., 2025). From FLT's perspective, patriarchal culture in judicial institutions is not just a matter of individual attitudes, but an epistemological issue that forms interpretive prejudice implicitly positioning the experience of men as a universal standard so that the specific vulnerability of women as victims becomes incalculable in the adjudication process.

4.4. Construction of Principles of Gender-Responsive Legal Interpretation Based on Feminist Legal Theory: Methodological Operationalization

The construction of gender-responsive legal interpretation acquires strong normative relevance when articulated through the FLT framework in a concrete and methodological manner. FLT positions legal interpretation as an arena for the production of meaning that determinatively determines whether the law will maintain the structure of inequality or function as a corrective instrument against it (Bidayati, 2021). The reformulation of the interpretation paradigm is therefore the main prerequisite for strengthening the substantive protection of women's rights. Based on the analysis that has been built in the previous sub-section, this study constructs three principles of gender-responsive legal interpretation doctrinally derived from FLT, accompanied by a concrete description of how judges should interpret norms, the interpretation methods used, and how norms are constructed practically in the adjudication process (Utomo & Arifin, 2024).

4.4.1. The Principle of Substantive Equality: A Protection-Based Teleological Interpretation

The principle of substantive equality requires that the norms in the 1945 Constitution of the Republic of Indonesia, the CEDAW Law, the PKDRT Law, and the TPKS Law are not interpreted symmetrically-formally, but teleologically oriented to the substantive goal of protecting women as structurally disadvantaged groups. This principle directly rejects the application of uniform norms (equal treatment) that ignore the structural position inequality between victims and perpetrators in gender-based relationships (Munifah, 2021). How should the judge interpret it in applying this principle, the judge should not simply ask "are the elements of the article formally met?" but should actively ask "does the application of this norm result in real protection for the victim, or does it reinforce the structural inequalities that underlie the case?" In the Baiq Nuril case, the question that should be the center of the judge's reasoning is not solely whether the defendant fulfills the elements of Article 27 paragraph (1) of the ITE Law, but whether the punishment for the defensive actions of victims of sexual violence is consistent with the substantive goals of the 1945 Constitution of the Republic of Indonesia and CEDAW in eliminating gender-based discrimination. The answer to this second question teleologically should lead the judge to acquit the defendant, because criminalization actually produces an outcome that is contrary to the ratio legis of the applicable women's protection instruments (Pudjiastuti, 2023).

The interpretation method used is the method that is operationalized is teleological interpretation combined with systematic interpretation. Teleologically, the judge read the provisions of the ITE Law within the framework of the purpose of the formation of a law as a whole that is not designed to punish victims of sexual violence who collect evidence of harassment. Systematically, the judge integrates the

norms of the ITE Law with the norms of the PKDRT Law and the TPKS Law, which are hierarchically and substantively more specific in regulating the protection of victims of gender-based violence. The integration of these two methods results in a reading of norms that is not textually isolated, but rather positioned within a broader normative ecosystem.

How the norm is constructed practically the judge builds the norm by constructing a *ratio decidendi* which explicitly states that the act of recording as a defensive response to the victim of sexual harassment cannot be qualified as an unlawful act within the meaning of the ITE Law, because such a reading is contrary to the principle of substantive equality which is guaranteed by Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia and Article 2 of CEDAW. This normative construction creates a judicial precedent that doctrinally requires judges in similar cases to consider the structural position of the victim before making judgments on the legality of actions taken as a survival mechanism against gender-based violence.

4.4.2. Principles of Contextual Reasoning: Contextual Interpretation Based on Power Relations Analysis

The principle of contextual reasoning requires judges to methodologically build legal reasoning that is inseparable from the social, relational, and power-based context that underlies the legal events being tried. The power relationship between perpetrators and victims is not purely individual, but structural in nature formed by economic dependence, patriarchal cultural norms, and unequal access to legal resources (Arrasyid, 2019). This principle directly responds to the methodological weakness of formalistic interpretations that treat legal facts as events isolated from the context of the power relations that surround them. How judges should interpret the application of the principle of contextual reasoning requires judges to construct a power map as an integral part of the construction of legal considerations, not just as a peripheral factual background. In domestic violence cases, for example, the judge must actively identify and document in his consideration: (a) the structure of the victim's economic dependence on the perpetrator; (b) the repeated patterns of violence and their psychological impact on the victim's ability to report promptly; (c) socio-cultural pressures that prevent victims from accessing legal mechanisms; and (d) inequality of access between victims and perpetrators to legal aid and judicial resources. These four dimensions must be explicitly contained in the construction of judges' considerations as juridically relevant factors, not ignored on the basis that criminal law norms are gender-neutral.

The method operated is contextual interpretation combined with historical-sociological interpretation. Contextually, the judge reads the legal facts not as isolated events, but in the context of the power relations that surround them. Historically-sociologically, judges integrate an understanding of academically and empirically documented patterns of women's structural subordination into their legal reasoning including an understanding of the phenomenon of learned helplessness in victims of recurrent domestic violence, which scientifically explains why victims often do not immediately report or even withdraw their reports. In the context of the TPKS Law, this method operationalizes a victim-centered approach expansively to include the judge's obligation to integrate psychological evidence and relational context as valid and determinant evidence (Sidabutar, 2025).

Practically, judges build norms by constructing a standard of proof that is proportionate to the inherent characteristics of gender-based crimes. This standard is concretely realized in three forms: first, the recognition of the victim's testimony as evidence that has a determinant weight if supported by medical records, psychologist reports, or communication records without requiring the presence of direct witnesses which in private crimes is structurally almost impossible to exist; second, the rejection of considerations that use the victim's behavior, morality, or relationship history as factors that undermine the credibility of the statement; and third, the construction of a *ratio decidendi* that explicitly states that delayed reporting by victims of gender-based violence cannot be qualified as an indication of the untruthfulness of events, given that the phenomenon is a documented psychological response scientifically against trauma situations.

4.4.3. The *Anti-Subordination Principle*: A Corrective Interpretation Based on the Elimination of Structural Subordination

The principle of anti-subordination which is FLT's most distinctive analytical contribution within the framework of legal doctrine directs the orientation of the entire interpretive methodology to actively eliminate, rather than maintain, the systemic subordination of women through the application of norms. This principle goes beyond the conventional principle of non-discrimination by demanding not only the absence of discriminatory treatment, but the active elimination of structures that produce subordination (Munifah, 2021). The application of this principle requires judges to methodologically test each available interpretive option through a single doctrinal question of imperative nature. In Baiq Nuril's case, this imperative question should result in the following reasoning: the criminalization of the defensive actions of victims of sexual harassment would systemically send a normative signal that women defending themselves from gender-based violence are at risk of criminalization, an outcome that doctrinally reinforces structural subordination and is therefore unjustifiable in a legal system that claims a commitment to the principles of the Holocaust Anti-subordination.

The method that is operationalized is corrective interpretation which is explicitly oriented towards dismantling subordinate structures in norms and their application. Methodologically, corrective interpretation operates in three successive steps: the first step, the identification of the subordination of the judge identifies whether there is a subordinate structure operating in the relationship between the parties and in the context of the case; The second step, the judge's interpretive choice test every available alternative interpretation of the norm against the criteria of whether such interpretation will reinforce or eliminate the subordination that has been identified; The third step is the construction of corrective considerations of judges choosing and articulating interpretations that actively eliminate subordination, accompanied by normative arguments that refer to the ratio legis of the applicable legal instruments for the protection of women (Kadir, 2025). In sexual violence cases, these three steps concretely require that the judge reject considerations that place the victim in the position of the de facto defendant in the evidentiary process.

Practically, the principle of anti-subordination is operationalized through the construction of normative precedents that progressively construct the doctrine of defensive action by victim in Indonesian law, a doctrine that doctrinally recognizes that actions committed by victims of gender-based violence in order to defend themselves or gather evidence cannot be qualified as unlawful acts, during such acts proportionate to the threat faced and does not exceed reasonable limits in the context of the violent situation experienced (Ardan et al, 2025). This doctrine is built through the construction of ratio decidendi which explicitly integrates the principle of anti-subordination as a binding interpretive rule, thus creating a normative framework that can be used as a reference in similar cases in the future.

4.5. Institutional Conditions for the Operationalization of Gender-Responsive Legal Interpretation

The operationalization of interpretation principles and methods requires systemic and structured institutional support. First, the Supreme Court needs to develop gender-based judicial guidelines that concretely operationalize the principles of substantive equality, contextual reasoning, and anti-subordination into case review procedures including victim credibility assessment standards, proportionate evidentiary standards for private crimes, and explicit prohibitions on the use of the victim's morality factor as a judicial consideration (Wardhani et al., 2025). Second, strengthening judicial capacity through systemic training that integrates gender-responsive interpretation methodologies into the education and training curriculum of judges, prosecutors, and investigators. Third, the development of progressive jurisprudence that explicitly adopts the three principles above in the construction of legal considerations, so as to gradually construct a legal culture that is sensitive to vulnerable groups and responsive to the social realities behind legal events (Mukamala, 2025). Thus, the interpretation of FLT-based gender-responsive law does not only improve the quality of individual case resolution, but also plays a strategic role in encouraging structural transformation of the Indonesian justice system. Law is no longer positioned as a passive instrument that responds to the text of norms mechanically, but rather as an active instrument that is

methodologically operationalized to realize social justice, protect human dignity, and bring substantive equality for women in the Indonesian legal system (Mukamala, 2025).

5. CONCLUSION

This research found that the fundamental problem in the protection of women's rights in Indonesia does not lie in normative deficiencies, but in the interpretation methodology that is operationalized in judicial practice. The national normative framework including the 1945 Constitution of the Republic of Indonesia, the CEDAW Ratification Law, the PKDRT Law, and the TPKS Law textually have provided a relatively comprehensive foundation of protection. However, the dominance of formalistic interpretations that abstract power relations and ignore the structural context in the adjudication process results in a systemic gap between *das sollen* and *das sein*. Norms that are editorially designed to be gender-neutral actually operate androcentric epistemology implicitly in their application, resulting in outcomes that are substantively discriminatory against women as victims of gender-based violence.

Through the use of Feminist Legal Theory as a framework of analysis, this study demonstrates that formal neutrality is not synonymous with substantive neutrality in the context of unequal power relations. The case of Baiq Nuril Maknun as reflected in the Supreme Court Decision Number 574 K/Pid.Sus/2018 serves as a paradigmatic demonstration of the failure of formalistic interpretation. The criminalization of defensive actions of victims of sexual harassment is a concrete manifestation of the failure of the principle of anti-subordination, where formal legal mechanisms actually strengthen structural subordination that should be eliminated. Similar patterns manifest systemically in evidentiary standards that are insensitive to the inherent characteristics of gender-based crimes, assessments of victim credibility based on cultural stereotypes, and judicial considerations that place family harmony above the safety of victims are all structural products of the dominance of the patriarchal paradigm in judicial epistemology.

As a doctrinal response, this study constructs three principles of gender-responsive legal interpretation methodologically derived from FLT. First, the principle of substantive equality which requires the application of teleological interpretation is oriented towards the substantive goal of victim protection, not just the fulfillment of formal elements of crime. Second, the principle of contextual reasoning that requires judges to construct a map of power relations as an integral part of legal considerations, integrates the psychological dynamics of trauma and the structural dependence of victims into proportionate standards of proof. Third, the principle of anti-subordination directs all interpretive choices to actively eliminate systemic subordination structures through corrective interpretation that operates in three steps of subordination identification, interpretive choice testing, and corrective consideration constructs.

The use of these three principles requires structured institutional support, including the development of gender-based judicial guidelines by the Supreme Court, strengthening judicial capacity through the integration of gender-responsive interpretation methodologies in the education of law enforcement officials, and the development of progressive jurisprudence that adopts the doctrine of defensive action by victim as a binding normative rule. Therefore, FLT-based gender-responsive legal interpretation positions the law as a transformative instrument that is methodologically operationalized to realize substantive justice and promote the elimination of gender-based structural discrimination in the Indonesian legal system in a sustainable manner.

Ethical Approval

Ethical approval was not required for this study because the research is normative legal research and did not involve human participants, animal subjects, clinical procedures, experiments, or the collection of personal or sensitive data.

Informed Consent Statement

Informed consent was not applicable to this study because no human participants were involved, and no primary data were collected through interviews, surveys, observations, or other forms of direct participant engagement.

Authors' Contributions

EF contributed to the conceptualization, methodology, formal analysis, and writing of the original draft. NPTS contributed to the methodology, formal analysis, investigation, and literature review. RM contributed to formal analysis, investigation, and literature review. All authors contributed to writing—review and editing and have read and agreed to the final version of the manuscript.

Disclosure Statement

The authors declare that there is no conflict of interest regarding the publication of this article.

Data Availability Statement

No new empirical datasets were generated or analyzed in this study. The data and materials used in this research consist of publicly available legal instruments, court decisions, scholarly literature, and other documentary sources cited in the article. Additional information may be obtained from the corresponding author upon reasonable request.

Funding

This research received no external funding.

Notes on Contributors

Erlin Faridha

Erlin Faridha is a lecturer at the Faculty of Law, Nusa Cendana University.

Ni Putu Tya Sundrayani

Ni Putu Tya Sundrayani is a lecturer at the Faculty of Law, Nusa Cendana University.

Rizkina Mewahni

Rizkina Mewahni is a lecturer at the Faculty of Law, Nusa Cendana University.

REFERENCES

- Agustina, D., Damanik, F. A., Ramadhayanti, S., Kirana, S., Harahap, D. N., Sipahutar, A. N. A., Annisa, F., & Azzahrah, S. H. (2025). Budaya patriarki sebagai fondasi ketimpangan gender di Indonesia (Patriarchal culture as the foundation of gender inequality in Indonesia). *Jurnal Kesehatan Tambusai*, 6(2), 8426–8434. <https://journal.universitaspahlawan.ac.id/index.php/jkt/article/view/46133>
- Ansori, L. (2018). Reformasi penegakan hukum perspektif hukum progresif (Law enforcement reform from a progressive law perspective). *Jurnal Yuridis*, 4(2), 148–163. <https://doi.org/10.35586/.v4i2.244>
- Ardan, A., Kusuma, R. B., Solechan, S., Sari, A. A., & Prasetyono, B. (2025). Reformasi hukum Indonesia melalui lensa feminist legal theory: Menyusun keadilan gender (Indonesian legal reform through

- the lens of feminist legal theory: Constructing gender justice). *Yustitia*, 11(1), 54–69. <https://doi.org/10.31943/yustitia.v11i1.333>
- Arrasyid, F. (2019). *Sensitivitas gender hakim kasasi dalam pertimbangan hukum: Analisis putusan kasasi tahun 2015 (Gender sensitivity of cassation judges in legal considerations: Analysis of 2015 cassation decisions)*. Pustakapedia. <https://repository.uinjkt.ac.id/dspace/bitstream/123456789/48611/1/FAUZAN%20ARRASYI D.pdf>
- Asshiddiqie, J., & Safa'at, M. A. (2006). *Teori Hans Kelsen tentang hukum (Hans Kelsen's theory of law)*. Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi RI. https://www.pusdikmin.com/perpus/file/TEORI_HANS_KELSEN_TENTANG_HUKUM.pdf
- Bidayati, K. (2021). *Perlindungan hak reproduksi perempuan dan interpretasinya di Pengadilan Agama: Studi putusan Pengadilan Agama di DKI Jakarta 2015–2019 (Protection of women's reproductive rights and their interpretation in religious courts: A study of religious court decisions in DKI Jakarta 2015–2019)*. Penerbit A-Empat. <https://repository.uinjkt.ac.id/dspace/handle/123456789/60720>
- Breitkreuz, R., & Baird, M. (2025). Women's economic empowerment: A global pathway to gender equality? *The Economic and Labour Relations Review*, 36(2), 318–336. <https://doi.org/10.1017/elr.2025.10027>
- Efendi, J., & Ibrahim, J. (2018). *Metode penelitian hukum: Normatif dan empiris (Legal research methods: Normative and empirical)*. Prenada Media. <https://books.google.co.id/books?id=5OZeDwAAQBAJ>
- Fineman, M. A. (2014). *The neutered mother, the sexual family and other twentieth century tragedies*. Routledge. <https://doi.org/10.4324/9781315021744>
- Firdaus, F., & Wulandari, R. A. (2023). Implications of low women's representation: Strategies and challenges towards gender equality in Indonesian politics. *Indonesian Journal of Religion and Society*, 5(2), 138–153. <https://doi.org/10.36256/ijrs.v5i2.383>
- Halili. (2018). *Politik hak asasi manusia di Indonesia (The politics of human rights in Indonesia)*. UNY Press. https://books.google.com/books/about/Politik_hak_asasi_manusia_di_Indonesia.html?id=b-9b0AEACAAJ
- Hardiyanti, M. (2022). Optimalisasi kebijakan affirmative action bagi keterlibatan perempuan di lembaga legislatif dalam mewujudkan kebijakan responsif gender (Optimizing affirmative action policy for women's involvement in legislative institutions to realize gender-responsive policy). *Yustitiabelen*, 8(1), 41–58. <https://doi.org/10.36563/yustitiabelen.v8i1.500>
- Hasrah, N., Arsyad, N., & Hasyim, S. (2025). Gender discrimination as a legal crisis challenges to protection in the Indonesian criminal system. *Horizon Public Legal Studies Journal*, 2(1), 1–17. <https://doi.org/10.56087/hegels.v2i1.1016>
- Hidayat, A. (2021). Critical review buku “Penelitian Hukum” Peter Mahmud Marzuki: Penelitian hukum ad quem tentang norma (Critical review of Peter Mahmud Marzuki's “Legal Research”: Legal research ad quem on norms). *YUSTISLA MERDEKA: Jurnal Ilmiah Hukum*, 7(2), 117–125. <https://doi.org/10.33319/yume.v7i2.109>
- Ismiati, S. (2023). Penyuluhan tentang beban ganda perempuan dalam bekerja pada lingkup rumah tangga dalam perspektif HAM dan kajiannya terhadap kesetaraan gender (Community education on women's double burden in household work from a human rights perspective and its study of gender equality). *Jurnal Abdimas Bina Bangsa*, 4(1). <https://doi.org/10.46306/jabb.v4i1>
- Kadir, Z. K. (2025). Meruntuhkan pilar keadilan: Apakah sistem peradilan dapat berfungsi tanpa standar pembuktian? (Collapsing the pillars of justice: Can the judicial system function without standards of proof?). *Mandub: Jurnal Politik, Sosial, Hukum dan Humaniora*, 3(2), 40–61. <https://doi.org/10.59059/mandub.v3i2.2351>
- Larasati, R. D., & Noviani, R. (2021). *Melintas perbedaan: Suara perempuan, agensi, dan politik solidaritas (Crossing differences: Women's voices, agency, and the politics of solidarity)*. Kepustakaan Populer Gramedia.
- Luhulima, A. S. (2014). *CEDAW: Menegakkan hak asasi perempuan (CEDAW: Upholding women's human rights)*. Yayasan Pustaka Obor Indonesia. <https://books.google.co.id/books?id=yiUaDAAAQBAJ>

- MacKinnon, C. A. (1987). *Feminism unmodified: Discourses on life and law*. Harvard University Press. https://books.google.com/books/about/Feminism_Unmodified.html?id=rxE8FQzjpYMC
- Milky, F. J., Ucu, Y., Subekti, & Sidarta, D. D. (2024). Asas kesetaraan gender dalam Peraturan Mahkamah Agung Nomor 3 Tahun 2017 tentang pedoman mengadili perempuan berhadapan dengan hukum (The principle of gender equality in Supreme Court Regulation Number 3 of 2017 concerning guidelines for adjudicating women before the law). *COURT REVIEW: Jurnal Penelitian Hukum*, 4(03), 1–10. <https://doi.org/10.69957/cr.v4i03.1508>
- Mukamala, L. B. (2025). *Urgensi penyusunan norma hukum femisida perspektif teori hukum progresif dan siyasah dusturiyah (The urgency of formulating femicide legal norms from the perspective of progressive legal theory and siyasah dusturiyah)* [Undergraduate thesis, Universitas Islam Negeri Maulana Malik Ibrahim Malang]. Etheses UIN Malang. <https://etheses.uin-malang.ac.id/76630/>
- Munifah. (2021). *Rekonstruksi perlindungan hukum terhadap perempuan korban kekerasan dalam rumah tangga berbasis nilai-nilai keadilan (Reconstruction of legal protection for women victims of domestic violence based on justice values)* [Doctoral dissertation, Universitas Islam Sultan Agung Semarang]. UNISSULA Repository. <https://repository.unissula.ac.id/25051/>
- Mursalim, M., Aswad, H., & Wiranti. (2025). Antinomy modern and myth culture: Dimensi gender dalam legislasi di Indonesia (Antinomy modern and myth culture: Gender dimensions in legislation in Indonesia). *Jurnal Civic Hukum*, 10(1), 80–102. <https://doi.org/10.22219/jch.v10i1.37477>
- Noviana, D. (2025). *Disparitas pemidanaan dalam kasus tindak pidana kekerasan dalam rumah tangga (Sentencing disparity in domestic violence criminal cases)* [Master's thesis, Universitas Islam Sultan Agung Semarang]. UNISSULA Repository. <https://repository.unissula.ac.id/44761/>
- Nurmadani, N., Darmawan, M. R., & Danny, F. (2025). Gender dalam perspektif aliran feminisme: Analisis wacana tentang hakikat dan kedudukan perempuan (Gender from the perspective of feminist schools: A discourse analysis on the nature and position of women). *Journal of Gender and Millennium Development Studies*, 2(2), 142–152. <https://doi.org/10.64420/jgm.v2i2.380>
- Pudjiastuti, D. (2023). Penerapan prinsip akuntabilitas dalam independensi hakim di Indonesia (Application of accountability principles in judicial independence in Indonesia). *Res Nullius Law Journal*, 5(2), 112–122. <https://doi.org/10.34010/rnlj.v5i2.9430>
- Pujayanti, L. P. V. A., Judijanto, L., Yusuf, M., Febriyanti, N. I. P., Arifuddin, Q., Nurdin, E., Kabalmay, S. I., Efiliana, A., Kalangi, B., & Taufani, G. (2025). *Perempuan dan hukum (Women and law)*. Penerbit Buku Sonpedia.
- Putri, N. A. A., Davu, N. C., Al Ghaza, M. F., & Suherman, A. (2025). Perempuan dan perlindungan hukumnya terhadap diskriminasi gender (Women and their legal protection against gender discrimination). *Jurnal Kajian Hukum dan Pendidikan Kewarganegaraan*, 2(1), 71–79. <https://jurnal.globalscients.com/index.php/jkhp/article/view/752>
- Rahardjo, S. (2009). *Hukum progresif: Sebuah sintesa hukum Indonesia (Progressive law: A synthesis of Indonesian law)*. Genta Publishing. https://books.google.co.id/books/about/Hukum_progresif.html?id=QQTicQAACAAJ
- Ratnanun, I., Marta, T. M., Khan, Z., Dzakiyah, K. Z., & Elviandri. (2025). Feminist legal theory: Perjuangan kesetaraan dalam struktur hukum (Feminist legal theory: The struggle for equality in legal structures). *Judge: Jurnal Hukum*, 6(05), 1433–1443. <https://doi.org/10.54209/judge.v6i05.1882>
- Santoso, N. L., Suhariyanto, D., & Setiawan, P. A. H. (2025). Perlindungan hukum terhadap perempuan sebagai korban pemerkosaan dalam tinjauan feminist legal theory (Legal protection for women as victims of rape in the perspective of feminist legal theory). *Media Hukum Indonesia*, 3(4), 723–735. <https://ojs.daarulhuda.or.id/index.php/MHI/article/download/2663/2807>
- Sidabutar, F. M. (2025). *Perlindungan hukum terhadap perempuan dan anak korban kekerasan dalam rumah tangga berbasis keadilan (Legal protection for women and children victims of domestic violence based on justice)* [Master's thesis, Universitas Islam Sultan Agung Semarang]. UNISSULA Repository. <https://repository.unissula.ac.id/41623/>

- Sitanggang, D. (2025). Tahapan pembuatan CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) dan implementasinya di Indonesia (The stages of CEDAW formulation and its implementation in Indonesia). *Causa: Jurnal Hukum dan Kewarganegaraan*, 14(9), 21–30. <https://doi.org/10.6679/hdwvwwk82>
- Sulastri, L. (2025). Implementasi pemenuhan hak perempuan berhadapan dengan hukum dalam sistem peradilan pidana di Indonesia (Implementation of the fulfillment of women's rights before the law in the Indonesian criminal justice system). *Jurnal Hukum Sasana*, 11(2), 1–19. <https://doi.org/10.31599/sasana.v11i2.4429>
- Susanto, J., Utari, I. S., & Mursyid, A. M. (2024). Implikasi teori hukum feminis terhadap interpretasi dan penerapan hukum dalam kasus-kasus kekerasan berbasis gender (Implications of feminist legal theory for the interpretation and application of law in gender-based violence cases). *Hukum dan Politik dalam Berbagai Perspektif*, 3, 431–442. <https://bookchapter.unnes.ac.id/index.php/hp/article/view/215>
- Tanya, B. L., Simanjuntak, Y. N., & Hage, M. Y. (2013). *Teori hukum: Strategi tertib manusia lintas ruang dan generasi (Legal theory: Strategies for human order across space and generations)*. Genta Publishing.
- Tirkantara, I. M. (2025). Kesetaraan gender dalam hukum: Menjembatani kesenjangan antara ketentuan hukum dan praktik sosial (Gender equality in law: Bridging the gap between legal provisions and social practice). *Indonesian Journal of Law and Justice*, 2(3), Article 11. <https://doi.org/10.47134/ijlj.v2i3.3657>
- Utomo, D. G. S., & Arifin, T. (2024). Kekerasan seksual pada perempuan berdasarkan UU No. 12 Tahun 2022 (Sexual violence against women based on Law No. 12 of 2022). *Aliansi: Jurnal Hukum, Pendidikan dan Sosial Humaniora*, 1(5), 42–55. <https://doi.org/10.62383/aliansi.v1i5.376>
- Wardhani, N. E., Judijanto, L., Asmarani, N., Reumi, F., Yase, I. K. K., & Kusumawardhani, D. L. L. H. N. (2025). *Perempuan dan hukum: Perlindungan hak dalam perspektif gender (Women and law: Rights protection from a gender perspective)*. PT Sonpedia Publishing Indonesia. <https://buku.sonpedia.com/2025/06/perempuan-dan-hukum-perlindungan-hak.html>
- Wildasari, F., & Sunaryo, S. (2025). Philosophy of justice in the shadow of plurality: A feminist interpretation of legal inequality towards women. *YURISDIKSI: Jurnal Wacana Hukum dan Sains*, 21(1), 90–101. <https://doi.org/10.55173/yurisdiksi.v21i1.294>