



IN BRIEF



Policy Brief for The Ministry of Planning
**QUALITATIVE RESEARCH:
CONDITIONS OF ACCESS TO JUSTICE FOR WOMEN
AND WOMEN FROM OTHER VULNERABLE GROUPS
DURING COVID-19 IN INDONESIA**

Photo: UN Women/Putra Djohan and Ali Lutfi

In this policy brief, the Indonesia Judicial Research Society (IJRS) and the Indonesian LBH APIK Association convey some of the key findings in our research entitled *Conditions of Access to Justice for Women and Women from Vulnerable Groups during COVID-19 in Indonesia*.

The key findings and recommendations contained in this policy brief are not entirely covered, but represent some of the most important and urgent issues related to access to justice for women and women belonging to vulnerable groups and adaptation as well as the obstacles faced by law enforcement officials, government agencies and service provider institutions during the COVID-19 pandemic, namely as follows:

1. Introduction

The 2019 Access to Justice Index notes that 38% of Indonesians choose not to take any action when experiencing legal problems—of which 52% are women.¹ For them, the reason for not making any efforts to deal with the problem, among other things, is because they are afraid the problem will get more complicated, the problem is considered not too big so they don't know how to use the available legal dispute resolution mechanisms.² This research also shows that 46% of people who experience

problems of discrimination and gender-based violence and 34% of people who experience problems of crime decide not to do anything about the problems they are experiencing.³

The COVID-19 pandemic exposed deep-rooted inequalities for women, especially if they are also classified as women from vulnerable groups. UN Women's research in 58 countries shows that there has been an increase in violence against women and girls since the outbreak of COVID-19⁴, with 45 percent of women reporting that they or women they know experienced one or more forms of violence against women.⁵ In line with that, the Justice for Women Amidst COVID-19 Report states that violence by loved ones or partners is by far the most common form of violence experienced by women globally, and this situation has been exacerbated due to the COVID-19 pandemic.⁶ The perpetrator is also a party who has an unequal power relationship and is expected to be a protector of the victim⁷, thus exacerbating the situation of women victims' vulnerability in accessing justice in the COVID-19 pandemic situation.

3 *Ibid.*, p. 101.

4 United Nations Women, *Measuring The Shadow Pandemic: Violence Against Women During COVID-19*, tersedia di <https://data.unwomen.org/sites/default/files/documents/Publications/Measuring-shadow-pandemic.pdf>, accessed on 12 July 2022, p. 3.

5 *Ibid.*, p. 6.

6 United Nations Women, *Justice For Women Amidst Covid-19*, tersedia di <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2020/Justice-for-women-amidst-COVID-19-en.pdf>, accessed on 16 October 2022, p. 19.

7 Komnas Perempuan (1), *Bayang-bayang Stagnansi: Daya Pencegahan dan Penanganan Berbanding Peningkatan Jumlah, Ragam dan Kekerasan Berbasis Gender terhadap Perempuan*, (Komnas Perempuan: Jakarta, 2022), p. 36.

1 Konsorsium Masyarakat Sipil untuk Indeks Akses Terhadap Keadilan, *Indeks Akses Terhadap Keadilan di Indonesia 2019* (Jakarta: IJRS, 2019), p. 99.

2 *Ibid.*, p. 100.

Based on the Annual Report of Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan) data on cases of Gender Based Violence (KBG) in 2019 totaled 302,686 cases, cases had decreased in 2020 because many service agencies did not report due to the pandemic conditions, but then there was a significant increase (50 percent) from 226,062 cases in 2020 to 338,506 in 2021.⁸ According to WHO, although the data shows a significant increase in cases of violence during the COVID-19 pandemic, the data also shows a reduction in the number of victims seeking services due to restrictions on movement and fear of contracting the COVID-19 virus.⁹

On the basis of the above conditions, the Indonesian Judicial Research Society (IJRS) and the Indonesian LBH APIK Association conducted research on access to justice for women and women belonging to vulnerable groups and adaptations as well as the obstacles faced by law enforcement officials, service providers and victims during the the COVID-19 pandemic. This research was conducted using a qualitative approach and in-depth interview techniques with 12 (twelve) informants consisting of female victim assistants, law enforcement officials (representatives of judges, prosecutors and police), the government and independent state institutions (representatives of the Ministry of Women's Empowerment and Child Protection), Witness and Victim Protection Agency (LPSK), and Komnas Perempuan), as well as women survivors of violence.

2. Conditions of Fulfilling Access to Justice for Women and Women from Vulnerable Groups during the COVID-19 Pandemic

2.1. Adaptations Made to Support the Fulfillment of Access to Justice for Women and Women from Vulnerable Groups during the COVID-19 Pandemic

In general, various parties have attempted to make adaptations and initiatives to encourage the widest possible access to justice for women who are in conflict with the law during the COVID-19 pandemic. These various adaptations include the emergence of protocols and

guidelines for handling or providing services to women during the COVID-19 period, the emergence of various online reporting platforms, the existence of various studies and research related to the conditions or needs of women during the COVID-19 pandemic, as well as the provision of services and remote trial. Specifically, these adaptations are:

2.1.1. The Ministry of Women's Empowerment and Child Protection: Hotline Service SAPA 129 dan SEJIWA

In 2021, the Ministry of Women's Empowerment and Child Protection (hereinafter abbreviated as KemenPPPA) launched the "SAPA 129" service which is a hotline service to facilitate access for victims or reporters in making complaints about cases of violence against women and children, as well as data on cases. The SAPA 129 service was also followed by the WhatsApp service which can also be accessed by the public, especially victims of violence, both women and children.

In terms of outreach to victims, it was stated that during the COVID-19 period, KemenPPPA together with the Presidential Staff Office (KSP) launched "Sejiwa" or Mental Health Psychology Services. This service is a form of providing national referral services for women's and children's issues with KemenPPPA providing assistance for women and children affected by Covid-19, such as women victims of domestic violence, women in emergency situations and special conditions, women migrant workers, women with disabilities, and children who need special protection.¹⁰

2.1.2. Witness and Victim Protection Agency: Optimization of Complaints and Assistance for Witnesses and/or Victims

In submitting an application, the LPSK has channels or media such as hotline 148, WhatsApp, email, and Applications for protection requests to various social media that come directly to the LPSK office. The reduction in applicants coming directly to the office correlates with the large number of protection application letters that have entered the LPSK as well as requests via WhatsApp. These existing channels have existed since before COVID-19 so

⁸ *Ibid*, p. 7.

⁹ <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/question-and-answers-hub/q-a-detail/coronavirus-disease-COVID-19-violence-against-women>, accessed on 3 October 2022

¹⁰ KemenPPPA, Layanan Psikologi Sejiwa Hadir Sebagai Wadah Aduan Bagi Perempuan Dan Anak Terdampak Covid-19, Mei 2020, accessed on <https://kemenpppa.go.id/index.php/page/read/29/2655/layanan-psikologi-sejiwa-hadir-sebagai-wadah-aduan-bagi-perempuan-dan-anak-terdampak-covid-19> 18 October 2020.

complaints tend to be easier and many go to LPSK during the COVID-19 period.

In terms of assistance, provision of safe housing, restitution and compensation, the LPSK continues to exercise its authority without changing the existing mechanism, even though at the beginning of the pandemic there had to be a reduced number of services due to a limited budget.

2.1.3. Service Provider Institution: Optimizing Victim Outreach and Victim Recovery

Some of the adaptations made by non-government service organizations during the COVID-19 pandemic included LBH APIK Medan as a service provider, changing services from offline to online, by creating a channel for complaints of violence using the Whatsapp application where victims then had to fill out a Google form. This was done to make it easier for assistants to reach victims, bearing in mind the implementation of the PSBB and PPKM to suppress the high rate of COVID-19 infection at that time

During the COVID-19 pandemic, psychological services by the Pulih Foundation were carried out online using a hotline (Whatsapp) or through the institution's website. The Pulih Foundation adapted its services during the COVID-19 pandemic, which previously provided psychological counseling offline and changed it to online during the COVID-19 pandemic.

2.1.4. Legal Enforcement Officer: Optimization of Case Handling

In addition to the various adaptations above, law enforcement institutions have also carried out various adaptation and digitization efforts during the COVID-19 pandemic, including the Supreme Court optimizing e-court services and online trials according to the mandate in PERMA 4/2021 (for criminal cases), through various platforms. like Zoom, Google meet, or other digital platforms. Likewise, the Police and the Attorney General's Office make adaptations and adjustments in handling cases such as conducting online examinations/investigations, making adjustments, or delaying trial schedules for cases where the detention period is still long.

2.2. Barriers to Fulfilling Access to Justice for Women and Women from Vulnerable Groups during the COVID-19 Pandemic

2.2.1. Increasing forms of violence against women

The cases of KBG that occurred during the COVID-19 pandemic were very diverse, both being handled by accompanying sources, law enforcement officials, and government/independent state institutions. Forms of family violence that occurred included domestic violence including physical, psychological, verbal, and sexual violence, and the expulsion of women with HIV/AIDS. In addition, there is also Dating Violence (KdP), sexual violence including sexual harassment, obscenity, rape, Online Gender-Based Violence (KBGO) including the spread of non-consensual intimate content, online harassment, online stalking, forced sexual orientation, pornography, sexual exploitation, and TIP (Criminal Trafficking in Persons). The COVID-19 pandemic has also had an impact on the high divorce rate in Indonesia. In 2019 the Religious Courts received 355,888 divorce cases,¹¹ and a total of 291,677 divorce cases in 2020. The divorce rate then increased by 54% to 447,743 cases in 2021.¹² Not only that, but the COVID-19 pandemic has also resulted in high requests for dispensation from marriage. In 2019 the Religious Courts received 23,126 requests for dispensation from marriage, then the number jumped sharply in 2020 and 2021 to 64,211 and 59,709 cases.¹³

2.2.2. There are still difficulties in accessing women to report cases

PSBB and PPKM policies that require people to stay at home are one of the factors that prevent women victims of violence from seeking help. A survivor of domestic violence stated that he had difficulty reporting cases of domestic violence he experienced because he had to stay at home (with the perpetrator) during the COVID-19 pandemic.¹⁴ LBH APIK Jakarta said that the process of reporting cases for women victims was very difficult because there were fears of being exposed to the COVID-19 virus on their

¹¹ Komnas Perempuan, Catatan Tahunan tentang Kekerasan terhadap Perempuan 2020, p. 70.

¹² <https://databoks.katadata.co.id/datapublish/2022/06/21/kasus-perceraian-di-indonesia-masih-marak-ini-penyebabnya> accessed on 22 October 2022

¹³ Komnas Perempuan (1), *Op.Cit.*, p. 18

¹⁴ Interview with S, domestic violence survivor, on 21 September 2022.

way to service agencies and law enforcement agencies, especially when using public transportation.¹⁵

Even though there has been an adaptation to changes in services from offline to online, LBH APIK Medan found complaints from clients who did not understand how to access and fill out online complaint forms via the Google form. This shows that people have not completely switched to using online services and not everyone is already using smartphones and cell phones that are connected to internet services.¹⁶

Another challenge in accessing reporting services is internet access in providing online complaint services.¹⁷ Regions with limited internet access have difficulty implementing online complaint services, making it difficult for victims of violence to be reached using this method. In terms of reporting to the police, service hours are shorter than before the COVID-19 pandemic due to the limited number of police on duty. The limited number of police officers, especially female police officers (police women) on duty at UPPA, did not only occur during the COVID-19 pandemic. The need for an increase in the number of policewomen on duty at UPPA was voiced long before UPPA existed. Based on the data, the number of policewomen at this time has not reached 6%¹⁸ of the number of existing personnel or 1 in 15 with male personnel.¹⁹ This limitation is compounded by the absence of an online reporting mechanism at the Police itself, so victims and companions still have to come in person to the local police station.

2.2.3. The handling and services for women victims are still not optimal

One of the services that victims of violence need is a safe house, as one of the essential services to ensure the safety of victims. One of the findings shows that there are survivors who can access safe houses, but there is no system to empower victims. In the case of government-owned safe houses, there are regulations that victims must undergo a PCR test and self-isolate for 14 days before being able to use the safe house, but the government does not provide a place for independent isolation

In addition, in the process of handling and serving women victims during a pandemic, there was a need for PCR or antigen which tended to be issued by each agency or institution independently because there was no budget for this. Experience with the attitude of law enforcement officers differs from one assistant to another. This difference can occur due to facing law enforcement personnel who have different perspectives on cases, have different perspectives, as well as differences in interpreting and implementing their internal policies. Law enforcement officials sometimes apply the same standards as before the COVID-19 pandemic, which has an impact on the situation of victims and witnesses. This is exacerbated by the fact that there are still obstacles to facilities and infrastructure in carrying out online trials in court.

Women victims who are persons with disabilities also experience obstacles in obtaining proper accommodation, one of which is a sign language interpreter. Sign language interpreters are often still provided by service providers, so if a sign language interpreter is not available, the handling of cases is usually postponed. The companion also said that the number of sign language interpreters in some areas was still limited. In addition, it is also found that there is inequality in internet access which has an impact on the difficulty for women who are in conflict with the law to access online courts. What's more, women victims are required to pay quota fees and other costs in a case that must be borne independently.

Another thing that is underlined as an obstacle is the lack of integration of court services through online trials with service providers and legal aid providers which has an impact on fulfilling the rights of women who are in conflict with the law and tend to be negligent in fulfilling the online trial process.

2.2.4. Recovery services that cannot be maximally provided

During the COVID-19 pandemic, many psychological recovery services have switched to serving online. This adaptation changes the pattern of client counseling and consultation with psychologists which is carried out via the Zoom application to Video Calls. However, this form of adaptation also has its own obstacles, for example, consulting via video calls is uncomfortable, and this cannot be separated from signal, cost, and internet quota problems. Findings from interviews with survivors show

¹⁵ Interview with T, LBH Apik Jakarta Victim's Assistant, on 16 September 2022.

¹⁶ Interview with SAG, LBH Apik Medan Victim's Assistant, on 19 September 2022.

¹⁷ Interview with DR, LIBU Perempuan Sulawesi Victim's Assistant, on 16 September 2022.

¹⁸ "Polri Upayakan Jumlah Polwan Capai Angka Ideal 30 Persen," ANTARA News, <https://www.antaranews.com/berita/3033265/polri-upayakan-jumlah-polwan-capai-angka-ideal-30-persen>, accessed on 3 November 2022.

¹⁹ "Rasio Jumlah Polwan 1 berbanding 15 dengan Polisi Laki-Laki," Balipuspa News, <https://www.balipuspanews.com/rasio-jumlah-polwan-1-berbanding-15-dengan-polisi-laki-laki.html>, accessed on 3 November 2022.

that counseling will be more effective if it is done offline and you can meet in person with a psychologist.²⁰

In addition to changing counseling patterns, the number of psychologists is also limited and not yet proportional to the number of victims who need psychological recovery.²¹ The distribution of psychologists is also not evenly distributed in every province, especially in remote areas. If there is a face-to-face meeting, the victim also has to pay for their own transportation costs, these expenses are even more burdensome for those who have financial difficulties.²²

2.2.5. Another obstacle in fulfilling access to justice for women

Completeness of administrative documents as a condition for obtaining free legal aid services is another obstacle that often arises during the COVID-19 pandemic, especially for women from economically disadvantaged groups. The COVID-19 pandemic has also created economic difficulties due to additional costs incurred by service providers and legal aid institutions. For example, for internet provision, purchase of supporting facilities for online trials, provision of health protocols and personal protective equipment (masks, PPE, etc.), and consumption needs during online trials to the special needs of women victims. Unfortunately, this need is not included in the budget scheme for the legal aid program of the Ministry of Law and Human Rights, so it is difficult for institutions to get reimbursement of costs and must seek funds to cover these needs.²³

Attitudes and behavior of some law enforcement officials who do not yet have a gender perspective in handling cases are still encountered. Especially in handling cases of domestic violence, efforts to reconcile victims and perpetrators without guarantees that the perpetrators change their mindset regarding domestic violence and guarantee that the perpetrators will not recur.²⁴ In addition, there are perpetrators of violence who are under house arrest so victims of sexual violence do not get a safe space during the COVID-19 pandemic.²⁵ This is the impact of the detention center policy which limits the number of detainees, so perpetrators are not detained in the detention center to prevent the spread of COVID-19.

Another thing is that there are investigators who do not understand the need for proper accommodation and the need for service accessibility for victims with disabilities.²⁶

3. Critical notes on conditions and adaptations to fulfill access to justice for women during the COVID-19 period

If you look at the Indonesian Sustainable Development Goals document, one of the mainstreaming approaches in national development is the principle of gender equality to achieve a more just and equitable development for men and women.²⁷ In addition, Indonesia's development is aimed at improving the quality of children, women and youth which is carried out based on an inclusive approach including paying attention to the needs of the elderly and people with disabilities.²⁸ However, with the COVID-19 pandemic, women are increasingly at risk of experiencing violence and these conditions also have a significant impact on women's lives, especially women who are victims of gender-based violence, including in economic and social terms. Even during this pandemic, it was noted by the research team that forms of violence such as KBGO and domestic violence had not been regulated and socialized specifically regarding the handling of these cases, especially for law enforcement agencies. These forms of violence then contributed to the high number of violence during the pandemic. Not only that, based on research by IJRS and the Indonesian LBH APIK Association,

women victims of violence are increasingly experiencing multiple obstacles during the COVID-19 pandemic which have further distanced them from access to justice, ...

starting from obstacles since reporting, accessing safe homes, difficulty getting recovery services, obstacles when met with law enforcement and obstacles while undergoing trials. One of the identified causes for these obstacles to arise is the government's unpreparedness in adapting during an emergency period it makes it difficult

20 Interview with S, domestic violence survivor, on 21 September 2022.

21 Interview with T, LBH Apik Jakarta Victim's Assistant, on 16 September 2022.

22 Interview with DR, LIBU Perempuan Victim's Assistant, on 16 September 2022.

23 Interview with DR, LIBU Perempuan Victim's Assistant, on 16 September 2022.

24 *Ibid.*

25 Interview with NI, JIP Victim's Assistant, on 22 September 2022.

26 Interview with Unit III/PPA, Bareskrim Kepolisian (Police), on 22 September 2022.

27 Bappenas, Rancangan Teknokratik Rencana Pembangunan Jangka Menengah Nasional 2020-2024, p. 102

28 *Ibid.*, p. 91

for women to obtain their rights holistically. This increase in incoming cases also had an impact on the overload of quotas and the work of legal aid providers so the handling of cases and the provision of legal aid were hampered at the start of the pandemic.

Meanwhile, in the 2020-2024 National Medium-Term Development Plan document, the government has determined various plans in order to increase women's empowerment and protect women from violence. One of the contents of the RPJMN is to increase the institutional capacity of women's protection through strengthening coordination and synergy between service units for victims of violence against women.²⁹ As explained above, various adaptations have been made by each agency/institution to open the widest possible access for victims and women from vulnerable groups who are in conflict with the law. However, all of these adaptations have not been well integrated between APH, service providers, the government, and even private institutions or other civil society organizations. What's more, with the online trial initiated by the Supreme Court, service integration is important to ensure that women's rights dealing with the law are not ignored. In addition, the need to increase the capacity and sensitivity of service providers and law enforcement officials has also emerged in handling cases involving women, especially during a pandemic which has increasingly encouraged the use of technical facilities and infrastructure in handling cases. The disproportion between the need for case handling and the capacity of future institutions can create further obstacles, especially for women, in accessing justice with their respective needs and conditions based on their vulnerabilities.

Efforts to increase the capacity of law enforcement officials in handling victims also still need to be carried out massively. Based on the companion's experience, there are still differences in the perspectives and perspectives of law enforcement officers in handling cases of violence against women. For example, there are APHs who tend to reconcile perpetrators with victims of domestic violence.³⁰ So that the government needs to optimize various efforts to handle cases of violence against women and women from other vulnerable groups, especially if a medical emergency or pandemic situation occurs, these efforts are also carried out in order to achieve the target of the 2020-2024 RPJMN,

especially related to reducing the number of violence against women and increasing women's quality of life that can be pursued through comprehensive handling and recovery of victims of violence.

This adaptation to the digital realm on the one hand provides easy access for women who geographically have difficulty coming directly to law enforcement officials or service provider institutions. However, on the other hand, this change creates additional needs that must be borne by women as seekers of justice as well as service providers and law enforcement officials. These needs include the emergence of costs that are not included in the case handling and legal aid budgets such as litigation fees, witness summons fees, internet quota fees, service fees, maintenance and procurement of communication facilities to the need for self-protection devices from COVID-19. So women seeking justice and law enforcers have to pay these costs independently—which is even more burdensome amid the difficult economic conditions of the COVID-19 pandemic.

Additionally, the capacity of women seeking justice is also not entirely able to access online services provided to report their cases.

This is due to the lack of knowledge, and access to services and resources (smartphones, internet quota, signals, etc.) for women when faced with legal problems.

In 2025 it is hoped that the quality of life for women will increase, followed by increased gender equality in all areas of development. In order to reach this target, various efforts still need to be made, in particular, to increase public knowledge and understanding to prevent and obtain services for violence against women. Based on interviews with assistants, there are still women who do not understand that they are victims of violence, let alone know where to report it.³¹ Therefore, there is a need for a further role from the government to encourage various strengthening programs to expand access to justice for women during the COVID-19 pandemic.

²⁹ *Ibid.*, p. 114
³⁰ *Ibid.*

³¹ Interview with T, LBH Apik Jakarta Victim's Assistant, on 16 September 2022.

4. Recommendation

Based on all the descriptions above, the research team recommends:

- a. Strengthening an integrated referral system between the initiatives of the government and non-government service providers and law enforcement officials to improve services for case handling, recovery, and prevention of cases of violence. Bappenas is expected to optimize the SPPT-PKKTP system that has been developed in several regions for replication in other regions.
- b. In emergency conditions such as the COVID-19 pandemic, the government needs to budget to meet the special needs of victims, for example, financial assistance, social protection assistance, and other special needs of women victims.
- c. Bappenas can coordinate with KemenPPPA and the Ministry of Home Affairs in terms of ensuring that the budgeting and provision of safe houses are ongoing and available during an emergency, including meeting the needs of victims in safe houses both logistically and with a system of support and empowerment for victims in safe houses.
- d. Bappenas can encourage KemenPPPA and the Ministry of Home Affairs in matters related to fulfilling recovery services for victims to respond to the needs of women from disadvantaged groups and women with disabilities.
- e. Bappenas can coordinate with the Ministry of Finance and stakeholders related to budget adaptation or procurement of special budgets during emergencies related to access to justice for victims of violence, both in law enforcement institutions, government-owned service providers including LPSK, especially regarding budgets for services which must remain in place during an emergency such as safe houses and recovery services.
- f. Bappenas, Kemenkumham, and the Ministry of Finance need to ensure the availability of a legal aid budget, especially during an emergency. During the COVID-19 pandemic, the budget for legal aid was cut even though the number of cases of violence was increasing, which meant that the need for legal aid was actually increasing. In addition to the availability of an adequate budget, it is necessary to adjust the budget in case of an emergency where the budget provided is more flexible or according to the needs of the community, for example for the procurement of masks, hand sanitizers, internet fees, costs for antigen/PCR tests and other special needs.
- g. Bappenas together with the Supreme Court, the Attorney General's Office, and the Indonesian National Police need to ensure the availability of human resources and infrastructure that are responsive to the needs of women facing the law, especially women victims of violence as stated in the 2020-2024 RPJMN, namely increasing the capacity of law enforcement officials, the government and the business world in treatment and rehabilitation of victims.
- h. Bappenas and the Ministry of Law and Human Rights need to encourage the revision of the Legal Aid Law so that it can cover vulnerable groups by taking into account the needs of vulnerable groups when dealing with the law. The legal needs of vulnerable groups during a pandemic/post-pandemic period need to be assessed periodically and representatively according to the needs of vulnerable groups, including women themselves.

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Link to online report and other references: <https://ijrs.or.id>

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