



IN BRIEF



Policy Brief for the Indonesian National Police **A QUALITATIVE RESEARCH: CONDITION OF ACCESS JUSTICE FOR WOMEN AND WOMEN FROM VULNERABLE GROUPS DURING COVID-19 IN INDONESIA**

Photo: UN Women/Putra Djohan and Ali Luthfi

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

The key findings and recommendations in this policy brief do not comprehensively cover all of the findings but could represent some findings and issues that are urgently related to access to justice for women and women from vulnerable including adaptations as well as obstacles faced by the law enforcer, government institutions and service providers in the time of COVID-19.

1. BACKGROUND

The COVID-19 pandemic has affected the increase in cases of Gender-Based Violence and had had a significant impact on various aspects of women’s li-

ves, especially women from vulnerable groups, such as girls, women with disabilities, women from economically disadvantaged conditions, elderly women, and women with HIV/AIDS. UN Women’s research in 58 countries found that the COVID-19 situation made it increasingly difficult for women to access safe spaces, both inside and outside their households.¹ In line with that, the Justice for Women Amidst COVID-19 Report states that violence by close-related people and partners is by far the most common form of violence experienced by women globally, and this situation is further exacerbated by the COVID-19 pandemic.² The perpetrator is also a party who has an unequal power relationship and is expected to be the protector of the victim³ so that it worsens the situation.

Based on the Annual Records of the National Commission on Violence against Women (Komnas Perempuan) data on GBV cases in 2019 amounted to 302,686 cases, cases decreased in 2020 because many

¹ United Nations Women, *Measuring The Shadow Pandemic: Violence Against Women During COVID-19*, available at <https://data.unwomen.org/sites/default/files/documents/Publications/Measuring-shadow-pandemic.pdf>, accessed 16 October 2022, p. 10.

² United Nations Women, *Justice For Women Amidst Covid-19*, available at <https://www.unwomen.org/sites/default/files/Headquarters/Attac>

[hments/Sections/Library/Publications/2020/Justice-for-women-amidst-COVID-19-en.pdf](https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2020/Justice-for-women-amidst-COVID-19-en.pdf), accessed 16 October 2022, p. 19.

³ Komnas Perempuan (1), *Shadows of Stagnancy: The Power of Prevention and Handling Compared to the Increase in Number, Variety and Gender-Based Violence against Women*, (Komnas Perempuan: Jakarta, 2022), p. 36.

service institutions did not report due to pandemic conditions, but then there a significant increase (50 percent) from 226,062 cases in 2020 to 338,506 in 2021.⁴ The data also shows that the violence experienced by victims includes physical violence (29.8 percent), psychological violence (29.4 percent), sexual violence (28.8 percent), and economic violence (11.7 percent).⁵ 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.⁶

On the basis of the above conditions, the Indonesian Judicial Research Society (IIRS) and the Association of LBH APIK Indonesia 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 officers, service providers, and victims during this period. COVID-19 pandemic. The key findings and recommendations from the research contained in this policy paper are related to the handling of cases and police obstacles in handling cases during the COVID-19 pandemic.

2. ACTUAL CONDITION OF THE ACCESS TO JUSTICE FOR WOMEN DURING THE COVID-19 PANDEMIC

2.1 ADAPTATION OF THE POLICE TO ENSURE ACCESS TO JUSTICE FOR WOMEN DURING THE COVID-19 PANDEMIC

During the COVID-19 pandemic, the Police issued several policies to prevent mass gatherings, namely ST KAPOLRI No. ST/909/III/YAN.1.2/2020 concerning Anticipatory Steps for the Spread of the COVID-19 Virus in the Traffic Service (such as Driving license

(SIM)/ Vehicle Number License (STNK)) which regulates the anticipatory steps for the spread of the COVID-19 virus in the police units, especially in SIM services, Vehicle Ownership License (BPKB), and STNK; etc. As for handling cases, each work unit makes Operational Standard (SOP) or signed MoU with other law enforcement officers. Specifically for handling cases, the Directorate of General Crimes (Bareskrim) of the National Police Headquarters makes an SOP on how to carry out the investigation and fingerprinting process during the pandemic.

The handling of cases against women is still referring to Police Regulation (PERKAP) No. 3 of 2008 concerning the Establishment of a Special Service Room and Procedures for the Examination of Witnesses and/or Victims of Crime. **This PERKAP does not yet regulate remote or audio-visual examinations** or clauses that can relate to handling women's cases, especially during the COVID-19 period. In this PERKAP, more emphasis is placed on the duties and functions of the Women and Children Service Unit (PPA Unit) in providing services and protection for women and children who are victims of crime, as well as examination procedures, and the role of investigators in ensuring a post-mortem, coordination with related parties such as shelters, women's protection agencies, and the establishment of PPA Unit facilities.

In general, the Police stated that there were no special adaptations that were delaying the handling of cases or closing temporary reports during the COVID-19 period.

Police officers are still required to handle incoming cases, including cases of women dealing with the law, but there are adjustments in the number of police officers who enter/work every day. Prior to the

⁴ *Ibid.*, p. 7.

⁵ *Ibid.*

⁶ <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/question-and-answers-hub/qa-detail/coronavirus-disease-covid-19-violence-against-women>, accessed 3 October 2022

COVID-19 pandemic, investigations were conducted face-to-face. **During the COVID-19 pandemic, investigators carry out online investigations via Zoom or telephone and video calls,** meanwhile, for the signing of the Investigation Report (BAP), witnesses or victims still need to come to the relevant police station.

2.2 OBSTACLE TO ACCESS TO JUSTICE FOR WOMEN DURING THE COVID-19 PANDEMIC

2.2.1. Obstacles for the Victims in Accessing Justice During the COVID-19 Pandemic

The big-scale mobilization restriction policies that require people to stay at home are one of the factors **that prevent women victims of gender-based violence from reporting their cases.** In Sulawesi, an elderly woman who experienced violence during the COVID-19 situation got help from her neighbors to report her case to the village head, who then forwarded the report to LIBU Perempuan for handling cases.⁷ In Jakarta, a domestic violence survivor said that the social distancing policy made it difficult for him to report cases of domestic violence he experienced because he had to stay at home during the COVID-19 pandemic.⁸ Women victims of sexual violence in Medan experienced the same obstacles when the police did not provide online services.⁹ Victims also have to bear large costs if they have to rent transportation services such as online taxis.

The attitudes and behavior of some investigators who have not had a gender perspective in handling cases are still encountered. Especially in handling cases of domestic violence, efforts to reconcile victims and perpetrators without guaranteeing the perpetrators to change their mindset regarding domestic violence

and guarantees of non-repetition from the perpetrators.¹⁰ 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.¹¹ This is the impact of the Prison (Rutan) policy which limits the number of detainees so that 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.¹²

2.2.2. Obstacles to Women's Legal Assistance from Community-Based Service Providers

Victims who wish to report the violence they experienced to the police during the COVID-19 pandemic must come directly to the police station because the proof of report must be signed by the victim and the Special Service Center (SPK) officer and given a wet stamp. Likewise, with the making of the BAP, at the beginning of the pandemic, there was no policy from the Police to conduct the BAP online, the victim had to come for questioning.¹³ The victim's companion must be present to accompany the victim during the process. The examination process takes a long time, and the companion and the victim are at risk of being infected with COVID-19. In Tangerang, Medan, and Central Sulawesi, the assistant approached the police to conduct an online BAP and the victim would come to the police station only to sign. Even though it was only for a short time at the police station, the Companion and the victim still had a sense of anxiety and were at risk of being infected with COVID-19. In addition, the Companion must also

⁷ Interview with DR, Libu Wanita's assistant on September 16, 2022.

⁸ Interview with S, Female Survivor of Domestic Violence on September 21, 2022.

⁹ Interview with SAG assistant to LBH Apik Medan on 19 September 2022.

¹⁰ Interview with DR, Libu Wanita's assistant on September 16, 2022.

¹¹ Interview with NI, JIP Companion on 22 September 2022

¹² Interview with Unit III/PPA Criminal Investigation Police, on 22 September 2022.

¹³ *Ibid.*

prepare costs for purchasing masks, hand sanitizers, and transportation because they have to use taxis.

Another obstacle is that **service hours are shorter than before the COVID-19 pandemic** due to the limited number of police on duty. **The limited number of police, especially female police officers (Polwan) on duty at the PPA Unit**, does not only occur during the COVID-19 pandemic. The need for an increase in the number of policewomen who served in the PPA Unit was voiced long before PPA Unit existed. Based on the data, the current number of policewomen has not reached 6%¹⁴ of the existing personnel or 1 in 15 with male personnel.¹⁵

There are also cooperation agreements between the Police and service providers, not only as a response to COVID-19 but indeed needed to strengthen the unit for handling cases of women and children in the Police. Moreover, the existence of Law no. 12/2022 concerning the Crime of Sexual Violence encourages a more active role for the Police in handling sexual violence. However, unfortunately, there is still a need for further socialization regarding how the Police can implement this Law. It was further stated that intense communication with several parties from the Police was often carried out through the contact person attached to the Notification on the Progress of Investigation Results (SP2HP).¹⁶

2.2.3. Obstacles for the Police in Case Handling

During the Covid-19 pandemic, the police continued to open complaint services from the public because the police could not refuse reports. The police also need the availability of assistants, especially for cases

of children, including girls as victims. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System requires the presence of a companion at every level of examination. The policy of restricting movement and having to work from home (WFH) has limited access to legal assistance, both in handling cases of children and cases of gender-based violence. In addition, another obstacle is the limited number of personnel so that they cannot provide maximum service, including managing the 110's call center.

3. ANALYSIS OF RESEARCH FINDINGS

Based on the statements of victims, assistants, and law enforcement officers as resource persons in this study,

...the police have not been optimal in adapting to providing access to justice for women and women from vulnerable groups who experience gender-based violence.

This finding is reinforced by the Regulation of the Chief of the Indonesian National Police (abbreviated PERKAP) No. 3 of 2008 concerning the Establishment of a Special Service Room and Procedures for the Examination of Witnesses and/or Victims of Crimes which have not regulated procedures for remote examination or using the audio-visual or online examination of victims. Meanwhile, with the current pandemic situation, the movement restriction policies issued by the government in order to prevent the transmission of COVID-19, make it difficult for women and women from vulnerable groups to leave

¹⁴"Polri Strives to Reach 30 Percent Ideal Number of Policewomen," ANTARA News, <https://www.antaranews.com/berita/3033265/polri-usahakan-nomor-polwan-reach-angka-ideal-30-persen>, accessed on 3 November 2022.

¹⁵"The ratio of the number of policewomen is 1 to 15 to the male police officers," Balipuspa News, [https://www.balipuspanews.com/rasio-number-polwan-1-](https://www.balipuspanews.com/rasio-number-polwan-1-berbanding-15-dengan-polisi-laki-laki.html)

[berbanding-15-dengan-polisi-laki-laki.html](https://www.balipuspanews.com/rasio-number-polwan-1-berbanding-15-dengan-polisi-laki-laki.html), accessed on November 3, 2022.

¹⁶ SP2HP was first given at the time after issuing an investigation order (principle) within 3 (three) days a Police Report was made. The SP2HP given to the reporter contains a statement that the report has been received, the investigator's name and telephone/cell phone number.

their homes or places of residence to report to the police.

The purpose of establishing a special service room was born from the needs of women and children who are in conflict with the law, but this policy is not yet fully gendered. This can be seen when handling cases of gender-based violence during the COVID-19 pandemic. The victim must come to report and sign the BAP at the police station.

The police must adapt services from offline services to online-based services, not only in pandemic conditions. Law Number 12 of 2022 concerning the Crime of Sexual Violence, regulates the existence of distance checks with audiovisual communication tools if the victim is unable to attend for health, security, and/or other legal reasons.

The case service at the Police itself has long (before COVID-19) taken advantage of the hotline for reporting cases, namely the call center 110 and online via WhatsApp or email, but it is not specifically intended for women. Call center 110, which was created to make it easier for the public to report or provide information regarding suspected criminal acts, has not optimally helped victims. Police policy still requires victims to report directly to the Police.¹⁷ In addition, the management of call center 110 has not been maximized due to limited resources, especially local police officers. The development and management of call center 110 should be considered by the police so that call center 110 can receive complaints without the victim having to come to the police. In addition, an application system for recording complaints that are integrated with various complaint channels, including telephone, SMS, e-mail, fax, and social media, also needs to be

implemented immediately to facilitate access to justice for women.

Limited resources are not only in the management of call center 110 but also in handling cases, especially cases of gender-based violence.

The police must add personnel, especially female police officers, considering the need to handle cases of gender-based violence.

The increase in the number of policewomen will greatly support the implementation of Law no. 12 of 2022 concerning the Crime of Sexual Violence, which stipulates that law enforcement officers who examine victims are of the same sex as the victim.

The need for handling cases of sexual violence is not only an increase in the number of personnel but also the competence of personnel or investigators who will handle cases of sexual violence as required by law. In Law Number 12 of 2022 concerning the Crime of Sexual Violence, law enforcement officers who examine cases of criminal acts of sexual violence have integrity and competence in handling cases from the perspective of human rights and victims and have attended training related to handling cases of criminal acts of sexual violence.

4. REKOMENDATION

Based on all of the above descriptions, it is expected that the Police:

1. Provide an accessible reporting service system so that victims can obtain evidence to report, without the need to meet face-to-face as a support service for victims with special situations (geographical distance constraints, consideration of health risks, fulfilling the right to adequate

¹⁷See <https://polri.go.id/110>

- accommodation for persons with disabilities, etc.);
2. There is an online policy reference and system for making Investigation Crime Reports (BAP) to make it easier for victims, including adequate accommodation standards for persons with disabilities;
 3. Updating internal regulations relating to the handling of cases relating to women, children, and other vulnerable groups;
 4. Increase the number of female policewomen or police officers with a gender perspective to strengthen the PPA unit and provide proper facilities up to the police station level;
 5. Conduct regular and continuous capacity building for the police in handling cases involving women, children, and other vulnerable groups;
 6. Develop policies and guidelines to implement the mandate in the TPKS Law, including:
 - a. Article 22 of the TPKS Law concerning APH's attitude in handling sexual violence crimes and Article 69 letter e of the TPKS Law concerning the right of victims to obtain protection from the attitudes and behavior of law enforcement officers who demean victims;
 - b. Optimizing the implementation of an integrated service system for victims of sexual violence, including a referral system for assistance and fulfillment of the rights of victims;
 - c. Budgets need to be more flexible to accommodate needs during a pandemic or other emergency situation.

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Authors: Bestha Inatsan Ashila (Indonesia Judicial Research Society), Arsa Ilmi Budiarti (Indonesia Judicial Research Society), Naomi Rehulina Barus (Indonesia Judicial Research Society), Marsha Maharani (Indonesia Judicial Research Society), Khotimun Sutanti (Asosiasi LBH APIK Indonesia), Asni Damanik (Asosiasi LBH APIK Indonesia), Febda Risha (Asosiasi LBH APIK Indonesia).

Reviewers:

Pomi Moges (UN Women), Betty Itha Omas (UN Women), Georgia Westaway (UN Women)

Bahasa Indonesia Editor:

Nur Syarifah

English Copy Editor:

Minerva Soedjatmiko

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

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