

Perspective of Justice among Advocates of Rape Victims

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Abstract. Rape cases involve various factors and perspectives. This study explored factors in constructing the perspective of justice among advocates of rape victims in Malang, East Java. This study adopted the qualitative phenomenology approach with semi-structured in-depth interview for data collection, and thematic analysis as the data analysis technique. The participants of this study were six advocates from two different women support groups and two experts, one was a Law lecturer and an investigator in the Woman and Children Service Unit (*Unit Pelayanan Perempuan dan Anak*) (UPPA) at Malang Police Department. The result revealed that justice perspectives of advocates were mainly rooted in the feminist concept at their ideological level; and therefore, the perceived meaning of justice tend to be idealistic and participants were rather dissatisfied with the existing legal system. Participants further expressed their self-interest to advocate based on the shared gender identity as women with the rape victims. As such, findings of this study might inform the evaluation of prevailing procedure and the substances of law enforcement leading to accommodating the needs of rape victims.

Keywords: justice perspective; procedural justice; rape cases; victim advocates

The number of rape case against women dominates the number of violence against women (VAW) cases in Indonesia. Fact Sheet and Key Points Annual Records (*Catahu*) of *Komisi Nasional (Komnas) Perempuan* (National Commission on Violence Against Women) in 2017 - 2020 indicate a high number of rape cases both in the private sphere (i.e, perpetrators have blood relations, kinship and intimate relationships with the victim such as father, brother, husband, boyfriend), as well as in the public sphere (i.e., the perpetrators are not related by blood, kinship and intimate relationships with the victim such as neighbors, employers, co-workers, teachers, strangers). Throughout 2017 to 2020, the figure of rape cases in the private sphere and public sphere reach 2861 cases (31%) and 2110 cases (67%) respectively (National Commission on Violence Against Woman, 2017, 2018, 2019; on Violence Against Woman, 2021).

In contrast to the high figure of rape cases, the number of cases that can be processed in the criminal justice legal system is quite low. Based on the review by National Commission on Violence Against Women from 2016 to 2019, out of 13,611 cases, only about 29% of cases were processed by the police and only about 22% of cases were decided by the court (National Commission on Violence Against Woman, 2020). Similar picture was found in the international context. In 2016, the international media Thomas Reuters Foundation conducted a survey of 25,213 respondents. The

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survey has revealed the number of rape cases in 1636 respondents (approximately 6.5%), and 93% of these rape cases were not reported to the police due to the respondent's fear of social stigma which tends to blame the victim (Yi, 2016).

Underreported rape cases are also a concern in a number of countries such as Britain and America. Based on data compiled from the London Metropolitan Police (LMP), male rape victims reported a lack of trust in the justice system, as well as the influence of gender stereotypes on the empathy attitude of officers when carrying out investigations (Jamel, 2010). In addition, Baillot et al. (2009) describe the results of a study on female rape victims with refugee status in the UK who experience problems in reporting such as communication gaps in chronological storytelling, an unfriendly adjudicative environment, perceived narrative inconsistencies and complex crossover factors of differences in race, culture and nationality.

Research by Jones et al. (2009) explains that the tendency of environmental factors such as the relationship situation with the attacker is the main reason why the female rape victims do not report their cases. Jones et al. (2009) found that the respondents who did not report cases of rape were having the status of an employee or worker, had a history of alcoholism or drug user, or the rapist was a known person by the victim and there was a long time interval between assault and forensic evaluation. On the other hand, the Study of Allen (2007) through the data of National Crime Survey US Department of Justice shows that the level of social support and the availability of additional evidence that facilitates procedural issues can increase the potential for reporting victims in rape cases. In contrast to the two previous studies, research by Hlavka (2014) reveals a view of the normalization of sexual violence in teenagers' daily lives is a major reason behind the underreporting of rape cases among adolescents in the Midwest United States.

There are a number of studies that investigating about psychological aspect of rape cases in Indonesia context. A review study by Syafioedin and Faturochman (2001) about the low reporting and handling of the justice system in rape cases indicate that there are issues related to law enforcement and justice for victims of rape cases. Syafioedin and Faturochman (2001) have analyzed 9 rape cases that occurred in East Java (3 cases in Surabaya District Court, 3 cases in Malang District Court, 2 cases in Pasuruan District Court & 1 case in Kediri District Court) in the range from 1991 to 1995. Syafioedin and Faturochman (2001) explored the consequences of the judicial process practice that creating a legal bias on the weight of punishments and sanctions imposed on perpetrators of rape. For example, the differences in aggravating and mitigating considerations for the perpetrator in imposing sentences are considered very strikingly different, the factors that aggravate the sanctions (i.e., rapists destroyed the victim's future, rapists caused physical and emotional torture for the victims, etc.) have far more weight, greater than the factors that ease the perpetrator's sanctions (i.e., rapist admitted guilty, rapists behaved politely in the judicial process)

Syafioedin and Faturochman (2001) are also supported by Pratas (2014) who revealed that the implementation of commutative justice theory remain in favour of perpetrators of rape, namely that many perpetrators of rape crimes do not bear the maximum punishment, but rape victims must bear the burden such as: psychological trauma and stories containing disgrace throughout their life. The

proportion of justice judgments between the consequences of the rape crime and the sentencing of the perpetrators is also a criticism of the Indian justice system. Kumari and Barn (2017) explored the testimonies and perceptions of high court judges on rape cases and the sentencing cases in India. Similar to the research of Syafioedin and Faturachman (2001), that the justice system in rape cases still maintains a mechanistic approach in where there is an inconsistency between the level of punishment and the reality of the circumstances that incriminate the victim (Kumari & Barn, 2017).

The low rate tendency in reporting the rape cases mostly caused by the victim's distrust in the justice system towards rape cases (Jamel, 2010), difficulties in communicating the chronology of events (Baillot et al., 2009), as well as regarding the evidence collection (Jones et al., 2009) showed that rape victims need external support, the assistants who have a justice perspective based on the victim's situation. From the justice perspective, the rape victim advocates have a strategic position to see the process of upholding the justice for rape victims who wants to take their cases to legal route.

The report of National Commission on Violence Against Women (National Commission on Violence Against Woman, 2020) explained that the high number of rape cases found was inconsistent with the number of reports in the police. Several previous studies indicated that the low rate of rape case reports was caused by relational and situational factors (Jones et al., 2009), low social support and lack of sufficient evidence (Allen, 2007), the view of the normalization of sexual violence (Hlavka, 2014), as well as symbolic violence such as 'blaming the victim' which is attached to the stigma of rape victims (Nirmalasari & Sarwono, 2021).

In the implementation of justice system, rape victims are also not fully supported due to the orientation of law enforcement officers determined by the rules, as described by Payne and Thompson (2008) that justice enforcers will tend to be oriented towards carrying out their roles to prove complaint offence. On the other hand, there are roles that are not directly involved with the implementation of the judicial legal system but are oriented towards supporting the victims. For example, there are experts working with survivors such as therapists, forensic nurses and social workers who tend to put victims in a priority position (Patterson & Tringali, 2014; Payne & Thompson, 2008; Scoglio et al., 2021). This research indicates that people who work with survivors or victims of rape also have a strategic position to evaluate procedures for fulfilling the justice for the victims of rape cases.

This study will, thus, explore the justice perspective according to the rape victim advocates in the City of Malang with two research focuses: (1) first, the research aims to identify the aspects that construct the perspective of justice among advocates of rape victims; and (2) second, to describe the projections of the justice assessment for victim advocates. Considering the above, this research poses two research questions: (1) what aspect constructs the justice perspective of rape victims' advocates? and (2) how is the projection of justice appraisal of rape victims' advocates?

This research has novelty in participant characteristics, that is the victim's advocator who has an important role in giving support to the rape victim. Discussion about sexual harassment in Indonesia has been examined from a gender perspective and rape myth acceptance. Yusuf (2018) illustrated that rape and sexual harassment culture was influenced by sexist practices, gender roles, and objectification of women's bodies. This analysis is strengthened by a recent study by Poerwandari

et al. (2019) that shows sexual objectification against women has more contribution to victim-blaming acts. Furthermore, a discussion about rape cases in the criminal justice context has been done by Syafioedin and Faturochman (2001) that examined inequality between rape crimes and the punishment imposed. Based on research findings about rape cases in Indonesia that have been stated, rape issues need to be highlighted from a justice perspective to contribute to a complete illustration of the rape and sexual harassment victims experience in criminal justice system practice from the victim's companion point of view.

Theoretical Frameworks on The Justice Perspective

Justice is a multidisciplinary concept that can be analyzed based on economic behavior as well as from the social conflict perspective (Montada & Maes, 2016). Montada and Maes (2016) described that in the economic behavior aspect, self-interest is often behind the motive of justice, while justice is often used as a requirement for peace in the realm of social conflict. Montada (2015) stated that conflict resulted from violating normative expectations of rights and claims that they consider fair. This section will describe several concepts of the theory of justice that contribute to the definition of justice perspective on the relevance of the rape cases victim situation.

In the case of rape, the standard in justice implementation involves the law and the constitution which had an impact on the sense of forming justice in the individual or collective. Montada and Maes (2016) see that the decision of the justice authority is determined by a series of procedures characterized by impartiality of authority, consistent use of arguments, consideration of relevant information, objectivity in the use of information and revision of decisions as latest information becomes available. The theoretical basis of justice that is often used in judge decisions is the theory of substantive justice. Syamsudin (2014) explains that judges' considerations in adjudicating a case must be made based on objective, honest, impartial and rational (logical) considerations. These four components become the principle to be able to judge whether a judge's decision contains substantive justice or not. However, the aspects mentioned by Montada and Maes (2016) and Syamsudin (2014) only refer to technical decision-making and these principles have not described the psychological perspective of the justice assessment process.

Justice from a psychological perspective has been described by Faturochman (2002) who divided the concept of justice into distributive justice, procedural justice and interactional justice. In the study of justice based on a psychological perspective, procedural justice theory is considered to be the most suitable theoretical basis to be applied in this research compared to distributive justice theory, which tends to be oriented towards productivity behavior to achieve individual welfare, and interactional justice theory which emphasizes the hierarchical position of individuals in a group. Tyler (1988) described that the explanation of 'fair process' through procedural justice theory is complex and multifaceted. There are seven criteria of justice that have been identified by Tyler including motivation, honesty, ethics of the authorities, opportunity to get representation, quality of decision, opportunity to correct mistakes and bias of authority. The main criteria used to assess the fairness process are aspects of the results of the procedure that contain honesty, ethics (supporting self-respect) and efforts to be

fair (trust in authority). In addition, Tyler stated that there are two fundamental factors related to the justice assessment process, namely the judgment of justice based on experience and based on social comparison. Tyler (1988) explained that the typology of justice in procedural justice theory can change following the development of situational typology.

As mentioned by Tyler (1988) that the process of social comparison is one of the fundamental factors in the assessment of procedural justice, the researcher also involves the study of Festinger (1954) on the theory of assessment process by comparing the events experienced with the objective reality or social reality. Furthermore, Wood (1996) described that the process of social comparison involves determining the proportion of information and how an individual places himself in that information.

In order to be able to interpret the motives of justice behind the perspective of the research subjects (rape victims' assistants), the self-interest model concept can be used to access the most basic motives in the implementation of mentoring. The concept of self-interest is a concept that can be explained in a multidisciplinary manner. Cropanzano et al. (2005) conducted a study on the concept of self-interest from the economic perspectives, social psychology, organizational behavior and philosophy, which was then formulated in a form of understanding. Self-interest is an act of self-interest if it is carried out for the sole purpose of achieving profit (Cropanzano et al., 2005). Furthermore, in expanding the meaning of self-interest, Cropanzano et al. (2005) considered various triggering factors such as economic benefits, helping others, moral sentiments or the principle of obligation, in where it becomes an impetus about the self that wants a result.

In conclusion, the theoretical references used to explain the meaning and dynamics of justice for victim advocates are the theory of procedural justice and the theory of social comparison. The theory of procedural justice (Tyler, 1988) can identify a justice perspective based on the experience of advocating or assisting rape victims. In addition, this study also uses social comparison theory (Festinger, 1954) which can evaluate the run of information processing on the formation of fairness values. At the end of the discussion, the researcher also involved the concept of a self-interest model to see the most basic motives of justice according to the rape victims advocates.

Empirical Foundation of the Justice Perspective

Several previous studies on the justice perspective have been conducted. Previous research by Campbell et al. (2015) has described that there are several factors that determine the credibility of victim reports. Based on the interview with 44 investigators, it can be seen that factors with *extralegal characteristics*(beyond the law) such as the behavior of the victim, the morality shown by the victim, are the most critical factors in making decisions in filing cases against prosecutors. In addition, a study that analyzed police files on rape reports found that issues of trust and credibility in the police and investigators indicate a distrust inside the complainant (Jordan, 2004). The study confirms that police suspicion regarding allegations of rape stems from a social environment that holds views of distrust of women and is exacerbated by the ethos of masculinity in the police organization. Furthermore, this distrust of complainant is an indication that the greatest reduction in rape cases occurs before rape cases reach the courtroom. Research by Campbell et al. (2015) and Jordan (2004) shows that the

doubts of law enforcement officers such as the police or investigators against rape victims can hinder the implementation of justice procedures, for example, the victims are not being facilitated to practice the law of evidence in the courtroom.

On the other hand, research on the perceptions of justice according to experts who work with survivors of rape cases provides several findings regarding the evaluation of the criminal justice system. The latest research conducted by Scoglio et al. (2021) reveals that there is a pattern of justice that is constantly shifting based on the situation and new understandings for Sexual Violence Responder (SVR). Participants in the study thought that procedural justice needed to involve the victim's role to feel considered in the judicial process. The need to reform the definition of justice in the courtroom was also expressed by social workers working with rape victims in Payne and Thompson (2008) research. This research reveals that law enforcement officers do not understand the role of advocacy against victims and only focus on collecting evidence, therefore, it builds a perspective of blaming the victims. The argument about the involvement of rape victims that has an impact on the progress of the trial is also supported by Patterson and Tringali (2014) research, that assistance to rape victims can increase the participation of rape victims to hold perpetrators accountable in the trial process.

Methods

The researcher used a qualitative research design to answer the research questions. The approach used in this study is phenomenology because this approach is able to facilitate reflective information in exploring one's subjective experience (La Kahija, 2017).

Research Participants

The characteristics of research informants in this study were divided based on the roles and positions of participants by Koentjoro (2010), namely confidential informants, knowledgeable informants and expert informants. There are two categories of participants: the advocates and the experts. These two groups were chosen due consideration relevant to fill the research gap in the illustration of the rape victim's experience to fight for justice while dealing with justice system procedures. There are six advocates, three of whom were from non-governmental organizations that focused on women's advocacy and violence issues, and the other three participants were student communities at a university that also focused on similar issues. The expert group involved in this study were two informants, a legal expert and an investigator from the Women and Children Protection Unit of the Malang Police Criminal Investigation Unit. Demographic information of research participants is outlined in Table 1.

Table 1
Demographic of Research Participants

Initial	Gender	Age	Educational Background	Period of involvement	Role
PP (PKL1)	Woman	26 th	Bachelor: Special Education Needs	2015 – now	Research informant – Advocate (NGO)
IN (PKL2)	Woman	25 th	Bachelor: Political Science (2020) Bachelor: Medical Science (1997 – 2005) Master: Women Studies (2013) Lactation Consultant	2016 – now	Research informant – Advocate (NGO)
SN (PKL3)	Woman	40 th		2005 – now	Expert informant – Community counsellor (NGO)
ID (PKU4)	Woman	25 th	Bachelor: Law (2019)	2015 - now	Research informant – Advocate (University)
NL (PKU5)	Woman	25 th	Bachelor: Arabic literacy science (2020)	2015 – now	Research informant – Advocate (University)
LD (PKU6)	Woman	26 th	Bachelor: Law (2019)	2014 – now	Victim Assistant/ Advocate (University)
IA (PKU7)	Woman	45 th	Bachelor: Biology (1992)	2003 – now	Expert informant – Community counsellor (NGO)
LH (PY)	Woman	40 th		-	Investigator of the Women Empowerment and Child Protection Division in <i>Sat Reskrim Polres</i> Malang
LK (AH)	Woman	44 th	Bachelor: Law Studies (1997) Master: Law (2002) Doctoral: Law (2012)	2002 – now	Jurists

The snowball sampling technique was used to select the research participants. At first, the researcher only determined one participant with the criteria of being affiliated with an organization or NGO that works on the issue of violence against women and has provided litigation (legal) and non-litigation (psychological, economic and social) assistance to rape victims. The number of participants grew as the researcher received a recommendation to interview seven other victim advocates, as well as gained access to interview two expert informants. All participants provided their consent following a debriefing on the study information and participants' rights.

Data Collection

The data collection process was carried out from April to May 2021, after the researchers obtained ethical clearance approval from the Ethics Committee of the Faculty of Psychology UGM approval number 1963/UN1/FPSi.1.3/SD/PT.01.04/2021. The data collection technique used in this study is a semi-structured in-depth interview technique. References for preparing the interview questions refer to the study of procedural justice theory (Tyler, 1988) and social comparison theory (Festinger, 1954), wherein both theories emphasize evaluating the chronology of events and reflecting the justice perspective as experienced by participants when providing assistance to rape victims. The interview lasted 1 - 3 hours and each participant was interviewed 1 - 3 times.

Data Analysis

A thematic analysis technique was used in this study to analyze and interpret the data to identify the patterns and themes in the collected data. The thematic analysis is used to identify what factors that construct the perception of justice and how these factors affect the judgment of justice according to the rape victim advocates in Malang. The data analysis process refers to Saldaña (2016) which consists of three steps, namely labeling or coding on interview transcripts, then combining the codes with the same attributes into a group of categories, and then combining categories with the same concept into a theme. The criteria for code grouping are based on the differences in information characteristics. The first characteristic of information is descriptive-chronological information such as a description of the cases handled and the role of participants in the case. Meanwhile, the second characteristic of information is reflective information such as a perspective reference or ideology used in evaluating an event and the expression of justice projections. Judging from its characteristics, descriptive-chronological information affects the tendency of values in the reflective aspect of information.

Korstjens and Moser (2017) suggested four points of data validity test in qualitative research, namely credibility, transferability, dependability and confirmability. Credibility in this study can be ensured through cross-checking with several other data sources such as written documents, unwritten documents, knowledgeable informants and expert informants. In the group of victims accompanying participants, the researcher cross-checked several points from the interview results by searching through the unwritten documents such as the organization's Facebook account, which featured several participant activities regarding advocacy and education about sexual violence against women, as well as triangulating internal data with all-knowing informants (community counselor) and expert informants.

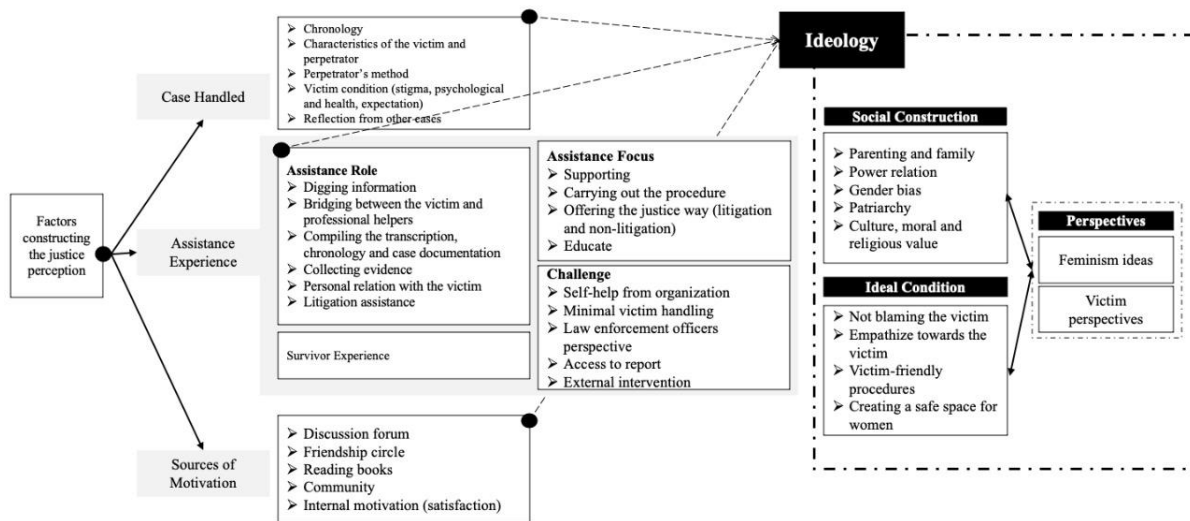
Result

Interviews with victim assistance groups or advocates resulted in six themes. These are the cases handled, the role of assistance, sources of motivation, ideology and projections of justice assessments. Each of these themes consists of several categories and sets of codes which are described in detail in Table 2 by a detailed elaboration.

Table 2
Results of Coding the Themes & Categories for Victim Advocates

Theme: Cases handled (4)	Theme: Assistance Role (6)	Theme: Sources of Motivation (5)	Theme: Ideology (3)	Theme: Projection of Justice Assessment (2)
Category: Case Description Category & chronology of cases (21), characteristics of perpetrators (2), characteristics of victims (15) Perpetrator's method (19), the victims' perception towards the perpetrator (6), reflection from other cases (66), perpetrator's perception (6)	Category: Role Beginning (12), community counselor duties (12), victim intermediary & advocates (4), transcript (3), chronology (5) case documentation (7), evidence (4), personal relations (9), litigation assistance (6), digging up information (2)	Subcategory: Discussion forums (6) Subcategory: Friends circle (3) Subcategory: Reading books (14)	Category: Perspective Feminism ideas (2), victim perspective (9)	Category: Justice Assessment against the legal system Gap between normative & substantive justice goals (5), Dissatisfaction with the constitution product (30), Implementation of regulations that are gender biased & discriminate against women (10), Burden of presenting the proof for the victims (39)
Category: Description of the victim's condition Stigma (4), psychological (31), expectations of justice (7)	Category: Assistance Focus Support (27), assistance procedure (24), support (10), assistance procedure (17), embodiment of justice (7), embodiment of justice (26), education (10)	Subcategory: Community (15) Subcategory: Internal motivation (11)	Category: Social Construction Parenting (6), power relations (12), gender bias (3), patriarchal culture (8), cultural values, morals (5)	Category: Efforts to achieve the justice for victims Encouraging the comprehensive policies (RUU PKS) (15), measuring success from the perspective of victims (8), Handling the victims' rights (7)
	Category: Challenge: Self-help by organization (24), APH Perspective (3), external intervention (7), access to report (4)	Category: Survivor Experience (14)		Category: Ideal conditions Not blaming the victim (13), empathize (7), procedural siding (4), safe room (3)

Figure 1
Factors That Construct The Justice According to Victim Advocates



Factors That Construct The Perspective of Justice Among Advocates of Rape Victims in Malang City

The factors that construct the perspective of justice among advocates of rape victims in Malang City are depicted in Figure 1. There are three basic factors, namely the characteristics of rape cases, reflection of experience during the assistance period, and motivational components that come from organizational activities and the circle environment. These three basic factors are the components consisting of internal stimuli and external stimuli that form the ideology or beliefs of participants when carrying out their roles as advocates for rape victims. In general, the cases they handle are rape cases wherein the victim knows the perpetrator and feels intimidated by the presence of the perpetrator because of the threat and coercion that makes the victim’s position feel insecure. The assistance provided by the participants (advocates) not only provided assistance for the process of collecting evidence, but also fostered a personal approach. Participants who accompany rape victims get motivated through various media and activities such as interest in gender issues, interaction with community friends and personal satisfaction when studying issues about women. These three basic factors project a definition of justice for the rape victims advocates, namely not only referring to the criteria of justice for practical law of criminal procedure from the victim’s perspective, but also wanting the justice in a broader context such as the realization of the principle of gender equality in society. Each component will be discussed separately in the following sub-themes.

Cases Handled

The definition and detailed description of rape cases is one of the basic components that lead to an understanding of the schemes of justice perspective for rape victims advocates. The case description can be used as a reference for the formation of a thinking structure from a justice perspective, where the victim advocate is quite concerned about the condition of the victim who is vulnerable from various sides, such as the influence of community stigma on personal identity, as well as physical and mental health conditions.

... didn't proceed more to take action against the perpetrators, there are so many things to consider. They are worried and not ready about how other people will look at them, nor are they ready for the pressure or injustice. (victim advocates - PKU5.2)

In addition, the advocates also highlighted the characteristics of the perpetrators and victims of rape. Rape perpetrators are described as someone who has the support of their peers. On the other hand, rape victims are described as women who tend to be passive in their peer environment, therefore, they do not have many friendship connections. The perspective of justice for victim advocates is also shaped by the fact that the characteristics of the perpetrators can create power and power relations, therefore, they could intimidate the victims. In this theme, it can be seen that the source of faith in justice for the victim advocates is that it will be difficult for rape victims to achieve justice because they face difficulties in the form of internal stress, threats from perpetrators and social pressure.

... they bragged that the perpetrator was influential at the campus and he behaved the same to everyone. ... even pretended to help the victim with her hobbies, pretending to provide a network too so the victim feels like it was a debt of gratitude. In the end, the survivor feels as if 'I know the people here, the victim was then introduced to a new network and asked to join'. This became the reason she is willing to go together in the end, and it's a very repetitive pattern (victim advocates - PKL1.32)

... the guy (perpetrator) also lives in a misogynistic environment. Misogynists are a group that loves to dominate people, especially towards women, very patriarchy, they feel that they won't lose to women (victim advocates - PKU5.21)

... accompanied by a community counselor, her symptoms are pretty bad, hallucinations, she feels like she is being bewitched and required an exorcism. I think it's called delusion in psychology? So maybe the trauma was so severe it attacked the subconscious mind. (victim advocates - PKU5.24)

Assistance Role

The second theme relates to the involvement of participants when providing direct assistance to rape cases, as well as several categories that describe about experiences as survivors and some of the challenges faced during the assistance process. The role of participants when assisting victims in the process of rape cases is also considered to be a basic factor that constructs a justice perspective through direct experiences faced by participants in litigation and non-litigation processes.

If one team is divided into several parts, the advocates and survivors. Mine and my friends' position is in assistance, we bridged between the interests of survivors and institutions. (victim advocates - PKL1.70)

: ... so, our task is to write the chronology, to record the survivors' story and transcribe it into writing to submit into the institute, and then processed by the people who study the pattern, about the perpetrators, and what actually happened. It was all processed... (victim advocates - PKL1.47)

... our litigation does not reach the court. We could only proceed until the dean level, and even that can't be neutral because the dean is always trying to put a break on us, therefore, our litigation is purely to that extent. (victim advocates - PKU6.8)

Several participants also shared their individual experiences as survivors of cases of sexual harassment that they experienced personally before joining an NGO or organization. This personal experience also encourages the involvement of the participants to be able to help fellow survivors who have experienced sexual harassment or violence. This category can identify that participants' empathy

for rape victims grows not only from the experience of assisting victims, but also by their common background as victims of abuse or violence.

... actually, my feeling of empathy comes from my own experience, on average, if you may ask my other friends, between movement and knowledge, they are all balanced. The advocates here knew people around them who experienced this or experienced it themselves. (victim advocates – PKL1.99))

Source of Motivation

Motivational factors that come from the internal and external side of the participants also contribute to constructing the justice perspective for the victim advocates of rape cases. Participants explained that the external stimulus could be in the form of discussion that brought the issues and women, reading books, and the circle of friends who have the same preference on the theme of gender equality. The external stimulus also fosters the insight and understanding about women's issues, as well as a means of self-actualization which is manifested in the form of personal satisfaction when providing assistance to rape victims.

... I've read a book about feminism but only feminism for beginners (victim advocates – PKL1.78)

... in that community, we discuss genders, but it's an in-depth discussion. The first time I participated in the study of the RUU PKS, finally I understand the tendency to learn about gender is complex, lots of them come from violence cases (victim advocates – PKU4.30)

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Can't really express this, right? Even though we have spent money, energy, and even received sarcastic comments. Some even test just how professional we are in assisting the victims. When asked what we gain from this, of course we got nothing. We really can't elaborate or express what we gained from this, from us. (victim advocates – PKU4.107))
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Ideology

The three basic factors described earlier had influenced the way the participants formed their way of thinking in defining justice. Participants explained their thoughts about unfair practices in the implementation of criminal law in rape cases. A number of examples of unfair practices in the implementation of criminal law are not only derived from the personal experience of the participants but also from the issues being discussed in their groups. The burden of collecting evidence by the rape victim is one of the topics that makes them to not obtain the justice in the legal realm. According to participants, this was caused by several barriers constructed by the community, such as not all law enforcement officers having a victim perspective, therefore, sometimes there were elements of judgment, stigma and gender bias in the process of extracting the Police Investigation Report (BAP). Apart from that, the participants also explained that rape victims are also often cornered in situations that are quite discriminatory and helpless due to the perpetrator's status which is legitimized by the relationship with the participants.

... when we talk about sexual violence, the Criminal Code only talks about rape, while there are various types of them, such as being forced to do abortions, that one actually criminalizes the owner of the womb. Last year there were also those who were affected, there was a death of an infant, the one who threw away the infant

was subjected to the Criminal Code for women, that's from the legal perspective, but it's not gender fair, because the presence of a baby is also impossible without the contribution of sperm. (victim advocates – PKU7.18))

The ideal conditions expected by the victim advocates is that they hope the society does not blame the victims for the rape incident that happened to them and foster the empathy for rape victims. They further wish that there will be procedures that favor rape victims that create a safe space for women.

In a society, every person has their own role. Don't cut your fellow victims of violence, don't negate people. To negate means saying something like, 'I think you're lying or it's just love problems', at least just believe it until it's proven, that's an ideal environment. (victim advocates - PKL1.85)

When in one environment there's actually a survivor of violence, we shouldn't be blaming them (Victim Facilitator - PKL1.89))

This way of thinking further led the advocate to define the concept of justice in a broader scope that is not limited to the implementation of criminal procedural law but also concerns gender issues that exist in society. Participants view the idea of feminism can be a solution in the midst of unequal gender roles between men and women and will indirectly have an impact on the handling of rape victims more fairly.

For now, the only thing that exists to accommodate the issue of violence is feminism. (victim advocates - PKL1.138)

Yes, at that time, it started from gender position to explore the nature of humanity, quoting a figure at Komnas Perempuan, she said that actually we don't need feminism, we don't need gender if humans can behave as 'human being'. Humans should be human to other humans, but unfortunately the social processes that occur to us then make us patriarchal, tend to be ambitious, finally we need things that attract us to become humans again who build and carry our human traits. (victim advocates - PKU5.114)

... the advocates for the sexual violence victim understand about gender. They who don't understand about gender seems to be lacking in compassion, because maybe their mind is still patriarchal, or there is no evidence for the victim, if they understand about gender enough, they might be able to face the victim. Meanwhile, the victim really needs to be supported.... (victim advocates - PKU5.31))

b. Projection of Justice Assessment For Rape Victims

Justice Assessment in the Existing Legal System

Advocates perceived that the enforcement of current regulations is not in favour of the rape victims. One of the themes frequently mentioned by participants was verification and evidentiary process that took place at the beginning of the criminal procedure law that was imposed on rape victims. The evidentiary process to bring authentic evidence and present two witnesses is considered to be burdensome for rape victims because it is hindered by several factors of the victim's physical and psychological condition geographical location barriers of the rape incident. In addition, the stigma of law enforcement officers on rape victims is sometimes one of the challenges that victims have to face when choosing a legal route to seek justice. The existence of regulations that are gender biased and discriminate against women, as well as the gap between the realization of normative and substantive justice are benchmarks for assessing the justice for victims of rape cases.

... if the rape victim is considered to be an adult, there is always a consensus as if it was mutual, even though it's not like that, sometimes there are investigators who ask questions like that. even though adult victims are also very vulnerable, it is necessary to disassemble such a perspective. (victim advocates - PKU7.29)

... so, until the end of the decision, there was also no answer because sometimes it seems as if the proof is still a burden on the victim so, for sure we will try to explore slowly and finding the clues. . . (victim advocates - PKU7.27)

If I felt there was a legal vacuum where the current or existing law is no longer relevant to the number of cases, the variety of cases and also the rights of the victims are not fulfilled, (Victim Facilitator - PKL2.57)

Efforts to Achieve Justice for Victims

The reasons for injustice that have been described in the previous theme become the background for the projection of efforts to achieve justice for rape victims by encouraging comprehensive policies through the Draft Law on the Elimination of Sexual Violence that has been officially in effect in 12 April 2022. According to the victim's assistant, through the realization of a comprehensive law, the victim's rights can be legally accommodated, therefore, rape victims get a better treatment.

In my opinion, the Criminal Code does not regulate how victims are treated, how to handle them properly and correctly, and it's not satisfying at all. That's why colleagues from the women's movement are fighting for RUU PKS (Victim Assistance - PKL2.18)

Participants explained that although normative justice can be realized through a series of litigation legal processes, substantive justice concerning various aspects of the lives of rape victims will be exceedingly difficult to achieve. This is because the loss in the form of losing virginity is not an object that can be returned in its original condition. Therefore, the participants who accompany victims believe that the efforts to achieve justice for rape victims need to involve the perspective of the victim in laws and regulations that can be accounted for in the existing legal system.

. . . in RUU PKS, the basis for the norms of decency existed there, the norms that we all agree on, if we adopt this norm, respect each other's decency, but what the people who are against it conclude that this is the view of people with feminism tendency, in the end, questions arise there. (victim advocates - PKU4.117)

Discussion

Information Construction Process

The proportion of information in the victim assistance group is constructed by the social realities faced when providing assistance, such as interacting with rape victims, experiences in accompanying victims when taking information at the police, as well as being constructed by learning experiences about women's issues and feminism ideology which are carried out independently or collectively. Consequently, the victim advocates evaluate the distribution of justice empowered by empirical experience from the perspective of rape victim. Determining the proportion of information and processing the information is one of the cognitive schemes that constructs the justice assessment for the victim assistance group. As Festinger (1954) described, the process of assessment arising from the information processing process is determined by the comparison between the events experienced and the objective reality or social reality faced by an individual. Furthermore, Wood (1996) described that the process of social comparison involves determining the proportion of an information and how individuals place themselves in that information (setting a position).

The results of the study indicated that the victim advocates describe four ideal conditions that represent the creation of justice for rape victims, namely the attitude of not blaming the victim, empathy of the society, the existence of justice procedures that favor the victim, and the creation of safe spaces for women. Judging from its characteristics, the condition of not blaming victims and

growing the empathy of society are the result of a social dynamic in society, meanwhile, aspects of justice procedures that support victims and the creation of safe spaces are the product of a policy that can be pursued through law. Seeing how important the process of seeking justice for rape victims is, McGlynn (2011) offered a restorative justice approach as a procedural effort to redefine justice for victims. If at first justice only focused on the punishment of the perpetrators, now effective treatment of victims and recognition of the significant impact of rape have become important.

Result Evaluation Process

If viewed from the aspect of distribution capacity or procedural aspects, the victim advocates group projects dissatisfaction with the procedures for handling rape cases, especially at the initial stages of reporting. The first issue from the victim's perspective is the burden of proving the threats and coercion in the initial stages of procedural law examinations.

Although the existing criminal law system aims to process parties suspected of being guilty, the role of rape victims in fulfilling reporting requirements at the preliminary examination stage is not easy. As regulated in Article 184 of the Criminal Code (*Kitab Undang-Undang Hukum Pidana*) which states that valid evidence is in the form of witness statements, expert statements, instructions and statements of the defendant. However, Article 185 states that the testimony of a witness alone is not sufficient to prove that the defendant is guilty of the act of which he is accused.

Based on the findings researcher identified that the scope of advocates' dissatisfaction with the handling of rape victims was not only in the area of the criminal procedure law examination stage, but also related to matters outside the area of normative legal practice such as consideration of rape victims condition at the personal level which was not accommodated by Criminal Code. This causes the dissatisfaction within the rape victim advocates to have a broad and complex scope, as if the handling of victims of rape cases is just the tip of the iceberg that holds various kinds of issues regarding gender bias and patriarchal domination in the social construction of society.

Lind and Tyler (1988) described that procedures within groups (groups in the context of this research are justice institutions and litigants) regulate the authority, interactions and social processes within groups. The dissatisfaction of the victim assistance group is a form of representation of the neglect of the justice authorities towards the phenomena faced by rape victims as a vulnerable group such as psychological trauma conditions, negative stigma from the society, as well as evidence of threats and deceit which often cannot suffice the quality of evidence. The limited options for evidence instruments make it difficult for rape victims to take legal action and often only end up as complaints to the police. Thibaut and Walker (1978) study on the theory of procedures developed in formal legal situations stated that a conflict between litigants should be decided on the basis of compliance with the norms of justice. Furthermore, Tyler and Lind (1992) interpret the argument of Thibaut and Walker (1978) that the absence of objective indicators of the correctness of a decision means that there is only one best guarantee of decision quality, namely fair procedures.

Furthermore, it is not uncommon that the judgmental legal services and cornering the victim makes the rape victims reluctant to proceed to further stages. Regehr and Alaggia (2006) provide an overview of how victims deal with key informants when deciding to take their cases through the justice system. The two main groups that most likely to interact with rape victims are law enforcement officers and assistants such as advocates and therapists. The study explains that the perspective of advocates and therapists for victims who carry the interests of victims should not be placed in a secondary position. The perspectives of advocates and therapists collaborating with victims can contribute to the potential healing of rape victims through assistance that provides social support, increased security

and relationships that help verify the victim's experience. Although the involvement of advocates and therapists of the victim does not hold the key to the implementation of the justice system, the support of parties who have a victim perspective is essential to support the condition of victims while undergoing the legal stages of the judicial process. Not only providing emotional support, but the involvement of a counterpart perspective in the realm of the justice system can actively contribute to the completion of the judicial process (Gaines & Wells, 2015). The study revealed that the victim's communication skills will assist the investigation process, therefore, increasing victim participation in collaborating with investigators and also ensuring victims to receive high-quality services. In conclusion, the involvement of an advocate who has a perspective of supporting the victim will have implications for the mental readiness of the victim and the diplomatic relationship between the victim and the authorities in the judicial process.

Tendency of Victim Advocates Based On Self-Interest Model

The results of the projected dissatisfaction within the victim advocates participants can also be explained through a satisfaction model and an indication of self-interest. Faturochman (2002) described that the relationship between procedural justice and distributive justice assessments will be stronger when someone has a low level of satisfaction. This shows that the victim advocates are not satisfied with the law on handling rape cases. Participants considered that the procedure for achieving justice could not distribute certainty to the litigants. Victim's advocates groups tend to indicate the interests that stemming from the ideology of gender equality, namely encouraging more attention to the victim's perspective on the implementation of the law on criminal procedural law in rape cases.

If viewed from the concept of the self-interest model, dissatisfaction with the handling of rape cases reflects a tendency of dissatisfaction with the social order of life that places women in a disadvantaged position. Therefore, the narratives expressed by the participants in this study are not only related to the unfair situations experienced by rape victims, but also discourses from the women to be placed in a safe position in society, such as not getting negative judgments and obtaining welfare in carrying out their social roles as women. In expanding the meaning of self-interest, Cropanzano et al. (2005) consider various triggering factors such as economic benefits, helping others, moral sentiments or the principle of obligation, which become the drive for oneself to desire a result.

The results of the analysis also show that the participants' motives in advocating for victims are not singular. The motives of self-interest identified in the victim advocates involve the defense of the identity similarity between the advocates of the victim and the victims themselves. Furthermore, in this mechanism, there is a process of altruism in which the victim advocates internalize the emotions of others by showing concern and participating voluntarily in efforts to assist rape victims. The victim advocates project an ideal life when the gender equality values are upheld in society, therefore, it represents the motive for the struggle for communal interests as women. Although dissatisfaction with social construction cannot be realized instantly, advocates for rape victims are of the opinion that advocating for the rights of victims in rape cases is part of realizing the values of gender equality in society.

The researchers noted that this study can only interpret the dynamics of participants' beliefs and tendencies but cannot determine the proportion related to which factors influence the justice perspective construction the most. This limitation affects the research scope that can only see the motives of the victims' companions justice in assisting rape victims.

Conclusion

The results showed that there were three basic factors that became the source of forming the perspective of justice for the of rape victim advocates, namely the characteristics of the rape cases handled, reflection on experiences during the assistance period and motivational components that come from organizational activities and the circle environment. Through these aspects, the advocates develop the main idea of justice in the form of an appreciation of the values of gender equality and victim-oriented thinking. This concept can be categorized as a feminist ideological perspective that projects a narrative that rape cases are not only seen as criminal acts, but the existence of unfair practices that occur in rape victims is a representation of the dominance of the patriarchal system and gender bias in society. The appreciation of gender equality values has been internalized at the ideological level; therefore, the participants tend to form a consistent attitude in defending rape victims in a variety of legal and social situations.

Through this perspective of justice, victim advocates project dissatisfaction with the justice system, which is the second focus of this research. This dissatisfaction arises due to the gap between the real conditions of rape victims and the ideal conditions expected by the victim advocates. The condition of rape victims who tend to face internal (psychological, economic) and external challenges (social relations, stigma, judgment) feels neglected by the justice authorities when they want to access help or bring the case to justice. Dissatisfaction with the procedure for handling rape victims, which does not seem to take into account the condition of the victim, has made the victim advocates seek diverse types of activities, such as joining organizations that focus on issues of violence against women, actively providing assistance to victims of rape or sexual harassment, and encouraging the government to create policies that support rape victims.

Recommendation

This research implications show that the illustration of the ideal achievement of justice for rape victims still needs systematic and constructive improvements in related institutions. Rape case handling procedures are expected to bring the victims' perspectives to facilitate the need for secure feelings in carrying out evidence and defense. This study also highlights that there are challenges in the evidence process of rape cases that tends to be burdened to the victims. Hence, the researchers recommend future investigation in the evidence process of rape cases and exploration of the evidence quality containing threats and violence.

Declarations

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Author Contribution

MHA conceptualized and writes publication manuscripts. K provides supervision

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