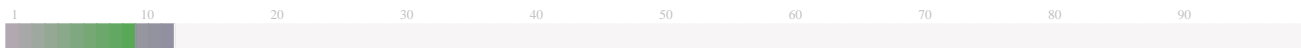


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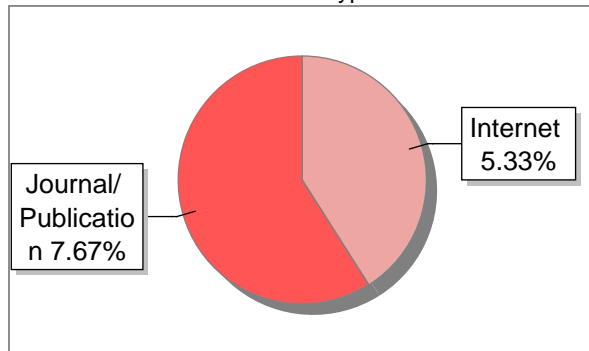
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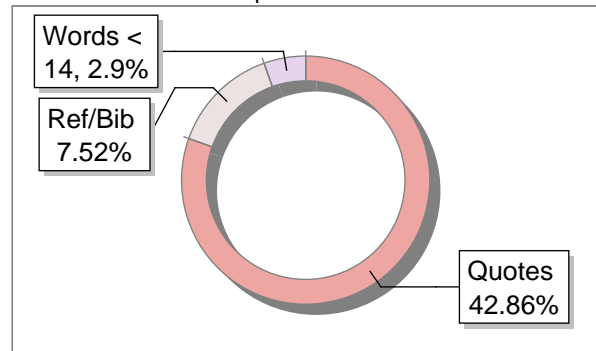
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**The implementation and effectiveness of Indonesian Supreme Court Rule No. 3 of 2017 on women victims of the sexual violence in Yogyakarta**

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**ABSTRACT**

PERMA (Supreme Court Rule) No. 3 of 2017 issued by the Supreme Court regulates the attitude guidelines for judges in adjudicating women's cases in conflict with the law, both criminal and civil cases involving women as victims, witnesses, or parties. These regulations can be used as a legal basis by judges in adjudicating cases of women in conflict with the law due to criminal acts of sexual violence. This research aims to determine the effectiveness of implementing PERMA No. 3 of 2017 concerning guidelines for adjudicating cases of women in conflict with the law as a result of victims of sexual violence at the Yogyakarta District Court. The method used in this research is empirical normative, which focuses on collecting information obtained from judges at the Yogyakarta District Court regarding the effectiveness of PERMA No. 3 of 2017 against women as a result of victims of sexual violence. The approach methods that the author uses in this research include the conceptual approach, the statutory approach, and the case approach. The data collection method is through interviews and documentation of judges, and the data analysis used is descriptive-qualitative. This research concludes that PERMA No. 3 of 2017 has been quite effective in accordance with the theory of legal effectiveness, which uses several a quo decisions as samples to determine whether PERMA No. 3 of 2017 has been applied and implemented in the Yogyakarta District Court for women victims of sexual violence.

**Keywords:** Effectiveness; PERMA No. 3 of 2017; women; victims; sexual violence.

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## ABSTRAK

PERMA No. 3 Tahun 2017 yang diterbitkan oleh Mahkamah Agung mengatur mengenai panduan sikap (attitude) pedoman Hakim dalam mengadili perkara perempuan berhadapan dengan hukum baik perkara pidana maupun perdata yang melibatkan perempuan sebagai korban, saksi maupun pihak. Peraturan tersebut dapat dijadikan dasar hukum oleh Hakim dalam mengadili perkara perempuan berhadapan dengan hukum akibat tindak pidana kekerasan seksual. Penelitian ini bertujuan untuk mengetahui efektivitas pelaksanaan PERMA No. 3 Tahun 2017 tentang pedoman mengadili perkara perempuan berhadapan dengan hukum akibat korban kekerasan seksual di Pengadilan Negeri Yogyakarta. Metode yang digunakan dalam penelitian ini adalah normatif empiris yang menitikberatkan pada pengumpulan data informasi yang diperoleh dari Hakim di Pengadilan Negeri Yogyakarta mengenai efektivitas PERMA No. 3 Tahun 2017 terhadap perempuan akibat korban kekerasan seksual. Metode pendekatan yang Penulis gunakan pada penelitian ini meliputi pendekatan konseptual, pendekatan perundang-undangan dan pendekatan kasus. Metode pengumpulan data melalui wawancara dan dokumentasi terhadap hakim dan analisis data yang digunakan adalah deskriptif kualitatif. Penelitian ini memberikan kesimpulan bahwa PERMA No. 3 Tahun 2017 sudah cukup efektif sesuai dengan teori efektivitas hukum yang dimana menggunakan beberapa putusan a quo sebagai sampel untuk menentukan penerapan PERMA No. 3 Tahun 2017 telah diterapkan dan diimplementasikan pada pengadilan negeri yogyakarta terhadap perempuan korban kekerasan seksual.

**Kata Kunci:** Efektivitas; PERMA No. 3 Tahun 2017; perempuan; korban; kekerasan seksual.

## 1. INTRODUCTION

The term citizen is interpreted as an understanding of both women and men. The effort of legal protection for citizens (women) should have the same equality as legal protection for men because every person has equality before the law. This is regulated in accordance with Article 28D, paragraph 1 of the 1945 Constitution, which guarantees every person's right to recognition, protection, fair legal certainty, and equal treatment before the law. The provision of legal certainty means that every law enforcer (individual) may determine what actions are permitted and what actions are prohibited (Marzuki, 2017).

Legal establishment as an instrument to protect individuals' rights and citizens' rights is relevant and is in line with the program to protect women from violence (Prihastuti, 2016). The connection is deeper when it comes to the legal defense of women's rights who break the law (Siregar et al., 2020). Legal protection efforts for victims must be comprehensive and integrated with each other, namely providing education about reproductive health, religious values, and morality; victims receiving social rehabilitation in their environment, including receiving psychosocial facilities, in order to treat and recover victims of sexual crimes; and providing protection to the law enforcement process of the case at all levels of investigation, from the police and prosecutor's office to the court (Jamaludin, 2021).

Various sensitive issues affect the lives of women, including crimes of sexual violence and sexual harassment (Sumera, 2013). Sexual violence or harassment experienced by women is still common because of the value system that positions women in a weak and inferior position in comparison to men. Sexual violence against women is a common problem and very detrimental to those who are victims (Riyadi et al., 2023). Acts of sexual violence are crimes with broad, complex dimensions of action that can occur in the public or private spheres. The majority who often become victims of acts of sexual violence often fall on vulnerable groups (women and children) (Khusnaeny et al., 2018). Sexual violence is a term that refers to deviant behavior, derivative sexual disorders, or deviant relationships that are detrimental to the victim and undermine the peace and comfort of society (Purwanti dan Zaliani, 2018). Violence against women involves gender-based violence that results in physical, sexual, or psychological harm or suffering for women, including threats, coercion, and arbitrary deprivation of liberty, whether occurring in public or in private life (Wulandari & Krisnani, 2021).

Several acts that should also be classified as criminal acts of sexual violence are not currently included in the definition of sexual violence as a crime. The current legal problem—the increasing vulnerability of women to becoming victims of this crime—indicates that the law is unable to eradicate or overcome it (Siregar et al., 2020). While examining criminal sentencing, it is crucial to consider the judge's perspective while deciding how to punish the perpetrator.

Attention and protection of the interests of victims of sexual violence, both through the judicial process and through certain social care facilities, is an absolute part that needs to be considered in criminal law policies and social policies, both state power institutions and existing social institutions. Based on the goals and responsibilities of the state to realize equitable distribution of justice for the general welfare, the right of victims of sexual violence to be protected is an integral part of rights in the field of social security (Surayda, 2017).

Women are in a vulnerable position when facing sexual violence. Therefore, women victims of sexual harassment must be careful when handling recorded evidence of sexual harassment committed against them. If a woman submits inaccurate information, even if the intent is to report sexual harassment against her, the report may constitute a crime for spreading unethical content (Amilia et al., 2023). Women who experience this harassment will certainly not feel safe and comfortable. Emotional problems will then emerge and affect their social lives. Victims tend to feel afraid, stressed, depressed, and even want to commit suicide due to the trauma of what happened to them. Of course, this issue needs to be considered carefully from a legal perspective in Indonesia (Murakaba & Rafi'ie, 2023).

The Beijing Declaration and Platform for Action is one of the international legal instruments used to achieve gender equality and the fulfillment of women's rights in various fields, including fighting violence against women (Paminto & Hermawati, 2023). The factors that cause acts of sexual violence are the negligence of parents who fail to monitor their children's social interactions, growth, and development, which makes the subject a victim of

sexual violence. The perpetrator's low moral character and mentality, as well as economic conditions, could render it easy for him to execute his objectives by luring the victim, who is his intended target (Siahaan et al., 2022). Eddyono analyzed and argued that the existence of pro-gender justice regulations in Indonesia was due to the strong initiation and pressure of the women's movement, which mobilized and welcomed the wider movement and was also connected to the movement at the international level. Fraser, who emphasized that the efforts to formulate gender-equitable policies are a long effort and always face counteractors from various parties, such as anti-equality and pro-status quo (Atmaja & Alviah, 2023).

The basic weakness of the Indonesian criminal justice system is the neglect of the rights of crime victims in the process of handling criminal cases and the consequences that later become the responsibility of victims of crime because legal protection for victims of crime does not receive adequate regulation. This can be seen in the reduced rights of victims when faced with a case in the criminal justice system (Widiartana, 2014). Progressive further arrangements for the smooth running of criminal justice at the Supreme Court to realize protection in the handling of cases against PBH, then issued Supreme Court Regulation (PERMA) No. 3 of 2017 concerning Guidelines for Trialing Cases of Women Against the Law as explained in Article 1 Paragraph (3) PERMA No. 3 of 2017 that what is meant by women dealing with the law are women in conflict with the law, women as victims, women as witnesses, or women as parties. PERMA has referred to the International Covenant on Civil and Political Rights (ICCPR) with Law No. 12 of 2005 and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW/Covenant on the Elimination of All Forms of Discrimination Against Women) by Law No. 7 of 1985 (PERMA Preamble).

The process since PERMA No. 3 of 2017 was issued until now does not rule out the possibility of difficulties or obstacles in its application, so further research is expected regarding the implementation of these regulations in a more real and specific scope. For example, in this case, we still need simple but serious research to ensure the process of implementing PERMA No. 3 of 2017 at the Yogyakarta District Court has been effective and right on target against women victims of sexual violence or not.

This research is important because victims of sexual violence (women) have their own effects and characteristics, so they must be treated differently (specifically), so their rights must be considered, as must their survival in the future after the incident, and they must also consider the best interests of the victim. Sexual violence impacts women psychologically and causes them to suffer from inferiority, less assertion, and anxiety (Handayani et al., 2022).

## 2. LITERATURE REVIEW

Effectiveness is based on the word "effective," which implies the achievement of success in achieving the goals set. Effectiveness is the ability to carry out tasks, functions (operational activities or missions) of an organization or the like without pressure or tension between the implementation (Siregar et al., 2020). Legal effectiveness is the legal ability to

create the conditions and situations desired by law. A legal product is called effective if it has been carried out or implemented in practice. The function of law is not just social control but can also carry out social engineering or instruments of change (Soekanto, 2019). The effectiveness of the law can be seen both from the point of view of the social control function and from its function as a tool for making changes. Factors that can affect the effectiveness of the law, among others (Soekanto, 2021):

a. *The Legal Factor Itself (The Act)*

Justice must be a top priority in a legal issue. Law is not only seen from the point of view of written law but also considers other factors that develop in society. Justice is still being debated because it contains a subjective element that is very dependent on the subjective intrinsic values of each person.

b. *Law Enforcement Factors*

Law enforcement is related to several parties that form or apply the law. Law enforcement is an apparatus that is able to provide certainty, justice, and proportional use of the law. Important elements that affect the working mechanisms of the law, namely law enforcement institutions and various supporting facilities, infrastructure, and institutional working mechanisms.

c. *Facility Factor*

Supporting facilities can simply be formulated as a means to an end. The main scope is physical infrastructure that function as supporting factors. Supporting facilities include educated and skilled human resources, efficient management, adequate equipment and finances, etc. Another thing is the availability of facilities. Maintenance is also very important in order to maintain sustainability. It frequently occurs that a rule is applied even when the facilities have not yet been completed.

d. *Society and Cultural Factors*

Law enforcement has the purpose of achieving peace in society. The society has certain opinions about law, which means that the effectiveness of law also depends on the desire and legal awareness of the society and cultural factors, which are actually integrated with society factors. It was deliberately distinguished because, in the discussion, the problem of the system of values, which is the core of spiritual or nonmaterial culture, was discussed. This is distinguished because, as a system (or sub-system of the social system), law includes structure, substance, and culture.

### 3. METHOD

The research method is a way or method used to solve a problem or develop knowledge using the scientific method (Ishaq, 2017).

#### 3.1. *Types of Research*

The type of research used by the writers in this study is empirical normative legal research (applied law research). This study includes elements of normative law that are supported by additional data or empirical elements (Muhaimin, 2020). Empirical normative



research is the method that focuses on the implementation of the provisions of PERMA No. 3 of 2017 in considering the best interests of women victims of sexual assault.

### *3.2. Subject and Object of Research*

This field research using the interview method involves the interviewer asking questions to obtain answers that are relevant to the research problem of the effectiveness of PERMA No. 3 of 2017 about guidelines for adjudicating women's cases in conflict with the law against victims of sexual violence at the Yogyakarta District Court to the respondents interviewed, namely Mrs. Tri Riswanti, S.H., M.Hum., a Judge with the position of Junior Principal Advisor, Group (IV/c) and also serves as Main Associate Judge at the Yogyakarta District Court.

### *3.3. Approach Method*

The sociological juridical approach is an approach that conceptualizes law as a real and functional social institution in a real-life system. the approach used to see a condition of legal reality that is applied in the community (Ali, 2009). The sociological juridical approach is used to analyze the implementation and effectiveness of PERMA No. 3 of 2017.

### *3.4. Data Analysis Method*

The method of data analysis that the author applied in this study is qualitative data analysis. Qualitative analysis is data analysis that does not use numbers but provides descriptions in words of findings and therefore prioritizes the quality (quality) of the data and not quantity (Muhaimin, 2020). In this instance, it addresses the application of the principles of gender equality and non-discrimination by judges in adjudicating women's cases in conflict with the law.

## **4. FINDINGS AND DISCUSSION**

The Supreme Court has the authority to request information on matters pertaining to judicial techniques from all judicial environments and, moreover, to give instructions or warnings as deemed necessary to courts in all judicial environments. The Supreme Court Law also states that the Supreme Court can further regulate matters needed for the smooth running of justice if there are matters that have not been sufficiently regulated in the Supreme Court Law.

One of the legal products of the Supreme Court, namely the Supreme Court Regulation (PERMA), is a form of legal product from the Supreme Court that contains procedural law provisions. PERMA is a regulation based on the principles of the Supreme Court that is aimed at all levels of a certain judiciary and contains provisions of a judicial procedural nature. In essence, the scope of the Supreme Court regulations is limited to the administration of justice related to procedural law (Khatimah, 2017).

### *4.1. Regulation and Implementation of PERMA No. 3 of 2017*

The problem that often arises in PBH cases is the variety of terms used to identify each variable related to the discourse on the position of women in the legal system. Different meanings regarding a term in the realm of social life are, of course, things that cannot be ascertained. In the legal system, however, it will cause problems, namely uncertainty. Starting with this justification, PERMA No. 3 of 2017 normatively provides definitions and procedures (procedures) pertaining to the processing of PBH cases, which the author describes below.

**Table 1**  
Normative Provisions in Supreme Court Regulation No. 3 of 2017.

No	Term	Explanation
1	Women face the law	Women in conflict with law, women as victims, women as witnesses or women as parties.
2	Sex	physical, physiological and biological status characterized as male and female
3	Gender	a concept that refers to the roles, functions and responsibilities of men and women that occur as a result of and can be changed by the social and cultural conditions of society
4	Gender Equality	equality and balance of conditions between men and women to obtain opportunities and rights as human beings in order to be able to play a role and participate in various fields
5	Gender Justice	a process to be fair to men and women
6	Gender Stereotypes	general views or impressions about the attributes or characteristics that women and men should have and play
7	Discrimination Against Women	all distinctions, exclusions or restrictions made on the basis of gender which have the effect or purpose of reducing or nullifying the recognition, enjoyment or use of human rights and basic freedoms in the legal, political, economic, social, cultural, civil or others by women, regardless of their marital status on the basis of equality between men and women
8	Power Relations	relations that are hierarchical in nature, inequality and/or dependency on social, cultural, knowledge or education and/or economic status which give rise to power in one party over another in the context of inter-gender relations to the detriment of those in a lower position

Results of interviews with Judge Mrs. Tri Riswanti, S.H., M.Hum. at the Yogyakarta District Court (interview on August 30, 2021) said about the existence of PERMA No. 3 of 2017, which is a reference and guideline for judges including in the Yogyakarta District Court regarding the rules that should and should not be judges showing attitudes when adjudicating cases of women who are faced with the law both as perpetrators, victims, and parties.

PERMA No. 3 of 2017 has a function to maintain and protect the privacy or feelings of women when in court, whether as victims, parties, or suspects, so that there are no questions or statements that are demeaning, cornering, vulgar, or dirty, which have the potential to hurt PBH's feelings.

The existence of these procedural concept arrangements is intended so that judges in the criminal justice system apply the principles of gender equality and non-discrimination in adjudicating a PBH case. According to the author's analysis, the existence of normatively defined terms in the PERMA aims to assist judges in recognizing various dimensions of women's problems in social discourse. Particularly in the criminal justice system, the existence of such a provision can avoid multiple interpretations and biases of interpretation in terms of legal substance.

The author obtained several judges' decisions at the Yogyakarta District Court, which limitedly applied PERMA No. 3 of 2017 relating to the handling of PBH cases. The judge's decision is to settle women's cases as victims of sexual violence. The table below provides descriptions of the following cases in the three a quo decisions.

**Table 2**

Data on Decisions by Female Judges Confronting the Law due to Victims of Sexual Violence in the Yogyakarta District Court which has Implemented Supreme Court Regulation No. 3 of 2017.

No	Jurisprudence	Types of Sexual Violence	Position/Role of Women	Explanation
1	Verdict No. 366/Pid.B/2018/PN.Yyk	Rape (Article 285 Indonesian Penal Code)	Victim	Apply
2	Verdict No. 66/Pid.B/2018/PN.Yyk	Fornication (Article 289 Indonesian Penal Code)	Victim	Apply
3	Verdict No. 220/Pid.B./2018/	Linking obscenity between people (Article 296 Indonesian Penal Code)	Victim	Apply

Source: Research Results at the Yogyakarta District Court

The position of women as victims in court in the three a quo decisions is guaranteed or in accordance with the dignity and essence of PERMA No. 3 of 2017. The judge, who in this case has tried based on the principles of respect for the dignity of human rights, non-discrimination, and equality before the law, guarantees the psychological condition of the victim by not issuing statements or questions containing sexual history, gender stereotypes, discrimination, or cornering the victim. However, in these three decisions, the authors still find forms of questions or statements that are a little vulgar and corner the female victims, which are still found in the judge's decisions. This is contained in Decision No. 366/Pid.B/2018/PN.Yyk: cases of criminal acts of decency with violence or threats of

violence forcing a woman to have sex with him outside of marriage, which in the category of sexual violence is classified as a type of act of rape.

Statement from the Judge in Decision No. 366/Pid.B/2018/PN.Yyk, which is considered to corner the victim, namely:

“...it is impossible for the defendant, who only has two hands and two legs, to be able to rape the victim, who also has two hands, two legs, and a mouth that can scream. It is also impossible for the defendant's genitals to enter the victim's genitals while the victim does not want to open them; just opening them is difficult, let alone closing them. Moreover, the victim was still a virgin, as evidenced by the presence of blood on the sheet”. “...If the victim refuses to be raped, then the victim can only be raped if the victim is rendered helpless and cannot scream anymore. But in this incident, there were no signs of violence; the victim only said that she fainted for a while after being crushed or after the rape occurred; if she fainted for a while after being pinned down, it was not a faint but a pleasure to the point of almost fainting”. “...Because it is impossible for someone to rape someone without being rendered helpless or made unable to scream first, it must be stated that there was no rape in this incident but willingness. Wasn't the victim who also came to the defendant, there were no witnesses to violence, and there was no sign of violence? Refusal by women means willingness”.

#### *4.2. PERMA Effectiveness No. 3 of 2017 against women victims of sexual violence*

Implementation of PERMA No. 3 of 2017 has actually been specifically implemented at the Yogyakarta District Court as access for women to get justice that is free from discrimination within the scope of justice.

Judge Tri Riswanti (interview on August 30, 2021) stated her opinion that the existence of PERMA No. 3 of 2017 has been effective for PBH due to victims of sexual violence. Before the PERMA was formed, the judges had paid attention to the position of PBH. This PERMA provides guidelines for judges to pay more attention to the existence of victims, more specifically to the position of women who are victims. Judge Tri Riswanti added that with this PERMA, judges are required to ask questions and issue statements **in accordance with the provisions** of the regulation.

Judge Tri Riswanti (interview on August 30, 2021) stated that the essence of applying PERMA is that the judge is a party that must be active in presiding over proceedings by preventing any actions that demean or discredit women, especially those who are victims. Any questions that you wish to ask about women must use appropriate, polite language and meet the needs of the trial, namely not extending to matters other than the issues under examination. The Panel of Judges will pay special attention to the psychological impact experienced by the victim, the psychological and physical helplessness of the victim, and the power relations that cause the victim to be helpless. They will not explore the history of violence from the perpetrator against the victim.

During the examination process, the judge will not issue statements or views that contain gender stereotypes; instead, the judge will be objective and prioritize the principle of equality before the law. Judges will not hesitate to make offers as well as provide assistance to PBH if they experience psychological and physical obstacles. The efforts made by judges in

the criminal justice system, namely seeking material truth, are actually an effort to protect victims of sexual violence, namely people who suffer because of violations of the law. Many victims receive little attention and inadequate legal protection, both material and immaterial. This is because the position of the victim is only placed as evidence to provide information, namely, as a witness, so that the victim has relatively little freedom to fight for his rights (Yulia, 2013).

Consistency of perceptions regarding the discourse of PBH handlers, such as questioning, issuing statements, or taking into account sexual experience or background, may not be carried out by judges. It is to demonstrate that the elements of the offense specified in the indictment are permissible and there are no restrictions, for instance: "The victim recounted the chronology of events experienced in detail". "(still a virgin or not), what clothes to wear, including asking what position the perpetrator took when raping the victim". "How many times have you had sex?". "Why are you willing to be invited to his boarding house? You should already know that when a man invites you to a boarding house or hotel, the intention is to have sex. After all, you're not married, but you're not a virgin anymore". "Why are you accusing him of rape?" "After all, you're not married, but you're not a virgin anymore". Or "tell how it happened so that sex happened again more than once?"

Judge Tri Riswanti (interview on August 30, 2021) basically explained that a judge should not blame a woman because she is already a victim, for example, with regard to the clothes worn by the victim or the things the victim does (goes out at night), so that it invites criminals. It is different when the judge asks questions or delivers statements that aim to advise the victim, because this is permissible. Considering that cases of acts of sexual violence against women position them as victims, judging from the social reality of experience, women who are already wearing the hijab (modest dress) are still vulnerable as victims of sexual crimes.

Judge Tri Riswanti, in the interview, also gave examples of questions or statements that contain gender stereotypes and discrimination and put the victim in a corner, for example: "Usually women are gentle; why are you so angry and fierce, or are your statements unable to take care of yourself? The proof is that you dare to go out at night and hit men's boarding houses." "You should already know that when a man invites you to a boarding house or hotel, the intention is to have sex." "Describe your relationship with the defendant; when did you meet him, and in what relationship? What made you willing to meet him again? Don't you enjoy it too?"

**Table 3**  
PERMA Effectiveness No. 3 of 2017 concerning Guidelines for Trying Cases Against Women Against the Law against Victims of Sexual Violence at the Yogyakarta District Court

No	Effectiveness Review	Assessment Indicators	Explanation
1	Legal Substance Factor	Effective	PERMA is considered to have been effective because it has responded to women's interests

2	Legal Structure Factor	Less Effective	In some cases, judges still ask questions that are cornering and stereotyped
3	Legal Access Factor	Effective	The Yogyakarta District Court has collaborated with several related institutions in providing assistance to victims
4	Legal Society Factor	Effective	Layers of society including government and non-government institutions are involved and respond well to PERMA
5	Legal Culture Factor	Effective	Law enforcers explore the cultural elements that exist in society

Source: Results of literature analysis & interviews at the Yogyakarta District Court.

Based on this table, the results of the research can be analyzed according to legal effectiveness as follows:

a. *Legal Substance Factor (Act)*

The rule of law can be effective if it fulfills the eligibility requirements in juridical, philosophical, and sociological aspects (Soekanto, 2019). According to PERMA No. 3 of 2017, legally, this requirement has been fulfilled. This can be seen from the process of formulation to implementation in accordance with the applicable statutory procedures (Redi, 2018). Philosophically, the principles contained in PERMA No. 3 of 2017 are an elaboration of the philosophical values contained in the foundation of the Indonesian State, namely Pancasila and the 1945 Constitution.

Sociologically, the rules contained in PERMA No. 3 of 2017 can be accepted by some people as a brilliant idea intended to resolve cases of women against the law. It is because PERMA No. 3 of 2017 guarantees and protects the rights of PBH because it binds judges to identify situations of unequal treatment and guarantees women's rights to equal access to justice.

b. *Legal Structure Factor*

The role of law enforcement, which in this case is the judge, is to adjudicate a woman's case by dispensing impartial justice devoid of discrimination and gender bias. According to Judge Tri Riswanti (interview on August 30, 2021), law enforcers, especially judges at the Yogyakarta District Court, always obey, carry out, apply, and be bound by PERMA No. 3 of 2017 when adjudicating PBH cases in the judicial cluster.

c. *Legal Access Factor*

The Yogyakarta District Court has collaborated with several institutions, such as the Integrated Service Center (PPT), the Integrated Service Unit (UPT), and the Rifka Annisa Women's Crisis Center, which provides free services for women victims. The forms of legal assistance provided include medical, psychological, legal, and social protection, whose duties are to assist, prevent, and handle cases of women as victims of sexual violence who are in conflict with the law. Other facilities provided as a form of protection for women in conflict with the law include routine activities of the Public

Participation Forum for the Welfare of Women and Children (PUSPA) from the Ministry of Women and Children Empowerment (KPPPA) in collaboration with the Provincial Women and Community Empowerment Agency (BPPM), Special Region of Yogyakarta.

d. *Legal Society Factor*

Law enforcement aims to achieve peace in a society that has certain opinions about the law. This shows that the effectiveness of the law can be determined by the will and legal awareness of the community. Low legal awareness in the community will complicate law enforcement. The steps that can be taken include socialization by involving social strata, power holders, and law enforcers. The formulation of the law must also pay attention to the relationship between social changes and the law so that, in the end, the law can be effective as a means of regulating people's behavior. The social layer in question is the general public and elements of non-governmental organizations that are committed to and concerned about the elimination of all forms of violence against women.

According to Judge Tri Riswanti (interview on August 30, 2021), apart from holding outreach to fellow judges regarding the existence of PERMA No. 3 of 2017, the Yogyakarta District Court has collaborated with a non-governmental organization concerned with women, namely the Rifka Annisa Women's Crisis Center. Socialization regarding the existence of PERMA No. 3 of 2017 has reached elements of society, in this case, women's observer institutions whose duty is to represent and assist women who face the law.

e. *Legal Culture Factor*

Cultural factors have a function and role that are quite large in regulating how humans should act, behave, and interact with other people. Cultural factors are one of the considerations a judge makes in deciding a case in court.

Judge Tri Riswanti (interview on August 30, 2021) stated, in general, the obstacles faced by the judge in implementing PERMA No. 3 of 2017 when handling PBH in court. The essence of the trial process to obtain a just decision is to prove the elements of the offense contained in the indictment. The party who is guilty and can be punished is obtained by digging up the facts at trial through questioning and answering the perpetrators of the victims and/or witnesses of the victims. The obstacle faced was a way to prove the elements in the limited indictment with the existence of this PERMA because it avoided questions or statements made by the judge to the victim so that it would not have a negative impact on the victim's psychology.

Efforts to deal with obstacles to the implementation of PERMA No. 3 of 2017, as judge Tri Riswanti states, require judges to be wiser to show their art by looking for other formulas to compile a question or sentence statement, which is essentially to explore legal

facts with the aim of proving the elements of the offense without having to hurt or offend female psychics as a victim. The benefit of the existence of this PERMA is that psychologically, the victim's position is guaranteed because the judge will not mention the incident that happened to the victim to prove the elements in the indictment.

## 5. CONCLUSION

Based on the formulation of the problem and looking at the results of the research in the discussion, it can be concluded that access to justice as legal protection for women in conflict with the law (PBH) has been provided by the state, one of which is in PERMA No. 3 of 2017 concerning Guidelines for Trying Cases Against Women Against the Law. The state makes these regulations for judges as guidelines aimed at guaranteeing gender equality, legal protection, and non-discrimination. When trying PBH cases, judges are prohibited from issuing questions or statements that discredit, humiliate, blame, intimidate, or express views that contain gender stereotypes against PBH. The form of the realization of PERMA No. 3 of 2017 against women victims of sexual violence in practice can be seen in the following provisions, including the examination process to provide a comfortable and conducive atmosphere, use good and polite language, present companions for women, and offer compensation to victims. The losses suffered by victims as a result of crimes have a positive correlation with the victim's position in the criminal justice system, namely the need to empower victims in the law enforcement process through the criminal justice process (Nurhilmiyah, 2019).

Implementation of PERMA No. 3 of 2017 at the Yogyakarta District Court has been implemented effectively to achieve the results or objectives intended for judges when adjudicating cases of women as victims of sexual violence. PERMA Effectiveness No. 3 of 2017 can be reviewed from several factors; a) the legal substance factor, where it meets the eligibility requirements in juridical, philosophical, and sociological aspects in the formation of PERMA; b) the legal structure factor, in which judges at the Yogyakarta District Court always obey, carry out, apply, and be bound by PERMA No. 3 of 2017 when adjudicating PBH cases in the judicial cluster, c) legal access factor, in which the Yogyakarta District Court has collaborated with several institutions, such as the Integrated Service Center (PPT), the Integrated Service Unit (UPT) and the Rifka Annisa Women's Crisis Center which provides free services for women victims, and d) for legal society and culture factor that involves layers of society by outreach to the community and fellow judges regarding the existence of PERMA No. 3 of 2017 and its collaboration with a non-governmental organization concerned with women, namely the Rifka Annisa Women's Crisis Center and cultural factors are one of the judges' considerations in deciding a case in court.

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