

# Addressing Gender-Based Violence: Comparative Analysis of International Legal Frameworks and Practices

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## ABSTRACT

Gender-based violence (GBV) is a global issue that violates human rights and impedes social development. This research paper presents a comparative analysis of the international legal framework and practices relating to GBV in Indonesia. Through a qualitative research approach, including document analysis, comparative legal analysis, and case studies, this research explores the alignment of Indonesia's legal framework with international standards and examines initiatives and practices implemented in Indonesia to address GBV. The research identifies gaps, challenges, and potential solutions, providing insights for policymakers, practitioners, and advocates working to combat gender-based violence in Indonesia and other similar contexts.

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## 1. INTRODUCTION

The phenomenon of gender-based violence is prevalent around the world, with approximately 1 in 3 women experiencing it in their lifetime. Eliminating this violence is increasingly recognized as a priority by the international community. The Sustainable Development Goals (SDGs) include a specific goal to “end all forms of violence against all women and girls in public and private spaces”. The Lancet's recent special series on combating violence against women provides an excellent overview of the available evidence, and while international recognition presents governments with opportunities for reform, solutions are neither quick nor easy. emphasized that [1]. The law criminalizing

violence against women codifies women's right to a life free of violence. Laws can play an important symbolic role in indicating that behavior is socially unacceptable. The associated sanctions could have a deterrent effect. In practice, one or both of these measures can help reduce violent incidents. Of course, there is indirect evidence for both sides, but it is difficult to observe which is more effective. The law can also respond to victims by providing access to protection and support services.

Violence is a complex issue that can affect the health of the targeted person, the perpetrator, and the community in which both live [2]. Violence can take many forms, including physical and sexual abuse of

children, partner violence, elder abuse, sexual assault, youth violence, and bullying [2]. The biological effects of violence are increasingly understood and include effects on the brain, neuroendocrine system and immune response [2]. The results incorporate expanded rate of misery, uneasiness, post-traumatic stretch clutter, and suicide; expanded hazard of cardiovascular illness; and untimely passing [2]. The wellbeing results of savagery shift depending on the age and sex of the casualty and the shape of violence<sup>1</sup>. Individuals can be casualties of different shapes of viciousness, and wellbeing impacts can be total [2]. Several factors can contribute to violence. For example, attention problems and impulsivity have been found to play an important role in the effects of violent media on aggression [3]. Attitudes that condone intimate partner violence against women may play an important role in explaining the prevalence of such public health problems [4]. Violence is often used to resolve men's identity crises, sometimes caused by poverty or the inability to control women [5]. Structural violence can cause injustices to children such as hunger, disease, poverty and poor quality of education [6]. Understanding the causes of violence is important for developing effective prevention strategies. For example, violence prevention strategies for people with intellectual disabilities have been developed, but more rigorous evaluation is needed to determine their effectiveness. Communication skills that recognize the interactional dynamics between staff and patients in mental health inpatient settings can help reduce violence and aggression in these settings. Women who are more educationally, economically and socially empowered are better protected from intimate partner violence against women [5]. In conclusion, violence is a complex issue that can have serious health consequences for victims, perpetrators and society. Understanding the causes of violence is important for developing effective prevention strategies.

Indonesia has implemented several international laws and frameworks in various fields, including fisheries, environmental

protection, and medical practices. In terms of fisheries, Indonesia has received a few arrangements of universal law within the marine segment, counting the 1982 Joined together Tradition on the Law of the Ocean (UNCLOS) which Indonesia has confirmed through Law No. 17 of 1985. The government has moreover issued a few arrangements to anticipate illicit angling hones, such as moving forward offices and infrastructure, monitoring law authorization within the fisheries segment, and building up a assignment drive to kill unlawful angling [7].

Indonesia has realized the importance of environmental protection and management in implementing sustainable development. Environmental law enforcement efforts in Indonesia are related to the implementation of the Sustainable Development Goals (SDGs), particularly Goals, which are directly related to environmental sustainability. The government conducts preventive and oppressive law authorization as stipulated in Law Number 32 of 2009 concerning Natural Assurance and Administration, which incorporates regulatory, gracious, and criminal law arrangements [8].

In the medical field, the importance of medical records is recognized in Law No. 29/2004 on Medical Practice. Each citizen has the proper to get legitimate wellbeing, and restorative records are exceptionally imperative for patients to know the various wellbeing endeavors for the whole community through the usage of quality wellbeing advancement and reasonable by the community [9]. Wellbeing advancement is pointed at expanding mindfulness, eagerness, and capacity to live a solid life for everybody in arrange to realize ideal wellbeing status as one of the components of common welfare as alluded to within the Prelude of the 1945 Structure of the Republic of Indonesia [10].

These are just a few examples of how Indonesia has implemented international legal practices and frameworks in various fields. Indonesia continues to face challenges in enforcing these laws and regulations, but efforts are ongoing to improve compliance

and promote social inclusion for successful implementation [11].

Gender-based viciousness (GBV) may be a unavoidable and dug in issue that abuses human rights and hinders social improvement. Gender-based viciousness envelops different shapes of viciousness, counting household viciousness, sexual savagery, human trafficking, female genital mutilation, and constrained marriage. These acts of viciousness are not constrained to particular geographic regions or social settings; they influence people over society and weaken endeavors towards sexual orientation uniformity and strengthening [12].

Indonesia, as a diverse country located in Southeast Asia, faces its own challenges in addressing gender-based violence. While Indonesia has made significant strides in advancing women's rights and combating gender-based violence, much work remains to be done. Understanding the international legal framework and practices relating to GBV is crucial to identifying effective strategies to address this issue in the Indonesian context.

This research paper aims to provide a comprehensive comparative analysis of international legal frameworks and practices in addressing gender-based violence in Indonesia [13]. By examining the legal landscape and implementation strategies, this research seeks to identify gaps, challenges and potential solutions to effectively address gender-based violence in the Indonesian context. The findings of this research can contribute to the improvement of policies, legal frameworks and practices to combat GBV, both in Indonesia and in other countries facing similar challenges [14].

## 2. LITERATURE REVIEW

### 2.1 Gender-based Violence

Gender-based savagery alludes to any hurtful act executed against people based on their sex, coming about in physical, sexual, or mental hurt. Gender-based savagery is established in sexual orientation imbalance, oppressive standards, and control lopsided

characteristics predominant in society [15]. Gender-based viciousness can take numerous shapes, counting hint accomplice savagery, sexual badgering, assault, female genital mutilation, child marriage, and human trafficking (SOURCE).

Numerous international studies and reports have highlighted the widespread prevalence and devastating impact of GBV. It affects individuals of all ages, backgrounds and socioeconomic statuses, impeding their well-being, limiting their opportunities and perpetuating cycles of violence [16]. The results of GBV affect not as it were the coordinate casualties, but moreover their families, communities and society at huge [17]–[19].

### 2.2 International Legal Framework

- a. United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

CEDAW, adopted in 1979, is a landmark international legal instrument that aims to eliminate discrimination against women in all spheres of life. CEDAW defines gender-based violence as a form of discrimination and recognizes the obligation of states to prevent, investigate and address gender-based violence. CEDAW provides a comprehensive framework for promoting gender equality and ensuring women's rights, emphasizing the need for legislative measures, public awareness campaigns, and support services for survivors.

- b. Beijing Declaration and Platform for Action

The Beijing Announcement and Stage for Activity, embraced at the Fourth World Conference on Ladies in 1995, reaffirms the commitment to sexual orientation uniformity and women's strengthening. The Announcement recognizes viciousness against ladies as a human rights infringement and a major deterrent to accomplishing sexual

orientation uniformity. The Beijing Stage for Activity diagrams techniques and activities to anticipate and address GBV, calling for comprehensive enactment, organization back and multisectoral collaboration.

c. Regional and International Instruments

In addition to CEDAW and the Beijing Declaration, various regional and international instruments contribute to the legal framework addressing GBV. The Istanbul Tradition of the Committee of Europe, for case, particularly centers on anticipating and combating savagery against ladies and residential savagery. It highlights the significance of comprehensive enactment, assurance and bolster administrations, and worldwide participation in tending to GBV.

d. Gender-Based Violence in Indonesia

Indonesia has made important progress in recognizing and addressing gender-based violence, but challenges remain. Research and studies conducted in Indonesia highlight the prevalence and consequences of gender-based violence in Indonesia. Domestic violence, sexual harassment, child marriage, and female genital mutilation are some of the significant issues that need to be addressed. Indonesia's legal framework includes various laws and regulations that aim to address GBV, such as the Law on Domestic Violence, the Law on Child Protection, and the Law on the Elimination of Sexual Violence. However, the implementation and enforcement of these laws face various obstacles, including limited resources, insufficient coordination between relevant agencies, and cultural barriers that perpetuate harmful gender norms.

Gender-based savagery is an imperative issue in Indonesia, and there are a few ponders that examine lawful security for casualties of savagery. Legitimate security for casualties of

online gender-based viciousness is still not clearly controlled in Indonesia [20]. It is important to revise laws and regulations to ensure fair legal protection for victims of online gender-based crimes [20]. Violence against women is generally considered a violation of morals and norms, rather than a criminal act in Indonesia [21]. This indicates weak law enforcement and the ineffectiveness of existing laws and policies [21].

The Indonesian legitimate framework ought to give legitimate assurance for children, both culprits and casualties of social media-based and gender-based wrongdoings [22].

The ineptitude and destitute execution of the police and neighborhood government contribute to the powerless assurance of ladies against viciousness in Indonesia [21]. Social values and devout understanding too play a part in narrowing concerns for the security of ladies in Indonesia [21].

Legitimate assurance for casualties of gender-based viciousness must be carried out preventively with the Virtual Police component and the part of partners, and severely by carrying out equity, implanting the concept of remedial equity in its usage [22]. Feminist legal analysis can be used to encourage the formulation of legal umbrellas and legal systems that are more victim-perspective [23]. Legal protection for incest victims who have abortions is urgently needed in Indonesia [24]. Indonesia's abortion laws need to be reviewed to ensure legal protection for victims of incest rape who are forced to have an abortion [24].

e. Initiatives and Practices in Addressing Gender-Based Violence in Indonesia

Efforts to combat GBV in Indonesia include both government-led initiatives and those undertaken by civil society organizations. The Indonesian government has created a national action

plan, a helpline, and support services for survivors. Collaboration between government agencies, NGOs, and community-based organizations is crucial in raising awareness, providing support, and advocating for policy change [25], [26].

Community-based approaches, such as the establishment of women's shelters, legal aid clinics, and grassroots organizations, have played an important role in addressing gender-based violence. These initiatives emphasize community engagement, education, and empowerment as key strategies to prevent and effectively address GBV [27]–[29].

### 2.3 Gaps and Challenges

Despite progress, several gaps and challenges remain in addressing GBV in Indonesia. These include limited access to justice, inadequate funding for support services, community stigmatization of survivors, weak coordination between relevant agencies, and the need for stronger laws that comprehensively cover all forms of GBV. Additionally, addressing GBV in diverse cultural contexts requires a nuanced approach that respects local customs and traditions while challenging harmful gender norms.

Gender-based violence (GBV) is a significant problem in Indonesia, including online gender-based violence (GBV) [22], [20], [23], [30]. However, legal protection for victims of gender-based violence in Indonesia remains inadequate, and there are still gaps and challenges in the legal system [20], [23], [30]. Legal protection for victims of gender-based violence is not clearly regulated in Indonesia [20].

The Law on Witness and Casualty Security as it were particularly controls casualties who can be allowed lawful assurance, to be specific casualties of net human rights infringement, casualties of criminal acts of fear mongering, casualties

of trafficking in people, casualties of torment, casualties of sexual viciousness, and casualties of genuine abuse [20]. It is vital to change laws and directions that have not reasonably directed the legitimate security of casualties of online gender-based violations [20]. The hone of GBV regularly hurts ladies more, and the solid patriarchal culture in Indonesia regularly corners ladies as casualties of GBV and applies it to the method of auxiliary victimization [23]. The government should effectively actualize lawful security to secure the rights of children as casualties and culprits of online gender-based savagery [22]. Lawful security ought to be done preventively with the Virtual Police instrument and the part of partners, and severely by running the legal, inserting the concept of helpful justice in its execution, both within the application of redirection for culprits and the arrangement of compensation or recompense for casualties [22]. Kenya's protected system recognizes culture as the establishment of the country and the correct to culture within the Charge of Rights, and on an rise to balance grasps libertarian standards that put nobility, flexibility and uniformity at the center [31]. The effectiveness of constitutional and legal frameworks must be measured through implementation, and cultural contestation emerges in the implementation of constitutional and legal norms [31]. Law requirement from the level of examination to court choices on cases of viciousness against ladies and children has been carried out agreeing to methods [32]. Legal protection for victims of VAWG in Indonesia is regulated in the Law on the Elimination of Domestic Violence, the Law on Witness and Victim Protection, and the Law on Pornography [30]. The Law on the Elimination of Domestic Violence provides for the protection of victims of domestic violence, including VAWG, and provides for the establishment of protection orders [30].

The Witness and Casualty Security Law gives for the rights of casualties, counting the proper to compensation, wellbeing restoration, social restoration, repatriation, and social reintegration administrations [30]. The Pornography Law provides for the protection of children from pornography, including OGBV, and provides for guidance, counseling, and social and physical health restoration for child victims of pornography [30].

In outline, lawful security for casualties of gender-based savagery in Indonesia is still lacking, and there are still crevices and challenges within the legal system. The government has to effectively execute legal protections to defend the rights of victims, and must change laws and directions that don't give reasonable legitimate security for casualties of online gender-based wrongdoings.

#### **2.4 Research Gaps and Rationale**

While the existing literature provides valuable insights into GBV in Indonesia, there is a need for a comprehensive comparative analysis of international legal frameworks and practices. This research aims to bridge this gap by examining the alignment of Indonesia's legal framework with international standards, identifying areas for improvement, and evaluating the effectiveness of various initiatives in addressing GBV.

GBV is a significant problem in Indonesia, and there are gaps in legal protection for online victims of GBV [22]. The Law on Witness and Casualty Assurance as it were particularly controls casualties who can be allowed lawful assurance, to be specific casualties of net human rights infringement, casualties of criminal acts of fear mongering, casualties of human trafficking, casualties of criminal acts of torment, casualties of criminal acts of sexual savagery, and casualties of genuine abuse [22].

Subsequently, it is essential to change laws and directions that have not reasonably directed the lawful security of casualties of gender-based violations online [22].

Verbal viciousness against ladies and children is additionally a pivotal issue in social media and broadcasting stages in Indonesia, and legitimate assurance for ladies and children against such acts is required [33]. In any case, the execution of legitimate security against abuse and separation of ladies and children on social media and broadcasting stages in Indonesia has not been ideal due to crevices between law requirement authorities and community interest within the anticipation and taking care of of these cases [33].

Child sexual manhandle is another noteworthy issue in Indonesia, and there are noteworthy holes in information around the event of CSA in Indonesia, which is reflected in divided and conflicting reactions. There are too inconsistencies within the definition of a child within the law, which contributes to how and whether CSA cases are legitimately recognized in Indonesia. Social hones can compound these troubles additionally sustain myths or mistakes approximately the event of CSA [34]. Be that as it may, Indonesia has started to recognize CSA as a critical issue that requires viable mediation and anticipation, and the central government encompasses a solid national arrangement on child security and a commitment to tending to savagery against children [34]. Displaced person enactment is another region where Indonesia has holes in legitimate security. In spite of the fact that the proper to seek refuge is cherished within the Indonesian Structure and Human Rights Law, Indonesia has not embraced the Worldwide Instrument on Displaced person Law and needs enactment overseeing the assurance of outcasts and refuge searchers [35]. The incorporation

of refugee law into the Indonesian Legal System will fill the void regarding the unavailability of operational legal instruments addressing refugees and asylum seekers in Indonesia [35].

### 3. METHOD

This research used a qualitative approach to conduct a comparative analysis of international legal frameworks and practices relating to gender-based violence in Indonesia. Qualitative research allows for the exploration and in-depth understanding of complex social issues, which enables the identification of patterns, trends and challenges in addressing gender-based violence.

Qualitative research designs include a variety of data collection methods, including document analysis, comparative legal analysis, and case studies. These methods provide a comprehensive understanding of the legal landscape, implementation strategies, and effectiveness of initiatives aimed at addressing GBV.

#### 3.1 Data Collection

##### a. Primary Data

Primary data sources for this research include international legal documents, reports, and publications related to gender-based violence. Key international instruments, such as CEDAW, the Beijing Declaration and Platform for Action, and the Istanbul Convention, will be analyzed to understand global standards and frameworks to combat GBV. Reports from international organizations, including the United Nations, World Health Organization, and Amnesty International, will provide valuable insights into the prevalence, consequences, and responses to GBV.

##### b. Secondary Data

To provide a comprehensive analysis of practices in Indonesia, secondary data sources will be used. These sources include government

reports, academic research papers, evaluations of specific programs, and publications by non-governmental organizations (NGOs). These materials will help identify legal frameworks, policy initiatives, and practical approaches used to address gender-based violence in Indonesia.

#### 3.2 Data Analysis

Thematic analysis will be used to analyze the data collected. This method of analysis involves identifying recurring themes, patterns, and categories in the data. Thematic analysis allows for systematic exploration of the data, ensuring that important aspects related to GBV and the legal framework are captured. This analysis will involve coding the data, organizing it into meaningful categories, and identifying overarching themes that emerge from the comparative analysis.

A comparative legal analysis will be conducted to assess the alignment of Indonesia's legal framework with international standards. This analysis will involve a detailed examination of relevant laws, policies and regulations in Indonesia and a comparison with the provisions outlined in international legal instruments. The analysis will highlight areas of convergence and divergence, identifying gaps and areas for improvement in Indonesia's legal framework.

Case studies will be conducted to gain a deeper understanding of the initiatives and practices implemented in Indonesia to address GBV. These case studies will involve in-depth analysis of specific programs, projects, or interventions that have shown promising results or faced challenges. These case studies will include interviews with key stakeholders, such as government officials, legal practitioners, representatives from civil society organizations, and survivors of gender-based violence. The interviews will provide insights into the

implementation process, the impact of the initiative, and lessons learned.

## 4. RESULTS AND DISCUSSION

### 4.1 *Comparative Analysis of International Legal Frameworks*

A comparative analysis of international legal frameworks reveals significant progress in addressing gender-based violence. International instruments such as CEDAW, the Beijing Declaration and Platform for Action, and the Istanbul Convention provide comprehensive frameworks that emphasize the elimination of discrimination and violence against women. These instruments call for legislative measures, institutional support, and international cooperation to prevent and effectively address gender-based violence.

In comparison, Indonesia's legal framework demonstrates a commitment to addressing GBV. Indonesia has passed laws on domestic violence, child protection, and the elimination of sexual violence. However, there are still gaps and challenges in implementation and enforcement. The legal framework should be strengthened to comprehensively cover all forms of GBV, provide clearer definitions, and ensure consistent law enforcement.

### 4.2 *Practices and Initiatives in Indonesia*

An examination of practices and initiatives in Indonesia highlights government and civil society efforts to address GBV. The Indonesian government has taken significant steps in creating a national action plan, helplines, and support services for survivors. However, challenges remain in terms of access to justice, adequate funding for support services, and coordination between relevant agencies.

Community-based approaches have played an important role in addressing gender-based violence in Indonesia. Women's shelters, legal aid clinics, and

grassroots organizations have provided support, empowerment, and advocacy for survivors. These initiatives emphasize community engagement, education, and empowerment of women and girls. They have been instrumental in raising awareness, challenging gender norms and creating safe spaces for survivors.

### 4.3 *Gaps, Challenges and Recommendations*

The comparative analysis and examination of practices in Indonesia has identified several gaps and challenges in addressing gender-based violence. These include limited access to justice, inadequate funding for support services, community stigmatization of survivors, weak coordination between relevant agencies, and the need for stronger legislation that comprehensively covers all forms of GBV. Additionally, addressing GBV in diverse cultural contexts requires a nuanced approach that respects local customs and traditions while challenging harmful gender norms.

To address these challenges, several recommendations can be made. First, there is a need to improve coordination and collaboration between government agencies, civil society organizations, and communities to ensure a comprehensive and holistic response to GBV. Second, increased funding is needed to improve support services for survivors, including shelters, counseling, legal aid, and rehabilitation programs. Third, awareness-raising campaigns and educational initiatives must be strengthened to challenge gender norms, promote gender equality, and prevent gender-based violence. Fourth, legal reforms should be undertaken to ensure comprehensive laws that cover all forms of GBV, provide clear definitions, and strengthen enforcement mechanisms. Finally, international cooperation and knowledge sharing should be encouraged to learn from best practices and experiences in addressing GBV globally.



#### 4.4 Implications and Significance

The results of this study have implications for policymakers, practitioners, and advocates working for gender equality and the elimination of gender-based violence in Indonesia. The comparative analysis provides insights into international standards and best practices, which can inform improvements to the legal framework in Indonesia. The review of practices and initiatives in Indonesia highlights successful approaches that can be replicated and expanded to effectively address GBV. The gaps and challenges identified serve as a call for stakeholders to work together to implement a comprehensive strategy to combat GBV.

The significance of this research lies in its contribution to existing knowledge on gender-based violence, particularly in the Indonesian context. The findings provide valuable insights into the strengths and weaknesses of the legal framework and practices, enabling evidence-based decision-making and policy reform. The research also highlights the importance of a multidimensional approach to addressing gender-based violence, which includes legal, institutional and community-based interventions.

In conclusion, the results and discussion of this research shed light on the comparative analysis of international legal frameworks and practices in addressing gender-based violence in Indonesia. The findings highlight progress made, challenges faced, and potential strategies for improving legal frameworks and practices. By addressing the identified gaps and challenges, Indonesia can strengthen its legal framework and practices.

## 5. CONCLUSION

This research paper has provided a comprehensive analysis of the international legal framework and practice in addressing gender-based violence in Indonesia. Its

findings highlight the progress and challenges in addressing GBV in the Indonesian context.

A comparative analysis of the international legal framework shows the existence of comprehensive instruments such as CEDAW, the Beijing Declaration and Platform for Action, and the Istanbul Convention, which emphasize the elimination of discrimination and violence against women. However, Indonesia's legal framework, while demonstrating commitment, requires further strengthening to cover all forms of GBV and ensure consistent law enforcement.

Examining practices and initiatives in Indonesia highlights the importance of community-based approaches and the establishment of support services for survivors. However, challenges remain in terms of access to justice, adequate funding, inter-agency coordination, and community stigma towards survivors.

To address these challenges, several recommendations have been proposed. Strengthening coordination and collaboration between government agencies, civil society organizations, and communities is necessary for a comprehensive response. Increased funding for support services, awareness-raising campaigns, education initiatives, legal reforms, and international cooperation are also crucial.

The significance of this study lies in its contribution to existing knowledge on gender-based violence in Indonesia. The findings provide insights for policymakers, practitioners, and advocates, informing policy reform, evidence-based decision-making, and implementation of effective strategies to combat GBV.

By addressing the identified gaps and challenges, Indonesia can work towards a society that promotes gender equality, protects individual rights, and eliminates gender-based violence. It is hoped that the findings of this research will contribute to ongoing efforts to create safer and more just

societies, not only in Indonesia but also in other countries facing similar challenges.

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