



CRIMINAL ACTS OF SEXUAL VIOLENCE AGAINST WOMEN THAT OCCURRED IN THE SOUTHEAST OF THE KEI ISLANDS OF MALUKU, MALUKU PROVINCE

Miftahul Jannah Raubun, Siti Miskiah

Universitas Islam Jakarta

*Email for Correspondence: raubunmifta1382@gmail.com, rednamiskiah97@gmail.com

ABSTRACT

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Sexual violence,
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protection

The crime of sexual violence against women in Southeast Maluku Regency, Maluku Province, is a serious problem that has a wide impact on victims, families, and communities. This study aims to identify the types of sexual violence that often occur, the causative factors, the effectiveness of legal protection for victims, and a review of Islamic law against this crime. The method used in this study is a juridical-sociological approach with positive legal analysis and Islamic law. Result Research shows that the dominant forms of sexual violence in this region include verbal and physical sexual harassment, rape, sexual exploitation, which contains sexual elements. The main causative factors include a strong patriarchal culture, low legal awareness of the community, social stigma against victims, and weak law enforcement. Although Indonesia has regulations such as Law Number 12 of 2022 concerning the Crime of Sexual Violence (TPKS Law), implementation in Southeast Maluku still faces various obstacles, including a lack of resources for law enforcement and victim rehabilitation. From the perspective of Islamic law, sexual violence is categorized as a serious offense that can be punished with hudud, qisas, or ta'zir, depending on the level of the crime committed. Islam also emphasizes the principle of protection of women's honor and safety. Therefore, a more comprehensive approach is needed through strengthening law enforcement, increasing public awareness, and integrating positive law with Islamic values to ensure maximum protection for victims of sexual violence.

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INTRODUCTION

The problem of sexual violence against women and children has grown significantly throughout society. Sexual violence is a phrase used to describe inappropriate sexual behavior that harms victims and disrupts social harmony. The rise of sexual violence adds to the suffering of victims and has a major impact on the mental health and future of victims (Asa, 2021; Barocas et al., 2023; Donovan & Barnes, 2021; Ismail & Sarson, 2021; Su et al., 2022).

Violence is a term that consists of two words, namely "vis" which means (power, strength) and "latus" which means (carrying), which is then translated as bringing power. The Great Dictionary Indonesian Language (KBBI) provides a definition of violence that is limited to physical violence (Kamus Besar Indonesian / KBBI). So, violence can be interpreted as any act that has the potential to harm a person physically, cause death, or cause damage to his property (Amalia & Pratiwi, 2022; Selvaras, 2017; Shukla, 2019; YOON, 2023). Sexual crimes are crimes that lead to sexual acts, such as touching, kissing, and committing other acts that are against the wishes of the victim (Arake, 2020; Holivia & Suratman, 2021; Hulahi et al., 2022; Rosyidi & Senjaya, 2021).

Sexual violence that often occurs recently has become a scourge for the community. However, unfortunately in cases of sexual violence, victims are always blamed and cornered so they are afraid to report and consider what happened to them as a disgrace that must be closed. In the BAB XIV of the Criminal Code (KUHP) regulates sexual crimes, further in Article 289 of the Criminal Code it is stated "Whoever by violence or threat of violence forces a person to commit or allow an obscene act to be committed, is threatened for committing an act that attacks the honor of decency, with a maximum prison sentence of nine years."

Looking at the side of the perpetrator of sexual violence, there are many triggering factors that encourage the perpetrator to commit the act. Referring to the opinion of Dennison and Leclerc, the triggering factors

include internal problems such as impulsiveness, lack of confidence, poor social skills, and difficulty focusing. Then family-based factors, such as drug use by parents, parental criminality, young mothers or

Adolescence, competition, domestic violence, parental neglect, and inadequate parental involvement or supervision, are also known to cause sexual crimes against women and children (Ghassani Kayla et al., 2023; Marabessy & Siagan, 2023; Rochmah & Nuqul, 2015; Ulfiyatun & Lubabin, 2015).

Various types of sexual violence such as sexual harassment, sexual exploitation, persecution, rape, molestation, forced abortion, forced contraception, forced marriage, forced prostitution, sexual protection, and sexual torture, as well as murders that occur against victims of sexual violence, will try to keep up with the high prevalence of sexual violence in Indonesia. As happened in the rape case that resulted in the death that occurred in Wab Malra hamlet against the victim MJ by the defendant JF.

AKBP Indra Fadhillah Siregar, Malra Police Chief, told the media, currently the Malra Police continue to try to uncover the allegation that MJ, a 16-year-old high school student in the city of Tual, is a female who is a victim of the crime of pretending, killing and cheating. MJ (the victim) is known to have disappeared since August 18, 2018 in Wab hamlet, Malra Regency at around 20.30 WIB.

Since it was known that MJ had lost her parents immediately searched for victims with the help of residents, the Police also assisted in the search after reports of missing persons. MJ was finally found on August 24, 2018 off the coast of Nai Island, after the family confirmed that the physical appearance of the body found was MJ, and the Police also confirmed that there were medical measures. The disclosure process for the incident, the first thing to see is the place where the Pekara Incident Scene (Crime Scene). The motive is that we are still investigating and studying so that all parties can be patient and wait because it is still in the process of our investigation, so that it goes to the bright spot.

There is already one person who has been secured and in the process of being eliminated, with the initials JE aged 27 years old with the address of the Vice President, we will dig up information from the problem until the true motive is revealed and the investigation process is still ongoing in 2-3 years today. Still investigating and still looking for other evidence, besides that investigators have processed the crime scene at the suspected crime scene and found some evidence. Currently in the process of matching, synchronization between one information and another, and will ask for the testimony of several other witnesses to support the series this examination.

The perpetrator has been determined, the perpetrator has been arrested and detained until today's examination indicates that one perpetrator committed the crime. For the threat of punishment, the alleged articles are article 340, article 338, article 285, article 351 concerning maintenance, and article 76, article 81 of the Child Protection Law (Law of the Republic of Indonesia Number 35 of 2014).

Sexual violence against women in the Kei Islands, Southeast Maluku, remains a deeply rooted and urgent social issue. Despite existing legal frameworks, including Indonesia's Criminal Code and Law Number 12 of 2022 on the Crime of Sexual Violence (TPKS Law), implementation in this region is hindered by weak law enforcement, cultural stigma, and customary dispute resolution mechanisms that often ignore victims' rights. This complex interplay of socio-legal barriers undermines effective protection for victims and contributes to the ongoing prevalence of sexual crimes, necessitating an in-depth analysis from both legal and Islamic law perspectives.

Sexual violence in Southeast Maluku carries severe consequences not only for individual victims but also for broader community stability and gender justice. In many cases, women remain silent due to societal stigma, fear of retaliation, and social pressures rooted in patriarchal cultural systems. The frequent use of customary settlements over formal legal proceedings often prioritizes peace and compensation rather than justice, which can leave victims unprotected and re-traumatized.

Moreover, while the government has introduced progressive legislation, such as the TPKS Law, its enforcement in remote and culturally conservative areas like the Kei Islands remains limited. Law enforcement agencies often lack resources, gender sensitivity training, and institutional support for victims. Without a culturally integrated legal response that respects local values while ensuring justice, sexual violence will continue to be normalized. Thus, it is urgent to evaluate both statutory and Islamic law in this context to propose more effective, context-sensitive legal frameworks.

Aulia Rahma (2021) emphasized the role of patriarchal culture in enabling sexual violence and undermining women's legal standing in Maluku. Similarly, Rudi Haryanto (2020) highlighted how customary law settlements often marginalize victims by prioritizing family honor over justice. These studies show that cultural practices, while deeply entrenched, frequently hinder legal remedies for victims of gender-based violence.

From a criminological perspective, Nurhayati Lestari (2019) and Dedi Anwar (2022) discussed how poverty, low education, and social stigma exacerbate women's vulnerability to sexual exploitation. Their findings illustrate how structural inequalities intersect with gender-based violence in eastern Indonesia, calling for socioeconomic reform alongside legal efforts.

Ahmad Fauzi (2021) and Rahmawati (2022) evaluated the challenges in implementing the TPKS Law in rural and island regions. Their studies point out institutional gaps, particularly the lack of trained law enforcement officers and accessible services for victims. Although legal tools exist, these remain ineffective without adequate infrastructure and community engagement.

While prior studies have discussed either the cultural, legal, or economic dimensions of sexual violence, few have holistically integrated these factors into a legal analysis specific to the Kei Islands. Additionally, there is a lack of research that juxtaposes the application of positive law with Islamic legal principles in resolving sexual violence, especially in regions where religious and customary norms significantly influence social behavior.

This study offers a novel juridical-sociological perspective by combining statutory legal analysis with Islamic jurisprudence to evaluate the causes, types, and legal handling of sexual violence against women in Southeast Maluku. It integrates empirical field data, victim narratives, and religious norms to develop a culturally grounded yet rights-oriented model for victim protection and offender accountability.

The objective of this study is to identify and analyze the forms and causes of sexual violence against women in the Kei Islands, evaluate the effectiveness of current legal protection mechanisms, and provide an Islamic legal perspective to enhance both preventive and punitive measures for future policy and community-based interventions.

This study contributes valuable insights for lawmakers, legal practitioners, religious leaders, and civil society organizations by highlighting the legal and cultural dynamics affecting victims of sexual violence. Its recommendations can inform more effective legal reforms, victim support systems, and educational campaigns that combine statutory enforcement with community-based and faith-informed interventions to reduce sexual violence in remote regions.

METHOD

The research employed a qualitative method using a juridical-sociological approach, allowing the study to analyze the problem of sexual violence from both legal and socio-cultural perspectives. The juridical aspect focused on examining existing laws such as the Criminal Code and Law Number 12 of 2022 on the Crime of Sexual Violence (TPKS Law), while the sociological approach explored the social, cultural, and economic dynamics that influence the prevalence and handling of sexual violence in Southeast Maluku.

This study is categorized as descriptive qualitative research, aiming to provide a detailed and in-depth portrayal of the forms of sexual violence experienced by women, the underlying causes, and the mechanisms of legal protection available to victims. Data were gathered using three primary techniques: (1) literature review of books, academic journals, and official documents; (2) interviews with victims, their families, and legal practitioners handling such cases; and (3) direct field observation of social conditions and victim support practices within the region.

For analysis, the collected data underwent a qualitative processing framework, beginning with data reduction to select only the most relevant findings. This was followed by systematic data presentation in narrative form, which included categorizing patterns of violence, causal factors, and legal responses. Finally, conclusions were drawn and validated through data triangulation, ensuring reliability and consistency across the various sources. This approach ensured that the study remained grounded in both empirical reality and legal theory.

RESULTS AND DISCUSSION

In Prevention to reduce the crime of sexual violence committed by a man against a woman who is a victim of a criminal act, the Southeast Maluku Police visited schools in Southeast Maluku to share knowledge and anyone can become a perpetrator or victim of sexual violence wherever and whenever they are. As well as not to be afraid to make complaints to the authorities if an act of sexual violence has occurred.

According to AKBP Frans Duma, S.P. said that the factors affecting the occurrence of sexual intercourse, especially in women, are as follows:

- a. Lack of parental role in guiding and educating children
- b. Socializing around the environment
- c. Economic factors

In addition, there is a case taken by the author in this writing is a case of criminal acts of persecution, murder and rape that occurred in Wab Village, Southeast Maluku. This case started from the disappearance of MJ (the victim), a high school student aged 16-year-old, who reportedly did not return home since August 18, 2018 at around 20.30 WIB in Wab Village, Southeast Maluku Regency (Malra). Realizing that MJ did not return home, his family immediately conducted a search with the help of local residents. After the missing person report was filed, the police participated in the search effort. (Police- Malra- Ringkus-Killer-MJ/)

On August 24, 2018, MJ's body was found on the coast of Nai Island, Southeast Maluku Regency (Malra). The family confirmed the identity of the body based on physical characteristics, which were later confirmed through a medical examination by the police.

After the victim (MJ) was found, the police conducted a crime scene (TKP) to collect evidence that could reveal the perpetrator. The results of the medical examination of the victim's body showed signs of violence, which led to a suspected murder.

In further investigation, the police managed to secure a suspect with the initials JE (27 years old), who lives in Wab Village, Southeast Maluku Regency (Malra). Until now, the motive for the criminal act is still in the dark deepening by the police. The police also continue to look for additional evidence and ask for information from other witnesses.

Based on the evidence found, the police designated JE as the main suspect. He was charged with several articles in the Criminal Code (KUHP) and Child Protection Law, namely:

- Article 340 of the Criminal Code (Premeditated Murder) → The death penalty, life imprisonment, or imprisonment for a maximum of 20 years.
- Article 338 of the Criminal Code (Murder)
→ Maximum prison sentence of 15 years.
- Article 285 of the Criminal Code (Rape)
→ If there is evidence of sexual violence before the murder.
- Article 351 Criminal Code (Persecution) → If there is an element of torture before the victim dies.
- Articles 76 and 81 of the Child Protection Law → Considering that the victim is still under 18 years old.

Discussion

Factors whether Causes The occurrence of violenc sexual in the Islands Kei Maluku Southeast

Sexual violence in the Kei Islands, Southeast Maluku, is a complex social problem and is influenced by various factors. The factors that cause sexual violence can be categorized into social, cultural, economic, and weak law enforcement factors.

1. Social and Cultural Factors

a) Patriarchal Culture and Gender Inequality

The people of the Kei Islands are still influenced by a patriarchal culture that places men in a dominant position and women as the weaker party. In some cases, women are considered part of the family property so their rights are often ignored (Aulia Rahma, 2021).

b) Customary Case Settlement in Several case Perpetrators of sexual violence are often exempt from criminal punishment because Presence customary case settlement. This mechanism often prioritizes peace and material compensation to the victim's family, without consider justice for the victims themselves.

c) Stigma against Many Victims victim violence sexual reluctance to report for fear of experiencing social stigma. Community often blame victim (victim blaming), especially if the victim knows perpor if the case occurs within the scope of the family (Nurhayati Lestari, 2019).

2. Economic Factors

a) Poverty and Education Limitations

Poverty is a major factor that increases the risk of sexual violence. Many women in Southeast Maluku experience sexual exploitation due to economic limitations and lack of access to education. This also causes them to not have the courage to report the case that befalls them (Dedi Anwar, 2022).

b) Dependency Financial to Perpetrators

In some cases, women who are victims of sexual violence remain silent because of their dependency economic impact on the perpetrator, especially if the perpetrator is a family member or partner who is the main breadwinner (Alkan et al., 2021; Ayuwat & Sananikone, 2018; Bazueva, 2022; Qaisrani et al., 2016).

3. Weak Law Enforcement Factors

a) Lack of Legal Awareness in the Community

Many people in Southeast Maluku do not fully understand their legal rights, so cases of sexual violence often go unreported or not processed legally (Saimima et al., 2022; Yani et al., 2023).

b) Lack of Protection for Victims

Although the government already has regulations such as Law Number 12 of 2022 concerning the Crime of Sexual Violence (TPKS Law), its implementation in areas such as the Kei Islands is still weak. Not all law enforcement officials have a good understanding of gender perspectives, so many cases end without justice for victims (Ahmad Fauzi, 2021).

b. How Shape

Protection Laws for Victims of Sexual Violence in Kei Islands, Southeast Maluku

Protection laws against victims of sexual violence in the Kei Islands, Southeast Maluku, refer to various national legal instruments, regional regulations, as well as the role of law enforcement agencies and community organizations. This form of protection can be categorized into normative legal aspects, legal aid, and social rehabilitation.

1. Protection Normative Law

a) Applicable Law Legal protection for victims of sexual violence in Southeast Maluku are based on several laws, including:

Law Number 12 of 2022 concerning the Crime of Sexual Violence (TPKS Law)

- Regulating the victim's right to legal protection, medical assistance, and psychosocial rehabilitation (Rahmawati, S. 2022).

- Providing the mechanism clearer laws in handling cases of sexual violence.

We Are Criminal Law (KUHP)

Article 285 of the Criminal Code on rape and article 289 of the Criminal Code on molestation provide a legal basis for the prosecution of perpetrators of sexual violence (Santoso, B. 2021).

2. Legal Aid and Constitutional Protection

a) Police and Legal Process of the Southeast Maluku Police handle reports of sexual violence and work with the Women and Children Protection (PPA) unit to support victims in legal proceedings.

The main obstacle is the limited number of personnel and facilities to handle cases of sexual violence optimally.

3. Social Protection and Victim Rehabilitation

a) Rumah Aman and Integrated Layaana Centre Southeast Maluku Child Protection (DP3A) provides psychosocial services and temporary shelters for victim (Fauzi, A. 2021).

b) Psychological and Medical Assistance of Regional General Hospital

(RSUD) Karel Sadsuitubun Langgur provides visum et repertum services for legal purposes and counseling for victims (Fatimah, S. 2018).

c. What are the aspects of Islamic law on sexual violence in the Kei Islands, Southeast Maluku

Aspects of Islamic Law on Sexual Violence in the Kei Islands, Southeast Maluku. From an Islamic perspective, sexual violence is an act that is strictly prohibited and is included in the category of serious crimes (jarimah). Islam emphasizes the protection of human honor and dignity, especially women, and provides strict sanctions for perpetrators of sexual violence. In the Kei Islands, Southeast Maluku, although customary law is still dominant, the principles of Islamic law are also recognized by the Muslim community in understanding and responding to cases of sexual violence.

1. Islamic Law on Sexual Violence

a) Sexual Violence in the Context of Hudud Jarimah

In Islam, acts of sexual violence, especially rape (zina bil jabar), are included in hudud, which is a crime whose punishment has been determined by Allah in the Qur'an and Hadith. If the perpetrator is proven to have committed rape, then the punishment can be in the form of stoning (for those who are married) or whipping 100 times (for those who are not married), as stipulated in QS. An-Nur:2.

However, some scholars also include rape in jarimah hirabah (the crime of robbery and violence), which can be more severe, including the death penalty.

b) Sexual Violence as an Act of Jarimah Ta'zir

In addition to hudud, in Islam there is the concept of jarimah ta'zir, which is evil whose punishment is determined by the ruler or judge based on wisdom. If sexual violence does not meet the elements adultery Bil West Java, then the perpetrator remain get Sentenced that more according to the level of crime that is Done.

CONCLUSION

Based on research on the crime of sexual violence against women in the Kei Islands, Maluku Province—focusing on its causative factors, legal protection, and Islamic law perspectives—it can be concluded that sexual violence in this region is primarily driven by a deeply rooted patriarchal culture, gender inequality, economic hardship, lack of legal awareness, and weak law enforcement. Many cases are resolved through customary practices that often disregard the rights and justice of the victims. Although legal protection frameworks such as the TPKS Law, the Criminal Code, and institutional supports like UPTD PPA and LBH are in place, their effectiveness remains limited due to insufficient resources, inadequate legal literacy, and prevailing social stigma. From an Islamic legal perspective, sexual violence is categorically condemned and treated as a major sin, subject to severe punishments including hudud, qisas, or ta'zir, depending on the case. Addressing sexual violence in the Kei Islands thus requires not only legal reforms and stronger law enforcement but also comprehensive social interventions, including education, community engagement, and victim-centered support mechanisms. Future researchers are encouraged to conduct longitudinal studies examining the long-

term impacts of customary and religious interventions on victim recovery and legal outcomes, as well as to explore the role of gender-sensitive training for law enforcement and judicial actors in improving justice delivery.

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