

## THE ROLE OF VICTIM'S ASSISTANT TO PREVENT SECONDARY VICTIMIZATION : CASE WOMEN VICTIM OF MARITAL RAPE

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### Abstract

*Women (wives) is the most hidden victim of marital rape. Regarding this issue, we argue that women victims need victim assistance to prevent secondary victimization. This article is based on a literature review with a qualitative approach. Turning to marital rape cases in Indonesia, women's victims get harmful impacts in physiological and physical. Women victims of marital rape in Tanjung Priok, Bali, Pasuruan, and "L" are some of them. We conclude that the government and other stakeholders need to provide victim assistance for women victims of marital rape in mental and physical health, legal services (advocacy), economic empowerment, campaign, and particular public services spaces. The first thing to do is mental and physical health, but the next part, like legal services, is essential to prevent secondary victimization. Therefore, campaign to build awareness from society is essential to prevent stigmatization for women victims of marital rape. Finally, to implementing the role of victim assistant to prevent secondary victimization in marital rape cases needs unity for people by people and institution by institution. It is needed the same standpoint about marital rape.*

**Keywords:** Hidden Victim, Marital Rape, Secondary Victimization, Victim Assistant.

### Abstrak

Perempuan (secara khusus istri) merupakan korban tersembunyi dari pemerkosaan dalam pernikahan (*marital rape*). Menanggapi hal tersebut, menjadi penting untuk mempertimbangkan peran pendampingan korban atau *victimassistance* untuk menghindari viktimisasi sekunder (*secondary victimization*). Adapun artikel ini berdasarkan penelusuran literatur (*literature review*) dengan pendekatan kualitatif. Mengacu pada kasus *marital rape* yang dialami perempuan (istri) di Indonesia, maka hal tersebut berdampak buruk secara fisik maupun psikologis. Perempuan di Tanjung Priok, Bali, Pasuruan dan "L" merupakan contoh korban *marital rape*. Kesimpulan tulisan ini yaitu mendorong pemerintah dan pihak terkait agar segera menyediakan layanan pendampingan perempuan korban *marital rape* secara fisik, psikologis, bantuan hukum, pemberdayaan ekonomi, kampanye dan layanan di ruang publik. Hal yang pertama dilakukan adalah pendampingan layanan fisik dan mental. Kemudian, membangun kesadaran publik agar perempuan korban *marital rape* tidak distigmatisasi. Akhirnya, untuk menerapkan peran *victimassistant* sebagai pencegahan *secondary victimization* bagi perempuan korban *marital rape* membutuhkan kesatuan dari berbagai pihak dan lembaga. Persepektif yang sama terkait *marital rape* jelas dibutuhkan.

**Kata Kunci:** Korban Tersembunyi, Pemerkosaan dalam Pernikahan, Viktimisasi Sekunder, Pendampingan Korban.

## Introduction

Everyone can be a victim, but the most vulnerable victim is women, children, people with disability, and the elderly.<sup>1</sup> Hans von Hentig's typology of the victim shows that women are helpless victims because in physically weaker than men.<sup>2</sup> The construction of culture gives women a lower position than men, follows men's authority, focuses on financial things, and the worst is wrong rights in women value based on their bodies and unnecessary things. Because of that, women, in some people's eyes seen as the symbol of vulnerability. Then, they became a victims of men, such as sexual assault and other abuses.

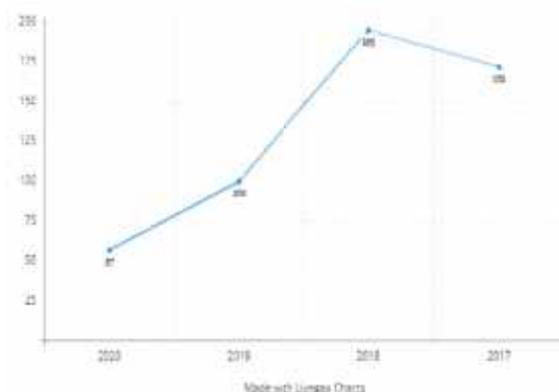
The woman is the representation of vulnerability. The male criminals benefit from absolute physical power in crimes against women, primarily in sexual assault. Women as victims happen in a public place and in private like in their home. Women victim of marital rape is not a new issue in this world, but most people do not realize these cases in Indonesia. Unfortunately, women victims of marital rape did not get significant attention from the government and public, even if some nongovernment organizations and activists tried to speak louder about that. However, women of victim marital rape did not get their rights for victim assistant. Sometimes, they also did not know and realized that they were victims of marital rape. Patriarchal culture and the construction of assumption in public change and close

their eyes about marital rape. Men also live in toxic masculinity with the thought that their wife is their body. Hence, they think they have the power to do everything they want, like a force to do making love without consent or other sexual activities. When it is happening, secondary victimization is surrounding woman victim of marital rape.

In Indonesia, a woman victim of marital rape is not highly reported; some women close this issue in their hearts and do not report it to the police or another stakeholder. The 2021 annual report of the National Commission of Violence Against Women (Komnas Perempuan) revealed that 57 cases of marital rape. Therefore, in 2020 up to 100 points, in 2019, up to 195, and in 2018 up to 172 cases.<sup>3</sup>

### Graphic 1.1

The Marital Rape Cases in Indonesia (2017-2020)



**Source:** Komnas Perempuan, 2021

Based on that report, marital rape is fundamental in our society, but some cases are not reported. So, the information does not always include the total number of woman victims of marital rape. In other words, there is a dark crime number (crime not reported) of marital rape. This issue is underreported like other

<sup>1</sup>Pamela Davies, "Feminist Voices, Gender and Victimization," in *Handbook of Victims and Victimology*, 2nd ed. (Routledge, 2018), <https://www.taylorfrancis.com/chapters/edit/10.4324/9781315712871-8/feminist-voices-gender-victimisation-pamela-davies>.

<sup>2</sup>Gaelle L.M. Brotto, Grant Sinnamon, and Wayne Petherick, *Victimology and Predicting Victims of Personal Violence, The Psychology of Criminal and Antisocial Behavior: Victim and Offender Perspectives*, 2017, <https://doi.org/10.1016/B978-0-12-809287-3.00003-1>.

<sup>3</sup> Komnas Perempuan, "CATAHU 2021: Catatan Tahunan Kekerasan Terhadap Perempuan 2020," *Komnas Perempuan* (Jakarta, 2021), <https://komnasperempuan.go.id/uploadedFiles/1466.1614933645.pdf>.

countries.<sup>4</sup> Therefore, public exposure to know victim pain and suffering is not precise. People are more familiar with women victims of rape in general but not marital rape. Women victim of marital rape is victim of sexual violence that get continuous trauma in the long term periodic after getting marital rape from their husband.<sup>5</sup> Some women victims of marital rape did not know their identity or became hidden victims because they did not know and understand they were victims. According to the research, marital rape occurs in Ghana when the wife and husband have a social perspective that marriage is a legal agreement to the unlimited sexual exploration of the wife or women's bodies.<sup>6</sup> Same as Ghana, in Indonesia, people also have a similar perspective about marriage. The public view of marriage is universal but representative of an essential stage of life. When a man marries a woman is correlated with a new environment, home, and awards in social or economic status. However, as a religious country, Indonesia rigid that only legal agreement to do sexual relations, no sex before marriage.<sup>7</sup>

In another perspective, marriage is also constructed with gender and patriarchy system. The social construction of wife roles is conservative that women must manage

home and family, consistently serving their husbands protect their.<sup>8</sup> It has commonly been assumed that a good wife takes all that responsibility even if she is hurt after it. Women take it all as scarification and love for their husbands or children. Primarily, she always fulfills the sexual desire of her husband without interruption. She did not have time to speak louder about their needs to take a rest. She accepted her husband's desire to be sexual. In other words, the wife must obey to feed their husband's sexual desire all the time and be a reproductive woman.<sup>9</sup> It makes wives like robots because their lives include sexual activities controlled by their husbands.

Then, unequal legal perspectives about sex and consent in marriage also make wives more vulnerable. The 1974 Marriage Law, Article 31, point 3 states that the husband is the leader of families and wives are housewives. That law is one example of unequal perspectives and makes wives vulnerable victims. It can support patriarchal culture and gender inequality to oppress wives. Therefore, no precise regulation about marital rape in Indonesia's law. However, articles 5 and 8 of the 2004 Domestic Violence Law did not provide coverage of marital rape. That law describes domestic violence and sexual violence but is not specific to marital rape cases. In other words, law conditions in Indonesia did not provide justice for women victims of marital rape. Until December 2021, the sexual violence eradication bill (RUU PCS), the Criminal Code Law draft (RKUHP), and the sexual violence bill (RUU KUHP) are not finished yet. It also means the government has not finished the vital regulation about marital rape in RUU PKS, RKUHP, and RUU

<sup>4</sup>Jessie L. Krienert and Jeffrey A. Walsh, "An Examination of Intimate Partner Sexual Violence: Comparing Marital and Nonmarital Incidents Employing NIBRS Data, 2008-2012," *Partner Abuse* 9, no. 1 (2018), <https://doi.org/10.1891/1946-6560.9.1.41>.

<sup>5</sup>Krienert and Walsh.

<sup>6</sup>Alice Pearl, Eric Y Tenkorang, and Adobea Y Owusu, "Can Marriage (Re) Produce and Legitimize Sexual Violence?: A Phenomenological Study of a Ghanaian Patrilineal Society," *Women's Studies International Forum* 77, no. June (2019): 102296, <https://doi.org/10.1016/j.wsif.2019.102296>.

<sup>7</sup>Irma Riyani and Lyn Parker, "Women Exercising Sexual Agency in Indonesia," *Women's Studies International Forum* 69, no. January (2018): 92–99, <https://doi.org/10.1016/j.wsif.2018.05.002>.

<sup>8</sup>Riyani and Parker.

<sup>9</sup>Riyani and Parker.

KUHP. These absences of specific laws might be increased the justification of marital rape in our society.

Let us now consider women victims of marital rape. Most women victims of marital rape were silent and stayed in victim identity because they did not get victim assistance from the government. Women victims of marital rape do not overcome their situation and live in false consciousness about women's role in marriage life. Therefore, their husband has different purposes for marriage. In other words, there are different purposes of married for women and men. According to research, women's goals in married are to reach financial freedom and become a mother.<sup>10</sup> Unlike women, men's primary goal in marriage is to have a stable sexual relationship, daily needs (food), and domestic needs.

That different perspective about marriage makes some of the men (husband) normalize sex without consent. They forget the importance of consensuality in sexual activity.<sup>11</sup> If their wife did not give sex, they would rush to get it. Alternatively, they abuse their wife or see another woman have sex in another situation. They also leave their family, search for a mistress, and stop giving their wife and children money to fulfill daily needs. They forget that women could not have sex in some situations because of crucial issues like being sick, tired, menstruating, in the middle of pregnancy, and after the baby was born. In this situation, some women

victims of marital rape follow their husbands' desires. Fear to speak out for their rights and not solve the problem.

It is terrible because marital rape harms women victims. Marital rape has physical, gynecological issues, and mental impacts for them. According to research, the physical impacts of marital rape include injuries to private organs, cuts, torn muscles, cracks, weariness, broken bones, and darkened eyes.<sup>12</sup> Women victims of marital rape also have gynecological issues such as abnormal childbirth periods, poisonings, infertility, and HIV. The mental impacts of marital rape include stun, anxiety, post-horrendous pressure, self-destructive impulses, dietary issues, grief, and sexual brokenness.

According to that explanation, this research will analyze how victim assistants can be a tool for women victims of marital rape to overcome their situation. The role of victim assistant for women victims of marital rape in Indonesia can be an excellent option to help them. It is crucial because if the impact of marital rape is hazardous. In the future, women victims of marital rape get secondary victimization from their husbands and other stakeholders like law officers.

This article is a literature review with qualitative methods. So, this article is based on inductive reasoning with starting point observation facts without any particular theory.<sup>13</sup> Therefore, analyze paradigms or concerns about victim assistant for women victims of marital rape. It uses a victimology perspective that tells us victimization, victim needs, the impact of victimization, fear of

<sup>10</sup>Panteá Farvid and Rany Saing, "If I Don't Allow Him to Have Sex With Me, Our Relationship Will Be Broken?: Rape, Sexual Coercion, and Sexual Compliance Within Marriage in Rural Cambodia," *Violence Against Women*, 2021, 107780122110211, <https://doi.org/10.1177/10778012211021130>.

<sup>11</sup>Malachi Willis et al., "Sexual Consent in Committed Relationships: A Dyadic Study Sexual Consent in Committed Relationships: A Dyadic Study," *Journal of Sex & Marital Therapy* 0, no. 0 (2021): 1–18, <https://doi.org/10.1080/0092623X.2021.1937417>.

<sup>12</sup>Mansi Singh, "Marital Rape," *Supremo Amicus* 12 (2019), <https://supremoamicus.org/wp-content/uploads/2019/07/Volume-12.v12.pdf#page=121>.

<sup>13</sup>(Tartaro 2021)

crime, victim surveys, victim support, victim assistant.<sup>14</sup>

### **Concepts of Victim, Hidden Victim, Victim Assistant and Secondary Victimization**

Everyone can be a victim based on perspective. However, in victimology and criminology, the victim must be someone who gets direct or indirect crime. Victims of crime often have several; sometimes complex needs the following victimization. They can include psychological effects, such as depression or anger; economic effects, such as damaged or stolen property or lost income; physical injuries; and social effects, such as fear of going back to the place where they were victimized, or fear of being at home if victimized there.<sup>15</sup>Sometimes we do not see victims clearly because some are hidden victims. It means they did not understand they are a victim of social construction believe that they are a victim. For example, a woman who kills their husband for many people sees as the offender.

However, in postmodern feminist criminology, they can see as a victim because they kill to help themselves from abuse, and they are victims of sexual abuse or intimate partner violence before doing it. Victimologist said that a direct victim is another name for the primary victim.<sup>16</sup>Then, secondary victim means they are also the victim psychologically or emotionally based

<sup>14</sup>Lorraine Wolhuter, Neil Olley, and David Denham, *Victimology Victimisation and Victims' Rights* (Taylor & Francis, 2009).

<sup>15</sup>Joanna Shapland, "Interventions and Services for Victim of Crime," in *Handbook of Victims and Victimology*, 2nd ed. (Routledge, 2018), <https://www.taylorfrancis.com/chapters/edit/10.4324/9781315712871-14/interventions-services-victims-crime-joanna-shapland>.

<sup>16</sup>Michael O Connell, "Victimology: An Introduction to the Notion of Criminal Victimization," 1998, 192–241.

on the primary victim. It means it can include the primary victim and other people in their life who get the exposure to crime. And then tertiary victim tells is huge community or environment.<sup>17</sup>This article focuses on victim assistant to prevent secondary victimization for women victims of marital rape.

### **Discussion**

#### **Women Victim of Marital Rape**

Regarding the introduction, marital rape is one of the most crucial issues in women's relationships with men. Marital rape is sexual activity without consent. Sexual consent is mandatory and essential in every aspect of life, including sexual activity, requiring two participants. Sexual consent in sexual relationships includes feelings, communication, perception, knowledge, and it sometimes does not seem invisible in the participant's body. Sometimes, being silent did not mean she ok to do sexual relationships. Instead of being silent, women genuinely have the right to tell no when their husbands ask for sex.<sup>18</sup>

The problem is that no one tells women to say no to sex without consent. Patriarchal culture always tells them to say yes when their husbands ask for sex. So, marital rape happens, and they get destructive impacts. Marital rape brings prolonged pain and suffering for women victims of marital rape. In this article, marital rape means everything sexual activity without consent between wife and husband. So, marital rape includes sodomy, BDSM (bondage, discipline, sadism, masochism), and threesome. Marital rape includes activity when husband rushes their wife to have sex when menstruation, put something harmful to their vagina except penis, sex more than

<sup>17</sup>Connell.

<sup>18</sup>Willis et al., "Sexual Consent in Committed Relationships: A Dyadic Study Sexual Consent in Committed Relationships: A Dyadic Study."

two people like threesome, sex after baby born, unusual sex, oral sex, anal sex that makes women get bad physical (bleeding) and mental impacts.<sup>19</sup>

The characteristic of marital rape is unreported, unconscious, wrong tolerant, non-consensual, and seems suitable for a husband who lives in a patriarchal culture.<sup>20</sup> Research also shows that women victim of marital rape is the top psychologically damaging women. They became isolated and got trauma after it happened because of patriarchal culture and power relations in society who blame woman victim of marital rape.<sup>21</sup> Turning to the standpoint in this article is women as victims and men as the offender of marital rape.

### **Vulnerabilities of Women Victim of Marital Rape, Patriarchal Culture and Role of Victim Assistant**

According to the research, women's victim of marital rape is confirmed both in Indonesia and other countries. Nevertheless, unfortunately, there is a database of women

<sup>19</sup> Komnas Perempuan, "CATAHU 2021: Catatan Tahunan Kekerasan Terhadap Perempuan 2020."

<sup>20</sup>Cecilia Mengo et al., "Marital Rape and HIV Risk in Uganda: The Impact of Women's Empowerment Factors," *Violence Against Women* 25, no. 15 (2019), <https://doi.org/10.1177/1077801218821444>; Anna E. Jaffe et al., "Characterizing Sexual Violence in Intimate Relationships: An Examination of Blame Attributions and Rape Acknowledgment," *Journal of Interpersonal Violence* 36, no. 1–2 (2021): 469–90, <https://doi.org/10.1177/0886260517726972>; A. O. Ogunwale, I. O. Dipeolu, and O. L. Olaitan, "Knowledge and Perceptions of Marital Rape among Women in Oyo State, Nigeria," *African Journal of Biomedical Research* 23, no. 3 (2020); Kirsty Osborn et al., "Juror Decision Making in Acquaintance and Marital Rape: The Influence of Clothing, Alcohol, and Preexisting Stereotypical Attitudes," *Journal of Interpersonal Violence* 36, no. 5–6 (2021), <https://doi.org/10.1177/0886260518768566>.

<sup>21</sup> Krienert and Walsh, "An Examination of Intimate Partner Sexual Violence: Comparing Marital and Nonmarital Incidents Employing NIBRS Data, 2008-2012"; Merry Morash, "Feminist Theories of Crime," *Feminist Theories of Crime*, 2017, <https://doi.org/10.4324/9781315094113>.

victims of marital rape properly year by year.<sup>22</sup> Women victims of marital rape must get protection and victim assistance, but their rights are invisible in real life. The social reaction is damaging to women victims of marital rape and more favorable to the offender, mostly victims as always did not get attention as a must.<sup>23</sup> Furthermore, this patriarchal culture leads determination of women's bodies, and it is relatable with radical feminism concepts that oppression of women is because of male dominance.

In this article, we do not explore feminism's perspective on marital rape. In feminist criminology, there are many perspectives about this. Nevertheless, the most relatable is radical cultural feminism from Ann Ferguson, elaborated by Rosemarie Tong.<sup>24</sup> Like other victims, women victims of marital rape did not get enough victim assistant. Commonly, the victim is underground from public attention and help. Women victim of marital rape is vulnerable because women in society are always vulnerable to the targeted victim in everyday life. Criminologists also agree that women are vulnerable to crime abuse.<sup>25</sup>

### **Cases of Women Victim of Marital Rape in Indonesia**

Women victims of marital rape in Indonesia by data from Komnas Perempuan

<sup>22</sup> Krienert and Walsh, "An Examination of Intimate Partner Sexual Violence: Comparing Marital and Nonmarital Incidents Employing NIBRS Data, 2008-2012"; Morash, "Fem. Theor. Crime."

<sup>23</sup> Pelin Gul and Isabell Schuster, "Judgments of Marital Rape as a Function of Honor Culture, Masculine Reputation Threat, and Observer Gender: A Cross-Cultural Comparison between Turkey, Germany, and the UK," *Aggressive Behavior* 46, no. 4 (2020), <https://doi.org/10.1002/ab.21893>; Muhammad Mustofa, *Kriminologi Kajian Sosiologi Terhadap Kriminalitas, Perilaku Menyimpang Dan Pelanggaran Hukum*, 3rd ed. (Kencana: Prenadamedia Group, 2021).

<sup>24</sup> (Morash 2017; Tong 2018; Situmorang 2021)

<sup>25</sup> Mustofa, *Kriminologi Kajian Sosiologi Terhadap Kriminalitas, Perilaku Menyimpang Dan Pelanggaran Hukum*.

do not include all the cases because not every victim can report their cases. Some of the cases of marital rape we also can see in media like in Tanjung Priok (Jakarta Utara), Pasuruan and Bali.<sup>26</sup>In the media mainstream, women victims of marital rape get physical effects like blackeyes, genital infection, severe physical injury until death.<sup>27</sup>The detail more about women victims of marital rape cases in Indonesia:

**Table 1.1**  
**Marital Rape Cases in Indonesia**

No.	Cases	Description
1.	Woman Victim of Marital Rape in TanjungPriok	Woman victims of marital rape were attacked by her husband with a knife in their two children's presence because she refused to have sex with him.
2.	Woman Victim of Marital Rape in Bali	The woman victim of marital rape was dead, but the perpetrator did not admit he was wrong.
3.	L, 25	Black eyes and genital infection because her husband is forced to have sex

<sup>26</sup> Jimmy Ramadhan Azhari, "Istri Dianiaya Suami di Depan Anaknya Karena Tolak Berhubungan Badan," Kompas.com, 2019, <https://megapolitan.kompas.com/read/2019/07/08/13341591/istri-dianiaya-suami-di-depan-anaknya-karena-tolak-berhubungan-badan>; Andi Saputra, "Lagi, Suami Dipenjara Karena Memperkosanya Istrinya," Detik.com, 2015, <https://news.detik.com/berita/d-2959821/lagi-suami-dipenjara-karena-memperkosanya-istrinya>.

<sup>27</sup> Nurul Fitri Ramadhani, "Marital Rape Remains Taboo Topic in Patriarchal Society," Jakarta Post, 2019, <https://www.thejakartapost.com/news/2019/03/09/marital-rape-remains-taboo-topic-patriarchal-society.html>.

		when she is in the period.
4.	Woman Victim of Marital Rape in Pasuruan, East Java	Marital rape in forest, perpetrator drives by wrong religious values.

**Source:**<sup>28</sup>.

From that table, we can see how women victims of marital rape get pain and suffering physically. They also lost their bodies ' rights.<sup>29</sup>Therefore, it takes a long time to overcome marital rape trauma. It can be a personality to the person for a long time. As quotes said from Resma Menakem as Trauma Therapist, "trauma decontextualized in a person looks like personality, trauma decontextualized in a family looks like family traits and trauma in people looks like culture".<sup>30</sup>

### Marital Rape and Secondary Victimization

Marital rape is sexual violence against women that important in this world. Violence against women is a category in law; however, it is rarely used in national criminal law. Violence against women is a category in public policy, especially at the UN level, including the Sustainable Development Goals.<sup>31</sup> However, there is a differentiation between women victims of rape in general (not yet married) with women victims of

<sup>28</sup> Azhari, "Istri Dianiaya Suami Di Depan Anaknya Karena Tolak Berhubungan Badan"; Saputra, "Lagi, Suami Dipenjara Karena Memperkosanya Istrinya"; Ramadhani, "Marital Rape Remains Taboo Topic in Patriarchal Society."

<sup>29</sup>Tong, *Feminist Thought: A More Comprehensive Introduction*.

<sup>30</sup>Krista Tippet, "Resmaa Menakem 'Notice the Rage; Notice the Silence,'" Onbeing.org, 2020, <https://onbeing.org/programs/resmaa-menakem-notice-the-rage-notice-the-silence/>.

<sup>31</sup>Sylvia Walby et al., "Conceptualising Violence and Gender," in *The Concept and Measurement of Violence* (Bristol University Press and Policy Press, 2017), <http://www.jstor.org/stable/j.ctv47w5j0.8>.

marital rape in legal procedure and punishment for offenders.<sup>32</sup> The legal perspective is that women victims of marital rape are nothing. They ask for help, but some end with punishment because of doing criminal acts to overcome marital rape. Legal and officer perspective for women victims of marital rape is secondary victimization. The meaning of secondary victimization relates to the adverse responses that victims endure while they confess a sexual attack or abuse or the primary victimization they have been enslaved.

Its influences the woman victim of marital rape when trying to avoid marital rape from their husband. As the victim, women victims of marital rape doing criminal acts to help themselves will law punishment and negative social perspective from the public. Also, if women victims of marital rape report that they are victims to the police, usually abandoned. Instead, they get substance injury, raped, sodomized, penetrated with objects, and many sexual abuse things from their husband. Women victims of marital rape can self-blame and blame others in unknown situations.

Like other rape, marital rape is almost not reported and is influenced by the power relation between husband and wife. Inequality of power between husband and wife can trigger the inevitable emergence of marital rape by a powerless wife.<sup>33</sup> Even the cultural norms of society expect women to give sex to their husbands without any questions.<sup>34</sup>

Sometimes, women victims of marital rape think they have no option or deserve to keep in abusive relationships and still get marital rape in their lives. Life and believe

<sup>32</sup> Krienert and Walsh, "An Examination of Intimate Partner Sexual Violence: Comparing Marital and Nonmarital Incidents Employing NIBRS Data, 2008-2012."

<sup>33</sup> (Mengo et al. 2019)

<sup>34</sup> (Mengo et al. 2019)

just world theories, that they deserve to give sex every time to their husband. A woman's responsibility and challenge to obey the religious standard became a "good wife." Women also fear rejecting sexual desire from husbands because they try to obey the wrong paradigm in religion. There are misogynistic hadiths; if the wife rejects her husband, the angels will curse her until dawn, about women passing before people praying as a donkey, and reinterpreting verses about men being female leaders, justice in polygamy, as well as interpreting women from Adam's rib. Therefore, another religion has a wrong perspective that the husband is a leader and women must obey.

Several men use it for rushing their wives and getting sex. Moreover, it works for women with religious identity. Women victims of marital rape are still in a relationship and said no one would believe and nothing justice for them when they try to divorce in court or temporarily leave their husband. It will affect their children and many things, so they sacrificed themselves in that situation. Women worry about marital rape and deal with uncertainty and anxiety through complex day--to-day coping strategies and assistance systems.<sup>35</sup>

### **Victim Assistant to Prevent Secondary Victimization for Women Victim of Marital Rape**

Regarding this situation, it is essential to understand that victims have rights, and getting the victim's assistant is one victim's right as human rights. Victim assistant for women victims of marital rape is essential because this is a private issue that even public victims sometimes do not know and understand. Marital rape is a huge problem for women, so victim assistants must effectively and efficiently help the victim overcome that situation and not get

<sup>35</sup> Davies, "Feminist Voices, Gender and Victimization."

victimization in courts or police when reporting their problem. They must get protection and some criminal justice based on a gender perspective that understands women's situation. Only they can overcome and understand they are victims and arise to change their identity become survivors and overcomers. They can also become an agent of intervention and prevention of marital rape issues for other women in the future. Advocacy is needed for women victims of marital rape, not just theoretical law but also protection. So, they can speak louder about their problem and get protection.

Remind that marital rape is one of gendered violence committed over the earth, and if the legislation abandons to approach marital rape ultimately, wives are refused their rights to equality, dignity, security of the personage, and beyond justice.<sup>36</sup> So, legal treatment of marital rape must also do from the victim's standpoint. Because, if the legal practice of marital rape occurs in legitimately approved violence, including the conclusion that women and girls are operated as a pattern of property, it strengthens women's inequality in the nation and other regions of the law.<sup>37</sup>

### **Implementation Victim Assistant to Prevent Secondary Victimization for Women Victim of Marital Rape**

In Indonesia, implementing victim assistant to prevent secondary victimization for women victims of marital rape is huge homework for the government and other stakeholders. The passage of the sexual violence eradication bill (RUU PKS) cannot guarantee victim assistant for women victims

of marital rape. Therefore, The Witness and Victim Protection Agency (LPSK) not only focus on woman victim of marital rape. All the victims try to provide services and assistance. However, have limitations in budget. So, how come to implement victim assistant for women victims of marital rape.

Because marital rape is a personal issue, assisting victims must also do in private until the victim is comfortable speaking up in public. Some suggestions for the victim assistant program are women empowerment home-based in neighborhood units (RT) and community units (RW). Start from a small unit like Family Welfare Movement (PKK) as the first assistant when marital rape happens. It is suitable for the first movement to report their problem to the public, government institutes who provide access like Care Center for the Empowerment of Women and Children (P2TP2A).

The problem in Indonesia is that no one platform to report and help women victims of marital rape. The long-term process is to get help until the victim is tired. Reformation in police and courts urgently to use gender perspective for women issue. The willingness is mandatory, and regulation to protect a support system from government officers to practice it with integrity—another thing to control the media and news that inequal information about marital rape that blames the victim.

In short, victim assistance for women victims of marital rape includes five aspects: mental and physical health, legal services (advocacy), economic empowerment, campaign, and particular space in public services. When a woman gets marital rape, the first thing to do is mental and physical health. It is mandatory because women victims of marital rape are usually vulnerable and mentally and physically sick. However,

<sup>36</sup> Melanie Randall, Jeniffer Koshan, and Patricia Nyaundi, *The Right to Say No Marital Rape and Law Reform in Canada, Ghana, Kenya, and Malawi* (Portland, Oregon: Hart Publishing, 2017), <https://ereader.perlego.com/1/book/809305/5>.

<sup>37</sup>Randall, Koshan, and Nyaundi.

most of the women victims of marital rape also did not have the financial freedom to access mental and physical health. For most women, victims of marital rape, psychological assessment, psychiatrists, and health asses are too expensive. Some of them also did not get national insurance like the Health Care and Social Security Agency (BPJS). BPJS is not covered psychologically; psychiatrists check for evidence (medical check-up visa) of marital rape.

Therefore, victim assistant in economic empowerment for them is also essential to take care and love themself. Some are housewives, so they need empowerment to gain financial literacy and exposure to economic knowledge. In more severe cases, women victims of marital rape seldom get legal services or advocacy to get their rights in criminal courts institutions or public services like police and courts. Their voice did not hear in the criminal justice system, and they have risk getting secondary victimization when speaking up about their problem in courts. In other aspects, women victims of marital rape did not report cases because they did not have access to and know-how to do it. So, legal services, especially advocacy for victims urgently need. Another issue is space to get public services. Sometimes when they report to the police, they do not get their needs.

Not all police understand their problem, and it is difficult to talk about marital rape in public services because it is a sensitive issue. So, women victim of marital rape needs space to get public services like police and courts. Finally, the marital rape issue must also campaign in media, especially during the pandemic. Online campaigns must apply in media, so women and other people get exposure and knowledge about marital rape. After the pandemic, sure face to face socialization can happen. It can partner with religious institutions, private sectors,

neighborhood units (RT), community units (RW), Family Welfare Movement (PKK), and the Care Center for the Empowerment of Women and Children (P2TP2A).

### Conclusion

The problem will solve when we have one perspective and goals. However, the problem will not be solved when one another has different perspectives and goals before authors things that the essential things to unite the perspective of marital rape and victim. However, people by people and institution by institution need time to unite. So, it must parallel with push victim assistant for women victim of marital to prevent secondary victimization. From the five aspects of the discussion, the essential things are physiological assessment (mental health), psychiatrist, and physical health.

Most women victims of marital rape have a mental health problems. They did not feel strong to handle it alone. According to research, marital rape damages women's mental health.<sup>38</sup> However, they did not get mental health assessments and treatment because they could not pay for it. Respond to this situation; the state must do psychological and legal advocacy injustice system.

Psychological assessment cannot release just one time but must be continuous; it is not eventually because psychological takes time to heal. The government can approach partnerships with students from a university in every province and other stakeholders. Community Health Center (Puskemas) also can be a one-stop solution for place psychological assistant and physical for women victims of marital rape. Another sexual violence for women also can get protection parallel with marital rape. It is not

<sup>38</sup> K Mayukha Chihnitha, "Judicial Interpretation of 'Consent' in Rape Cases in Indian Courts and Application in Marital Rape Cases," *VNU Journal of Science: Legal Studies* 37, no. 2 (2021): 62–68, <https://doi.org/10.25073/2588-1167/vnuls.4342>.

too difficult to partner with Community Health Center if the government and other stakeholders have unity and goals to prevent secondary marital rape and marital rape in general.

One crucial thing to dot is that it has the same perspective as a victim of marital rape in state and stakeholders. Different perspectives about the victim of marital rape will make chaos. Theory about victim and victimization must include one standpoint. Authors suggest using the perspective of critical victimology, so did not use past perspectives that blame victims that will make victims also blame themselves.

It must be clear, understandable, and get special access to solve the problem. The problem is a cost in Indonesia, state and non-governmental non-integrated which state usually does long-term-project but not effective bust nongovernment sometimes just short-time because of funding issues. Complementary partnership state and nongovernment are urgently needed and increase funding or budget for victim assistance, including marital rape.

The example program to implement together is an online psychological assessment from women victims of marital rape and online reporting to fill the link or application. However, it would be difficult if the women victim of marital rape did not have access to technology. In this situation, private sectors, that is, a non-governmental organization can present to help. The victim of marital rape is invisible, so state and non-governmental organizations must call action to take the victim from home to home. Its means did not come door to door like marketing but a partnership with third parties. Continuous to protect victims in every stage is essential to include overcoming their

identity to overcome more than survivors in the future.

Future research can use quantitative and qualitative data to get more comprehensive data. Finally, Indonesia can implement victim assistance to prevent secondary victimization for women victims of marital rape. Mixed methods and studies to research marital rape will be better to get more solutions. Let us end women's sexual violence and other sexual violence in this society. Start with unity and fight the issue, not blame victims because sometimes they did not know they were victims.

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