

Gang Rape: Efforts to Deal with NGO Rifka Annisa in Maqashid Sharia Review

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Abstract

Rifka Annisa's Non-Governmental Organization movement in protecting women victims of violence is a form of deep concern for the emergence of a patriarchal culture that strengthens the position of men and weakens the position of women. As a result, women are vulnerable to become victims of violence. The Rifka Annisa movement plays an active role in providing protection to women victims of violence in the form of assistance and prevention. The emergence of the Gang Rape case in public spaces has become a concern for Rifka Annisa in an effort to educate about the prevention of Gang Rape. Seeing from Rifka Annisa's efforts to prevent Gang Rape, it will also be reviewed from Maqasi dSyariah.

Keywords: Gang Rape, *Maqasid Syariah*, Rifka Annisa

Introduction

The Rifka Annisa Non-Governmental Organization movement is a form of deep concern for the emergence of patriarchal cultural customs or traditions that give positions or the top part to men and the lowest position or degree to women. As a result, women are vulnerable to being victims of violence. Speaking of protection issues, every country and even religion have regulated it. How victims should be treated and given protection. Protection of victims of crime has been guaranteed in the rules of the state and the rule of Islamic law.

In general, rules in Islam and positive law do not just provide protection to victims and punish perpetrators. But it provides prevention of violence (Arifin & Santoso, 2016). Furthermore, Islam is designated as a *maslahat* for the people. [1] Islam guarantees in preserving the soul, property, honor, religion and human reason. As stipulated in Islamic law known as *maqâšid asy-syarî'ah* (Asy-Syatibi, 2010). The five indicators in *maqâšid asy-syarî'ah* are guarantees of human protection that can be relevant in protecting women

victims of violence to get full legal protection and obtain their rights. That is how Islam in the study of *maqâsid asy-syarî'ah* regulates and provides guarantees of protection for women victims of violence.

The existence of protection provisions in Islam or known as *maqâsid asy-syarî'ah* and state rules for women victims of violence are the basis for the protection of women. However, the lack of information and education to women victims of violence is a barrier for them to know access to legal assistance from the government. Victims do not know where to report or where the victim distrusts the agencies available to the government.

Analytical Framework

The problem of violence against women can be likened to an iceberg, which is above the surface less than the actual number. Violence against women is more hidden in the household and until it is lost by time. The reason is none other than because women feel afraid to convey that they are victims of violence, this fear is also caused by society that has a skewed perception of victims, such as victims of domestic violence (KDRT) or also rape victims.

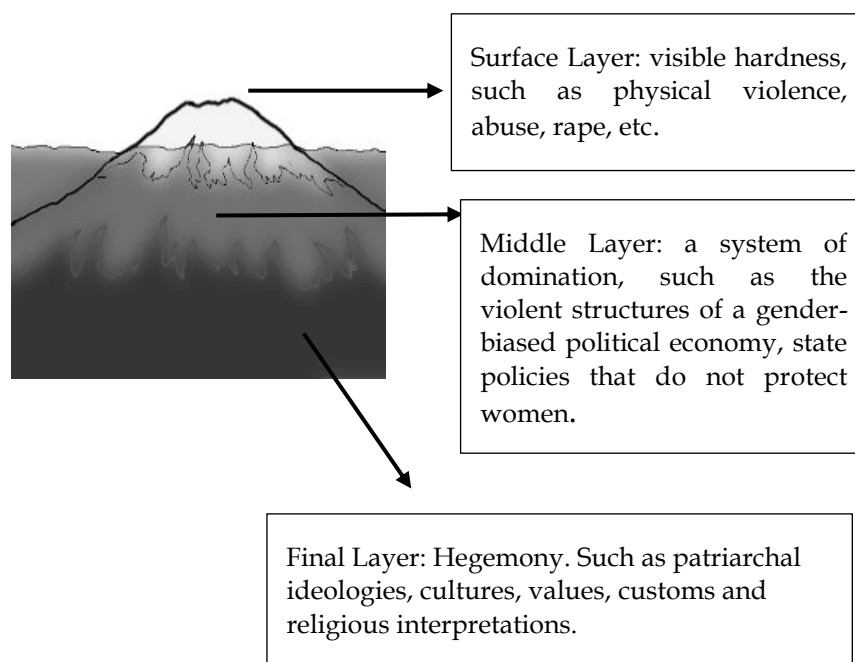


Image: The Reality of Violence against Women

Violence against Women is not a stand-alone act. It is evident in the experience of Rifka Annisa during these twenty-seven years. Violence against women is a phenomenon formed and intertwined by the social constructions of society, the construction of social relations and the construction of human thinking. Therefore, every act of violence that

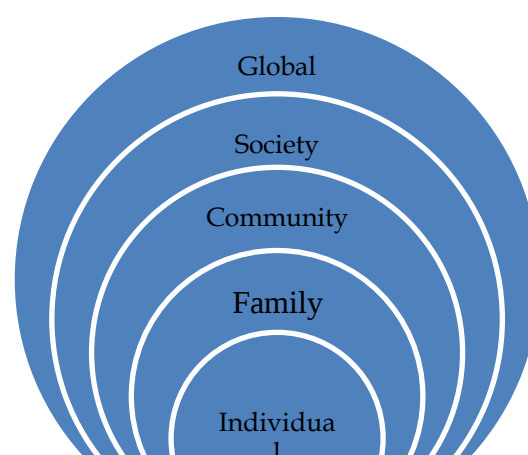
afflicts women is always accompanied by other conditions that are often invisible. As appears in the picture above, violence against women consists of three large layers. In the top layer, the most visible and very easily visible layer, there are acts of physical violence, sexual abuse and others (Rifka Annisa, 2003, p. 43).

In the second layer, a layer that begins to be invisible but is still easy enough to trace its existence is a dominating structural system. This system tends to ignore women's positions and is often unable to protect women from violence. The bottom layer and the most difficult to dismantle is the hegemony formed by the ideology, culture and value system of society. Although this layer can then be traced, it is very difficult to disassemble. It must be admitted that violence against women is almost always supported by these hegemonic cultural conditions and values (Rifka Annisa, 2003).

Violence against women occurs not because of women's fault but because women are positioned as weak parties in the culture of society. This culture that positions women is all weak which has come to be referred to as patriarchal culture. Seeing the reality of the root of the problem is the reason why Rifka Annisa at the beginning of its establishment until now has consistently upheld the Women Crisis Center approach model and the principle of self-determination[2] in organizing and accompanying women victims of violence directly so that they can find the right solution to the problems that befall them through psychological assistance and legal assistance. As the first Women Crisis Center in Indonesia, Rifka Annisa is currently known as an institution that consistently provides direct assistance to women victims of violence (Rifka Annisa, 2003, p. 25).

The ecological framework is an instrument used by Rifka Annisa in understanding the causes of acts of violence against women. These instruments are described into five interconnected contexts one and the other. The first circle also referred to as the innermost circle in the ecological framework is the biological and personal history that each individual brings into their behavior in a relationship. The second circle is the closest context in which violence often occurs, namely in the circle of family, acquaintances or close relationships with other people. The third circle of communities and social structures, both formally and informally, in which these relationships are embedded in the form of opposition, in the workplace, social networks and partnership groups. The fourth circle comes from the social and economic environment, including in it the cultural norms and legal system of the state. Finally, the fifth circle is the circle referred to as the outermost circle which is the global economic and social circle, global social institutions and structures , global or bilateral partnership groups, global networks (Rifka Annisa, 2007, pp. 8-9).

Ecological Framework Diagram



Source: Rifka Annisa, Gender-Based Violence Against Women, Jogjakarta

This ecological framework is the foundation for Rifka Annisa to be involved in the protection of women victims of violence and as an effort to prevent and reduce victims of violence against women.

The existence of a patriarchal culture in society, makes the figure of men become more dominant than women, men feel privileged because they bear a greater burden so that they have their own expectations in society, for example, men deserve to be leaders than women, so this indirectly causes violence against women.

Acts of violence against women in patriarchal cultural systems, being a man is often the perpetrator, and the woman who is the victim. This patriarchal culture is also reflected as a legacy of past values that think that women only take care of the kitchen, the well and the mattress. So in this case, women's involvement in realizing gender equality is not enough. The existence of a strong enough culture in society is a challenge in realizing gender equality is not easy, because there are still many assumptions that women are weaker than men.

Research Method

The type of research used is literature research that will collect qualitative data and this research is descriptive, namely the author describes the involvement of the NGO Rifka Annisa in efforts to deal with gang rape. The Research Approach used in this study is a philosophical approach with *maqâsid asy-syarî'ah* theory. This strategy looks at religious problems from a philosophical perspective and tries to offer solutions and problem solving with crisis analysis methods. This philosophical approach seeks to examine and analyze the movement of the NGO Rifka Annisa in protecting women victims of violence.

Analysis

Gang Rape

Gang Rape (Group rape) is a form of sexual crime against one victim in which the perpetrator numbers more than one person or many people. Rape gangs occur because rape gang perpetrators have a mentality called a mafia mentality that encourages a group to carry out criminal behavior together without thinking clearly (Roychowdhury, 2013).

Gang rape often occurs because the perpetrator tends to commit a crime because he feels he can escape punishment with the thought that the statistical possibility is not caught. This is the result of light sentences for perpetrators of rape and sexual crimes. Such light sentences can give an indirect message to the public that sex crimes are not considered too bad. As a result, it will not have a deterrent effect on the perpetrators of rape and sexual crimes that roam out there.

There are several factors that can result in why gang rape can occur, including:

1. Bystander Effect

The perpetrator observes and commits a sexual crime by the perpetrator against one victim and no one intends to help the victim.

2. Pluralist Indifference

In gang rape there is the impression that if one or more of the perpetrators feels innocent of committing a sexual crime, then the heinous act is considered natural if it is done that is what is called pluralist indifference.

3. Lack of Empathy

The absence of empathy in a group is generally caused by a disregard for negative behavior.

4. A Culture of Wrongdoing on the Part of the Victim

Generally this is called victim blaming, where when rape occurs, the victim is blamed for the way she dresses or because of her behavior which is considered to tempt the perpetrator to commit a crime.

5. The Existence of the Cult of Masculinity

Social researcher Beth Quinn of the University of Colorado, explains that gang rape perpetrators are defined as the male abuser's drive to show masculinity and the need to dominate the victim (cult of masculinity) (Rifka Annisa, 2022).

Gang Rape Case

The latest news related to four Ministry of Cooperatives and SMEs employees with the initials Z, M, F, and N reportedly raped their co-worker, a woman with the initials ND. This case has been in the spotlight of many people, "The case of the alleged rape of an employee of the Ministry of Cooperatives and SMEs: 'This is a disgrace to the ministry, to our family this is a disaster'. Women's activists and the Ministry of Women's Empowerment and Child Protection want to re-investigate the case because it is considered detrimental to the victim's family. Where this initial case occurred in 2019 until it was reported and ended up being reconciled or married to one of the perpetrators with the initials Z on the advice and proposal of the perpetrator's family and the police. Komnas Perempuan said this was the first rape case committed in the government (BBC, 2022).

Furthermore, the case of "14-Year-Old Girl Raped by 12 people, 1 Perpetrator of DPRD Member". The news of a 14-year-old girl who was raped by 12 people and even one of the perpetrators was a member of the DPRD is very concerning. This case was reported on Wednesday (22/1/2014) by the victim's uncle because he felt pity and anger at what the victim had experienced. At first the victim was kidnapped and raped by 5 unknown people in December 2013, then the victim's uncle asked the dprd members for help to report the rape case. Then the dprd member brought the victim and raped the victim by inviting 6 other friends of the perpetrator (Kompas, 2022).

Rifka Annisa: efforts to deal with victims of rape and sexual violence

In general, there are three stages carried out by Rifka Annisa for clients or victims of violence against women. First, Litigative Services (Legal Assistance). In this service, the counselor will take the victim directly to the RPK if the victim needs to immediately get police services to go through the litigation process. Second, psychological counseling services (Psychological Mentoring). If the victim's emotional condition is stable, Rifka annisa will provide direct counseling services. If the victim is able to make a decision to get medical and litigative services, then Rifka Annisa will refer them to the Women's Service Unit (UPP) of Panti Rapih Hospital and Special Service Room (RPK) with or without the assistance of a Counselor. Finally, Medical Services (Medical Assistance). This service is intended if the victim needs to immediately get medical services, then counselor Rifka Annisa will take the victim to UPP Panti Rapih Hospital (Rifka Annisa, 2003, p. 24).

Violence and the Movement for the Protection of Women in the Review of Maqâsid Asy-Syarî'Ah

Protection from violence experienced by these women is aimed at protecting the existence of the human soul and reason so that human life in the future can be more directed and get security and comfort in life so that it can re-socialize with the wider community. The creation of Islamic law, of course, has a purpose or what can be called Maqâsid asy-syarî'ah, namely to protect the existence of human reason, religion, soul, descendants and property to realize benefits for human life, be it life in the world or the Hereafter. In the implementation of protection and assistance for victims of sexual harassment acts, it must be aimed at protecting these five existences.

Providing protection and assistance carried out by an institution in Islam must be done, in order to protect the most haqiqi human soul. If there are currently practices of inappropriate treatment of women in Islamic society, that is not the teaching of the Islamic religion. However, the teachings of Islam are not implemented on a practical level, and are also due to the existence of traditions or customs that develop in the community very far from the teachings of Islam (Al Hibri, 2001).

The correlation of the Rifka Annisa NGO movement in the form of protection and assistance carried out by the NGO Rifka Annisa with the aim of Islamic law is very relevant, where both aim to protect the victim's psychological for the actions he gets from public

spaces, workplaces, or domestic areas, protect himself and strengthen the victim from all forms of threats received by the victim, as well as provide advice to women that to avoid danger, a woman must believe self and decisive in action so that he can protect himself from all kinds of violence and threats of crime. Just as Islam has called on people to be confident and assertive.

Maqâşid Asy-Syari'ah Review of the Rifka Annisa NGO Movement in Assisting Women Victims of Violence

The Rifka Annisa NGO movement in the implementation of mentoring is needed to determine the categorization of the public interest, one of which is by looking at the public interest in terms of its consequences, namely considering an act that was originally seen as something common to be done turns out to have consequences that can damage or have mafsadat so that it can provide opportunities for the emergence of toxicity, it must be avoided (Yusdani, 2000).

Psychological and legal assistance to women victims of violence is a human need that is *darûriyât* (primary) that must be taken care of optimally by every human being because if psychological and legal assistance actions are not carried out, it can threaten the safety of other human beings. Just as the purpose of Islamic law is to protect the benefit of human life, so the provision of assistance in Maqâşid asy-syari'ah is useful to be able to protect human souls, reason and property (al Qardhawi, 1999, p. 59).

The movement of the NGO Rifka Annisa in providing protection for women victims of violence was carried out in order to protect the human soul from crimes that could harm a person's psychological and self-state. Protecting the soul of a human being who is a victim of assistance is carried out by accompanying the victim in carrying out the legal process, providing support to be able to carry out his life normally as before and strengthening the victim so that the victim does not feel afraid that it can happen again, as well as providing extensive information about what to do if someone gets a similar action.

The NGO Rifka Annisa in providing assistance to women victims of violence is given to protect human souls which is one of the preventive efforts in protecting and protecting victims in the recovery period. Providing assistance also provides freedom for victims to be able to live comfortably without threats from the perpetrator and protects victims from sexual harassment disorders and others.

Furthermore, Islamic law also aims to protect human reason, assistance to women victims of violence is also intended as an additional means of educating victims about what steps victims should take when getting acts of violence in the form of physical and psychic, and can educate those around them. The protection of reason in assisting victims is also intended so that victims can better understand the legal steps that must be taken to carry out their legal process. Finally, property protection for victims is in the form of compensation from the perpetrator for the actions he has done that have harmed the victim (Ali, 2004, pp. 63-64).

Islam perfectly provides protection for women and firmly rejects violence. Islam has transformed into a solution to the problems faced by women. So that women are no longer victims of patriarchy in the life of the nation and state. The need for state preparation to maximize law enforcement at the level of implementing regulations for the protection of women. The main principle of protection is to ease the burden, eliminate difficulties, and make it easier for humans to benefit.

Conclusions

Rape gangs, otherwise known as group rape, have happened a lot. Gang rape is also an act of sexual violence for women. Even more ironically, the perpetrators are not only alone but the perpetrators can commit their crimes in groups. Victims of Rape and sexual violence for women are increasing every year, even children are often victims. Perpetrators of sexual violence are not only committed by unknown people, it often happens that the perpetrators are precisely the closest people to the victim and even the perpetrators can be in groups. The Rifka Annisa movement is consensual in providing some treatment and protection for women and children victims of rape and sexual violence.

Rifka Annisa's NGO movement in providing protection to women victims in the form of legal assistance, psychological assistance, and medical assistance. The assistance provided by the NGO Rifka Annisa was carried out actively in assisting koban. This is done starting from the preparation of the minutes of the examination and providing information about the description of the trial, assistance in the examination process at the police and meetings with prosecutors, assisting victims by providing psychological and legal support. However, in the legal process there are legal weaknesses in force in Indonesia because they have not supported the completion of the legal process as well as its assistance and guaranteed fulfillment of the rights of women victims of violence.

The *maqâsid asy-syarî'ah* review of the Rifka Annisa NGO movement in the protection of women victims of violence is one of the manifestations of the fulfillment of human needs that are *darûriyât* (primary) that must be met to be able to protect human existence if they do not get protection then it can threaten their safety. The protection process carried out by the NGO Rifka Annisa is the provision of assistance to women victims of violence in *maqâsid asy-syarî'ah* aimed at protecting the rights of victims by protecting the existence of human life, reason and property in accordance with the objectives of Islamic law.

Life protection is aimed at maintaining the existence of human life, the protection of reason is aimed at providing education to victims or the wider community to prevent acts of violence from occurring so that it will not interfere with the safety of human reason and can know the legal process regarding acts of violence, while property protection is aimed at maintaining human life by providing compensation for the events experienced as a form of compensation for losses from the threat posed by acts of violence against women.

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[1] Al-Anbiya' (21): 107. In this verse, the word "mercy" means love and affection. When it is related to Allah, it means that Allah affirms favors, virtues and affections for all beings through his sharia to the Prophet Muhammad. M. Quraish Shihab explains that grace is not limited by time and place. So,

this verse makes it clear that the lesson of the prophet Muhammad as sharia for mankind without time and place restrictions. See Husain ibn Muhammad al Isfihany, *al Mufradat fi Gharib al-Qur'an*, (Damascus, Dar al-Qalam, 1412 H), p. 347. See also M. Quraish Shihab, *Tafsir al Misbah*, vol. 8, (Jakarta: Lentera Hati, 2002), p. 519.

[2] The principle of Self Determination that has been chosen by Rifka Annisa is a stage of cultivating self-confidence, self-esteem, fortitude, knowing herself, knowing her rights and obligations, and courage in order to fight for the problems experienced by victims. Source Rifka Annisa, *Social movements Towards the Elimination of Violence Against Women*, Drafting Team: ReaD (Research, Education and Alternative Dialogue, 2003), p. 47.