



Criminal Law Analysis of the Exploitation of Women in the Film Sang Penari

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Abstract - This study examines these issues within the framework of Indonesia's criminal law development, focusing on the film *Sang Penari*. Through the character Srintil, the film vividly portrays how cultural practices can entrap women in cycles of exploitation that are legitimized by societal expectations. Although Indonesia has adopted various progressive legal regulations such as Law No. 21/2007 on the Eradication of Trafficking in Persons and Law No. 23/2004 on the Elimination of Domestic Violence, implementation in the field still faces significant challenges. Lack of effective law enforcement, lack of public awareness, and socio-economic factors, such as poverty, contribute to the vulnerable situation for women. Therefore, to protect women from exploitation and violence, a multidimensional approach is needed that includes aspects of law, education and economic empowerment. This research emphasizes the need for integration between law, culture and social awareness so that women like Srintil can live with dignity and be protected from violence and exploitation.

Keywords: Human Trafficking, Legal Analysis, Sexual Exploitation

I. INTRODUCTION

The film *Sang Penari* (2011), adapted from Ahmad Tohari's novel *Ronggeng Dukuh Paruk*, offers a lens into the legal issues of sexual exploitation and gender-based violence in 1960s rural Indonesia. At its center is Srintil, a ronggeng dancer, whose life becomes entwined with these exploitative practices, reflecting how legal and political factors of the time shaped the treatment of women. The film highlights the vulnerable position of women in a society dominated by patriarchal values and a traditional culture that often places women as objects, both physically and socially. From a criminal law perspective, *Sang Penari* opens the door for critical discussion on how the law, both past and present, addresses issues of sexual exploitation, human trafficking, and gender-based violence (Hidayaturahmi & Herna, n.d.).

In the context of Indonesian criminal law, the issue of sexual exploitation and violence against women has long been a complex issue (Ningrum & Hijri, 2021). During the times depicted in the movie, legal protection for women was minimal. The absence of specific regulations to protect women from sexual violence makes women like Srintil a victim who does not get justice. Amidst the dominance of patriarchal culture, women's roles are often not seen from a fair legal perspective, but are only understood within the framework of culture and custom, which tends to legitimize the exploitation.

The exploitation of Srintil as a ronggeng reflects not only individual oppression, but also the institutionalization of injustice against women through tradition. In the modern criminal law system, this kind of exploitation can be categorized as the crime of trafficking in persons or commercial sexual exploitation, which is a violation of human rights and degrades the

dignity of women (Aldri et al., 2022). According to Article 2 of Law No. 21/2007 on the Eradication of the Crime of Trafficking in Persons, trafficking in persons includes all forms of recruitment, transportation, and harboring of persons for the purpose of exploitation, including sexual exploitation. Although the movie is set in an era before the birth of the regulation, the essence of the criminal act of trafficking in persons and sexual exploitation depicted remains relevant to the development of Indonesian criminal law today.

In the history of the development of Indonesian criminal law, the protection of women and children only began to focus in the decades after independence, when the law began to shift from Dutch colonial influence to a national legal system oriented towards social justice (IP & Dev, 2024). The Criminal Code inherited from the Dutch colonial era has not been able to fully address the issue of sexual exploitation and violence against women specifically, as many articles emphasize moral norms without providing concrete protection. For example, Article 285 of the Criminal Code, which regulates rape, is limited to sexual intercourse committed with violence and coercion, without taking into account the context of social and economic exploitation that is often experienced by women in vulnerable positions such as Srintil.

In the 1960s, political influences also worsened the situation of criminal law in Indonesia (Angie & Srihadiati, 2024). During this period, many crimes were linked to political conflicts between groups supporting the Indonesian Communist Party (PKI) and anti-communist forces. In the movie *Sang Penari*, Srintil is indirectly involved in these political dynamics. Unstable political conditions often marginalize aspects of fair criminal law enforcement, as the law is used more as a tool to perpetuate power and suppress political opponents. This can be seen from how political conflicts led to various forms of violence legitimized by the state, including mass killings and imprisonment without a clear legal process. The political violence experienced by the community at that time was also an example of a violation of the principles of criminal law, especially in relation to the protection of human rights and guarantees of justice.

Over time, criminal law in Indonesia began to accommodate the development of protection needs for women and other vulnerable groups (Bramantyo et al., 2024). The enactment of Law No. 23/2004 on the Elimination of Domestic Violence (PKDRT Law) marks a pivotal development in criminal law, particularly in advancing protections for women. This law, alongside Law No. 21/2007 on the Eradication of the Crime of Human Trafficking, underscores the state's commitment to safeguarding vulnerable groups, aligning with the research objective to analyze the effectiveness of legal protections for women under these frameworks (Wafiuddin, 2022). This law provides a clear legal framework regarding forms of domestic violence, including physical, psychological, sexual violence, and economic neglect, and provides mechanisms for victims to obtain protection and justice. In the context of *Sang Penari*, although Srintil's case did not take place within a household, the pattern of gender-based violence she experienced has similarities with many cases of domestic violence where women are victims of domination and control from men or a patriarchal society.

In 2007, Indonesia also adopted Law No. 21/2007 on the Eradication of the Crime of Trafficking in Persons (TPPO Law), which expanded the scope of legal protection for victims of human trafficking, especially women and children. This law addresses the need to address various forms of human exploitation that were previously not adequately regulated in the Criminal Code. The TPPO Law provides for more severe sanctions for perpetrators of sexual exploitation, including in cases where women are forced to perform sexual labor without clear consent, as experienced by Srintil as a *ronggeng*. The sexual exploitation that occurs in this film can be further analyzed from the perspective of modern criminal law, where more specific regulations now exist to protect women from such practices.

At the international level, Indonesia has also ratified several important instruments that support the protection of women from violence and exploitation, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which was ratified through Law Number 7 of 1984. The convention emphasizes the need for member states to adopt comprehensive legal, social, and economic measures to eradicate all forms of discrimination and violence against women. In this context, Srintil's case can also be seen as

an example of gender-based discrimination that requires a stronger and more progressive legal response.

This research aims to explore how Indonesian criminal law has evolved from the past to the present in addressing issues of sexual exploitation, human trafficking, and gender-based violence, as portrayed in *Sang Penari*. By examining these developments, this study seeks to enhance understanding of the criminal legal system's challenges in safeguarding women's rights and to propose ways to bolster legal protections against similar forms of exploitation in the future. Based on this background, the study addresses two main questions: (1) How did Indonesian criminal law in the 1960s regulate the protection of women, especially concerning exploitation, as depicted in *Sang Penari*? (2) How does contemporary Indonesian criminal law handle cases of sexual exploitation, human trafficking, and gender-based violence, and to what extent does it protect women, such as the character Srintil in *Sang Penari*? Through examining these questions, this research hopes to draw valuable insights from the film's portrayal of exploitation, ultimately informing a broader discussion on the role of criminal law in addressing these critical issues in Indonesia.

II. METHOD

This research uses normative juridical research, this was chosen because this research seeks to understand how criminal law in Indonesia related to sexual exploitation, human trafficking, and gender-based violence is applied in a social and cultural context. This research also seeks to see the extent to which existing legal regulations reflect and protect women's rights in the reality of everyday life, as experienced by the character Srintil in the movie *Sang Penari*. Qualitative method with descriptive-analytical approach. The qualitative method was chosen because this research not only focuses on analyzing written law but also explores in-depth understanding of the application of law in real situations. Through the descriptive-analytical approach, this research aims to describe the phenomenon of exploitation of women and evaluate whether the existing law is adequate in protecting women from gender-based violence. This method involves analyzing secondary legal materials such as laws, journals, legal literature, and case representations in the movie *Sang Penari*, as well as using critical discourse analysis to look at the cultural context that influences the protection of women.

III. RESULT AND DISCUSSION

1. Legal Protection of Women in Cases of Sexual Exploitation in the 1960s Based on the Movie Sang Penari.

In the 1960s, legal protection for women in Indonesia, especially in cases related to sexual exploitation and gender-based violence, was still very minimal and inadequately structured (Putranti, 2022). This can be seen from the inability of criminal law at that time to respond fairly and proportionally to cases involving women as victims of violence. In the movie *Sang Penari*, the main character, Srintil, becomes a victim of a strong patriarchal culture, where the role of women is often positioned as sexual objects that can be exploited without clear legal protection. This condition is a reflection of the existing social and legal system in Indonesia at that time, which was not able to provide adequate rights for women to be protected from various forms of violence.

In those years, the Indonesian legal system was still heavily influenced by the Dutch colonial Criminal Code (KUHP), which in many parts had not accommodated social developments and human rights, especially in relation to the protection of women (Prabowo, 2021). The Criminal Code, which was adopted from the Dutch *Wetboek van Strafrecht*, has many shortcomings in providing protection to victims of sexual violence and exploitation. One of the main weaknesses of the Criminal Code at the time was the absence of a clear definition of sexual violence, which varied (Ramadhan & Lasmadi, 2024). Articles regulating criminal acts of sexual violence, such as Article 285 on rape, were very limited in scope. This article only regulates sexual relations committed with violence or threat of violence, without taking into account the broader context, such as sexual exploitation in unequal socio-economic situations, which is often experienced by women like Srintil.

In the context of Sang Penari, Srintil is forced to live a life as a ronggeng, which is socially and culturally considered a profession attached to symbols of sacredness. However, behind these symbols of sacredness, the ronggeng profession also contains elements of sexual exploitation, where women's bodies are used as commodities that can be exploited by men in society (Putranti, 2022). The ronggeng tradition, which places women as objects of entertainment and sexual attraction, does not receive adequate legal protection. In the 1960s, Indonesian criminal law did not have clear provisions for sexual exploitation legalized by social norms such as this, so many women like Srintil were trapped in an exploitative system that did not receive significant legal intervention.

In addition, socio-political developments in the 1960s also affected how criminal law was applied in society. During that time, Indonesia was in a highly unstable political situation, with increasing tensions between various political ideological groups, including the Indonesian Communist Party (PKI) and anti-communist forces. The movie Sang Penari also deals with this theme, where Srintil and the community around her are caught up in a political conflict that eventually leads to violence and widespread human rights violations. This political conflict contributed to weak law enforcement, especially laws relating to the protection of women. In that era, the law was often used as a political tool to suppress political opponents, while the protection of individual rights, especially women's rights, was often neglected.

The inability of criminal law in the 1960s to protect women can also be seen from the lack of specific regulations regarding criminal acts of gender-based violence (James, 2023). At that time, the concept of gender-based violence was not yet recognized in Indonesian law, and acts of violence experienced by women were often considered private matters that did not require state intervention. Domestic violence, sexual exploitation, and other forms of gender-based violence were often considered part of cultural norms that did not require legal protection (Megawaty et al., 2024). For example, in rural communities such as those depicted in Sang Penari, women working as ronggeng are considered part of the local tradition, and the sexual exploitation they experience is often not considered a violation of the law, but rather as part of their social function in the community.

In this case, Indonesian criminal law in the 1960s was not mature enough to address issues related to women's rights (Nandang Sambas & Dian Andrisari, 2021). In fact, in many cases, the law actually reinforced the patriarchal social structure, where women were placed in a subordinate position without the right to autonomy over their bodies and lives. Srintil, as a ronggeng figure, is a symbol of the systemic oppression of women who do not receive legal protection from exploitation and violence. Cases like Srintil would have been difficult to bring to the legal realm at that time because there were no regulations that specifically protected women from social and sexual exploitation that were legalized by custom.

Legal protection for women in the context of sexual exploitation and violence only began to experience significant improvements in the following decades, when Indonesia began to introduce more specific regulations related to the protection of women's rights. One important development in Indonesian criminal law was the birth of Law Number 23 of 2004 concerning the Elimination of Domestic Violence (UU PKDRT) (Sopacua, 2022). Although this law was only enacted several decades after the period depicted in Sang Penari, it reflects a significant shift in the understanding of criminal law regarding the protection of women from violence. The Domestic Violence Law provides more comprehensive protection for women who are victims of violence, including physical, psychological, sexual, and economic violence, which was not specifically regulated in the Criminal Code in the 1960s.

Furthermore, in 2007, Indonesia also adopted Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking (UU TPPO), which is a legal response to various forms of exploitation, including sexual exploitation experienced by women (Rachman & Aida, 2023). In this law, human trafficking and sexual exploitation are recognized as serious crimes that require strict law enforcement. This law is relevant to the context of sexual exploitation depicted in Sang Penari, where Srintil, although not formally trafficked, is trapped in a system of social exploitation similar to human trafficking. The TPPO Law makes sexual exploitation a form of crime that requires serious legal treatment, a protection that was not available in the 1960s.

However, although Indonesia's criminal law has made significant improvements in terms of protecting women, challenges remain in its implementation. Cases of violence and sexual exploitation against women are still often ignored or do not receive sufficient attention from law enforcement officials (Megawaty et al., 2024). Weak law enforcement, coupled with the social stigma that still attaches to victims of sexual violence, makes women like Srintil still vulnerable to exploitation, even though the legal framework has improved.

Thus, it can be concluded that Indonesian criminal law in the 1960s was very limited in providing protection for women, especially in cases of sexual exploitation and gender-based violence. The inability of the law to protect women like Srintil reflected the structural weaknesses in the criminal law system at that time, which was still heavily influenced by patriarchal culture and the inability of the law to respond fairly to social dynamics. It was only after several decades that Indonesian law began to introduce more specific protections for women, through laws such as the Domestic Violence Law and the Human Trafficking Law, which were expected to provide justice for victims of violence and sexual exploitation.

2. Development of Indonesian Criminal Law in cases of Sexual Exploitation, Human Trafficking in the application of protecting women based on the film Sang Penari

The development of criminal law in Indonesia in dealing with sexual exploitation, human trafficking, and gender-based violence has made significant progress, especially since the early 2000s (RIYANDI, 2024). This is reflected in various laws and regulations that are more specific and progressive in protecting victims, especially women and children. However, despite regulatory improvements, the main challenge still lies in implementation in the field and the gap between written law and social reality. To answer the question of the extent to which Indonesian criminal law is currently able to protect women like Srintil in the film Sang Penari, a deeper analysis is needed regarding the development of criminal law regulations in Indonesia, starting from legal reforms, law enforcement, to social awareness.

Before discussing further regarding the development of criminal law, it is important to remember the background of Srintil in the film Sang Penari. Srintil is a ronggeng, who is basically the subject of sexual exploitation in the context of the patriarchal culture that exists in Dukuh Paruk. Srintil has no power over her own body and is culturally considered as common property by the community. She is trapped in a traditional role that sets aside her rights as an individual, especially in terms of sexual freedom and protection from exploitation. The situation experienced by Srintil can be understood as a form of commercial sexual exploitation, although there is no explicit transaction in the form of money, but what happened was exploitation based on culture and tradition.

In the context of modern criminal law, the situation experienced by Srintil can currently be treated as a criminal act of sexual exploitation and human trafficking, which is clearly regulated in Law Number 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking (UU TPPO). The TPPO Law stipulates that sexual exploitation, including in the form of coercion to involve someone in sexual work, is a serious crime that must receive special attention from the state (Dwiputri, 2024). The definition of exploitation in the TPPO Law includes various forms of sexual coercion that violate a person's basic rights, including coercion through threats, violence, or abuse of power and vulnerable positions (Fitriani et al., 2023). In the context of Srintil, the exploitation that occurred was the abuse of a vulnerable position caused by social, economic, and cultural factors.

In the modern era, sexual exploitation regulated by the TPPO Law has a broader scope compared to the definition of sexual violence contained in the Criminal Code (KUHP). Article 2 of the TPPO Law explains that "Any person who recruits, transports, shelters, sends, transfers, or receives a person with the threat of violence, use of violence, kidnapping, confinement, forgery, fraud, abuse of power or vulnerable position, debt trapping or giving payment or benefits, to obtain the consent of a person who has control over the other person, whether carried out within the country or between countries, for the purpose of exploitation or causing a person to be exploited, shall be punished with imprisonment of at least 3 (three) years and a maximum of 15 (fifteen) years and a fine of at least IDR 120,000,000.00 (one hundred and twenty million rupiah) and a maximum of IDR 600,000,000.00 (six hundred million

rupiah)." With this regulation, forms of exploitation such as that experienced by Srintil can be processed criminally. In addition to the TPPO Law, protection for women is also strengthened by Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT Law). Although the Domestic Violence Law focuses more on domestic violence, its essence is very relevant to the issue of gender-based violence in general. This law explicitly recognizes various forms of violence, including physical, psychological, sexual, and economic violence, which can occur in the context of unequal power relations, such as that experienced by Srintil. Sexual violence in the Domestic Violence Law is explained as an act of forcing another person to have sexual relations within the household, but the concept of sexual violence can be expanded in a broader context, such as in situations of exploitation rooted in social norms (Fakhria & Zahara, 2021).

Another advancement in Indonesian criminal law is the push to pass the Sexual Violence Elimination Bill (RUU PKS) which aims to provide broader protection for victims of sexual violence (Sianturi & Lie, 2023). This bill, although still in the process of being passed, proposes a more detailed definition of sexual violence, including gender-based violence and sexual exploitation. The RUU PKS seeks to close various legal loopholes that have so far been unable to be reached by existing regulations, such as the TPPO Law and the PKDRT Law. In the context of Srintil, the RUU PKS would provide greater protection for women who find themselves in situations of sexual exploitation that are legalized by social norms. The bill also proposes reparations for victims, in the form of psychological, social, and economic rehabilitation, which have often been overlooked in law enforcement in Indonesia.

However, while the current regulations show significant progress in protecting women from sexual exploitation and gender-based violence, their implementation in the field still faces various challenges. One of the biggest challenges is the lack of effective law enforcement. Although these regulations are in place, implementation at the grassroots level is often weak. This is due to several factors, including a lack of public awareness and the limited capacity of law enforcement officers to handle cases of violence against women sensitively and comprehensively. In many cases, law enforcement officers, such as the police, prosecutors, and judges, still tend to view violence against women, especially those based on culture, as an issue that does not require serious legal attention (Widyani, 2020). This view is often influenced by the patriarchal culture that is still strong in many regions in Indonesia, where women are considered to be the ones who must submit to existing social norms, even if these norms are detrimental to their rights. In this case, women like Srintil, who are victims of cultural-based exploitation, often do not receive proper protection because law enforcement officers do not view such exploitation as a serious crime.

In addition, public awareness of women's rights is still relatively low in many regions, especially in rural areas that are still very much tied to customary values and traditions (Karo et al., 2024). Although regulations such as the TPPO Law and the PKDRT Law provide a strong legal framework, people often do not report cases of exploitation or violence for fear of violating social norms or facing stigma from their communities. In Srintil's case, the role of the *ronggeng* legitimized by the Dukuh Paruk custom meant that her exploitation was not considered a violation, but rather a part of the tradition that had to be lived. This kind of condition illustrates the gap between law and culture, where progressive laws cannot be effectively implemented if existing social norms still support forms of oppression against women. In this context, it is also important to look at the role of advocacy institutions and non-governmental organizations (NGOs) in overseeing the implementation of criminal law that protects women.

These institutions have a very important role in supporting victims of violence and exploitation, including providing legal, psychological, and social assistance to victims. They also play a role in encouraging social change and raising public awareness of women's rights. Without the support of these institutions, many victims like Srintil will continue to be trapped in a system of exploitation that is supported by cultural norms and the indifference of law enforcement. To create better protection for women from sexual exploitation, human trafficking, and gender-based violence, the state needs to continue broader legal reform efforts and ensure that gender-sensitive law enforcement is a priority (RIYANDI, 2024). This requires

not only strengthening regulations, but also a fundamental change in the legal culture in Indonesia. Law enforcement officers must be equipped with more in-depth gender-sensitive education so that they can better handle cases of sexual exploitation and gender-based violence. In many cases, law enforcement officers still show an inability to understand the social and psychological context surrounding victims of sexual violence, which often results in victims being re-victimized during the legal process (Wattimena, 2023).

This can happen because officers are not only poorly trained in handling such cases, but also because they are often still influenced by deeply rooted patriarchal biases in society. Thus, legal system reform must include not only regulatory changes, but also changes in attitudes and perspectives among law enforcers. In relation to the film *Sang Penari*, if Srintil's case occurred in the context of modern Indonesian criminal law, then theoretically, Srintil could receive protection from the various legal instruments that have been mentioned, such as the TPPO Law and the PKDRT Law. However, the success of this protection is highly dependent on how law enforcement officers and the community understand and respect Srintil's rights as an individual who has the right to her bodily autonomy and is free from sexual exploitation. It is also important to note that cases of exploitation that are legitimized by culture, such as that experienced by Srintil, require a more subtle and multidimensional approach. It is not enough to rely solely on formal legal instruments; there is a need to empower communities through education and awareness campaigns on women's rights and the importance of respecting human dignity regardless of gender.

At the international legal level, Indonesia is also bound by various conventions that protect women's rights, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was ratified by Indonesia through Law Number 7 of 1984 (Nawawi et al., 2022). CEDAW requires member states, including Indonesia, to take appropriate steps to eliminate discrimination against women in all aspects of life, including in terms of protection from sexual exploitation and gender-based violence (Mira, 2024). This ratification requires Indonesia to continue to update and improve regulations and mechanisms for protecting women, in accordance with higher international standards.

However, as mentioned, the ratification and adjustment of laws does not automatically guarantee effective protection for women in the field. Local cultural and political contexts remain determining factors in the implementation of laws that protect women (Giyandri & Sinaga, 2024). In the context of Dukuh Paruk, where Srintil grew up, local customary and cultural norms hold very strong power, so that modern laws are often considered irrelevant or even contradictory to tradition. Therefore, the implementation of the law must be accompanied by a cultural approach that respects local traditions while still ensuring that the basic rights of individuals are not violated. In this case, the role of community empowerment is very important. Awareness campaigns involving local leaders, religious figures, and civil society can help bridge the gap between modern law and traditional norms, so that a shared awareness of the importance of protecting women from exploitation and violence is created.

In addition to formal legal aspects, economic and social issues must also be taken into account in dealing with cases of sexual exploitation and human trafficking (Hamzah et al., 2021). As depicted in the film *Sang Penari*, Srintil came from a very poor environment, where economic limitations played a big role in the decisions made by individuals and communities. In many cases, sexual exploitation and human trafficking occur due to social and economic inequalities that create situations where women and children are vulnerable to exploitation. Therefore, criminal law must be integrated with socio-economic policies that aim to reduce poverty and empower women economically, so that they are no longer forced to sell their bodies or become trapped in exploitative situations.

An effective legal system must be able to provide comprehensive and integrated solutions to address the various factors that cause and maintain sexual exploitation and gender-based violence. In addition to strict law enforcement, a multidimensional approach that includes education, economy, society, and culture is needed to create conditions where women like Srintil can live with dignity and without fear of exploitation. The government, law enforcement agencies, civil society, and local communities must work together to create an

environment that protects women's rights in their entirety, both through formal legal mechanisms and broader social change.

Ultimately, the protection of women in cases of sexual exploitation and gender-based violence in Indonesia has made significant progress in terms of regulation. However, the success of the implementation of criminal law in protecting women like Srintil depends heavily on the integration of law, culture, and social awareness. The Indonesian government must continue to strengthen law enforcement and ensure that existing regulations can be implemented effectively with an approach that is sensitive to the existing social and cultural context. Without systemic change and a more inclusive approach, victims like Srintil will continue to be part of the history of sexual exploitation that has not been fully resolved in Indonesian criminal law.

IV. CONCLUSION

The conclusion of the discussion on the development of Indonesian criminal law in dealing with sexual exploitation, human trafficking, and gender-based violence with reference to the film *Sang Penari* shows that although there has been significant progress in legal regulations that protect women, their implementation in the field is still far from ideal. Modern criminal law, such as the TPPO Law and the PKDRT Law, provides a clearer and more progressive legal framework in protecting women from forms of exploitation and violence, but the gap between formal law and social reality is still very real. The character of Srintil in *Sang Penari* describes the condition of women who are trapped in a system of cultural-based exploitation, which is legitimized by patriarchal norms and local traditions. In the context of modern law, Srintil would be considered a victim of sexual exploitation, who should receive legal protection. However, the implementation of the law, which is often insensitive to the social, cultural, and economic context, means that women like Srintil do not always receive proper protection. Although legal regulations in Indonesia have developed to protect women from exploitation and violence, the challenges of implementation and social awareness are still major obstacles. To realize more comprehensive protection for women like Srintil, synergy is needed between criminal law, cultural change, and more inclusive and gender-sensitive socio-economic policies.

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