# Rape often not reported as locals depend on customary law

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THE JAKARTA POST/
SORONG, WEST PAPUA

Many cases of rape and sexual assault go unreported in Sorong, West Papua, as the locals resort to customary law in handling such cases rather than state law enforcement to punish perpetrators.

Fifteen cases of rape or sexual assault against women had been reported in the coastal city throughout 2017 and up to July this year, a local police officer said, noting that that figure probably did not reflect the true extent of the problem, given indigenous communities' reluctance to file police reports.

"[We believe] many rape cases happen out there and remain undetected, because they are settled under customary law," Sorong Police chief Adj. Sr. Comr. Mario Christy Pancasakti Siregar said over the weekend before diplomats from 37 countries.

The diplomats were attending an event held by the Women's Empowerment and Child Protection Ministry to learn about the problems faced by women in the city.

Mario said most of the local people upheld their customary law and opted to follow that rather than state law.

Women's Empowerment and Child Protection Minister Yohana Susana Yembise admitted that customary law still played a big role in Papuan society. Yohana, a Papuan woman herself, urged customary leaders to be open to the implementation of state law for the sake of protecting women and children.

"We have ratified [the Convention on the Elimination of All Forms of Discrimination Against Women], and we also have the 2004 Domestic Violence Law to settle the problems affecting women. Therefore, we can no longer use customary law to address such problems," she said.

A staff member of the Papuan Customary Council, Laus Rumayom, said the 2014 law on villages allowed the council to resort to customary law in handling social problems. He claimed customary law usually created a bigger deterrent effect for perpetrators than state law. He did not elaborate on customary law enforcement against rapists, but he did say that the law of a particular tribe in Papua allowed the tribesmen to kill a murderer. "An eye for an eye," he said.

Lidwina Inge Nurtjahjo, a lecturer of law and gender studies at the University of Indonesia (UI), said the reported cases of rape and sexual harassment in indigenous communities, such as in Papua, were only "the tip of the iceberg".

Many rape cases were just settled through dialogue between the families of the perpetrator and the victim, said Lidwina, who has researched customary law in the province of East Nusa Tenggara (NTT). This approach often failed to address assault and led to victim-blaming.

For instance, she said, under customary law, the perpetrator's family would be required to pay a certain amount of money or valuable things, such as cattle or woven fabric, to the victim's family as a punishment for rape. This was the case in NTT, she said, and similar customary ways also prevailed in other regions, such as West Papua. This did not address the core of the problem, Lidwina added.

"The perpetrator himself does not experience the deterrent effect of his wrongdoings, while the victim does not receive counseling after the traumatic incident," she added.

While many parts of the world have seen society encourage women to speak up against sexual violence and to drag the perpetrators to court, sexual assault cases remain largely taboo and undisclosed in Indonesia.

A January report from the National Commission on Violence Against Women (Komnas Perempuan) revealed that sexual crimes remained common in 2017 despite a 2016 regulation that stipulates tough punishment for child rapists, including chemical castration.

Several rape cases against women and young children have shocked the country in the past few years and prompted a nationwide awareness campaign to push for better protection of children and women. Still, activists have noted that many rape cases go unreported for cultural reasons and fears of stigmatization of victims.