



## Timorese Women's Efforts in Fighting for Gender Equality (Study of the Decision of the Kefamenanu District Court)

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<http://dx.doi.org/10.18415/ijmmu.v10i12.5293>

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### **Abstract**

The issue of women's gender equality in East Nusa Tenggara (NTT) province provides important insights into gender roles in local communities. In her analysis, Mills highlights that women in Timor still face many challenges in achieving gender equality. Mills also highlights that women in Timor often face discrimination and violence, especially in domestic situations. This suggests that while there are laws that support gender equality, implementation is far from perfect. However, Mills also points out that there are some efforts that have been made to improve gender equality in Timor. This research is descriptive qualitative in nature using the critical discourse analysis approach of the Sara Mills model. The data in this study are Supreme Court decision documents. The subject of the research is the Supreme Court decision document, Kefamenanu district court. The object of research is decisions related to sexual violence against women in 2022 and 2023. The conclusion of this research is that Timorese women can show their existence in facing the patriarchal culture that often discriminates against their people in Timor.

**Keywords:** *Discrimination; Gender; Women; Harassment; Timor*

### **1. Introduction**

Gender issues, often experienced by women, are one of the topics that are widely discussed in various discourses about women. Discourse is a way or object that is debated openly in the general public which creates an understanding (Widiyaningrum and Wahid: 2021). The discourse that is often displayed in various court decisions is the dominance of men over women, women are objects of male sexuality, and women are treated unfairly because they are considered weak beings.

Gender injustice often occurs because of the patriarchal culture inherent in people's lives, where women are positioned as objects under the power of men. This has led to violence against women becoming commonplace (Lazar: 2007). Violence that often occurs in life has caught the attention of many parties. Society always assumes that masculine behavior always has the potential to cause violence (Borde and Chevallier: 2010).

Gender is not a difference in sex between women and men, but a difference in social functions and roles that are shaped by society. The division of social roles and functions is based on what is considered appropriate and inappropriate for men and women to do, which is regulated according to values, norms, customs, and habits in society (Prami and Wiastuti: 2023). This gender issue has become a much-discussed problem in social life (Novitasari: 2018).

Patriarchal culture is still inherent and maintained in the lives of Timorese people. Timorese culture assumes that women cannot equal their position with men. This is because women are considered to be weak, and not fit to perform the roles of Timorese men.

Women directly refers to one of the two sexes, although in social life it is always considered as the other sex that determines the mode of social representation of the status and role of women. The marginalization of women that emerges then shows that women become the second sex whose existence is not so calculated (Abdullah: 2006).

The culture that assumes that men and women cannot be equal means that women are often victimized in various types of crimes. One of the crimes often experienced by Timorese women is sexual violence. Most of the sexual violence experienced by Timorese women is often silenced so as not to report it to the authorities, and a small number report the sexual violence experienced to the authorities, then processed in the realm of law.

Violence against women in the private sphere is violence committed between the perpetrator and victim in marital, kinship, intimate or dating relationships and domestic worker relationships. They categorized in more detail the various forms of violence against women with the aim of making it easier to identify more deeply the specific experiences experienced by victims and the handling and efforts for their recovery. These forms of violence are physical, psychological, sexual and economic violence (CATAHU: 2023).

Violence that occurs due to gender differences, so the government seeks to provide solutions and justice, for those who get unfair treatment in society. The Supreme Court of the Republic of Indonesia, State Courts, provides legal aid for the community, as stated in KMA-RI Decree No. 144/KMA/SK/VIII/Article 6 paragraph 1 letter c, concerning the main rights of justice seekers (<https://pnnegara.go.id/>).

From various problems regarding gender injustice, the urgency of this research is to open up insights about women in Timor, as well as their efforts in fighting for justice. Similar research has also been conducted such as research conducted by Novianty and Burhanudin (2020) with the research title *Gender Bias In The News “Online Taxi Driver Rapes A University Student From Malang In A Car” (Sara Mills’ Critical Discourse Analysis)*. In this news, there is gender bias in the position of women or female students from Malang. The woman in this news is portrayed as a weak woman and cannot do anything, the news does not explain the identity of the woman. Researchers will use two media to examine, namely news published by [TribunSurabaya.Com](http://TribunSurabaya.Com) and [TribunJateng.Com](http://TribunJateng.Com). This research is analyzed using Sara Mills' Critical Discourse analysis model, then using the theory of Feminism and Gender Equality.

Another study conducted by Kania and Hamdani (2023) with the research title *Representation of Women Behind the Vocabulary of News (Critical Discourse Analysis by Sara Mills on Sexual Violence in Indonesian Media)*. This research focuses on sexual violence that occurs against women in online media content. This research method uses a literature study approach. Findings from the research and literature study show that the texts portray women unfairly in two media news.

Rahayu and Hamdani (2023) also conducted a study entitled *Gender and Colonialism in Indonesian Online Reporting (A Critical Discourse Analysis of Sara Mills in Indonesian Media Coverage in 2023)*. This study aims to describe the position of subjects and objects as well as the position of writers and readers contained in the online media coverage of Kompas.com, Tribunjabar.com, Detik.com, Metro, 3 BBC News Indonesia, and Tvone.com. The research method used is descriptive qualitative. The focus of this research is online news regarding the rape incident reported in 2023, with the object of research in the form of women's language position in the news.

From the research that has been conducted by previous researchers, there are similarities with the current research, namely focusing on sexual violence using Sara Mills' critical discourse analysis, and the difference is that researchers use court decisions as a data source. This research aims to describe the position between the subject, object, and reader in the Kefamenanu district court decision.

## 2. Literature Review

### 2.1 Gender Issues

Gender issues, which are mostly experienced by women, are one of the topics always discussed. Gender issues have often occurred, so some gender-related problems are brought into the realm of law. The thing that causes gender problems is often brought to the realm of law because women are always subordinated and considered trivial in people's lives, so people often underestimate the problem and always blame women who are victims of harassment committed by men. Discourses related to women are often shown, namely the dominance of men over women (Widiyaningrum and Wahid: 2021).

Women are portrayed as objects of sexuality, as well as figures who have a weak image. The definition of violence against women itself according to Article 1 of the Declaration on Violence against Women is: Any act based on sex differences that results in or may result in physical, sexual, psychological harm or suffering, including threats of certain actions, coercion or arbitrary deprivation of liberty, whether it occurs in public or in private life. In line with the opinion of Widiyaningrum and Wahid (2021) that violence against women is all forms of physical, psychological and verbal violence committed against women. The violence is carried out because the perpetrator considers himself a misogynist figure. The behavior shown is categorized as gender-based violence. Violence committed by misogynists can take various forms, the following is a description of the various behaviors that are categorized as violence.

Violence comes in various forms namely: (a). *Physical abuse* such as hitting with hands or using weapons, kicking, stabbing, pushing, grabbing, spitting, slapping, and punching. (b). *Emotional or psychological abuse*, such as excessive possessiveness or jealousy, threatening suicide, isolating oneself from friends and social circles, damaging personal belongings, threatening the lives of others and partners or being able to injure and mistreat people around or close to them, manipulation and berating, surveillance, harming pets, intimidating to the point of fear, breaking promises, lying, and damaging relationships with parents, children, siblings and oneself. (c). *Economic abuse* is making a person economically dependent by controlling income and expenditure which is unreasonable and causes pressure on the partner. (d). *Sexual abuse*, which is an act of violence that coerces a woman into becoming a prostitute, forcing her to have sexual intercourse, mistreatment during intercourse, forcing intercourse after mistreating a partner, and using animals or other rough objects during intercourse and so on (CATAHU: 2023).

The National Commission on Violence Against Women (Komnas Perempuan) released its 2023 Annual Record (CATAHU). The report contains a compilation of data on violence against women throughout 2022, in the report, violence is classified into three categories, namely personal, public and

state. Based on the data seen by detikcom, cases in the personal sphere reported to Komnas Perempuan amounted to 2,098 cases. Meanwhile, 1,276 cases in the public sphere were reported to Komnas Perempuan. There were 68 cases of violence in the state sphere, almost doubling from 38 cases in 2021. There were 1,697 reports of sexual violence against women committed in the online space.

The perpetrators were people who were close to the victims. "Particularly sexual violence, shows that almost half (48 percent or 821 out of 1,697 perpetrators) are committed by people who have a personal relationship with the victim, especially by boyfriends and ex-boyfriends," he said. Quoted from Kupang, Kompas, cases of violence against women in East Nusa Tenggara are high. A total of 31 cases, January-August 2020, were dominated by close people, who are related to the victims. A total of 15 cases of sexual violence against underage girls. This happens because of the patriarchal culture that always puts women second in the family and society compared to men. Most cases are resolved through customary law so there is no deterrent effect for the perpetrators. The construction of a patriarchal culture means that women are always placed second in the family compared to men. Men in NTT are always placed as the heirs and successors of the clan (tribe) so they have a preferred position in the family. The perpetrators are biological fathers, grandfathers, siblings, biological uncles, stepfathers, and neighbors. Victims are generally girls under the age of 19 (CATAHU: 2023).

The existence of religious institutions has not been able to change this customary order so that the position of women has never changed from time to time and with each change of regional head. Likewise, the education obtained by women, even though they reach college including holding a number of the highest academic degrees, women do not easily change the patriarchal culture. Based on data, cases of violence against children in NTT from January-August 2020 reached 31 cases, 15 of which were sexual violence from close people against underage girls. "The perpetrators are biological fathers, grandfathers, siblings, biological uncles, stepfathers, and neighbors. While the victims are generally girls under the age of 19". Nearly 15 of the cases included sadistic sexual violence, adversely affecting the future of the victims. However, only two to three of the cases were taken to court, with most cases being resolved through customary law. The perpetrator comes to the victim's family, offering a number of items as a customary fine, or compensation in the form of money, woven cloth, animals, or other objects, according to local customary demands (CATAHU: 2023).

This does not have a deterrent effect on the perpetrators so that they can repeat similar actions. The cases that arise against women are like an iceberg. Many cases of violence against women, especially sexual violence, are not reported or disclosed. Both parties maintain a good name in the community. Usually, the perpetrator and the victim's family take the peaceful route, a traditional fine. The offer of a customary fine came from the perpetrator. "What is strange is that the biological mother of the perpetrator asked the police to release the perpetrator (who is married), who raped and impregnated his biological daughter or stepdaughter until she became pregnant, on the grounds that the perpetrator is still the backbone of the family economy" (CATAHU: 2023).

The triggering factors for sexual violence against underage women are that the perpetrator is drunk, there is a close relationship after being left by the biological mother to work abroad. Other factors include poverty in the family, encouragement of the victim to have a cell phone and data credit, the culture of forced marriage and allied marriage, and verbal threats from the perpetrator. In fact, the victim's low education, the perpetrator's lack of understanding of human rights, the burden of *belis* (dowry in Timorese society) on the male family, and the perpetrator's lack of understanding of gender issues also contributed to the recurrence of violence against women. Domestic violence does not only affect women with a low level of education, from elementary to high school, but also women with university degrees, employees, and local officials. Regardless of a woman's status and position in the family, men remain dominant in all matters (CATAHU: 2023).

## 2.2 Sarah Mills Critical Discourse Analysis

Discourse analysis is the study of a language that is used naturally, both in oral and written form. The scientific use of language in question is the use of language as in everyday communication. In Mills' view, discourse analysis is a reaction to the formal form of traditional linguistics. The focus of the study of traditional linguistics is on the selection of sentence structures that do not pay attention to language analysis in their use. Meanwhile, in discourse analysis, matters related to sentence structure and grammar are given more attention (Widiyaningrum and Wahid: 2021).

Sara Mills looks more at the positions of the actors in the text. This position in terms of who is the subject of the story and who is the object of the story will determine how the structure of the text and how meaning is treated in the text as a whole. Sara Mills also focuses on how readers and writers are presented in the text. A more detailed explanation of Sara Mills' ideas quoted by Widiyaningrum and Wahid (2021) is as follows:

### 1. Subject-Object Position

Sara Mills places representation as the most important part of her analysis. How a party, group, person, idea, or event is presented in a certain way in news discourse affects the meaning when it is received by the public. Mills emphasizes more on how the positions of various social actors, ideas, or events are placed in the text. This position ultimately determines the form of text that is present in the middle of the audience. In other words, every actor basically has the possibility of being the subject of himself, telling his own story, and has the possibility of depicting the world according to his perceptions and opinions. Those who can be subjects, narrate themselves, but those who are only objects cannot present themselves in the news text, even if their presence and representation are presented and displayed by other actors.

### 2. Reader Position

Sara Mills argues that in a text, the position of the reader is very important and must be taken into account. This is because the text is a result of negotiation between the author and the reader. The reader here is not considered as a party who only receives the text, but also participates in the transaction as will be seen in the text. Thus, this kind of model will comprehensively see the text not only in relation to production factors but also reception.

## 3. Research Methodology

This research is descriptive qualitative using the critical discourse analysis approach of Sara Mills model. This research uses the library research method, namely research whose data is taken mainly from literature (books, documents, articles, reports, newspapers, etc.), because the main source of data is literature, the quality of this library research also depends on the quality of the documents studied. Primary data in this research are documents of the Supreme Court decision, Kefamenanu district court. Secondary data are newspapers and articles. The subject of the research is the decision documents of the Supreme Court, Kefamenanu district court. The object of research is decisions related to sexual violence against women in 2022 and 2023. The data collection technique in this study was carried out by means of observation, namely by systematically observing and recording the phenomena that occurred with critical discourse analysis, Sara Mills on cases of sexual violence against women. The next technique used is analyzing selected documents using the Sara Mills approach along with other supporting literature that is still related to the theme of discussion in this study.

## 4. Results

### 4.1. Decision Number XX/Pid.B/ PN Kfm

Considering, that the defendant was charged based on the Public Prosecutor's indictment Number PDM-07/KEFAM/03/2023 as follows that the defendant EB (hereinafter referred to as the defendant), on the first and second incidents, on days, dates and hours that are no longer remembered, in October 2021, or at other times in October 2021, then the third and fourth incidents, on days, dates and hours that are no longer remembered, in November 2021, or at any other time in November 2021, then the first incident took place at the defendant's rented house in Bima Sub-Village, Kefa Selatan Village, Kefamenanu City Sub-District, North Central Timor District, the second incident took place on the shoulder of the road leading to Naen Village, Tubuhue Village, Kefamenanu City Sub-District, North Central Timor District, the third incident and the fourth incident took place behind the Honda Dealer / PT. Eltari Street, Kefamenanu City Sub-District, North Central Timor District, or at least at another place within the jurisdiction of the Kefamenanu District Court which has jurisdiction to hear and try this case, has committed the crime of "a married man who commits overspelling, knowing that Article 27 of the Civil Code applies to him, committed continuously", which act the defendant committed in the following manner:

- That the defendant is the legal husband of the witness KORBAN based on the MARRIAGE LETTER Number: 1,704 YEAR 2017 issued by the Parish of St. John Pemandi Naesleu. At the time and place described above, the defendant first met the witness FIA in 2019, at that time the defendant and the witness FIA were working at a Honda dealership, where the witness FIA worked in Sales, while the defendant was a field credit analyst, over time, even though the defendant knew that the witness FIA did not have a husband or was not married, but already had 1 (one) child, the defendant developed feelings of liking and comfort with the witness FIA, after which the two of them liked each other and were in close contact until now, even though the two of them were not dating.
- That the defendant had sexual intercourse with the witness FIA 4 (four) times, on the first occasion, in October 2021 at 19.00 Wita, at that time the defendant was drunk with palm wine at the office, then the witness FIA picked up and drove the defendant home to the defendant's rented house located in Bima Sub-Village, South Kefamenanu Village, North Central Timor District, when he arrived at the rented house, the defendant told the witness FIA to go inside the boarding house, and once inside the room, The defendant immediately closed the door to the room and the defendant immediately hugged the witness FIA from the front, kissed the witness FIA on the lips, and told her not to make any noise, because there were other boarding house neighbors, then the defendant removed all of the witness FIA's clothes and after that, the two of them had sexual intercourse as husband and wife. The second incident, on October 16, 2021, at approximately 04.00 Wita, on the shoulder of the road leading to Naen Sub-Village, Tubuhue Village, Kefamenanu Municipal Sub-District, North Central Timor District, the incident occurred when the defendant and the witness FIA went together to a wedding party of a work friend in Taesnenis Village, Biboki Moenleu 7 Sub-District, North Central Timor District, After the wedding party was over the two of them went home on a motorcycle, and on the way the defendant turned the motorcycle towards Naen Village and when they were on the shoulder of the road leading to Naen Village and they were both drunk, they had sexual intercourse as husband and wife. The third incident, on an unspecified date and day, in early November 2021 and at approximately 8pm, took place behind the Honda dealership, the incident occurred when they finished work, at that time the defendant called the witness FIA to go to the back of the office, to be invited to have sex and when the witness FIA was behind the office, the two of them had sex as husband and wife.

The fourth incident occurred on an unspecified date and day in November 2021 at approximately 19.30 Wita at the same place as the third incident, namely behind the Honda Dealer office, the third and

fourth incidents, the way in which the two of them had sexual intercourse was almost the same, namely that the incident occurred when they finished work, at that time the defendant called the witness FIA to go to the back of the office, to be invited to have sex and when the witness FIA was behind the office, the two of them had sex like husband and wife. As a result of the sexual intercourse between the defendant and the witness FIA, the witness FIA became pregnant and on 17 August 2022 at the Sasi Health Center, at 12.55pm, the witness FIA gave birth to a child, the result of intercourse between the defendant and the witness FIA, who was male, weighing 319 grams, 49cm long, 33cm head circumference, 32cm chest circumference and 32cm abdominal circumference.

#### 4.2. Sub Findings

That the defendant (accused) on Monday, February 15, 2021 and on Thursday, July 15, 2021 at approximately 1:00 p.m. and 12:00 a.m. or at least in February 2021 and in July 2021 in the bedroom of the victim's child who is located in North Central Timor District or at least at another place within the jurisdiction of the Keefe District Court.00 Wita or at least in February 2021 and July 2021 in the bedroom of the victim's child residing in North Central Timor District or at least at another place within the jurisdiction of the Kefamenanu District Court which has the authority to examine and try this case, the defendant committed violence or threat of violence to force the child, namely the victim's child who was 16 years old according to the identity on the photocopy of the family card number XX to have sexual intercourse with her or with another person, which act the defendant committed in the following manner:

- That the defendant had sexual intercourse with the victim's child when the victim's child was taking a nap in the victim's room alone and the defendant went into the room and saw the victim sleeping soundly. Then the defendant removed the victim's pants and underpants. Then the defendant inserted his penis into the victim's vagina while shaking the defendant's buttocks up and down, until the victim woke up from sleep and when the victim woke up the defendant immediately covered the victim's mouth with the defendant's right hand while the defendant continued to shake the defendant's buttocks until the defendant's penis ejaculated sperm which was spilled inside the victim's vagina and after he finished having intercourse with the victim the defendant put his pants back on and the defendant said "*if you tell me I will kill you*". Then the defendant left the victim's room and returned home and the victim put her pants back on and the victim saw blood coming out of her vagina.
- That the defendant managed to have sexual intercourse with the victim and the victim never told the victim's family. Then the defendant again had sexual intercourse with the victim's child in the same manner where when the victim's child was napping alone in the victim's room the defendant entered the victim's bedroom and removed the victim's pants and underpants and inserted the defendant's penis into the victim's vagina which caused the victim's child to wake up and when the victim's child woke up and tried to struggle the defendant covered the victim's mouth and continued to shake the defendant's buttocks up and down until the defendant's penis ejaculated sperm which was spilled inside the victim's vagina and after finishing sexual intercourse with the victim's child the defendant put his pants back on and the defendant threatened the victim's child by saying "don't tell anyone, if you dare tell anyone I will kill you" and then the defendant left the victim's room and went home to the defendant's house.
- That the changes in the victim's body made the victim's family feel suspicious so on 19 August 8 2021 the witness III, who is the foster brother of the victim, asked if the victim was pregnant and the victim did not admit that she was pregnant so the witness III told the victim to take a pregnancy test and the test kit used showed that the victim was positively pregnant. Then the witness III told the victim's family that the victim was pregnant and when the family asked who had had sexual intercourse with the victim and the victim told them that the defendant had sexual.

## 5. Discussion

Sara Mills emphasizes how the actor's position is displayed in the text. The role of the actor is seen as a form of subject, so that in its development one party has a position as an interpreter while the other party becomes an object that is interpreted in general, in this analysis there are two things that must be considered, first who is the social actor positioned in the news, then who is positioned as an interpreter in the text to interpret events and what the consequences are, secondly how the reader is positioned in the text, in positioning the news text it will be seen how the news is interpreted as a result of negotiations between the reader and the author, here will be seen what kind of audience the author hopes for the reader.

In the discourse of the decision of the Supreme Court of the Republic of Indonesia, Kefamenanu District Court on March 09, 2023, the Kefamenanu District Court which tried criminal cases with ordinary examination procedures in the first instance handed down the following decision in the case of the defendant with the initials EB, age 40, occupation farmer.

**The Subject-Object Position**, the author presents the defendant and witness II as the Subject because the defendant and witness II had an affair and had sexual intercourse, as if they were husband and wife, until witness II became pregnant and gave birth to a child from their affair. The defendant and witness II had sexual intercourse four times in different places.

Witness II admitted his guilt because he was fully aware that the defendant was legally and religiously married and had two children. When the defendant and witness II had their first sexual intercourse in October 2021 at 7pm.00 WITA, at that time the defendant was drunk with palm wine at the office, then the witness F took the defendant home to the defendant's rented room in Bima Sub-Village, South Kefamenanu Village, North Central Timor District, when he arrived at the rented room, the defendant told the witness F to go inside the boarding house, and when he got inside the room, the defendant immediately closed the door and the defendant immediately went into the room, When they arrived at the rented room, the defendant told the witness F to go inside the room, and once inside the room, the defendant closed the door and the defendant immediately hugged the witness F from the front, kissed the witness F on the lips, and told her not to make any noise, because there were other boarding house neighbors, then the defendant removed all of the witness F's clothes and after that, the two of them had sexual intercourse as husband and wife.

The legal wife of the defendant was the **object** because her husband had cheated on her and did not provide for her and her two children. The legal wife became a victim after knowing the evidence in the form of a Facebook inbox from her husband's account.

**The Reader's Position**, in relation to the author as a **reader**, details the sexual violence experienced by the woman, and presents witnesses to the incident where the defendant knowingly had an affair with another woman and had a child, from the **reader's** position, the defendant had another affair because of domestic problems, frequent quarrels, and bed separation made the defendant have an affair with another woman.

The decision directly presented the woman as an **object** to satisfy the defendant's desire because it was stated that before having sexual intercourse for the first time the defendant told the woman not to make noise, so as not to be heard by the boarding house neighbors. In addition, the woman was seen as an **object** because witness I, who was also a victim of her husband's infidelity, was not provided for so that she could not fulfill her daily needs. Considering, that in the aspect of legal expediency the Panel of Judges considered that witness 1 and the defendant are a husband and wife who have 2 (two) children, the wife in this case witness 1 has also forgiven and however is not willing to build a family again and the



defendant also promised to be responsible for the child of Witness OLA so that these matters have been comprehensively considered in the decision.

Based on the *reader's* perspective, women still show their existence as resilient figures 9 even though they have been mistreated by men, because the legal wife who is also witness I still forgives her husband, but remains consistent so as not to be hurt again by deciding not to continue building a household relationship with her husband. From this case it can be seen that gender discrimination still occurs in Timor because of the patriarchal culture, which considers men as people who cannot be defeated.

The *position of the subject-object* in the discourse of the decision of the Supreme Court of the Republic of Indonesia, the Kefamenanu District Court which tried criminal cases with ordinary examination procedures in the first instance handed down the following decision in the case of defendant X, age 66, occupation farmer.

The author presents the defendant as the *subject* because the defendant committed sexual violence against a minor girl. The defendant was found guilty of the crime of "By threat of violence forcing a child to have sexual intercourse with him" as referred to in Article 81 paragraph (1) of Law No. 17 of 2016 on the stipulation of the Government in lieu of Law No. 1 of 2016 on the Second Amendment to Law No. 23 of 2002 on Child Protection into Law as contained in the first charge of the public prosecutor. The defendant on Monday, February 15, 2021 and on Thursday, July 15, 2021 at approximately 13.00 WITA and 12.00 WITA or at least in February 2021 and July 2021 in the bedroom of the victim's child residing in North Central Timor District or at least at another place within the jurisdiction of the Kefamenanu District Court which is authorized to examine and try this case, the defendant committed violence or threat of violence to force the child, namely the victim's child who is 16 years old according to the identity on the photocopy of the family card number XX to have sexual intercourse with her or with another person, which act the defendant committed in the following manner:

1. That the first time the defendant had sexual intercourse with the victim's child was when the victim's child was napping in the room, the victim's child was alone and the defendant entered the room and saw the victim's child sleeping soundly and then the defendant removed the victim's pants and underwear and inserted the defendant's penis into the victim's vagina while shaking the defendant's buttocks up and down until the victim's child woke up from sleep, When the victim woke up the defendant immediately covered the victim's mouth with his right hand while the defendant continued to shake the defendant's buttocks until the defendant's penis ejaculated sperm which was spilled inside the victim's vagina and after he finished having sexual intercourse with the victim the defendant put his pants back on and the defendant said "if you tell me I will kill you" then the defendant left the victim's bedroom and returned home and the victim's child put his pants back on and the victim's child saw a spot of blood coming out of the victim's vagina.
2. The defendant managed to have sexual intercourse with the victim and the victim never told the victim's family. Then, the defendant again had sexual intercourse with the victim in the same manner where when the victim was napping alone in the victim's bedroom the defendant entered the victim's bedroom, When the victim woke up and tried to rebel the defendant covered the victim's mouth and continued to shake the defendant's buttocks up and down until the defendant's penis ejaculated sperm which was spilled inside the victim's vagina and after finishing with the victim the defendant put on his pants and the defendant threatened the victim by saying "don't tell anyone, dare you tell anyone I will kill you" and then the defendant left the victim's room and went home.
3. That the changes in the victim's body made the victim's family feel suspicious so on 19 August 2021 the witness III, who is the foster brother of the victim, asked if the victim was pregnant and the victim did not admit that she was pregnant so the witness III told the victim to take a

pregnancy test and the test showed that the victim was positively pregnant and then the witness III told the victim's family that the victim was pregnant and when the family asked who had sex with the victim and the victim told them that the defendant had sex with the victim 2 (two) times.

The girl who was raped became the *object* because she was forced to have sexual intercourse until she became pregnant and was threatened by the defendant not to tell others about his depraved actions.

### **Reader Position**

From *the reader's position*, it is detailed that sexual violence experienced by underage girls 10 is due to the patriarchal culture in Timor that is still preserved. The *subject* is the defendant who threatened the victim and bribed the victim with Rp.50,000 before having sexual intercourse for the umpteenth time so that the victim would confess to the defendant's actions. The victim was caught up in economic hardship, so she was easily seduced with a small amount of money.

This happens because women consider themselves weak in front of men and do not dare to show their existence as a strong figure, thus making women easily harassed by men. The existence of the victim's mother as witness III, shows her existence as a parent who wants to protect her child who has been impregnated by a man.

*Readers* assume that in a society that still practices patriarchal cultural principles, the existence and role of parents are very important in protecting their daughters from various potential threats from men who feel themselves strong and powerful. The cases that occur to women are due to the fact that the wider community still overrides gender equality, so that women always get gender discrimination, so it is easy to get inappropriate treatment from men.

### **6. Conclusion**

Women should be treated appropriately and be equal to men, even though Timorese society still practices a patriarchal culture that makes many men misogynistic. Gender equality needs to be considered, so that in the future the number of female victims who receive inappropriate actions can get justice. In the discussion, it has been explained that Timorese women who have been sexually assaulted are brave enough to disclose the crimes they have experienced to the courts. However, in overcoming this problem, society needs to take responsibility for the discrimination experienced by Timorese women, because what is shown in the discussion is only a small part of the crimes that have been successfully criminalized. Sara Mills' analytical model helps to understand the content of court decisions relating to issues of feminism, gender equality, and sexual violence against women.

### **7. Acknowledgement**

The researcher would like to thank the lecturers of Yogyakarta State University who have helped the researcher complete this article. The researcher would also like to thank the Lembaga Pengelola Dana Pendidikan (LPDP) for funding this research.

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