

Protecting Indigenous Women: Feminist Legal Critique on the Enforcement of CEDAW in Kawin Tangkap Cases in Central Sumba

Perlindungan terhadap Perempuan Adat: Kritik Hukum Feminis terhadap Penegakan CEDAW dalam Kasus Kawin Tangkap di Sumba Tengah

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ABSTRACT: This article is based on research examining the implementation of CEDAW in Indonesia in overcoming the practice of *kawin tangkap* as discrimination against women in Central Sumba. The research aims to analyze the implementation of CEDAW in Central Sumba, particularly in the aspect of law enforcement regarding cases of *kawin tangkap*. It examines why the implementation of CEDAW has not been effective in overcoming gender-based violence manifested in *kawin tangkap* practices in Central Sumba. Qualitative explanative research design was employed, utilizing case study approach in 2014-2025. The research involved participatory observation in Central Sumba. Data were collected through interviews with survivors, activists of NGOs, government, law enforcement officers, and literature review. Despite Indonesia's ratification of CEDAW in 1984, cases of *kawin tangkap* continue to persist. The ratification has not yielded significant impacts, especially in terms of law enforcement, as evidenced in the absence of any officially reported cases that are successfully prosecuted. Feminist legal theory is applied to critically examine the limitations of CEDAW as a framework of positive law in ensuring the effective protection and respect of women's rights through law enforcement mechanisms. By integrating the concept of intersectionality and Johan Galtung's theory of violence, this analysis shows how overlapping social identities can perpetuate—especially those shaped by cultural and structural factors—can produce conditions that justify violation practices of *kawin tangkap*. The researcher suggests the need for alignment in understanding *kawin tangkap* as a form of discrimination and violence against women by all parties, accompanied by consistent and impartial law enforcement.

ABSTRAK: Artikel ini didasarkan pada penelitian yang mengkaji implementasi CEDAW di Indonesia dalam mengatasi praktik kawin tangkap sebagai bentuk diskriminasi terhadap perempuan di Sumba Tengah. Penelitian ini bertujuan untuk menganalisis implementasi CEDAW di Sumba Tengah, khususnya dalam aspek penegakan hukum terkait kasus kawin tangkap. Penelitian ini mengeksplorasi mengapa implementasi CEDAW belum efektif dalam mengatasi kekerasan berbasis gender yang termanifestasikan dalam praktik kawin tangkap di Sumba Tengah. Pendekatan penelitian kualitatif eksplanatif digunakan, dengan metode studi kasus pada periode 2014-2025. Penelitian ini melibatkan observasi partisipatif di Sumba Tengah. Data dikumpulkan melalui wawancara dengan penyintas, aktivis LSM, pemerintah, petugas penegak hukum, dan tinjauan pustaka. Meskipun Indonesia telah meratifikasi CEDAW pada tahun 1984, kasus kawin tangkap tetap berlanjut. Ratifikasi tersebut belum menghasilkan dampak yang signifikan, terutama dalam hal penegakan hukum, sebagaimana terlihat dari tidak adanya kasus yang dilaporkan secara formal dan berhasil diproses secara hukum. Teori hukum feminis digunakan untuk mengkaji secara kritis tentang keterbatasan CEDAW sebagai kerangka hukum positif dalam memastikan perlindungan dan penghormatan hak-hak perempuan melalui mekanisme penegakan hukum. Dengan mengintegrasikan konsep interseksionalitas dan teori kekerasan oleh Johan Galtung, penelitian ini menunjukkan bagaimana identitas sosial saling tumpang tindih—khususnya yang terbentuk karena faktor budaya dan struktural—dapat menciptakan kondisi yang menjustifikasi praktik pelanggaran kawin tangkap. Peneliti merekomendasikan perlunya penyelarasan

Keywords:

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Central Sumba;
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pemahaman tentang kawin tangkap sebagai bentuk diskriminasi dan kekerasan terhadap perempuan oleh semua pihak, disertai dengan penegakan hukum yang konsisten dan imparisial.

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1. Introduction

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) has been officially ratified by Indonesia since 1984. Making the journey has reached 41 years in 2025, as proved in Law No. 7 of 1984 on July 24, 1984.¹ It became the basis of the establishment of many rules concerning women's rights in Indonesia, like Law No. 23 of 2004 on the Elimination of Domestic Violence; Law No. 39 of 1999 on Human Rights (Article 45 "Women's Human Rights are Human Rights" and many more.² Although Minister of the National Commission on Violence Against Women (Komnas Perempuan), Bintang has declared women's rights as a constitutional order and national priority, it can't be denied that the implementation of CEDAW has still not been fully successful in Indonesia. Many marginalized regions still perpetuate acts of discrimination against women, including Central Sumba.

Throughout the years, Central Sumba has consistently recorded the highest Gender Inequality Index among all regencies on Sumba Island, with a score index 0,817 in 2018; 0,809 in 2019; 0,807 in 2020; 0,751 in 2021; 0,758 in 2022; 0,775 in 2023. However, the index decreases drastically in 2024 to 0,430, and for the first time, Central Sumba was no longer at the top of the list among Sumba regencies.³

The high rate of gender inequality index in Central Sumba aligns with the prevalence of *kawin tangkap* practices. *Kawin tangkap* is a term denoting the practice of abducting women by a prospective groom for the purpose of marriage. It often happens in public areas, so the news spread quickly to the woman's family. After being kidnapped, the woman will be picked up in a car by a group of men to be kept in the man's *kabisu* (village). It is not unusual for the woman to resist, prompting the men to restrain her forcefully and create situations that lead to mental and physical harassment, which sometimes escalate to rape.⁴

As an act of forced marriage, it is rooted in gender inequality and unequal power relations between men and women.⁵ Komnas Perempuan defines violence against women as any act that causes physical, psychological, or sexual harm to women or girls.⁶ Although positive legal frameworks are in place, Salomi Rambu Iru, director of Forum Perempuan Sumba (FOREMBA) observes that legal intervention in most *kawin tangkap* cases is often difficult to resolve. Since the practice is deeply rooted in sensitive customary values, *kawin tangkap* is often misconstrued as a traditional practice. Consequently, these cases are often resolved within families, by signing a statement agreeing not to pursue the matter legally and returning the woman to

¹ Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, "Konvensi CEDAW Dan CONCLUDING OBSERVATIONS Terhadap Laporan Gabungan Ke 6 & 7 (2004-2009, 2009-2012)," February 23, 2016, <https://kemenpppa.go.id/index.php/berita-pemerintahan/konvensi-cedaw-dan-concluding-observations-terhadap-laporan-gabungan-ke-67-2004-2009-2009-2012>.

² Nur Fatimah Ningrum, "Implementasi Konvensi CEDAW (Convention on The Elimination of All Forms of Discrimination Against Women) Oleh Pemerintah Indonesia Dalam Mengatasi Perdagangan Perempuan Di Indonesia Tahun 2007-2018," *JOM FISIP* 7 (2020): 1–15.

³ Badan Pusat Statistik, *Indeks Ketimpangan Gender 2024*, Volume 3 (2025), 125, <https://www.bps.go.id/id/publication/2025/07/31/83ae68c36720895d3895ec58/indeks-ketimpangan-gender-2024.html>.

⁴ Martha Hebi, "Pemaksaan Perkawinan Sebagai Kekerasan Seksual Dalam Perspektif Adat Dan Negara," online presentation, Pusat Kajian Law, Gender, and Society FH UGM, June 23, 2022.

⁵ Dede Kania, "Hak Asasi Perempuan Dalam Peraturan Perundang-Undangan Di Indonesia," *Jurnal Konstitusi* 12, no. 4 (2015): 716–734.

⁶ Kementerian Pendidikan dan Kebudayaan, "Apa Itu Kekerasan Seksual? #GerakBersama #AmanBersama," <https://Merdekadarikekerasan.Kemdikbud.Go.Id/Ppks/Kekerasan-Seksual/>.

her family. These resolutions are typically handled by male family members, with the involvement of village elders, custom leaders, and legal officers.⁷

According to the database of Solidaritas Perempuan dan Anak Sumba (SOPAN Sumba), there are at least twelve *kawin tangkap* cases that have been identified from 2013-2020. Five of them are in Southwest Sumba, while the rest are in Central Sumba. Unfortunately, only one of them was resolved through a court ruling, while the rest were only reported to the police without any further action.⁸ This is particularly noteworthy given Indonesia's ratification of CEDAW, which represents a social contract⁹ between the state to society aimed at eliminating all forms of discrimination against women.

However, reality indicates otherwise. Comprehensive implementation at the grassroots level in developing areas remains lacking and often conflicts with local customs,¹⁰ resulting in ineffective law enforcement and weak implementation of legal protections in society.¹¹ Unlike the arguments from cultural relativism¹², these practices must not be justified as a cultural tradition and should be challenged by outsiders if needed.¹³ Feminist Legal Theory (FLT) supports this argument, as it emphasizes the importance of using a human rights framework to ensure that cultural practices do not violate women's basic rights.¹⁴ The protection of individual, particularly women from gender-based violence must be prioritized.¹⁵

FLT evolved from interdisciplinary feminist jurisprudence, integrating sociological, economic, political and multiculturalism perspectives to critique injustices face due to limited access to law and justice within patriarchal structure. In FLT, there is no such things as neutral law,¹⁶ because law is seen as domain of men, men-made and resolved towards men. It makes law reflects the masculine values, even when they are seen as objective and neutral, it results in inequality and injustice towards women.¹⁷ Therefore, law needs to be based on women's experience and those who are marginalized.

There is no single uniform method in FLT. But, Martha in Hartanto argues there are at least five key points to "think like feminist", which are: recognition of women's experience; perpetuation of gender-biased (implicitly and explicitly); dilemmas that arise from differences; perpetuation of male dominance in the law making process; and the need to provide choices to women.¹⁸ In addition to this, Ruth sees there are at least three methods of FLT to ensure that the law addresses women's perspectives: focusing on women's needs in legal contexts, assessing the implications for gender equality, and evaluating whether the law perpetuates the

⁷ Persekutuan Gereja-Gereja di Indonesia, "Melawan Tradisi 'Culik Perempuan' Di Sumba," Persekutuan Gereja-Gereja Di Indonesia (PGI), December 10, 2019, pgi.or.id.

⁸ Martha Hebi, "Pemaksaan Perkawinan Sebagai Kekerasan Seksual Dalam Perspektif Adat Dan Negara."

⁹ Thomas Weatherall, *JUS COGENS: International Law and Social Contract* (Cambridge University Press, 2015).

¹⁰ Muhammad Iqbal Yunazwardi and Aulia Nabila, "Implementasi Norma Internasional Mengenai Kebebasan Beragama Dan Berkeyakinan Di Indonesia," *Indonesian Perspective* 6, no. 1 (2021): 1–21, <https://doi.org/10.14710/ip.v6i1.37510>.

¹¹ Satjipto Raharjo, *Ilmu Hukum* (Citra Aditya Bakti, 2000).

¹² From Cultural Relativism perspective. *kawin tangkap* is understood within the context of local traditions, value and social norms rather than judged by universal standard. See Frederick Cowell, *Defensive Relativism: The Use of Cultural Relativism in International Legal Practice* (University of Pennsylvania Press, 2023), <https://doi.org/10.2307/j.ctv2g7v1w8>.

¹³ Bhabani Shankar Nayak, "Challenges of Cultural Relativism and the Future of Feminist Universalism," *Journal of Politics and Law* 6, no. 2 (2013): 83–89, <https://doi.org/10.5539/jpl.v6n2p83>.

¹⁴ Nayak, "Challenges of Cultural Relativism and the Future of Feminist Universalism", 87.

¹⁵ Oonagh Reitman, "Cultural Relativist and Feminist Critiques of International Human Rights-Friends or Foes?" *Statsvetenskaplig Tidskrift* 100, no. 1 (1997): 100–114.

¹⁶ Triantono, "Feminis Legal Theory Dalam Kerangka Hukum Indonesia," *Progressive Law and Society (PLS)* 1, no. 1 (2023): 14–26, <https://doi.org/10.14710/pls.20744>.

¹⁷ Martha Albertson Fineman, "Symposium: Feminist Legal Theory," *Social Policy* 13 (2005): 13–23.

¹⁸ Rima Vien Permata Hartanto et al., "Feminist Perspective towards the Legal Theory on Fisher-Women's Legal Entity," *FIAT JUSTISIA : Jurnal Ilmu Hukum* 13, no. 4 (2019): 345–360, <https://doi.org/10.25041/fiatjustisia.v13no4.1737>.

subordination of women.¹⁹ However, this has not been an easy thing to manage. Indigenous women particularly experience multiple layers of discrimination. The interconnected nature of social attributes such as race, gender, and class creates overlapping systems of discrimination and disadvantages.

To deepen the analysis, this study adopts Crenshaw's concept of intersectionality²⁰ as a methodological lens to explain how complex the gender-based injustice happened. This concept offers a framework to understand how intersecting identities (like gender, cultural background, ethnicity, race, etc) creates overlapping systems of discrimination and disadvantage.²¹ Sumbanese women who become victims of *kawin tangkap* often possess multiple intersecting identities, which makes their cases legally and socially complex. As a woman; as part of custom and society; as marginalized citizen of a rural area, and even as someone who got influenced by age and socioeconomic class.

In line with this theory, Johan Galtung's theory of violence will be employed to unpack further the depth and layer of violence in *kawin tangkap*. There are three related forms of violence: direct, structural and cultural. Direct violence refers to visible and physically coercive acts; structural violence refers to inequalities embedded within institutions; and cultural violence refers to social norms and values used to legitimize or normalize violent practices.²² While intersectionality theory is used to explain the part of each overlapping violence that happened, Galtung's theory of violence will be further used to break down and classify these experiences into direct, structural or/and cultural forms of violence, thus it would be easier to see where change is needed and how solutions can be conducted effectively.

In the context of *kawin tangkap* and CEDAW, the discrimination was based on the corridor of being a woman and part of customary values. Within the overlap, some victims also got disadvantaged as being an underage girl, with limited education and low socio-economic status. This is exacerbated by patriarchal legal structures that often marginalize women and girls, limiting their access to education and justice. Not only did this happen within the national and positive law, but it also happened within patriarchal system in customs themselves. In such structures, laws often fail to protect women's rights, making the enforcement of international standards like CEDAW only seem effective on the surface. Consequently, women, especially those in rural indigenous communities don't have equal access to justice under CEDAW. Barriers such as social stigma, lack of legal resources and awareness, and lack of local enforcement issues perpetuate inequality and gender-based violence.

Therefore, this research aims to examine why the implementation of CEDAW has not been effective in addressing gender-based violence arising from *kawin tangkap* practices in Central Sumba. This research is crucial, considering that previous studies have mostly approached *kawin tangkap* from a socio-anthropological viewpoint. By using the lens of Feminist Legal Theory, this research seeks to understand in-depth disparities in normative and empirical law enforcement; why and how it happened. Therefore, this article poses the main question: Why has the implementation of CEDAW not been effective in addressing gender-based violence arising from *kawin tangkap* practices in Central Sumba?

The purpose of this study is to examine why the implementation of CEDAW has not been effective in addressing gender-based violence arising from *kawin tangkap* practices in Central Sumba.

¹⁹ Ruth Fletcher, "Feminist Legal Theory," in *An Introduction to Law and Social Theory* (Hart Publishing, 2002).

²⁰ Kimberle Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43, no. 6 (1991): 1241–1299, <https://doi.org/10.2307/1229039>.

²¹ Chinyere Njeze et al., "Intersectionality of Resilience: A Strengths-Based Case Study Approach With Indigenous Youth in an Urban Canadian Context," *Qualitative Health Research* 30, no. 13 (2020): 2001–2018, <https://doi.org/10.1177/1049732320940702>.

²² Catia C. Confortini, "Galtung, Violence, and Gender: The Case for a Peace Studies/Feminism Alliance," *Peace & Change* 31, no. 3 (2006): 333–367, <https://doi.org/10.1111/j.1468-0130.2006.00378.x>.

2. Method

This research employs a qualitative method with a case study approach. The case study focuses on implementing CEDAW in law enforcement to address the practice of *kawin tangkap* in Central Sumba from 2014 to 2025. Central Sumba was chosen because it has one of the highest rates of bride kidnapping cases in Indonesia. The eleven-year period was selected considering the highest rate of bride kidnapping practices happened most during these years. Moreover, the timeframe allows researchers to observe the implementation efforts by the actors progressively. This research uses purposive strategy sampling to decide informants who are qualified and relevant to discuss this phenomenon.

Data were collected through participatory observation and on-site field research via direct interviews from December 2021 - February 2022 with survivors, perpetrators, and families involved in *kawin tangkap*. All individuals identified as alleged perpetrators, survivors, and family members of both parties were not referred to by their real names or identifiable nicknames. All personal identities were concealed to ensure confidentiality and protection. Researchers are committed to maintaining the anonymity of all informants and did not disclose any identifying information beyond the scope of this research.

To assess law enforcement efforts, interviews were also conducted with local authorities, including the Police, Local Government, and Ministry of Social, Women Empowerment and Child Protection of Central Sumba as the primary instruments for implementing CEDAW in Central Sumba. The data were further supplemented by Non-Governmental Organization SOPAN Sumba, which has been actively serving and supporting *kawin tangkap* survivors. Furthermore, to understand its socio-cultural perspective, interviews were conducted with Indigenous communities and local elders regarding traditional values related in Central Sumba.

Using the data analysis technique developed by Miles and Huberman, all data were analysed through three stages: data reduction, data display, and conclusion drawing.²³ The collected data and information were further examined using interpretative techniques to identify patterns and meanings relevant to the study.

3. Findings and Discussion

3.1. *Kawin Tangkap* Practices in Central Sumba

Throughout the years, Central Sumba as ranked at the top of gender inequality index in Sumba Island.²⁴ The high Gender Inequality Index in Central Sumba is in line with the fact that the practice of bride's kidnapping occurs most in this region.²⁵ Komnas Perempuan has long highlighted the practice of *kawin tangkap*, identifying it as a violation of women's rights and a criminal act.²⁶

According to the database of SOPAN Sumba, there were at least twelve cases of *kawin tangkap* cases identified during 2013-2020. Five of these cases occurred in Southwest Sumba, while the other seven occurred in Central Sumba. Unfortunately, out of twelve cases, only one was resolved through a court decision, while the other were only reported to the police without further action. This was mainly because the family did not want to continue the case or even withdrew it after it was resolved within the family.²⁷ The same point is also affirmed by Salomi Rambu Iru, director of the FOREMBA, who has assisted at least 32 victims of *kawin tangkap* practices over the past 20 years.²⁸

²³ Matthew B. Miles et al., *Qualitative Data Analysis: A Methods Sourcebook*, Edition 3 (Sage, 2014).

²⁴ Badan Pusat Statistik, *Indeks Ketimpangan Gender 2024*.

²⁵ Martha Hebi, "Pemaksaan Perkawinan Sebagai Kekerasan Seksual Dalam Perspektif Adat Dan Negara."

²⁶ *Panggung: Manifesto Mama Kekerasan Seksual dan Komunitas Adat* (2021), <https://www.youtube.com/watch?v=-KTGG3PWle0>.

²⁷ Martha Hebi, "Pemaksaan Perkawinan Sebagai Kekerasan Seksual Dalam Perspektif Adat Dan Negara."

²⁸ *Panggung: Manifesto Mama Kekerasan Seksual Dan Komunitas Adat*.

Table 1. Data of *Kawin Tangkap* Cases in Central Sumba (2014-2021)

No.	Victims (pseudonym)	Place/ Time	Description	End Results
1.	Odette	Dameka/ 2014	Odette was taken by a man she didn't know and kept for almost two weeks. She pretended to obey, then used the excuse of making a police document to escape and flee to Kupang. When she reported the case, both families eventually chose to settle it quietly.	Not Proceeded into Marriage
2.	Citra	- / 2017	The victim, a civil servant, was deceived by her boss under the pretext of preparing for an inspection, only to be ambushed and forced into a car by several men. Held in the groom's house, she repeatedly begged to be released, refusing to marry through <i>yappa</i> (kidnapping). The perpetrator said, "What else can I do? If I talk nicely, you would not agree." She was finally rescued by an NGO and local police on the sixth night.	Not Proceeded into Marriage
3.	Ruby	Dameka/ 2017	The victim and perpetrator were close cousins from the same kabisu. After she rejected his proposal, both families secretly agreed to <i>kawin tangkap</i> . Without knowing the plan, she was captured and splattered with "sacred water." Under family pressure, she eventually agreed to the marriage.	Proceeded into Marriage
4.	Silvanna	Ratu Umbu Nggay/ 2018	The victim was still in junior high school when she was taken. The man is her older cousin who lived in the same house and had long helped her father. He developed feelings for her, but she rejected him because of their age gap. He was in his thirties at the time he captured her. After speaking with his family, he decided to carry out a <i>yappa</i> (kidnapping).	Proceeded into Marriage
5.	Mathilda	Dameka/ 2020	The victim, a young mother, was taken from her veranda by over a hundred men, leaving her baby behind. Forced into a truck and assaulted on the way, she was held in a house and refused food, fearing it might have been tampered with using magic. She was later rescued by her family with help from elders and police.	Not Proceeded into Marriage
6.	Rafaela	Dameka/ 2020	Both victim and perpetrator are close-related cousins. When she was captured, she screamed and cried but her family (especially her brother who witnessed her) decided not to do anything. This is because they believe it's a normal thing in their culture,	Proceeded into Marriage
7.	Yuanda	Pondok/ 2021	The victim, a 19-year-old woman, was taken from her home at night by her 32-year-old cousin after rejecting his proposal. She cried, screamed, and eventually fainted. His family later justified the act as a customary obligation, claiming she was destined to be his wife. Although she asked to return home to continue her studies after visits from an NGO and the Social Affairs & Women's Empowerment Office, both families ultimately agreed to proceed with the marriage through customary talks.	Proceeded into Marriage
8.	Esme	Ratu Umbu Nggay/ 2021	Victim - 17 years old junior high schooler was close with a man in his 30s. They first met on Facebook, and she asked when will come proceed to next step of marriage. While there was no answer, the man decided to do <i>yappa</i> - kidnapping while she was going on a market. She cried and resisted, while sandwiched by men on motorbike. When kept in the man's house, she was told by the head of village – who still related to the perpetrator to stay still and proceed to marriage. She then	Proceeded into Marriage

No.	Victims (pseudonym)	Place/ Time	Description	End Results
			got splattered by “sacred water” on her forehead, which believed contains some kind of magic. After meeting both families, victim gave in, despite the disagreement from her mother.	

Source: Compiled from various sources

Table 1 presents the data of *kawin tangkap* cases that were successfully recorded in Central Sumba from 2014-2021. This data does not imply that only these cases occurred in Central Sumba. It is believed that the actual number of cases is significantly higher, while only these eight have been documented. Dameka and Ratu Umbu Nggay are two of residences with highest rate of *kawin tangkap* in Central Sumba, whereas cases resulting in marriage are more frequent than those that did not result in marriage. Unfortunately, there are no cases recorded in Central Sumba from 2022-2025, but there were two recorded in Southwest Sumba, in 2022 and 2023.

Markus Kamping, one of SOPAN Sumba volunteers recognizes *kawin tangkap* data itself is still extremely limited and have been one of the main problems for a long time.²⁹ There is data inconsistency between NGOs and the Ministry of Social Affairs & Women's Empowerment and Child Protection (Dinas Sosial & PPPA), with contradictive versions on the chronological data and motives. SOPAN Sumba recorded at least seven cases that occurred in Central Sumba throughout 2013-2020, while only three are reflected in the database of Dinas Sosial & PPPA.

Yanti Wijilestari and Antonius U. L. Sabang as the Head Division and Section Women's Empowerment and Child Protection (PPPA) explained that Dinas Sosial & PPPA began data collection in 2018. The recorded cases: Mathilda (2020), Rafaela (2020), and Yuanda (2021), were cases that had previously gone viral on social media. Yanti assessed that the data limited access was because the Dinas Sosial & PPPA office had only merged into one in 2018, therefore, data collection began only after Yanti became Head of the PPPA Division.³⁰

The Protection of Indigenous Communities: Central Sumba Women Challenging Patriarchal Law

“Sesungguhnya kalau secara adat, kawin tangkap itu tidak ada... Itu sesungguhnya adat tidak mengijinkan itu, (Actually, in terms of customs, there is no such thing as kawin tangkap... In fact, custom does not allow it),”³¹

Many believe that *kawin tangkap* is part of Sumbanese tradition, which is incorrect. Umbu Sangaji explained that *kawin tangkap* violates cultural customs which arose from a misunderstanding of traditional values, causing the practices to persist under the guise of tradition.

Many presume this as culture, although it actually developed over time and was later misconstrued as tradition. As a customary violation, perpetrators of *kawin tangkap* should face an obligatory customary fine of

²⁹ Interview with Markus Kamping, volunteer of SOPAN Sumba, conducted at SOPAN's basecamp in Central Sumba on January 21, 2022, regarding the data war of *kawin tangkap* cases between local government and NGOs in Central Sumba.

³⁰ Interview with Yanti Wijilestari, head of Head of the Women's Empowerment and Child Protection Division of Central Sumba, conducted at Dinas Sosial dan PPPA of Central Sumba on February 3, 2022, discussing about *kawin tangkap* cases that are found in Central Sumba.

³¹ Interview with Umbu Sangaji, customary elder in Katikutana, conducted at his home on January 25, 2022, explaining the cultural and custom values of *kawin tangkap* in Sumba Island.

11 livestock, which is not considered *belis* (dowry). However, according to customary elder Umbu Andreas, the amount of this customary fine is not fixed and may be negotiated or waived for the family of the victims.

Furthermore, Umbu Andreas explained that *kawin tangkap* should be referred to using Sumba's traditional terms, *Palaingidi* and *Palaingidungu*. *Palaingidi* and *Palaingidungu* occur when a man and woman in love, without their parents' blessing, decide to run away.³² However, *Palaingidi* and *Palaingidungu* are substantially different from a *kawin tangkap*. Both are more accurately described as elopements since the man and woman agreed and give their consent to leave their home together.³³

In the past, *kawin tangkap* was primarily carried out by wealthy individuals, but it has gradually become more common among those unable to afford *belis*.³⁴ According to Sumbanese custom, a marriage considered official when *belis* has been paid to the woman's family. Unable to meet this requirement, some men proceed *kawin tangkap* as a quicker alternative to the traditional marriage process. Based on Sumbanese customary law, once *kawin tangkap* happened, he is considered wedded to the woman and only obliged to pay customs' fines, while *belis* remains a debt to the woman's family.

Umbu Sangaji explained that the amount of *belis* depends on the spokesperson (*wunang*), with no specific amount required.³⁵ However, disagreement over *belis* could potentially become major disputes, especially when the woman's family demands more than the man's family could afford. It could lead to *kawin tangkap*, as seen in Silvana's cases in 2018.

Another factor behind *kawin tangkap* is due to socio-economic pressure, particularly family debts. In many cases, daughters are used as "currency" for debt payment through marriage. This can occur with or without the woman's family consent.³⁶ In some cases, a woman's family agrees to carrying out *kawin tangkap* as an "act". But this is usually agreed without the victim's consent.

The misunderstanding of *kawin tangkap* as tradition reflects how culture, class, and gender intersect to make inequality. Throughout the time, *kawin tangkap* has become a normalized violence, which many call "tradition". The heavy demands of traditional marriage practices and the burden of *belis* make it worse, as poverty and power often justify violence in the name of necessity. While elders see *kawin tangkap* as a breach of custom, many rural communities still see it as normal, something has passed down. FLT sees that by framing this as tradition, male authority is protected from any criticism, while women's right is used for their family and community interests. Justification of the violation of women's consent completely dismisses women's rights, especially when they are used to resolving any economic ties. The intersection of poverty and power intertwines with gender to silence women's voices.

3.2. *Kawin tangkap* and Women's Violence in Indonesia: The Long Journey of Protecting the Women's Rights of Central Sumba

Kawin tangkap is a form of gender-based violence and is often caused by unequal power relations between men and women.³⁷ Komnas Perempuan defines violence against women as any act of violence committed against women resulting in physical, psychological, or sexual suffering for women, adults and

³² Interview with Umbu Andreas Saba Ora, customary elder in Katikutana, conducted at his home on February 22, 2022, explaining the cultural and custom values of *kawin tangkap* in Sumba Island.

³³ Umbu Sangaji, January 25, 2022.

³⁴ Yustina Dama Dia, director of Solidaritas Perempuan dan Anak (SOPAN Sumba), conducted in SOPAN Sumba's basecamp in Katikutana, Central Sumba, on January 21, 2022, regarding the *kawin tangkap* cases and its implication on the Central Sumba society.

³⁵ Umbu Sangaji, January 25, 2022.

³⁶ Elanda Welhelmina Doko et al., "Tradisi *Kawin tangkap* (Piti Rambang) Suku Sumba Di Nusa Tenggara Timur," *Jurnal Konstruksi Hukum* 2, no. 3 (2021): 656–660, <https://doi.org/10.22225/jkh.2.3.3674.656-660>.

³⁷ Dede Kania, "Hak Asasi Perempuan Dalam Peraturan Perundang-Undangan Di Indonesia."

children.³⁸ Therefore, freedom and consent from both parties are important in a marriage, as specifically addressed in CEDAW Article 16, which stated:

"1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent..."

Indonesia, as a state party to CEDAW, is obligated to eliminate all form of discrimination against women, including forced marriage. Consent from both parties is fundamental in a marriage, but *kawin tangkap* violates this principle. Most cases occur without women's direct consent because decisions are mainly made by male relatives during customary talks.

Forced marriage has long become a focus of discussion by the CEDAW Committee in Indonesia. It was first outlined in General Recommendation no. 21 of 1994 on Equality in Marriage and Family Relations, Article 16 (1) (a)&(b), which outlines that a woman has the right to choose a partner and marry without coercion. Forced marriage is also gender-based violence since it involves gender inequality and unequal power relations between men and women.³⁹ In many cases, abduction and rape often overlap to trap the woman into agreeing to marry.

In the review of state party reports, the Committee found there are countries that allow forced marriage based on customs, traditions, religious beliefs or ethnic groups. Therefore, state must ensure the protection and enforcement of women's rights in the eyes of the law.⁴⁰

(c) The persistence of "bride kidnapping", which results in forced marriage, in several regions, including Sumba.⁴¹

Ironically, CEDAW Committee specifically mentioned Sumba as one of the regions where forced marriage and bride kidnapping are still found, which refers to *kawin tangkap*. This proves that the CEDAW Committee has paid special attention to the issue of forced marriage in Sumba, either of women or underage girls.

From the perspective of positive state law, a marriage must be carried out without any element of coercion in it, as stated in Law No. 39 of 1999 concerning Human Rights Article 10 (1), "Everyone has the right to form a family and continue their lineage through a legal marriage." The second paragraph specifies that "A legal marriage can only take place with the free will of both the prospective husband and wife, in accordance with the provisions of the law".⁴² This emphasizes the free will of men and women as a mandatory requirement for marriage. There must be no elements of coercion, let alone violence.⁴³

As a criminal act, the perpetrators of *kawin tangkap* violate Article 332 paragraph [1] of the Criminal Code, "guilty of abducting a woman shall be punished by a maximum imprisonment [2] of nine years, whoever carries off a woman by deceit, force or threat of force, with intent to ensure his control over her, either within

³⁸ Kementerian Pendidikan dan Kebudayaan, "Apa Itu Kekerasan Seksual ? #GerakBersama #AmanBersama."

³⁹ Dede Kania, "Hak Asasi Perempuan Dalam Peraturan Perundang-Undangan Di Indonesia."

⁴⁰ Caroline Dunn, *Stolen Women in Medieval England: Rape, Abduction, and Adultery, 1100-1500* (Cambridge University Press, 2013).

⁴¹ CEDAW Committee, *Concluding Observations on the Eighth Periodic Report of Indonesia*, CEDAW/C/ID, no. November (United Nations, 2021), 1–17.

⁴² Junita Fanny Nainggolan et al., "Pemaksaan Perkawinan Berkedok Tradisi Budaya: Bagaimana Implementasi CEDAW Terhadap Hukum Nasional Dalam Melindungi Hak-Hak Perempuan Dalam Perkawinan?," *Utī Possidetis: Journal of International Law* 3, no. 1 (2022): 55–82, <https://doi.org/10.22437/up.v3i1.15452>.

⁴³ Alexander Theodore Duka Tagukawi and Komang Pradnyana Sudibya, "Praktik *Kawin tangkap* Di Sumba Ditinjau Dari Perspektif Hukum Hak Asasi Manusia," *Jurnal Kertha Negara* 9, no. 9 (2021): 720–730.

or outside marriage".⁴⁴ Perpetrators will be sentenced to 9 years imprisonment in accordance with Article 332 Paragraph 2 of the Criminal Code, and as a form of freedom deprivation, the perpetrators will be charged with Article 333, which carries a penalty of up to 12 years imprisonment.⁴⁵

Through the legalization of the Law on Sexual Violence (UU TPKS) in 2022⁴⁶, the state reflected its seriousness in furthering the implementation of CEDAW. This is an important instrument in preventing and addressing cases of *kawin tangkap* practices, considering that forced marriage is one of the nine forms of violence outlined in the Law.⁴⁷ Although there is a written legal mechanism, unfortunately, implementation is still not optimal. Law enforcement still faces many obstacles.⁴⁸ Among the findings that have constrained law enforcement on *kawin tangkap* in Central Sumba, cultural factors remain the most dominant. The gap between CEDAW's principles and reality in Sumba shows how the state fails to reach the grassroots, especially when it intersects with indigenous customs. Although CEDAW and national laws clearly guarantee women's right to free and full consent in marriage, these rights are not translated into local practices. What the state upholds as universal protection does not necessarily become local justice.

When seen through intersectionality, the issue becomes even more complex, noting that education in Sumba, especially for women in rural areas, is still very limited. The lack of legal access and education makes many unable to understand that what they experience is injustice. This is not a failure of culture, but a failure of the state to make justice and women's rights understandable and accessible at the local level.

3.3. Challenges in Implementing CEDAW Locally

3.3.1. Legal Culture of Central Sumba Society

In the context of Central Sumba, customary law is considered more sacred by the people of Central Sumba. Unlike the state's positive law, customary law has its own philosophy and binding force, mainly related to Marapu customary values that are still practised today. All aspects of life that are practised always refer to the rules of Marapu customary rituals, such as birth, marriage, and death.⁴⁹ A sanction mechanism is used to restore the balance lost in the community due to violations of customary norms.⁵⁰

⁴⁴ Astrid Budi, "Tinjauan Kriminologis Budaya Nusa Tenggara Barat Tradisi *Kawin tangkap* (Piti Rambang)," *Fundamental: Jurnal Ilmiah Hukum* 10, no. 1 (2021): 81–96, <https://doi.org/10.34304/jf.v10i1.40>.

⁴⁵ Komnas Perempuan, "Siaran Pers Komnas Perempuan Atas Praktik *Kawin tangkap* Di Sumba," 2020, <https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komnas-perempuan-atas-praktik-kawin-tangkap-di-sumba-24-juni-2020>.

⁴⁶ See Law No. 12 of 2022 concerning Sexual Violence Crimes (UU TPKS). Forced marriage is one of several sexual violence crimes listed in Article 4 paragraph (1), which reads: "Non-physical sexual harassment; physical sexual harassment; forced contraception; forced sterilization; forced marriage; sexual torture; sexual exploitation; sexual slavery; and electronic-based sexual violence."

Forced marriage can fulfill the elements of a sexual violence crime under Article 10 paragraph (1) of the TPKS Law, namely: "Every person who unlawfully forces, places someone under his or her authority or that of another person, or abuses his or her authority to commit or allow a marriage with him or her or with another person shall be punished for forced marriage with a maximum imprisonment of 9 (nine) years and/or a maximum fine of Rp. 200,000,000.00 (two hundred million rupiah)."

Forms of forced marriage are also listed in Article 10 paragraph (2), which states: "Marriage includes: a. child marriage; b. forced marriage in the name of cultural practices; or c. forced marriage of a rape victim to the perpetrator."

⁴⁷ Yayasan Kesehatan Perempuan, "Darurat Kekerasan Seksual Dan Pembahasan RUU PKS Yang Lambat," <https://ykp.or.id/darurat-kekerasan-seksual-dan-pembahasan-ruu-pks-yang-lambat/>.

⁴⁸ Romany Sihite, *Perempuan, Kesetaraan & Keadilan, Suatu Tinjauan Berwawasan Gender* (PT. Raja Grafindo Persada, 2007).

⁴⁹ Sukirno, "Revitalisasi Dan Aktualisasi Hukum Adat Sebagai Sumber Hukum Pidana Positif," *Diponegoro Private Law Review* 2 Nomor 1, no. September (2018): 141–153.

⁵⁰ Umbu Rauta et al., "Tiga Gerakan Moral Sebagai Hukum Adat Masyarakat Sumba Tengah," *Refleksi Hukum: Jurnal Ilmu Hukum* 1, no. 2 (2017): 213–232, <https://doi.org/10.24246/jrh.2017.v1.i2.p213-232>.

Furthermore, Marapu customary law acknowledges the tradition of *Palaingidi* and *Palaingidungu* marriages, which in practice are similar to the practice of *kawin tangkap*. Through the eyes of customary law, the marriage process is declared valid although it is a violation of custom.⁵¹ Meanwhile, when seen through the lens of positive law, the state only recognizes the existence of indigenous peoples' laws as long as they are in line with national principles and legislation.⁵² This is detailed through the conditional recognition formulated through the constitution Article 18B paragraph 2 of the 1945 Constitution.⁵³ Therefore, juridically, marriages conducted through the practice of *kawin tangkap* could have a loophole for criminalization if it fulfils the elements of crime and coercion according to the law.

Unfortunately, the people of Central Sumba's legal culture are still not familiar with the state's positive laws. Particularly in rural communities far from the city centre, customary law is more respected and enforced than state law. Lado Regi Tara said that couples who get married rarely record the marriage certificate because, according to Marapu custom, when the procession of *belis* and the transfer of the woman to the man's *kabisu* are conducted, the marriage is considered valid.⁵⁴

Additionally, very few people in Central Sumba are literate in the state's criminal law, resulting in the proliferation of discriminatory practices against women, especially in *kawin tangkap*. In addition to this, social, economic and cultural factors seem to "legitimize" more of these practices, making the community perceive these criminal acts as common.⁵⁵ FLT sees this as the failure of the state's responsibility to give free and just access to justice.

Father Paulus D. highlighted several reasons for the weak legal culture among the people of Central Sumba. Firstly, customary law holds more authority and acceptance within the community compared to positive law. Secondly, problem-solving through customary discussions is typically conducted by individuals with specific social and economic statuses. As a result, the community tends to resolve issues, including serious crimes like murder, through customary law mechanisms, despite its legal nature within positive law.

This implicates to the community's limited understanding of positive law in terms of legal procedures and mechanisms. This is notably significant, especially in rural areas where people are often unaware of legal procedures and the importance of having legal assistance.⁵⁶ Thus, the connection of the people of Central Sumba and Marapu values are inseparable.⁵⁷ In addition, despite Central Sumba becoming a separate regency, all public services such as civil registration, the attorney's office, the court, and the police station still fall under the jurisdiction of the West Sumba regency office. This means residents of Central Sumba must travel approximately 30km to West Sumba Regency for these services. This is a significant consideration given the scarcity of motorized vehicles, especially in the villages.

⁵¹ Interview with Umbu Sangaji, January 25, 2022.

⁵² Lalu Sabardi, "Konstruksi Makna Yuridis Masyarakat Hukum Adat Dalam Pasal 18B Uudn Ri Tahun 1945 Untuk Identifikasi Adanya Masyarakat Hukum Adat," *Jurnal Hukum & Pembangunan* 44, no. 2 (2014): 170–187, <https://doi.org/10.21143/jhp.vol44.no2.19>.

⁵³ Teddy Anggoro, "Kajian Hukum Masyarakat Hukum Adat Dan HAM Dalam Lingkup Negara Kesatuan Republik Indonesia," *Jurnal Hukum & Pembangunan* 36, no. 4 (2017): 487–498, <https://doi.org/10.21143/jhp.vol36.no4.1477>.

⁵⁴ Lalu Rahadian, "Merapah Identitas Marapu Di Tanah Leluhur Sumba," CNN News, December 4, 2016, <https://www.cnnindonesia.com/nasional/20161203225324-26-177177/merapah-identitas-marapu-di-tanah-leluhur-sumba>.

⁵⁵ Interview with Paulus Dwiyanarta, Director of Legal Aid Institution "Sarnelli Sumba" at Sarnelli's office in West Sumba on February 1, 2022, regarding the legal context of *kawin tangkap* cases in Sumba Island.

⁵⁶ Markus Kamping, January 21, 2022.

⁵⁷ *The Woven Path: Perempuan Tana Humba*, directed by Lasja Fauzia Susatyo, Indonesia, 2019, <https://www.youtube.com/watch?v=RoXZex3bZmw>.

3.3.2. Synergy in Law Enforcement of addressing *Kawin tangkap* Cases in Sentral Sumba

The synergy among law enforcement agencies significantly impacts the effectiveness of law enforcement in a legal state, which is crucial for upholding women's rights and implementing CEDAW values at the grassroots level in Indonesia. Practices like *kawin tangkap*, a form of forced marriage, must be eradicated as they violate women's rights. This issue gained public attention after cases of Mathilda (2019) and Rafaela (2020).⁵⁸

In response, the Minister of Women's Empowerment and Child Protection, I Gusti Ayu Bintang Darmawati Puspayoga, along with local government officials, traditional and community leaders, religious figures, academics, advocates, and survivors, signed a Memorandum of Understanding titled "Enhancing Protection for Women and Children in the Sumba Region"⁵⁹ in July 2020.⁶⁰ Furthering this, in May 2024, SOPAN Sumba initiated another MoU entitled "Joint Declaration of Central Sumba Customary Leaders to Reject the Cultural Practice of *Kawin tangkap*".⁶¹ The agreement involved the same key actors but was more focused specifically on customary elders of Central Sumba to reject the cultural practice of *kawin tangkap*.⁶²

Unfortunately, the enforcement of laws against *kawin tangkap* in Central Sumba has not been fully effective. Data from researchers indicate a lack of coordination between the Dinas Sosial & PPPA Office and local police. Ir. Zakarias Natara, head of Dinas Sosial & PPPA reported proactive handling of *kawin tangkap* cases – mostly identified through social media – and claimed coordination with the Police Sector of Katikutana.⁶³ However, this view is contested by Bambang (pseudonym) from the Police Sector of Katikutana, who believes the Dinas Sosial & PPPA Office often operates independently, leading the police to mistakenly assume cases are resolved without further action.⁶⁴

Interviews also revealed that the Dinas Sosial & PPPA Office mainly responds to high attention cases, such as Yuanda (2021). Officials often presume "mutual consent" in cases like Rafaela's, where SOPAN Sumba's data show these incidents often led to continued marriages, arising misunderstanding among personnel between bride kidnapping and consensual elopement.

Similar issues are evident within the Police Sector of Katikutana, where some officers view *kawin tangkap* as customary practice, undermining effective law enforcement. Hari (pseudonym), a police officer, remarked,

⁵⁸ Kompas.com, "Daftar Suku Bangsa Di Indonesia," 2020, <https://www.kompas.com/skola/read/2020/01/04/210000869/daftar-suku-bangsa-di-indonesia?page=all>.

⁵⁹ Within the discussion, one important point stating that *kawin tangkap* is inconsistent with traditional Sumba marriage customs and is recognized solely as a criminal act. Therefore, necessary strict law enforcement action is needed. Minister Bintang also called for the immediate establishment of Integrated Service Centers for the Empowerment of Women and Children (P2TP2A) in all Sumba regencies to reinforce this commitment.

⁶⁰ Sonya Hellen Sinombor, "Menteri Bintang Pun Akhirnya Sampai Ke Sumba..." KOMPAS, June 3, 2020, <https://www.kompas.id/baca/dikbud/2020/07/03/menteri-bintang-pun-akhirnya-sampai-ke-sumba>.

⁶¹ Within the discussion, there are at least four key points that are being agreed on: 1. No customary community in Central Sumba may justify or engage in practice of *kawin tangkap*; 2. No customary community in Central Sumba may accept or continue the practice of *kawin tangkap*, into marriage process; 3. No parents are allowed to arrange marriage for minors, nor children may not be used as guarantee for any parental action; 4. Any violation of above points will be subject to positive law, as it constitutes involvement in or support for the prohibited practice.

⁶² Solidaritas Perempuan dan Anak Sumba, *Kesepakatan Bersama Tokoh Adat Sumba Tengah Untuk Menolak Praktik Budaya Kawin tangkap* (SOPAN Sumba, 2024).

⁶³ Interview with Zakarias Natara, head of Dinas Sosial & PPPA of Central Sumba, conducted at Dinas Sosial & PPPA Office on February 3, 2022, regarding the handling of *kawin tangkap* cases by local government of Central Sumba.

⁶⁴ Interview with Bambang (Pseudonym), local police of Katikutana Police Sector at Katikutana Police Sector Office on February 3, 2022, discussing about the handling of *kawin tangkap* cases by local police and challenges they faced.

*“Ya itulah yang dipelintir. Apalagi memang kawin tangkap, itu sesuai dengan adat (Yes, that is what is being twisted. After all, kawin tangkap is in accordance with custom).”*⁶⁵

This perspective contributes to the inadequate handling of kawin tangkap cases. One factor contributing to the challenges in enforcing laws against *kawin tangkap* in Central Sumba is that many officials are not originally from Sumba, which limits their understanding of local values and traditions. This lack of familiarity can lead to hesitancy in intervening in culturally sensitive matters. This issue is reflected in officials' statements⁶⁶:

*“Siapa sih, hanya kita yang melabeli istilah kawin tangkap. Sebenarnya dari dulu ada namanya prosesi adat, ada bahasa adatnya disitu. Untuk menghargai si perempuan itu sebenarnya karna aturan belis nya begini, belis yang terlalu mahal atau apa. Tapi sebelum mereka melakukan itu, sudah ada pembicaraan. Dan Itu tidak bisa dilakukan contoh kayak kita berdua, ndak bisa. Harus ada hubungan kekeluargaan, (Who are we to call it ‘kawin tangkap’? Traditionally, there has always been a set process with its own terminology. It’s meant to honor the woman, considering the rules around bride price (belis). There’s already been discussion before such actions occur. It can’t be done arbitrarily between just anyone; a familial relationship is required),”*⁶⁷

Hari added that the term *kawin tangkap* is a recent media construction and not a traditional concept. “It’s just them assuming it’s *kawin tangkap*. That’s not the intention... It’s presented as follows: tradition. It’s customary rules,” he said. This traditional perspective contributes to cases being handled minimally. The lack of formal reports impacts law enforcement, as officers can only act upon receiving official documentation. Without these reports, investigations and prosecutions cannot proceed.⁶⁸ In addition to this, Markus Kamping noted during a visit by SOPAN Sumba and UI Gender Studies on May 28, 2022, that the police’s understanding of these factors is still lacking, leading to mishandling of cases in public settings, further distressing victims.⁶⁹

Briptu Jacklin Romario Bengu, who manages the Women's and Children's Empowerment Division of Police Resort of West Sumba, noted that cases reaching the Police Resort of West Sumba level often lack formal complaints and may be treated as general crimes. Handling such cases requires sensitivity to gender, victim trauma, and psychological factors.⁷⁰ The Police Resort of West Sumba also employs restorative justice, seeking resolution through familial ties, which complicates the classification of *kawin tangkap* as either a private or public offence.⁷¹ Victim’s willingness to pursue legal action is crucial for a case to proceed; therefore, family influence, particularly from patriarchal values, often mainly impacts this decision, leading the police to discontinue further action if the victim claims to have consented to the marriage (restorative justice).

Statements from officials reveal a tendency to normalise *kawin tangkap* with cultural justifications, reflecting a need for better understanding and sensitivity towards victims. This misunderstanding contributes to public distrust in police handling of *kawin tangkap* cases. Umbu Jowa noted that the police are perceived as less proactive compared to Babinsa (Non-Commissioned Officer in the Army), who are seen as more engaged in community issues, including *kawin tangkap*.⁷²

⁶⁵ Interview with Hari (Pseudonym), local police of Katikutana Police Sector at Katikutana Police Sector Office on February 3, 2022, discussing about the handling of *kawin tangkap* cases by local police and challenges they faced.

⁶⁶ Bambang (Pseudonym), February 3, 2022.

⁶⁷ Bambang (Pseudonym), February 3, 2022.

⁶⁸ Hari (Pseudonym), February 3, 2022.

⁶⁹ “Kunjungan Kerja SOPAN Sumba Dan Kajian Gender UI,” Online Meeting, with SOPAN Sumba and Kajian Gender UI, Online, May 28, 2022.

⁷⁰ Interview with Jacklin Romario Bengu, Assistant Investigator of West Sumba Police, conducted on West Sumba Police Resort Office on February 9, 2022, regarding the handling of women and child cases in West and Central Sumba.

⁷¹ Paulus Dwiyanarta, February 1, 2022.

⁷² Interview with Umbu Jowa, February 1, 2022, regarding the *kawin tangkap* cases in societal and cultural context of Central Sumba.

Father Paulus explained that the police and local government are not idle but face significant challenges in rural areas. For instance, the prevalent use of machetes by native Sumba men for cultural and self-protection purposes complicates law enforcement efforts during conflicts. He highlighted the absence of ‘state’ in the process of *kawin tangkap* resolution, specifically referring to local law enforcers like the head of village, elders, and others; and their position within the resolution. Many cases ended up unknown and unreported due to these local law enforcers’ position – for instance, in Esme’s case, the head of the village is the uncle of the perpetrators. Therefore, he took the side with the perpetrator, making the cases not gender sensitive, subjective and pressuring the status quo to proceed with the *kawin tangkap*’s marriage resolution.

Regarding procedural enforcement, *kawin tangkap* cases should proceed if the victim wishes to pursue legal action. Cases are handled by the Police Resort of West Sumba, which then files a police report for investigation. If the case meets legal criteria, it moves to the Attorney's Office of West Sumba for review and possible prosecution.

However, no *kawin tangkap* cases have been officially reported at either regency or district levels. Some cases have been settled through mediation and mutual agreements to resolve matters peacefully. Leaving law enforcement and judicial bodies unfamiliar with such cases. Interviews with officials from the General Crime Section and the court show that they rely on positive law principles, applying relevant legal articles like kidnapping, deprivation of liberty, and sexual violence.

Overall, the enforcement of laws against *kawin tangkap* in Central Sumba is hindered by inadequate initial processing and a lack of victim-driven legal action, limiting the ability to formally address such cases. Although legally possible, the significant familial and cultural pressures, combined with outdated interpretations of cultural practices, often justify the actions and impede optimal law enforcement.

3.4. Intersection of Law and Culture: A Feminist Legal Analysis of *Kawin Tangkap* Cases in Central Sumba

3.4.1. Gender Bias and Legal Framework

While elders of Central Sumba have clarified that *Kawin tangkap* is a violation of custom and not a legitimate part of Marapu custom, the practice continues to be framed as a cultural norm. FLT critiques how states mask the injustice through cultural relativism, making harmful practices happen under the mask of tradition. The persistence of *kawin tangkap* is based on a misunderstanding of the tradition’s essential value, which is then worsened by law enforcement and legal interpretation, making perpetrators and supporters ignore the genuine value of Sumbanese culture.

The misconception of the tradition became crucial since it became the very first line that determines further steps. While respecting culture is mandatory, FLT sees the need to realign the root causes within its universal context of women’s rights. Moreover, FLT hardly critiques the absence of “genuine data” from the perspective of the women (especially survivors). Law must emerge from women’s lived experiences, yet the absence of genuine data from women’s point of view shows how far Indonesia’s legal and policy framework is able to be implemented in the grassroot ideally. When men’s lens is used to see this, everything will become irrelevant.⁷³ This perpetuates the “false neutrality” of law, whereas law claims to protect but actually perpetuates inequality furthermore.

As a result, anachronistic understanding arises among the state’s institutions as the key actor of implementation of CEDAW’s principles at the grassroot level. Although national law is present⁷⁴, sadly,

⁷³ Nayak, “Challenges of Cultural Relativism and the Future of Feminist Universalism,” 109.

⁷⁴ See UU TPKS (Law on Sexual Violence Crimes) as the latest instrument of eliminating any forms of sexual violences.

implementation at the lowest level did not synchronise. The main reason is the state's failure to distinguish between genuine cultural values and the patriarchal distortions within those values.

Applying intersectionality further deepens the critique. As Crenshaw argues, women do not experience oppression through a single axis, but through an overlapping intersection of gender, ethnicity, class and location. In this matter, victims and not just women— they are rural, indigenous, and often socially and economically disadvantaged. Their limited access to education and legal knowledge prevents their voices from being heard, and therefore perpetuates an anachronistic legal understanding that fails to consider women's point of view.

Additionally, women's voices are often overshadowed by male dominance, especially in custom talks. This results in the ignorance of women's consent and experiences. These layers of identity compound their vulnerability, making them marginalized even more in the eyes of the state and within their own communities.

Moreover, the concept of intersectionality also explains why legal remedies – such as Indonesia's ratification of CEDAW, particularly Article 16, which obligates the state to ensure no act of forced marriage is still not fulfilled yet. The concern within the Concluding Observation CEDAW/C/IDN/CO/8 – 2021, stating forced marriage in Sumba, has proven the concern of this phenomenon. On the contrary, it seems the commitment of Indonesia to CEDAW has not translated into domestic law and practice yet. This reveals a significant gap between international obligations and local enforcement. Systemic barriers to enforcement are still very strong, making the legal framework only operate at the national level, while the language and logic are detached from the indigenous context. As a result, traditional customs often override legal protections, making it harder to enforce laws against forced marriage.

3.4.2. Institutional Failures and Gender Insensitivity

Law enforcers play a critical role in terms of enforcing the legal framework within their local context. Not only the police, local government, such as the ministry and commission, are important. Unfortunately, they exist but remain absent on the grassroots, especially in rural areas. This is a form of structural violence where social and political arrangements indirectly produce harm. Women are marginalized and have limited access to justice and protection due to structural and systemic mechanisms such as: the location of police stations far away, legal institutions are centralized in other regencies, and gender insensitivity of legal enforcers in the local level remains high. Seen by Galtung's theory of violence, these factors become invisible but institutionalized. When a woman is forced into marriage, they can only be handled by local sector police, where the gender insensitivity rate remains remarkably high. The one who has the division specially for women and children's protection is 30km away, meaning it is inaccessible for most women in rural areas. Not also mention the demand of "petrol money" before proceeding with the report, this means the violence has embedded in bureaucracy but did not take any form (or invisible).

The fact that Dinas Sosial & PPPA inaccurately document and report all incidents represents the structural violence – whereas the state fails to detect the violence cases against women, therefore fails to implement CEDAW at local level, especially in remote and marginalized communities, although under CEDAW, this falls as a direct violation of state obligation. The lack of coordination among state institutions only makes things worse. Some local agencies still see *kawin tangkap* as "cultural matter" instead of a crime, showing how deeply cultural violence has embedded into the logic of the state itself. Law enforcers often show a lack of proactiveness, hesitating to intervene in customary resolutions for fear of challenging local norms. By treating *kawin tangkap* as *delik aduan*, a complaint-based offence, they place the pressure on women as victims to file a report before they are safe.

"Iya kan waktu itu, memeriksa atas dasar apa. Hanya untuk pegangan kita saja kalau ada orang bertanya. Sedangkan pelaku siapa yang mau melapor? Tidak ada... Jadi ini kan termasuk delik aduan. Nah memang delik aduan siapa yang dirugikan, harus dia yang melaporkan kejadian itu. Terus kalau tidak ada laporan,

mau ngapain kita? (Yes, at that time, what were we supposed to use as a basis? We just kept it for our records in case someone asked. But in reality, who's going to report the perpetrator? No one... This is a complaint-based offense. In a complaint-based offense, the person who is harmed must file the report themselves. So if there's no report, what can we do?)” Bambang explained.

This shows how a legal formal mechanism becomes an excuse for doing nothing. The structure of the law ends up protecting perpetrators indirectly. In addition, since the Police Sector is dominated by men, gender biases were greatly found in the process, especially in utterances that tend to blame the victim, revictimized the perpetrators, saying that “the women who asked for it”, as explained by Father Paulus,

Through the lens of intersectionality, it becomes clear why women rarely report these cases. The social stigma they face intersects with the inequality of being a woman in a structurally and culturally exclusive. Even when they manage to reach law enforcement, they often face social stigma coming from state institutions which dominated by men who minimize their experience.

“SPKT itu kadang-kadang tidak peka terhadap korban. Kita tidak bisa menuntut banyak. Ketika ingin lapor maaf kata ya ada pemerkosaan begitu saja, ah kau memang mau itu, belum ramah. Itu dari petugas sendiri. Makanya terjadilah perselisihan disitu lalu efeknya, ah jangan-jangan emang mau. (SPKT is sometimes not sensitive to victims. We can't expect too much. When someone tries to report—sorry to say, for example a rape case—they'd say, ‘Ah, you probably wanted it,’ not empathetic at all. And that came from the officers themselves. That's why conflicts arise, and the effect is people start thinking, ‘Maybe she did want it.)”⁷⁵

Comments like this are not a simple slip. They reflect how patriarchal attitudes shaped the way legal enforcers see justice itself. FLT perspective sees the state has failed at least two kinds of violence, institutionally and epistemically. Institutionally, the state failed to create a more accessible system that responds to women's needs. While Epistemically, the state failed to align the legal rights to women's perspective and experience. As the FLT critique on neutrality in law, by referring *kawin tangkap* as “tradition,” states mask complicity and neutrality. When law avoids confronting the patriarchy, it sustains it indirectly. Gender biases within law enforcement reflect how deeply patriarchal values shape state institutions.

In other words, patriarchal values that do not concern women's experience have proven that the state's responsibility under CEDAW is limited to passing laws, without ensuring their implementation. Without commitment to explicitly criminalize practices like forced marriage, Indonesia holds the state accountable for its failure to protect indigenous women from violence. *Kawin tangkap* persists not because it is an unchangeable tradition, but because it is politically and structurally maintained. Through structural and cultural violence, supported by institutions in grassroots that remained a gender-blind legal system.

3.4.3. Cultural Relativism and Gender Injustice

Feminist Legal Theory strongly critiques the use of cultural relativism to justify harmful practices like *kawin tangkap*. The common defence, which views *kawin tangkap* as a cultural practice, is in fact a violation of both customary law and universal human rights. This distortion of *Palaingidi* and *Palaingidungu* originally involves mutual consent between partners, and is not liable to become the basis of *kawin tangkap*. Therefore, perpetuation of such practice under the guise of tradition is misused, thus universal understanding of human rights must take precedence over.

From Johan Galtung's perspective, this becomes a clear example of how structural and cultural violence intertwine. Women have limited access to justice, education and legal resources, making most of them do not know that what they experience is a violation of positive law. The legal system exists but is absent in practice because it has never been made accessible to women in rural areas. At the same time, cultural violations make

⁷⁵ Paulus Dwiyanarta, 2 February 2022.

the injustices stronger within the social norms. By making disguise of *kawin tangkap* as tradition, it becomes morally invisible while the structure strengthens the normalization of the rights violation of women.

Intersectionality further shows how all these forms of violence overlap with each other. Marapu belief is strongly believed above the positive law, especially in the rural area of Central Sumba. The fact that people in rural areas have minimal knowledge of positive law, making the report to the police very limited due to the inaccessible institutional law enforcer. Women not only face this problem physically, but also socially, where they are often judged when something happens, especially when the case involves legal authorities. This becomes one of the main reasons why these cases are then discussed only through customary talks. Women become the most disadvantaged group due to the inability and inaccessibility they experience. The intersections of subordinate position within familial structure, limited education, and limited access to report cases all reinforce one another and deepen their marginalization.

FLT sees the need to erase this patriarchal norm, which restricts women's autonomy and perpetuates gender injustice. The societal structure that prioritizes male control and decision making, leaves women with substantial fear and limited choices.

However, this does not mean that FLT negates customary laws within Marapu laws in Central Sumba. While it is highly respected and has sanctions mechanisms to balance after violations, FLT argues that the cultural framework should align with the international human rights standards. The alignment of Marapu values with international standards like CEDAW will help to clarify between culture and discrimination. In the end, the persistence of *kawin tangkap* is not simply the failure of culture, but also the failure of the state to make justice accessible and reachable in the local community. By integrating legal education and women's empowerment, FLT offer a more grounded approach to utilize culture to address any violence against women structurally and culturally.

4. Conclusion

Despite Indonesia's ratification of CEDAW in 1984, *kawin tangkap*—an act that involves kidnapping women for marriage—still persist. This practice gains attention from the CEDAW Committee, as issued through Article 51(d) of Concluding Observation CEDAW/C/IDN/CO/8, which states, "The persistence of 'bride kidnapping', which results in forced marriage, in several regions, including Sumba," along with set of general recommendations to address the concerns. The fact that such practice remains prevalent after 41 years⁷⁶ of Indonesia's ratification to CEDAW indicates strong gap between Indonesia's international commitment and its actual implementation. Moreover, Central Sumba as area with highest incidence of *kawin tangkap*, ironically did not have a single case (2014-2025) that successfully prosecuted to judicial decision. This shows how law enforcement is still far from effective, mainly due influence of cultural narratives. Many still treat *kawin tangkap* as a cultural practice, although customary leaders clarify that it actually violates customs and should be sanctioned with customary fines. These challenges extend beyond cultural justification. Anachronistic understanding and coordination among law enforcers and local government continuously hinder case handling. Gender insensitivity, revictimization, victim blaming, gender biases, along with social ostracization and family pressure, are making victims often reluctant to report the case.

The use of Feminist Legal Theory, Intersectionality and Galtung's theory of violence reveals how *kawin tangkap* overlap on many layers. *Kawin tangkap* is clearly classified as direct violence, involving physical coercion and psychological harm, as it is also structurally maintained by the state's neglect and the absence of legal accountability. Cultural violence arises and plays an important part in where tradition is used to justify inequality and making the practices seen as part of Marapu customs. Moreover, this violence intersect with ethnicity, economic limits, rural marginalization and age, deepening women's vulnerability in both cultural

⁷⁶ Effective in 2025

and legal system. Altogether, this reflects not only weak enforcement, but a moral failure of state to recognize women's agency and continue to deny survivors' justice, regardless of the positive and customary law.

Therefore, a more inclusive approach that centers the inclusion of women's experiences and autonomy is needed to ensure women's rights are fulfilled and they are protected legally and culturally. Changes to the root causes of violence are needed simultaneously at legal, structural, and cultural levels. There is an urgent need to strengthen the enforcement of women's protection mechanisms, especially at the grassroots level. For instance, there is a lack of a specialized division for the protection of women and children in the Police Sector of Katikutana. Given that they are the first to respond, it is crucial to ensure a gender-sensitive approach when handling *kawin tangkap* cases. These cases should be handled by female officers trained in gender-based violence to create a safe space for women that is free from judgment, fear, and shame.

Furthermore, to ensure the alignment of understanding, Bhabinkamtibmas⁷⁷ and Babinsa⁷⁸ must be employed to optimize preventive and educational support. By placing them in the community, awareness can be campaigned and spread, while they can also be actors to do early intervention and mediation that centers in women's protection. Therefore, an intensive understanding and coordination among state institutions must be held accountable while emphasizing women's perspectives. This must be upheld continuously, aiming for the reinterpretation of the genuine moral framework of customs through mutual respect, not coercion. The target will require amplification of women's voices within customs talks so they can narrate their own justice and erase any cultural justification for violence.

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REFERENCES

- Anggoro, Teddy. "Kajian Hukum Masyarakat Hukum Adat Dan HAM Dalam Lingkup Negara Kesatuan Republik Indonesia." *Jurnal Hukum & Pembangunan* 36, no. 4 (2017): 487–98. <https://doi.org/10.21143/jhp.vol36.no4.1477>.
- Badan Pusat Statistik. *Indeks Ketimpangan Gender 2024*. Volume 3. 2025. <https://www.bps.go.id/id/publication/2025/07/31/83ae68c36720895d3895ec58/indeks-ketimpangan-gender-2024.html>.
- BBC News Indonesia. "Kawin tangkap: Penculikan perempuan terulang lagi di Sumba, mengapa 'kekerasan beralih tradisi' perlu dihapus?" September 9, 2023. <https://www.bbc.com/indonesia/articles/cl42m3gep7go>.

⁷⁷ Acronym from Bhayangkara Pembina Keamanan dan Ketertiban Masyarakat – a community police officer in Indonesia that are assigned in villages. Their main job desk is to maintain public security within the village, while maintaining good relations between police and community. They are often work closely with Babinsa and help to resolve minor disputes, while also providing education, awareness and campaign as prevention action of any disputes.

⁷⁸ Acronym of Bintara Pembina Desa – a community officer from Indonesian National Armed Forces (TNI-AD) who work at village level. Their main job is to help maintain security and good relations between the military and the community. Often work closely with Bhabinkamtibmas to solve any disputes.

- Budi, Astrid. "Tinjauan Kriminologis Budaya Nusa Tenggara Barat Tradisi Kawin Tangkap (Piti Rambang)." *Fundamental: Jurnal Ilmiah Hukum* 10, no. 1 (2021): 81–96. <https://doi.org/10.34304/jf.v10i1.40>.
- CEDAW Committee. *Concluding Observations on the Eighth Periodic Report of Indonesia*. CEDAW/C/ID. no. November. United Nations, 2021.
- Confortini, Catia C. "Galtung, Violence, and Gender: The Case for a Peace Studies/Feminism Alliance." *Peace & Change* 31, no. 3 (2006): 333–67. <https://doi.org/10.1111/j.1468-0130.2006.00378.x>.
- Crenshaw, Kimberle. "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color." *Stanford Law Review* 43, no. 6 (1991): 1241–99. <https://doi.org/10.2307/1229039>.
- Dede Kania. "Hak Asasi Perempuan Dalam Peraturan Perundang-Undangan Di Indonesia." *Jurnal Konstitusi* 12, no. 4 (2015): 716–34.
- Doko, Elanda Welhelmina, I Made Suwetra, and Diah Gayatri Sudibya. "Tradisi Kawin Tangkap (Piti Rambang) Suku Sumba Di Nusa Tenggara Timur." *Jurnal Konstruksi Hukum* 2, no. 3 (2021): 656–60. <https://doi.org/10.22225/jkh.2.3.3674.656-660>.
- Dunn, Caroline. *Stolen Women in Medieval England: Rape, Abduction, and Adultery, 1100-1500*. Cambridge University Press, 2013.
- Fanny Nainggolan, Junita, Ramlan Ramlan, and Rahayu Repindowaty Harahap. "Pemaksaan Perkawinan Berkedok Tradisi Budaya: Bagaimana Implementasi CEDAW Terhadap Hukum Nasional Dalam Melindungi Hak-Hak Perempuan Dalam Perkawinan?" *Uti Possidetis: Journal of International Law* 3, no. 1 (2022): 55–82. <https://doi.org/10.22437/up.v3i1.15452>.
- Fineman, Martha Albertson. "Symposium: Feminist Legal Theory." *Social Policy* 13 (2005): 13–23.
- Frederick Cowell. *Defensive Relativism: The Use of Cultural Relativism in International Legal Practice*. University of Pennsylvania Press, 2023. <https://doi.org/10.2307/j.ctv2g7v1w8>.
- Hartanto, Rima Vien Permata, Adi Sulistiyono, and Isharyanto Isharyanto. "Feminist Perspective towards the Legal Theory on Fisher-Women's Legal Entity." *FIAT JUSTISIA : Jurnal Ilmu Hukum* 13, no. 4 (2019): 345–60. <https://doi.org/10.25041/fiatjustisia.v13no4.1737>.
- Kementerian Pemberdayaan Perempuan dan Perlindungan Anak. "Konvensi CEDAW Dan CONCLUDING OBSERVATIONS Terhadap Laporan Gabungan Ke 6 & 7 (2004-2009, 2009-2012)." February 23, 2016. <https://kemenpppa.go.id/index.php/berita-pemerintahan/konvensi-cedaw-dan-concluding-observations-terhadap-laporan-gabungan-ke-6-7-2004-2009-2009-2012>.
- Kementerian Pendidikan dan Kebudayaan. "Apa Itu Kekerasan Seksual ? #GerakBersama #AmanBersama." <https://Merdekadarikekeraan.Kemdikbud.Go.Id/Ppks/Kekerasan-Seksual/>.
- Komnas Perempuan. "Siaran Pers Komnas Perempuan Atas Praktik Kawin Tangkap Di Sumba." 2020. <https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komnas-perempuan-atas-praktik-kawin-tangkap-di-sumba-24-juni-2020>.
- Kompas.com. "Daftar Suku Bangsa Di Indonesia." 2020. <https://www.kompas.com/skola/read/2020/01/04/210000869/daftar-suku-bangsa-di-indonesia?page=all>.
- Miles, Matthew B., A. Michael Huberman, and Johnny Saldaña. *Qualitative Data Analysis: A Methods Sourcebook*. Edition 3. Sage, 2014.
- Muhammad Iqbal Yunazwardi and Aulia Nabila. "Implementasi Norma Internasional Mengenai Kebebasan Beragama Dan Berkeyakinan Di Indonesia." *Indonesian Perspective* 6, no. 1 (2021): 1–21. <https://doi.org/10.14710/ip.v6i1.37510>.
- Nayak, Bhabani Shankar. "Challenges of Cultural Relativism and the Future of Feminist Universalism." *Journal of Politics and Law* 6, no. 2 (2013): 83–89. <https://doi.org/10.5539/jpl.v6n2p83>.
- Njeze, Chinyere, Kelley Bird-Naytowhow, Tamara Pearl, and Andrew R. Hatala. "Intersectionality of Resilience: A Strengths-Based Case Study Approach With Indigenous Youth in an Urban Canadian Context." *Qualitative Health Research* 30, no. 13 (2020): 2001–18. <https://doi.org/10.1177/1049732320940702>.
- Nur Fatimah Ningrum. "Implementasi Konvensi CEDAW (Convention on The Elimination of All Form of Discrimination Against Women) Oleh Pemerintah Indonesia Dalam Mengatasi Perdagangan Perempuan Di Indonesia Tahun 2007-2018." *JOM FISIP* 7 (2020): 1–15.
- Panggung: Manifesto Mama Kekerasan Seksual dan Komunitas Adat (2021). <https://www.youtube.com/watch?v=-KTGG3PWle0>.
- Persekutuan Gereja-Gereja di Indonesia. "Melawan Tradisi 'Culik Perempuan' Di Sumba." Persekutuan Gereja-Gereja Di Indonesia (PGI), December 10, 2019. pgi.or.id.

- Rahadian, Lalu. "Merapah Identitas Marapu Di Tanah Leluhur Sumba." CNN News, December 4, 2016. <https://www.cnnindonesia.com/nasional/20161203225324-26-177177/merapah-identitas-marapu-di-tanah-leluhur-sumba>.
- Raharjo, Satjipto. Ilmu Hukum. Citra Aditya Bakti, 2000.
- Rauta, Umbu, Indirani Wauran, Arie Siswanto, and Dyah Hapsari Prananingrum. "Tiga Gerakan Moral Sebagai Hukum Adat Masyarakat Sumba Tengah." *Refleksi Hukum: Jurnal Ilmu Hukum* 1, no. 2 (2017): 213–32. <https://doi.org/10.24246/jrh.2017.v1.i2.p213-232>.
- Reitman, Oonagh. "Cultural Relativist and Feminist Critiques of International Human Rights-Friends or Foes?" *Statsvetenskaplig Tidskrift* 100, no. 1 (1997): 100–114.
- Ruth Fletcher. "Feminist Legal Theory." In *An Introduction to Law and Social Theory*. Hart Publishing, 2002.
- Sabardi, Lalu. "Konstruksi Makna Yuridis Masyarakat Hukum Adat Dalam Pasal 18B Uudn Ri Tahun 1945 Untuk Identifikasi Adanya Masyarakat Hukum Adat." *Jurnal Hukum & Pembangunan* 44, no. 2 (2014): 170–87. <https://doi.org/10.21143/jhp.vol44.no2.19>.
- Sihite, Romany. *Perempuan, Kesenjangan & Keadilan, Suatu Tinjauan Berwawasan Gender*. PT. Raja Grafindo Persada, 2007.
- Sinombor, Sonya Hellen. "Menteri Bintang Pun Akhirnya Sampai Ke Sumba..." KOMPAS, June 3, 2020. <https://www.kompas.id/baca/dikbud/2020/07/03/menteri-bintang-pun-akhirnya-sampai-ke-sumba>.
- Solidaritas Perempuan dan Anak Sumba. *Kesepakatan Bersama Tokoh Adat Sumba Tengah Untuk Menolak Praktik Budaya Kawin Tangkap*. SOPAN Sumba, 2024.
- Sukirno. "Revitalisasi Dan Aktualisasi Hukum Adat Sebagai Sumber Hukum Pidana Positif." *Diponegoro Private Law Review* 2 Nomor 1, no. September (2018): 141–53.
- Susaty, Lasja Fauzia, dir. *The Woven Path: Perempuan Tana Humba*. Indonesia, 2019. <https://www.youtube.com/watch?v=RoXZex3bZmw>.
- Tagukawi, Alexander Theodore Duka, and Komang Pradnyana Sudibya. "Praktik Kawin Tangkap Di Sumba Ditinjau Dari Perspektif Hukum Hak Asasi Manusia." *Jurnal Kertha Negara* 9, no. 9 (2021): 720–30.
- Triantono. "Feminis Legal Theory Dalam Kerangka Hukum Indonesia." *Progressive Law and Society (PLS)* 1, no. 1 (2023): 14–26. <https://doi.org/10.14710/pls.20744>.
- Weatherall, Thomas. *JUS COGENS: International Law and Social Contract*. Cambridge University Press, 2015.
- Yayasan Kesehatan Perempuan. "Darurat Kekerasan Seksual Dan Pembahasan RUU PKS Yang Lambat." <https://ykp.or.id/darurat-kekerasan-seksual-dan-pembahasan-ruu-pks-yang-lambat/>.

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