

Marital Rape and Patriarchal Legality in Indonesia: A Feminist and Pluralist Legal Critique

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Abstract: Marital rape remains obscured in Indonesia due to entrenched patriarchal values legitimized by religious, customary, and legal systems. Although recent laws such as the 2022 Sexual Violence Law and the 2023 Penal Code recognize sexual violence within marriage, their implementation faces resistance from cultural norms and fragmented legal authority. This study adopts a normative legal method with socio-legal and philosophical approaches to examine how marital rape is constructed, denied, or ignored across state, Islamic, and adat law. Drawing on statutory texts and institutional reports, the findings reveal that patriarchal legality silences victims, normalizes coercive sexual relations, and impedes gender-sensitive legal enforcement. The article proposes a transformative legal framework integrating feminist legal theory and legal pluralism to reorient marital relations toward consent and bodily autonomy. It contributes a contextual critique from the Global South, offering insight into how plural legal systems must be reimagined to achieve substantive justice for women.

Keywords: marital rape, patriarchal legality, feminist legal theory, legal pluralism, gender-based violence.

Introduction

Marital rape constitutes one of the most deeply entrenched yet legally contested forms of gender-based violence, particularly in societies where patriarchal norms intersect with religious authority and customary values (Klaasen, 2018; Uma, 2023). In Indonesia, where legal pluralism shapes the governance of family and intimate relations, the marital body, especially that of women, is subjected to multiple layers of symbolic, legal, and social control (Anggraeni, 2023; Jamilah, 2023; Khanif, 2019). Despite growing international recognition of sexual autonomy within marriage, dominant societal perceptions continue to treat marriage as a private domain immune from legal scrutiny (Antognini & Appleton, 2021). Within this frame, the wife's body is often construed as the husband's conjugal entitlement, rendering consent irrelevant and violence invisible. Such perceptions have constructed what Levit & Verchick (2016) calls a gendered legal consciousness, a culturally embedded legal understanding that reproduces male authority and obscures women's rights

within the family unit. The normalization of domestic sexual violence as "family matters" discourages victims from reporting, due to fear of stigma, economic dependence, and internalized cultural pressures.

Although the Indonesian state has taken significant regulatory steps through the enactment of Law No. 23/2004 on the Elimination of Domestic Violence (PKDRT), Law No. 12/2022 on Sexual Violence (TPKS), and most recently the 2023 Penal Code, these legal instruments still face serious implementation barriers. While both the TPKS and the revised Penal Code explicitly acknowledge the criminality of sexual violence within marriage, law enforcement remains obstructed by normative ambiguities, social resistance to the concept of spousal consent, and the persistence of patriarchal interpretation among legal actors (Juliansyahzen & Ocktoherrinsyah, 2022; Salamor et al., 2025). This disjunction between law in books and law in action, as identified by Cotterrell (2017), reflects the deeper structural gap between formal legal norms and lived social realities. Patriarchal bias in policing, prosecution, and adjudication mechanisms continues to hinder survivors' access to justice, despite the existence of a seemingly progressive legal framework.

In a legally plural society like Indonesia, where state law coexists sometimes uneasily with Islamic jurisprudence and customary law (*adat*), the recognition and enforcement of women's rights within marriage remain contested and uneven (Anggraeni, 2023). On one hand, local communities often legitimize marital sexual norms through religious and customary discourses that prioritize male authority (Rinaldo, 2019). On the other hand, both Islamic and customary laws, in practice, lack gender-sensitive interpretations, particularly regarding sexual rights and bodily autonomy. For instance, the Islamic concept of *mu'asyarah bi al-ma'ruf*, intended as a principle of mutual respect and kindness, is frequently misinterpreted as the wife's unilateral obligation to sexually serve her husband, thus erasing her right to consent (Hamdani & Ahmad Nurrohim, 2023). Similarly, customary norms often perceive conjugal relations as a matter of familial harmony rather than legal obligation, thereby excluding sexual violence from juridical recognition (Antasari, 2021). These plural legal discourses thus contribute to what Günther (2020) identifies as normative dissonance, a situation in which multiple coexisting legal systems generate conflict, confusion, and resistance to legal change.

This study draws upon two interlinked theoretical frameworks to unpack these dynamics: legal pluralism and feminist legal theory. Legal pluralism, as developed by Swenson (2018), asserts that law does not emanate solely from the state but exists in multiple normative orders, including religious, customary, and informal legalities that may conflict or reinforce one another. Law is not monolithic within this framework but is negotiated, fluid, and often contested, especially in culturally diverse societies. Meanwhile, feminist legal theory, reveals the gendered

hierarchies embedded within legal reasoning and institutional practice (Jamilah, 2023; Klaasen, 2018; Levit & Verchick, 2016). Feminist critique exposes how patriarchal structures, often veiled in legal neutrality, systematically marginalize women's experiences and reinforce male dominance, particularly in matters concerning sexuality, consent, and domestic power (del Cuvillo et al., 2023; Rothermel & Kelly, 2024; Vujadinović et al., 2023). Furthermore, the intersectional insights of feminist legal theory illuminate how gender-based violence intersects with class, religion, and socio-cultural positionings that compound women's legal marginalization.

This study thus aims to critically examine how Indonesia's plural legal systems, state, Islamic, and customary constructs negotiate or deny the recognition of marital rape. It investigates the normative gaps and ideological structures that underlie legal resistance to addressing spousal sexual violence, despite progressive reforms. By combining legal doctrinal analysis with socio-legal and philosophical inquiry, this research not only interrogates statutory inconsistencies and institutional failures but also unpacks the cultural legitimization of marital rape through law, religion, and social norms. In doing so, it responds to the call for transformative legal reform that transcends mere formalistic revision and moves toward gender justice grounded in cultural and legal context.

This study contributes to ongoing scholarly efforts to decolonize feminist legal theory by offering an empirically grounded and culturally contextual critique from the Global South. Unlike dominant Eurocentric models, this analysis foregrounds how feminist and pluralist perspectives may jointly interrogate the legitimacy of law in a society where legal authority is not singular, and where patriarchal legality is often embedded in religious and customary orders. In engaging this complexity, the study addresses a critical gap in global legal scholarship by showing how the struggle for gender justice in postcolonial legal systems must account for the layered nature of legality, culture, and gendered power.

Method

This research employs a normative legal method integrated with socio-legal and philosophical approaches (Banakar, 2019; Creutzfeldt et al., 2020). The normative dimension analyzes statutory texts and formal legal doctrines, including Law No. 1/1974 on Marriage, Law No. 23/2004 on the Elimination of Domestic Violence (PKDRT), Law No. 12/2022 on Sexual Violence (TPKS), and the Indonesian Penal Code (KUHP) enacted in 2023. Additionally, the study examines the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI), which represents the state-recognized codification of Islamic family law in Indonesia. These legal materials are scrutinized to assess normative inconsistencies, conceptual silences, and doctrinal

contradictions related to marital rape and women's sexual autonomy within marriage.

To contextualize legal texts within lived experiences, the study incorporates a socio-legal perspective that explores how law is practiced, interpreted, and resisted within Indonesia's deeply patriarchal and pluralistic cultural landscape (Turisno et al., 2025). This involves thematic engagement with secondary empirical sources such as national jurisprudence, NGO and institutional reports (e.g., Komnas Perempuan, UN Women, Human Rights Watch), and relevant scholarly literature (Uma, 2023). These sources are analyzed to understand the disjunction between formal legal recognition and its implementation, particularly in cases involving gender-based violence within marriage.

A philosophical lens is also employed to interrogate foundational values underpinning Indonesian legal culture, including assumptions about gender roles, authority, consent, and the sanctity of marriage. By engaging with feminist epistemologies and critical legal theory, the study questions the neutral appearance of law and seeks to expose the normative dominance of male-centered legal reasoning. The philosophical approach further enables an inquiry into concepts such as justice, bodily integrity, and human dignity, which are central to feminist legal demands but often marginalized in positivist legal discourse.

Data was collected through comprehensive library research, with primary legal texts, secondary academic literature, and institutional reports thematically and interpretively examined. Analytical techniques were guided by feminist critique and postcolonial legal analysis, which emphasize the structural dimensions of law and its embeddedness in power relations. Rather than treating legal texts as isolated norms, this study situates law within broader ideological formations that shape and justify the regulation of women's bodies, particularly in marital contexts. The methodology is therefore both doctrinal and critical, aiming to map the legal landscape and challenge and reconstruct it from a gender-just perspective.

Results and Discussion

Fragmented Legal Recognition of Marital Rape in Indonesian Law

Although Indonesia has recently enacted progressive legislation, particularly Law No. 12/2022 on Sexual Violence (UU TPKS) and the 2023 revision of the Penal Code that explicitly recognizes sexual violence within marriage, significant inconsistencies remain across the legal framework (Uma, 2023). The 2004 Domestic Violence Law (UU PKDRT), while pioneering in acknowledging domestic abuse, provides only vague references to sexual violence and does not clearly define marital rape or spousal consent. This legal ambiguity reflects an ideological discomfort within Indonesia's lawmaking institutions in treating sexual violence

between spouses as a public offense (Fauzy & Maharani, 2021; Pitrotussaadah & Fadhilah, 2023). Moreover, the lack of harmonization among UU PKDRT, UU TPKS, and the new Penal Code has led to what scholars describe as regulatory fragmentation, a condition in which overlapping, sometimes conflicting, legal provisions obstruct effective enforcement (Jamilah, 2023). Law enforcement officers and prosecutors often default to moralistic interpretations, viewing forced sex within marriage not as a violation of bodily autonomy but as a failure of marital duty. As a result, many cases are either dismissed, directed to mediation, or left unreported due to cultural shame and legal confusion. This reveals a persistent gap between formal legal acknowledgment and institutional willingness to act a gap driven by patriarchal interpretations of marital roles, which continue to inform not only legal outcomes but also the behavior of state actors (Morsalin, 2021; Razif, 2020).

The legal recognition of marital rape in Indonesia is a contested terrain marked by normative fragmentation, ideological resistance, and procedural ambiguity. Despite the enactment of Law No. 12/2022 on Sexual Violence (UU TPKS) and the 2023 Penal Code, both of which provide a more explicit legal basis for recognizing sexual violence within marital relationships, these progressive developments remain isolated within a broader legal architecture that is inconsistent and, at times, contradictory (Khanif, 2019; Morsalin, 2021; Uma, 2023). The Domestic Violence Law (UU PKDRT) of 2004, while representing a milestone in acknowledging domestic abuse, stops short of addressing marital rape as a distinct legal violation (Anastasia et al., 2013). Its provisions on sexual violence are couched in general terms, lacking both definitional clarity and an articulation of consent as a legal threshold (Dowds, 2020). This omission is not merely technical but reflects a more profound discomfort within Indonesia's legal and political institutions in framing conjugal sexual violence as a matter of public concern. Rather than being seen as a violation of human rights or bodily autonomy, non-consensual sex within marriage is often reframed in legal and bureaucratic discourse as a failure in spousal harmony or moral obligation. The consequence of this normative ambivalence is the emergence of what legal scholars have termed regulatory fragmentation, where overlapping laws rather than reinforcing protection generate interpretive confusion, procedural delays, and enforcement paralysis (Brian, 2019).

This fragmentation is further exacerbated by the reluctance of law enforcement institutions to internalize the shift in normative paradigms introduced by the newer legislation. Police officers, prosecutors, and even some judges continue to approach marital sexual violence through the lens of moral restoration rather than legal redress, often steering victims toward reconciliation and mediation rather than investigation and prosecution (Keenan & Zinsstag, 2022). This tendency

reflects an entrenched patriarchal logic in institutional behavior, where sexual access in marriage is presumed and rarely questioned, and where the legitimacy of a wife's refusal is met with suspicion or moral judgment (Smart, 2013). The operational impact of this mindset is tangible: many complaints of marital rape are dismissed at the intake stage, and even those that proceed are frequently derailed by the lack of gender-sensitive interpretation or evidentiary standards attuned to the dynamics of intimate coercion. Compounding these issues is the societal stigma attached to reporting a lawful husband, which dissuades many women from pursuing legal channels in the first place (Anggraeni, 2023; Rinaldo, 2019). The resulting legal inertia reveals that recognition on paper, no matter how progressive, has limited value without institutional alignment and cultural transformation. Thus, while the letter of the law may now acknowledge marital rape, the spirit of enforcement remains resistant, shaped by long-standing gender hierarchies that are deeply embedded in both legal doctrine and professional practice.

Patriarchal Legality and Cultural Resistance in Law Enforcement

The enduring reality of marital rape in Indonesia cannot be understood merely through the lens of legislative gaps; it must also be situated within the broader framework of patriarchal legality, wherein law is both shaped by and embedded within male-dominant cultural imaginaries (Hartman, 2023). No matter how progressive in formulation, legal provisions do not exist in isolation from the social and institutional actors who interpret, apply, and often resist them. Judges, police officers, prosecutors, and even religious figures routinely act not as neutral implementers of law but as cultural intermediaries whose decision-making processes are informed by deeply internalized gendered norms (Gleason et al., 2019). This is evident in the routine discouragement faced by women who report marital rape; rather than being treated as legitimate legal claimants, they are often steered toward reconciliation or forgiveness, with the rationale of preserving family harmony (Antasari, 2021; Brian, 2019). The legal system thereby performs a disciplinary role, regulating not the perpetrator's violence but the victim's response to that violence. This cultural pressure is not peripheral but institutional, shaping procedures, outcomes, and access to justice.

Empirical data reinforce this structural critique. Komnas Perempuan's 2022 annual report (CATAHU) documented 591 cases of reported marital rape nationwide and 64 in North Minahasa alone a regionally significant figure given the stigma that discourages formal complaints. These numbers likely represent only the surface of a much larger, hidden epidemic. As Swenson (2018) compellingly argues, the law is never culturally neutral; its effectiveness is mediated by local actors' values and social meanings attached to it. This is manifest in the reluctance of law

enforcement to pursue marital rape cases as criminal offenses. Instead, such incidents are reframed as the failure of the wife to fulfill religious or moral duties, thus absolving the husband's coercive behavior through spiritual rationalization (Adjei & Mpiani, 2022). Furthermore, demands for physical evidence, visible injuries, or signs of penetration reveal the law's failure to grasp the psychological, emotional, and structural dimensions of sexual violence within intimate relationships (Dowds, 2020). The insistence on tangible proof betrays a deeply positivist legal culture unequipped to reckon with coercion, fear, or silence as valid markers of harm. In such a framework, women's testimonies are frequently dismissed as unprovable or exaggerated, especially when the perpetrator is their lawful husband.

The legal consciousness that emerges from these practices reaffirms male entitlement over women's bodies in marriage, transforming patriarchal domination into normalized legality. Feminist legal scholars have long criticized the myth of legal neutrality, arguing that law is a cultural product that reflects and reinforces existing power hierarchies (Vujadinović et al., 2023). This is especially true in contexts where legal education, religious training, and prosecutorial standards lack exposure to the concept of informed consent or the asymmetrical power dynamics embedded in domestic life. Without a legal culture attuned to gender justice, reformist legal texts risk being implemented only symbolically, recognized in statute books but denied in practice (Günther, 2020). The result is a hollow legality, one in which rights exist only nominally, and enforcement remains selective, moralistic, and structurally patriarchal. Until legal actors themselves undergo ideological transformation through sustained gender-sensitive training and structural accountability, the promise of protection for victims of marital rape will remain aspirational rather than realized.

Legal Pluralism and the Conflicted Authority of Law

The fragmented recognition of marital rape in Indonesia cannot be detached from the country's complex legal pluralism, where state law, Islamic jurisprudence, and customary law (*adat*) coexist in a dynamic yet often conflicting relationship. While state law, particularly the Sexual Violence Law of 2022 and the revised Penal Code of 2023, has taken steps to criminalize sexual violence within marriage, the practical authority of these norms is constantly negotiated with religious and customary frameworks that govern everyday life (Pradhani, 2021). In many regions, Islamic norms and *adat* are not merely sources of moral guidance but constitute *de facto* dispute resolution systems and legal authority (Bukido et al., 2022). This plural legal order produces a multiplicity of rules and competing notions of justice, gender roles, and marital obligations. Within such a landscape, the recognition of a wife's right to

refuse sex is not only legally ambiguous but also culturally and theologically contested. Islamic teachings, when interpreted through patriarchal lenses, often emphasize a wife's duty to sexually serve her husband, citing concepts like *mu'asyarah bi al-ma'ruf* without equal emphasis on consent, compassion, or reciprocity (Hamdani & Ahmad Nurrohim, 2023). In parallel, customary systems tend to define marital roles in terms of social harmony and lineage preservation, rendering sexual violence within marriage a non-issue or, worse, a taboo.

This normative tension between legal systems creates a deep authority crisis. In theory, the state holds sovereign legal authority. In practice, however, community members frequently defer to religious clerics, customary elders, or family councils in resolving intimate conflicts, particularly those involving sexuality and marital obligations (Smart, 2013). As a result, reports of marital rape are often redirected away from legal institutions and into informal forums where patriarchal norms are further reinforced. In many such spaces, the wife's refusal is interpreted not as an expression of autonomy but as an act of disobedience, potentially subjecting her to social sanction, divorce, or even accusations of violating religious obligations. In this context, legal pluralism becomes less a sign of legal inclusivity and more a mechanism of normative filtering, where the more conservative interpretation is likely to prevail. As Butt (2023) describes, such contexts reflect legal centralism in theory, legal pluralism in fact; the state may legislate, but its legal codes are often subordinated to social legitimacy and cultural acceptability.

The consequences for survivors of marital rape are severe. They face legal barriers and communal resistance rooted in the contested legitimacy of the law itself. Even when a woman appeals to the formal justice system, her claim may be undermined by law enforcement officials who view religious or customary law as superior or defer to local leaders to mediate (Akhter et al., 2021). Moreover, the state has not fully resolved the contradictions between its formal legal commitments to gender equality and its political accommodation of religious and customary authority. Instead of creating integrative mechanisms, the legal system often allows parallel norms to operate in isolation or contradiction. This absence of normative coherence creates confusion, impunity, and ultimately, the delegitimization of women's rights within marriage (Anastasia et al., 2013). The plural legal order, while constitutionally recognized, fails to offer substantive protection when the weight of legal interpretation falls on institutions and actors resistant to feminist legal reasoning (Swenson, 2018). Thus, legal pluralism in Indonesia, without critical harmonization and gender-just reinterpretation, operates less as a bridge between systems and more as a battleground of normative authority, where women's bodily autonomy remains precariously positioned and frequently denied.

Structural Blindness of Formal Law to Women's Experiences

The architecture of Indonesia's legal system continues to reflect a structural blindness toward women's lived experiences, particularly in cases involving intimate, non-visible, and psychologically embedded forms of violence such as marital rape (Juliansyahzen & Ocktoberriyah, 2022; Khanif, 2019). Legal reasoning in statutory interpretation and courtroom adjudication remains bound to positivist traditions prioritizing objectivity, material evidence, and procedural certainty over subjective harm and relational complexity (Putro, 2024). In this model, legal credibility is often tied to physical manifestations of violence bruises, penetration, or third-party testimony while the interior realities of coercion, fear, humiliation, and trauma are either disregarded or dismissed as insufficiently provable. This evidentiary hierarchy, deeply entrenched in formal law, marginalizes the forms of harm most commonly suffered by women within marital relationships, where violence is exerted not through brute force but through obligation, threat, silence, or economic dependency (Humairoh et al., 2024). As Urquiza-Haas (2017) convincingly argues, the claim that law is neutral or universal is often a legal fiction that obscures the gendered architecture of legal categories and the epistemological exclusion of women's voices from what is recognized as harm, agency, or justice.

This epistemic blindness is particularly harmful in the context of marital rape, where the violence operates within the socially sanctified institution of marriage, cloaked in the language of duty, obedience, and religious virtue (Rinaldo, 2019). The legal system's inability or unwillingness to recognize non-physical forms of coercion reflects a deeper failure to account for gendered power differentials within intimate relationships. A woman's legal subjectivity is often evaluated through a masculinized lens that equates autonomy with resistance and harm with bodily injury (Jamilah, 2023). Consequently, when women report being sexually coerced by their husbands, their experiences are rendered unintelligible within a legal framework that demands demonstrable violence and voluntarist conceptions of consent (Antasari, 2021). Such a framework is structurally indifferent to the socio-cultural realities in which women are taught not to say "no," in which marital sex is framed as obligatory, and in which economic, religious, or social dependence is weaponized to silence dissent. This blind spot is not incidental; it is an institutional failure that recurs across case law, law enforcement protocols, and even legal education, which often lacks adequate engagement with feminist theory, intersectional analysis, or trauma-informed jurisprudence.

Feminist legal theory, therefore, calls for more than surface-level reform; it demands a reconfiguration of legal epistemologies (del Cuvillo et al., 2023; Vujadinović et al., 2023). It challenges not only how law defines violence, but also

how it determines whose suffering counts and through what evidence harm must be proven. To move toward substantive justice, legal frameworks must adopt approaches that center survivors' narratives, recognize the legitimacy of psychological and relational harm, and interrogate the assumptions that exclude these from the domain of legal protection. Without such reimagination, even the most progressive statutes risk remaining symbolically progressive but materially inert, recognizing rights in theory while denying redress in practice. Ultimately, the structural blindness of the law is not just a failure of doctrine but a failure of empathy, listening, and legal imagination.

Marital Rape as a Political Technology of Patriarchal Control

Marital rape in Indonesia must not be understood merely as an act of interpersonal violence or legal omission it is a structured political technology through which patriarchal control is maintained, naturalized, and institutionalized within the intimate domain of marriage. The act of sexual coercion within marriage is not accidental nor aberrational; it is undergirded by a normative system that renders women's bodies accessible, compliant, and non-sovereign once marital consent is presumed. As McGregor (2017) argues, rape is not simply about sex but about power its legal denial in the marital context is a reflection of whose power the law exists to protect. In patriarchal societies like Indonesia, marriage functions not only as a social contract but as a legal and theological mechanism that structures gender hierarchy. Within this architecture, the husband's access to his wife's body is framed not as privilege, but as an inherent right sanctioned by religion, culture, and, at times, state silence (Akhter et al., 2021; del Cuvillo et al., 2023). This transforms sexual entitlement into a lawful expectation and renders female refusal not only illegitimate but also sacrilegious or immoral. The normalization of such entitlement is reinforced through religious sermons, community norms, and even court decisions, where wives who report non-consensual sex are framed as disobedient or unrighteous rather than as victims of violence.

The violence of marital rape is not only physical or psychological, but also symbolic and institutional. It reaffirms a gendered social order in which female submission is moralized, male authority is ritualized, and the legal system is mobilized to protect this asymmetry (Okech, 2021). In such a system, law itself complicates the reproduction of violence. The refusal to criminalize marital rape in earlier legal frameworks, the continued moral ambivalence in current enforcement, and the interpretive dominance of patriarchal religious authorities all point to a legal culture that protects male power over women's sexual autonomy (McGregor, 2017; Uma, 2023). Even progressive legal texts are often stripped of their transformative potential when they encounter institutional actors who have internalized

theological and cultural justifications for male control (Fauzy & Maharani, 2021). This dynamic illustrates how marital rape serves as a key site in which the state, religion, and family intersect to discipline women's bodies, behavior, and speech. It is through the management of sexuality, particularly the refusal of sexual consent, that women are made legible to power: either as compliant wives or as disruptive subjects.

Understanding marital rape as a political technology requires a shift from individualistic and behavioral interpretations of violence to structural and systemic readings of power. This shift also demands a confrontation with the sacred status of marriage in both legal and cultural discourses, which often obscures the coercive logics embedded within it. Feminist legal critique insists that justice cannot be achieved solely by prosecuting individual acts but by dismantling the social and legal structures that authorize, excuse, or normalize those acts. In this regard, criminalization is necessary but insufficient; the broader project must involve the deconstruction of marriage as a presumed site of sexual obligation and the construction of legal subjectivity that centers women's autonomy, dignity, and consent. Without such epistemic and institutional transformation, marital rape will continue to operate as an invisible tool of domination inscribed into law not by its recognition, but by its persistent denial.

Conclusion

This study has demonstrated that marital rape in Indonesia is not only a matter of inadequate legal codification but is deeply embedded in a normative order sustained by patriarchy across state, religious, and customary systems. Despite the formal recognition of sexual violence in marriage under the 2022 Sexual Violence Law and the 2023 Penal Code, the persistence of patriarchal legality expressed through fragmented laws, religious misinterpretations, and customary silences continues to obscure, delegitimize, and normalize coercive sexual relations within marriage. As shown in the analysis, legal pluralism in Indonesia produces normative diversity, systemic incoherence, and resistance, creating a perilous terrain for women seeking justice.

The findings reveal that patriarchal interpretations of marital roles, often reinforced by religious authorities, adat leaders, and legal institutions, contribute to the legal silencing of victims. Law enforcement officers frequently dismiss marital rape as a private, moral issue, while survivors face cultural stigma, procedural barriers, and evidentiary burdens that systematically deny them access to justice. These dynamics are not isolated failures but reflect the structural exclusion of women's lived experiences from dominant legal reasoning. Drawing on feminist legal theory and socio-legal critique, this study underscores the urgent need to

reframe legal concepts of consent, violence, and spousal rights within a framework that centers women's autonomy and dignity.

This article calls for a transformative legal reform agenda that operates at multiple levels. First, formal harmonization of Indonesian laws must clarify the criminality of marital rape and remove contradictions that impede enforcement. Second, legal education and judicial training must incorporate gender-sensitive and intersectional frameworks to dismantle patriarchal assumptions embedded in legal interpretation. Third, reinterpretation of Islamic and customary norms through a feminist and community-based lens is essential to shift public perception and legal consciousness. These reforms must be participatory, survivor-centered, and locally contextualized to ensure cultural legitimacy while upholding international human rights standards.

The article contributes to global feminist legal discourse by offering a situated critique from the Global South, specifically from a Muslim-majority, legally plural society. It challenges dominant Eurocentric paradigms by showing that gender justice must be contextually grounded, legally plural, and culturally engaged. Marital rape, as a manifestation of patriarchal legality, will remain legally invisible and socially acceptable unless the law is reimagined not simply as a system of rules but as a transformative instrument of gendered social change. In plural societies like Indonesia, legal reform must go beyond textual revision and engage directly with the cultural and ideological foundations that uphold gender inequality in law, society, and the intimate sphere.

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