

Women in Betwixt: Safe House, State, And Community in the Gender-Based Violence Judicial Process in East Timor

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Abstract—This paper argues that the Safe House institution is a “meeting point” between the legal state and the customs of society in negotiating and pursuing women's justice in the gender-based violence (GBV) judicial process in Timor Leste. A Safe House is an institution that is networked with other institutions in a Safe House System (SHS) to protect and help women victims achieve justice from domestic violence through the judicial process. The SHS not only helps women victim with legal matters but also supports their mental and physical health and strengthen their relationship with their family and society. From the perspectives of anthropology and legal pluralism, an institution can be one approach to unraveling the complexities of social and cultural structures that exist in society and the complexity of the legal state that governs them. This paper is based on research consisting of documents analysis and interviews with a number of informants involved in the judicial process of gender-based domestic violence in Timor Leste. In addition to interviews, the research was also based on observations in a safe house in one of the rural areas in Timor Leste.

Keywords— *Gender-Based Violence (GBV), legal pluralism, Safe House System (SHS), Timor Leste*

I. THE DIFFERENT TALKS AS ENTRY POINTS: INTRODUCTION

When we engaged researches which involved informants from government institutions, there was one important pattern that could be noted: those who had positions in state institutions tended to portray situations as ideal or “appropriate” in accordance with applicable laws or procedures. However, when we met with informants in the “empirical line,” i.e., practitioners who were directly involved in the field and met “face to face” with the victims of gender-based violence in the judicial process, we actually encountered a lot of complexities and problems that were rarely conveyed by state official informants. In fact, the complexity that occurs in the field, both in the victims' communities and the judicial process itself, often does not reflect the ideal conditions that have been conveyed by state informants.

The difference(s) between ideal and actual in this pattern is an important entry point for us to answer the general question in this paper: what is the policy of the country of Timor Leste in handling cases of gender-based violence? More specifically, the aim of the research outlined in this paper is to examine how the complexity of the ideal and actual (empirical) matters in the judicial process in handling

cases of gender-based violence in Timor Leste can meet and what such a meeting would be like. To try to answer this problem, we put the focus on an institution that we regard as a “neutral party” in this process of justice for gender-based violence in Timor Leste. This central party is the Safe House.

The Safe House is actually a shelter where women who are victims of violence are protected during the justice process until they return to the community (reintegration). However, in this paper, a Safe House is seen not just as a place but as a very important part of a system. This is because, through helping women victims, The Safe House does not do it alone but cooperates with other institutions (networked referrals). This is why we later refer it as the “mediator” between state law and procedures for handling the ideal apparatus with the empirical conditions of the judicial process and the actual social and cultural structure of society. The Safe House System contributes to seeking justice for women victims through both the legal system and the socio-cultural structure of the community in the victim's environment and eases the complexity of the process.

In this paper, legal pluralism is not focused on how the state legal system and customary law in East Timor society is both running and “contesting” or even overlapping. But this paper is more focused on how the country's legal and socio-cultural systems, given the complexity of the judiciary process, can reach a meeting point that will further justice itself. In addition, legal pluralism and structural complexity in the justice process of gender-based violence in East Timor conceptually use a gender perspective. The main concept that we use in this paper is Gender Justice, accompanied by Safe House and Legal Pluralism. The Gender Justice concept is used to see how women are positioned between the ideals espoused in state law and empirical conditions on socio-cultural structures in the justice process of gender-based violence in East Timor. In addition, the Safe House can also be examined as a central institution located within a network or system (we call this the Safe House System or SHS) with other institutions related to the process of justice based on gender.

“Safe House” in commons way means the infrastructure and mechanism to protect vulnerable people who experience and become victims of violence. This vulnerable peoples are actually not only women, but also men and children. However, this paper will discuss safe house in the context of women victims of violence. In simple terms, safe house are

alternative, temporary, and emergency places to quickly separate women victims of violence from perpetrators and the environment of violence. Conceptually, Freccero (2015) divides safe houses into five types, that are traditional safe houses, independent living arrangements, community hosting arrangements, protected areas, and alternative purpose entities. Some safe houses are the combination of these characteristics above.

The safe house was by far the most common. In general, traditional safe houses are beneficial to residents with greater security needs, offering measures such as guards, gates, confidential locations and rules governing residents' movement and visitors. However, this comes at the expense of community engagement, mobility and independence (Freccero, 2015). Another more specific term from this safe house is "shelter". In other words, "Safe House" is a concept, while in practice, there are "shelter", "One Stop Crisis Center", or other terms. In principle, in terms of the location of safe houses are far from the community settlements. However, safe houses in Thailand have different characteristics. Safe Houses in Thailand seek to involve the surrounding community in terms of resources and information about social activities. This type of safe house empowering the surrounding community for the security aspect.

In the Indonesian context, Safe House is one of the important aspects that must be given by the state according to the laws and regulations. According to the Law of the Republic of Indonesia No. 23 of 2004 victims of domestic violence are entitled to (1) temporary protection; (2) stipulation of protection orders by the court; (3) provision of Special Service Rooms at the police station; (4) providing safe houses or alternative places; (5) providing legal consultations by advocates to victims at the level of investigation, prosecution and examination at court hearings. According to Jaama (2014), a wife who is a victim of domestic violence desperately needs a "safe house" or "alternative residence" that can provide security for her. Because the function of "safe house" or "alternative residence," is to avoid the wife (victim) from domestic violence committed by her husband. In this connection the husband can no longer commit violence against the victim. As long as a victim is in a safe house, the judicial process runs at the court level.

In its implementation, the management of safe houses often has not run optimally for several reasons. Utami (2016) outlines the reasons for the ineffectiveness of Safe Houses, among others because of security and comfort problems due to poor infrastructure problems, budget constraints, and limited human resources. Some managers of safe houses, in the context of Indonesia, are state officials who have other duties and obligations. A safe house is not the only thing to protect a victim. Safe house is a system. Sullivan (1992) based on his assessment of victims of domestic violence, outlined other aspects relating to safe houses:

The results of this needs assessment substantiate that women are in need of numerous resources upon their exit from a domestic violence shelter. Sixty-two percent of the women needed legal assistance, and over half needed jobs, further education, transportation, material goods, social support, health care, financial assistance, childcare, and/or resources for their children. A significant minority (39%) needed housing. Subgroup analyses indicated that not all

women had the same needs upon shelter exit. If a woman chose to end her relationship with her assailant, she was more likely to indicate the need to work on obtaining transportation, legal assistance, financial assistance, social support, and to further her education.

(Sullivan, dkk 1992)

As a system, a safe house does not stand by one self. Campbell (1995) wrote: "For women who have to seek services from domestic violence shelters, their resources are already minimal. Moreover, both clinical and community interventions that work to empower women with abusive partners and strengthen their social support networks are needed". Bennet (2004) said that programs for victims of gender-based domestic violence were an integral part of the community.

Bennet and some researchers (2004) conducted an evaluation study of 54 domestic violence service agencies in Illinois, Chicago: "...Domestic violence advocates identified services to be evaluated, specified desired outcomes of those services, and participated in developing measures of those outcomes in both English and Spanish. Within the limitations of the study, outcomes were positive in all four program areas: hotline, counseling, advocacy, and shelter. The authors then discuss implications for evaluation of domestic violence programs that maintain victim safety as a guiding principle".

Tutty (1993) recounts his experience in evaluating 12 groups that deal with women victims of violence. "A total of 76 women took part in the study, responding to the assessment package before, immediately after, and six months following the group. Significant improvements were found in the areas of self-esteem, belonging support, locus of control, less traditional attitudes towards marriage and the family, a reduction in perceived stress, and improved marital functioning. Unexpectedly, clients currently living with their spouses also reported significant decreases in both physical and non-physical and controlling abuse".

Community support for women victims of violence is considered important to provide more moral support to them. Weisz (1999) tell that survivors were usually confused, doubtful and lonely when they tried to cope with the police and the courts. Advocates lent a supportive, empathic presence and possessed valuable information. Advocates relationships with survivors enabled them to take further legal actions against batterers. This study suggests that an active, relational helping model meets essential needs for some survivors of crime.

Because of the most victims who stay in safe house facilities are the mothers, they cannot be separated from their children. The attachment between children and their mothers also could be found in the safe house at Timor Leste and in Kuala Lumpur, Malaysia. So the availability of facilities and infrastructure for children also become imperative at a safe house. For example in Timor Leste, the research team found that the Safe House also provide library, reading groups and study groups for the children who accompanied their mother to stay in the Safe House, before the children can be placed in a new and safer school.

Other emergency Safe Houses can be spaces in hospitals, health centers, and religious institutions such as churches, mosques, monasteries, etc. In principle, a space designated as a Safe House should provide temporary physical protection

and accommodation for women. Safe Houses should also work with long-term comprehensive relief services. Long-term Safe House assistance not only provides direct assistance to victims but also must be able to encourage community awareness to fight domestic violence.

II. METHODS

This research was carried out by a team¹ conducting field visits to Timor Leste in July 2018 through in-depth interviews with several informants involved in both direct policies and processes in the field during trials of gender-based violence in Timor Leste. We divide the informants into two categories, namely, informants who are at the policy level (we call them state informants) and informants who are directly involved in the field and come into direct contact with the process and victims (we call them practitioners). The informants were as follows:

TABLE I. LIST OF INFORMANTS OF THE RESEARCH

State Informants	Practitioner-Informants
Ministry of Women Empowerment (through Director General of Gender Mainstreaming)	Fokupers (NGO focused on GBV victims)
Ministry of Social and Solidarity (through Director General of Gender Social Development)	Alfela (NGO focused on legal assistance for GBV victims)
Ministry of Law (through Director General of Legislation)	Pradet (NGO focused on mental and physical health of GBV victims)
Ministry of Internal Affairs and Security (through Director General of Gender Equality)	Safe House MT in Maliana District
Police Agency of Timor Leste (through Director of Gender)	PDHJ (Ombudsman in Timor Leste)

The researchers collected data not only using interviews, but also with collecting some legal documents and other documents which are relevant with the issue of Safe House in Timor Leste. In order to get the comprehensive data, research team also included group discussions with some of the institutions mentioned above. The discussion was carried out because it often occurs when the research team visited to the relevant institutions, the parties who have been contacted previously then introduced researchers with some of his or her colleagues. Those new contacts sometimes also hold important information.

The colleagues of our contact persons usually gather at the same place with the contact persons. Researchers then asked whether the informant that prefer to be interviewed one by one or even better give information through a group discussion. The discussions are also important, because other informants in the same institution could complement the information provided. Group discussions were conducted

¹ The research team led by Lidwina Inge Nurtjahyo with members of the team include Shelly Adelina (Gender Studies Courses UI), Mochammad Arief Wicaksono (Department of Anthropology, Faculty of social and political sciences of the UI), and Widya Naseva (Faculty of Law). This research was funded by the Ministry of Research and Higher education of the Republic of Indonesia through a program called PDUPT (*Penelitian Dasar Unggulan Perguruan Tinggi*).

with the NGO such as Alfela and Pradet. But the team also had both personal interview and group discussion in PDHJ (the Ombudsman of Timor Leste) and in Ministry of Women Empowerment or SEI. In addition to conducting in-depth interviews and group discussions, limited research was also carried out by observing several places, such as Pradet's shelter house. This shelter provides assistance in handling the first physical and mental health problems of victims of violence. The research team also visited one of the Safe Houses located in the Maliana District. This Safe House observation is important for an empirical assessment of the justice process for gender-based violence in East Timor at the most local level.

III. RESULTS

A. GBV in Timor Leste: A Landscape

An interesting (but quite sad) fact was conveyed by the Director General of Gender Mainstreaming in the Ministry of Women's Empowerment of East Timor. The Director General said that based on recent survey by the government showed that 87% of male respondents and 65% of female respondents agreed that women may be beaten because of domestic mistakes they make, such as being late cooking the dishes for dinner, not being responsive to husband order, cooking rice undercooked, playing cards while husband asked for coffee, and so on. Without going more deeply into the actual reported statistical data, the above statement is sufficient to illustrate how the landscape of gender-based violence in the country has changed since the country declared independence 16 years ago. Timor Leste was formerly identified as one of the countries with a policy system similar to those of Europe because, as a former Portuguese colony, the country had ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Domestic violence is not the only form of violence which has been emerging in Timor-Leste, sexual violence is also being the main issue. In fact, domestic violence and sexual violence against women is not only happening in East Timor. But those also happen in countries around the world, particularly in the Southeast Asia region. The 2016 data released by the Asian Development Bank shows that 35% of women over 15 years of age have experienced sexual violence with their spouse or another person. But why the research team choose East Timor as one of the areas of research based on the issue of the safe house as one of the important components in the handling of cases of violence against women?

There are several arguments underlying the choice of the research team. First, the amount of the gender-based violence in the country. Second, the condition of the society in Timor Leste as the post-conflict country. Third, the third, the goodwill and efforts of the local government in presenting a safe house as part of the program of the Government.

In 2016, 32% of women in East Timor (regardless of age) experienced violence. In all ages, women received both sexual violence and domestic violence. The perpetrators are their partners or member of the family. The amount 32% covers a percentage of the number of cases reported by the service givers institution, as told by an informant from the Ministry of Women Empowerment in Timor Leste. What

about cases that are not reported to the service givers or the government?

The condition of Timor Leste as the post-conflict country also significant as one of the reasons to select it as the location of research. According to Yogaratnam (2018), gender issues in post-conflict countries are different from those in other countries, but not because these issues are related to the problem of political motivation, cultural relativism, and the struggle for citizens' rights. The difference actually occurs at the level where the problem of gender and justice is located. Yogaratnam also saw that there were different authority levels between the state and state apparatus and the local community, where legal issues and women's rights were interpreted differently. In the case of Timor Leste, this is clearly illustrated. Traditional leaders at the local level have more authority and louder voices than the country's legal system, which is often quite unpopular in the community, especially at the local level.

In addition, politically and socio-culturally, the people of East Timor still tend to embrace patriarchal values, as Porter (2012) revealed:

“Despite a commitment to fill quotas of 30 per cent of the Commission’s positions for women, cultural patriarchal norms, particularly in rural areas where women have not been as exposed to ideas of gender equality and have feared intimidation if they stand for office, made it difficult to recruit the desired proportion of women into district teams.”

(Porter 2012: 228)

The strong patriarchy that still governs Timorese society is a challenge to the country’s attempts to realize gender justice in every area of life, especially when it comes to justice for gender-based violence that often victimizes women and children.

The third reason why the researchers chose East Timor as one of the research location is because the Government is committed in the preparation of the program handling violence against women. The commitment is shown not only in their regulations. But also demonstrated in the official cooperation with non-governmental organizations in the form of joint management of safe house and shelter in some areas (Maliana, Baucau, Dilli).

IV. IDEAL TALKING AND ACTUAL FEELING: SOME NOTES FROM THE STATE AND PRACTITIONERS

Dividing the informants into two categories, namely State informants and Practitioner-informants, highlights the difference between ideal interpretations and actual occurrences and the failures of Safe House institutions along with their networks of cooperation in the gender-based justice process in Timor Leste. In addition, we as descriptive researchers can still illustrate the complexity of working in this judicial process.

Representatives from the Ministry of Women's Empowerment of East Timor stressed at the beginning of the interview that whatever they do at the policy level must uphold three core values according to the basic constitution of Timor Leste. These three things are equality before the law, no cultural or racial discrimination, and equality between men and women (based on the Democratic Republic of East Timor's Constitution articles 9, 16, 17).

In terms of policies in the gender-based violence justice process, these three values are implemented into the four pillars of gender equality. The first is prevention, enacted through working with communities in the region, the second is assistance for victims of violence, including cooperating with other ministries such as social ministries and interior and security ministries, the third is access to justice, including cooperating with the ministry of law and justice, and the fourth is monitoring, including cooperating with various non-governmental organizations in the field. Another interesting thing is that, in interviews, state officials in this ministry also confirmed that cases of gender-based violence that occur within the family are subject to the "spoon in a plate" principle, meaning that, when a spoon is put on a plate, one should not let the outside of the plate know.

Not only the Ministry of Women's Empowerment that have the policy of gender equality, the East Timor Ministry of Social Solidarity also has four "pillars" in its social-gender development program primarily in relation to the gender-based violence justice process. These are, first, protection of women from gender-based violence, child protection, shelter-shelter financing as part of the social solidarity program, and peace building or social area dialog involving communities and traditional instruments (community leaders including traditional leaders). A significant role of this ministry is the considerable financing (fiscal) of the non-governmental organization Fokupers, the largest non-governmental organizations (NGO) in Timor Leste that handles gender-based violence. Together with relevant NGOs and other government institutions, the Ministry has also initiated the creation of a standard operational procedure (SOP) for handling cases of gender-based violence.

Naturally, the Ministry of Justice is also involved in the process of justice for gender-based violence in East Timor. The Ministry operates according to the principle that every law formulated must be gender-neutral as mandated by the CEDAW convention. As regards customary laws at the district or local level, the Ministry of Justice is also mandated by the constitution to recognize such laws as part of the nation's cultural wealth. However, problems will arise if a customary law is actually detrimental to one party, such as victims of violence and especially women. In this case, according to the ministry, the only way forward is to socialize the law of the country to the level of local communities in the districts.

The Ministry of Home Affairs and Security and the Vulnerable Police Unit of the National Police of Timor Leste also play roles in the process of justice for gender-based violence. The proportion of female police officers in East Timor is currently 30%, but this number consists mostly of female police officers working in administrative positions in police offices, not in positions that are in direct contact with the community or handling the case of violence against women. The Ministry of Home Affairs and Security also conducts counseling on laws and procedures to be followed in cases of violence against women in the community. But the problem is that the participants who receive this training are chosen by the chief of the villages. So that, at the time of the extension, female participants tend to be few and passive, although their presence and voices are important for the state to explore empirical conditions in society.

Unlike interviews with state informants who tend to emphasize programs, principles, and other ideal things,

interviews with practitioners who are in direct contact with victims and their communities tend to convey problems and other complex situations that occur. Fokupers (Women's Communication Forum), which was established in 1997, is the largest non-governmental organization and receives the most support from the government for its management. Fokupers has become the main, though not the only, stakeholder who manage the Safe Houses that were previously established by the government through the Ministry of Social and Solidarity. To date there are four such Safe Houses in Dili and six in the District: Maliana, Ermera, Suai, and Liquica.

Two things that often present a difficulty for Fokupers are complicated cases and threats against the institution by the victim's family. As for the first, the existing state standard operating procedures and legal systems often do not provide easy pathways to resolve complicated cases. This means that the handling process tends to be less equitable. For this reason Fokupers collaborates with other NGOs that have a focus on legal assistance to help victims undergo legal proceedings. As for the second problem, that of threats, until now Fokupers has cooperated with the communities around the safe house. The NGO also worked together with Police to jointly guard the Safe House in order to prevent the occurrence of the attack against the safe house that could be done by the perpetrator or perpetrators family. Usually the perpetrator of violence against women attack the Safe House in order intimidate the victim, so women victim then got afraid and ended the legal process against the perpetrator(s). Such perpetrators often went berserk and then went to the Safe House to ask the victims to come home and solve their problems based on customary or familial manner.

Alfela is another non-governmental organization and the only legal aid institution in East Timor. Alfela has complained that there are still very many people in Timor Leste, especially in the districts, who still cannot easily access legal information and legal assistance. The state has indeed provided a law to guarantee the security and justice of its citizens, but if many citizens remain unaware of it, the law will be in vain. Therefore, Alfela provides legal assistance with the aim of spreading awareness. Regarding cases of violence against women, one of the complaints noted by Alfela is the problem of power relations that exist in cases of incest. On one occasion, Alfela was told that it could not carry out legal proceedings to help a victim of incest because the victim claimed to have been willing to have sexual relations with his father. The victim's alleged willingness, however, was nothing but the result of the father's intimidation of the child in order to close the legal process. However, Alfela eventually managed to fight against this threat and the perpetrators were sentenced.

A third NGO involved in this work is Pradet, which provides physical and mental medical assistance to victims of violence. Pradet also has the authority to conduct post-mortem assessments of victims and the results of these post-mortems are recognized by the court. The police or a Safe House will immediately refer victims of violence who need help immediately after violence to Pradet.

In addition to these NGOs, there is also PDHJ, an government institution that functions as both an ombudsman and national human rights commission in Timor Leste. Unlike other institutions that are open to members of the public, PDHJ has the responsibility of dealing with actors

who have status or positions in the state apparatus, whether as government agents, security officers, or police. A number of cases involving state officials such as ministers, parliamentarians, state employees, and the police were once handled by PDHJ.

V. MT SAFE HOUSE: THE CASE FROM MALIANA

The MT Safe House, Maliana District, is one of the many Safe Houses managed by Fokupers, which of course collaborates with a number of NGOs, government agencies, and other institutions to achieve justice for gender-based violence. Reaching the Safe House requires a four-hour trip from Dili. Initially, the Safe House was established by the government through the Ministry of Social Affairs and Solidarity in collaboration with other relevant ministries. Since 2013, however, this government house has been mandated to be managed by Fokupers, an NGO that handles cases of gender-based violence and that receives one of the largest shares of the government's support of NGOs. Mrs. NT is one of the eight tough women who are trusted to manage MT's Safe House.

Laymen who hear the phrase "a case of gender-based violence" might only imagine women living in a rural context who are victims of violence in the household. In practice, however, many other kinds of cases occur as well. The MT Safe House accepts cases that relate not only to violence against women but also to violence against children. In the context of gender-based violence, there are various types of cases assisted by the Safe House during the trial process. Most of the cases are domestic violence cases, especially violence perpetrated by the husband in the household. In addition, there are cases of incest involving girls, even underage girls, cases of sexual violence, cases of child abuse by adoptive mothers, and even one case in which the wife killed the husband because of his abuse. Thus the MT Safe House and Safe Houses in other cities and districts handle not only adult women but also children. Table II presents data on the cases of violence that had been reported and handled by MT Safe House during the period between January and July 2018:

TABLE II. LIST OF CASES OF GENDER-BASED VIOLENCE HANDLED BY MT SAFE HOUSE, MALIANA DISTRICT, JANUARY-JULY 2018

Case	Number of Reports
Domestic Violence	10
Dating Violence	1
Sexual Abuse	4
Incest	1
Abandonment	17
Abortion	1
Rape	1

Source: Case Statistics from MT Safe House, July 2018

The table above cannot be said to include "all cases" that occurred within the first half of 2018. As we wrote in the table, the data above are reported cases. One thing that must be noted is that, in addition to these reported cases, of course there are also cases that are not reported or even detected by the legal system and safe house systems. As many in other districts of Timor Leste, the application of the customary justice process and settlement within the family is often

being the reason why a case is not reported to the police or other service provider. This is one of the many reasons why the process of justice for gender-based violence using state policies does not operate in an ideal manner.

Safe Houses are not always the first party to take action when there is a case of gender-based violence. However, based on our research, we found that the Safe House is the main player in the judicial process and in handling other matters in cases of gender-based violence. Although victim or family member who reported either domestic violence or sexual violence cases took the initial step by reporting the case not to a Safe House but to the police or even a hospital, at the end of the process the Safe House plays its role. Regardless of where the complainant initially reports the violence, based on the referral system of the gender-based violence trial process, in the end a Safe House will significantly help the victim in the trial process.

The MT Safe House is also a "bridge" of communication between victims and their families. Regarding communication with a victim's family, Safe House must first identify the position of the victim and the case of violence experienced in the context of family and society. For example, a victim who comes to the Safe House to report violence and to stay temporarily during the trial process is still allowed to communicate with her family. The provider of the safe house allowed the female or child victims of violence that so they keep in touch with his family as a part of strengthening psychological, as told to the researchers by an informant from the Safe House.

Different treatments would be received by women who are victimized by their own family or spouse. In those kinds of cases, communication with families tends to be more restricted to protect the victim. But if the case had been settled by law, the Safe House lets the victim to communicate again with the family for the recovery process (not to the perpetrator of course).

In some cases women victims are prohibited from having communication with husband or other family member. The arrangement of the prohibition of communication between the victim and the victim's family and the community is chosen to avoid unwanted social pressure on the victim. Such pressure is not uncommon and often results in victims who have reported violence later revoking their reports and stopping the trial process because they were persuaded by their families.

Observing the Safe House helps the researchers to understand more about the empirical reality that occurs in society. Especially in the context of gender-based violence and things that occur during the state-based judicial process and how the values in family and society could and how the values in the family and society influence on the success of handling violence against women. When a case is reported, sometimes it's hard for us to understand why the perpetrators did some harsh and cruel actions to the victims and yet the victims let those happen and kept quiet. But visiting and speaking with people in the Safe House helps us to understand not only the cases but also victim perspectives and how society perceives and responds to cases of violence.

By making observations and interviews in the safe house, researchers can get better understanding about women's experiences. We do not see merely an isolated case of violence. Violence as the result of a domestic or household

quarrel, for example, that beating case that seems like a simple issue caused by undercooked rice, apparently caused by the values of patriarchy husband. Similarly to the case of sexual torture because the wife can't satisfy sexual needs of the husband, apparently occurred because the dowry demanded by the family of the wife was too high and the husband thought he had bought his wife after giving the dowry.

In other hand, the researchers could have further information about some cases of violence which had been told by government officers as 'anomaly' cases of violence. On that kind of case, as told by the officers, wife can also do violence against their husbands. However, we should not rush to label a wife or woman who commits violence or even murder against her husband is the sole perpetrator of violence in the situation. It is possible that such violence or murder is a result of ongoing violence perpetrated by the husband against the wife. Examples of cases formerly handled by MT Safe House and recounted by Mrs. NT are interesting:

"We have handled cases where a husband often had sex with a commercial sex worker then after doing that, husband goes back home and forces his wife to have sex with the same style as he did with the sex worker. This habit made the husband's sexual fantasies go wild. So, every night when returning home, the husband would often force and torture his wife when having sexual relations to fulfill the husband's desire. One night, when the husband was coming home after having sex with sex worker, the wife prepared a knife that she put under a pillow. When the husband entered the room and wanted to have sexual intercourse, the wife used the knife she had prepared to cut off her husband's genitals. The wife was finally arrested and accused of being a perpetrator of violence while the husband was treated abroad and now his genitals can recover, while his wife is still in prison."

(Interview with Mrs. NT, 26 July 2018)

Mrs. NT told us that unfortunately it's impossible for that woman perpetrator to get the service from the Safe House, even she's also actually the victim. For us, as researcher, this case reported by Mrs. NT shows that it is not easy to label women who perpetrate violence as simply "perpetrators". Rather, there is often a complex empirical condition in the family and society when it comes to dealing with state law-based justice processes. State law certainly does not consider the context in the environment of victims and perpetrators that might have triggered such a case of violence. State law only considers what happened during that one moment and fails to recognize the 'real unjust' in some women cases. Therefore, the state can easily identify who the victim is and who the perpetrator is in an incident of violence.

Therefore, the Safe House of MT and other Safe Houses in Timor Leste have the responsibility to fight for a number of things. The first fight is for consideration of the context in the environment of the victims and perpetrators to be able to fight for justice for women who strike back at their abusers. In this case, the Safe House cooperates with the legal enforcers, namely the police, court, and prosecutor's office. The Safe House also cooperates with some NGO, i.e. Alfela. As partner, Alfela provides legal assistance for women victims who access the protection from MT Safe House.

The battle of the women victims were not enough faced by women victims only with the support of the law. These

victims also need psychological and physical treatments. Both treatments are for recovering process of the women's mental and physical health. In this regard the Safe House cooperates with hospitals and Pradet as NGOs that provide medical assistance after violence.

After mental and physical conditions of the female victims recovered, the third step that they should face is the financial struggle. They must have a job to be able to live. The third fight is for the future of the women victim. The Safe House provide training or skills courses so that victims are able to work and support themselves after leaving the Safe House. If the women leave Safe House, they would receive transport and pocket money from the safe house. That's not much, only few dollars. That's why these women must have skills once they leave the Safe House, to support her and her children.

The next and last complexity encountered by the Safe House is related to the victims' reintegration into family and community. In this case the Safe House intensively coordinates and controls contact with the families of the victims and collaborates with local leaders in the community where the victims live.

VI. DISCUSSION

A. The Safe House System: Has the Law Built on Ideals Dealt with The Actual Conditions?

Safe Houses as places to protect citizens who are victims of gender-based violence remain the property of the government, though they are managed by NGOs. The description of a Safe House as a "Government House" refers not only to its origins but also to implications about who is in authority there. First, it implies that there is an element of the state in the Safe House. This implies that the Safe House is a link or meeting point between victims, families, and communities in all their complexity under the laws and systems of the state in the process of obtaining justice for gender-based violence. This is important because the complex socio-cultural empirical conditions in the community often have no connection with the ideal state legal system. In other words, people are forced to follow the laws of the country without regard to certain contexts which are in fact relevant to the judicial process and the outcome of the case.

In the judicial process the Safe House System can be seen as a negotiating space to seek justice for women who are victims of gender-based violence. This is because within the Safe House System there are many government and non-governmental institutions that are interrelated, networked, and referenced. Therefore, in the process of seeking justice for gender-based violence, coordination by the Safe House system enables the various institutions to present their diverse perspectives.

The existence of the Safe House System is important to clearly identify cases and to determine how and why violence can occur. Safe Houses also help us clearly understand the position of people involved in cases of violence, especially when someone who is legally referred to as a perpetrator is truly a victim as well. Identifying cases and perpetrators is certainly a sensitive issue involving gender issues and power structures, especially in the socio-

cultural context of the Timorese people which is still dominated by men and families.

In Timor Leste, we tend to see that problems are no longer about the relationship between victims, which in this case is accommodated by the Safe House System and the state legal system, but are more often about the relationship between victim and community, including the family. It is this type of problem that influences Timor Leste's state policy of including all instruments in the justice process for gender-based violence. In other words, a Safe House seeks to be a bridge between the state and society, and vice versa, that is, between society and the state.

The existence of the customary law system and traditional leaders as well as efforts to resolve the problem of gender-based violence in a family manner are both challenges and opportunities, although in some contexts they become obstacles to justice. The existence of customary law in the community both in terms of law and character can be a detrimental barrier when women victims do not get justice from the customary law and family decision making process. However, there are also customary law and family decision making process that do seek justice for victims and perpetrators, for example by the payment of fines from the perpetrators' families to the victims. However, matters relating to customary law without the supervision of the structure and state law apparatus can be very risky for women, given the socio-cultural system of the Timorese people which tends to be patriarchal. Sometimes the process with strong patriarchal tendency could lead into the unjust end for the women victim.

This patriarchal nuance can be seen clearly in the results of interviews with informants during the present research. For example, when counseling or training was provided in villages in the districts, the participants in such training sessions were chosen by the village head and were predominantly men. With men so clearly in the majority, the female participants did not dare to express their own experiences and feelings, nor their stories about the violence experiences. In Timor Leste, it is often a father and an uncle who has authority over a marriage bond. Therefore, if there is gender-based violence in a family, the decision makers are the father and uncle(s). Men domination in customary procedures are undeniable. The power of the father and uncle on a custom domain, also came to overshadow the process that took place in other areas, such as in training program which has been held by the Ministry of Women Empowerment in order to protect the victims of violence.

In addition to these customary issues, however, there are other obstacles or threats to the implementation of the state legal system which contains similarities between men and women. The existence of traditional leaders can also be an opportunity. The persuasive power of traditional leaders can actually be harnessed if they are invited to work together to communicate between the community and the state, both from the state to the community and from the community to the state. This communication is important as an effort to realize an objective meeting point for the realization of justice for women in the justice process (previously the prevention and later the protection) of gender-based violence in Timor Leste, as conveyed by Yogaratnam (2018) and Wandita (2006):

“Key to this discussion is the relationship between the traditional justice system and the formal justice system. If ‘gender justice’ is to be achieved, there must be some reconciliation, resolve and/or agreement between those who adjudicate within the traditional justice system and those within the post-conflict legal system [...] Much of this underlying tension is alleviated through non-governmental organizations (NGOs)/civil society engaging with community leaders/elders, the keepers of ‘cultural norms’, who may influence attitudinal change through their own traditional justice system and/or the church (the Catholic faith being the main religion in Timor Leste).”

(Yogarathnam 2018: 76)

“Traditionally, East Timorese women have been restricted by the gendered norms of culture and custom. The majority of East Timorese women live in rural villages, where the sexual division of labor demands that they carry the heaviest burden. Besides a range of domestic tasks — gathering firewood and water, cooking, caring for children, the elderly, and the ill — they also work alongside men in the fields. Men, on the other hand, have economic and political advantages derived from their rights to land and property, as well as their traditional role as negotiators in the public sphere.”

(Wandita et al 2006: 289)

The Safe House System allows communities to accommodate traditional leaders and cultural values more constructively while realizing justice for women who are victims of sexual violence and domestic violence. These traditional leaders, together with church leaders, are parties who can be invited to speak together in communicating between the empirical conditions in society and the ideal structure and legal system of the country. When they are invited to discuss together, the state law does not necessarily work top-down. A legal system can be criticized by the community so that people feel they have authority over the law. Communities tend to choose customary law because they feel that the customary law system is more easily achievable and has been present in their environment longer.

In addition, the preference toward resolving cases of gender-based violence using customary law or kinship is also due to the very slow rate at which the state-based judicial process works. To participate in a judicial process, one must go back and forth to the capital city several times. Furthermore, cases of violence are sometimes handled by state officials with overlapping authority so that such cases are often “stuck in the middle of the road.” The ineffectiveness and inefficiency of the state-run judicial process are part of the reason why Safe Houses have taken on the role. The Safe House system has the function of controlling or monitoring cases that are undergoing a judicial process so that they do not stay stuck mid-process. In addition, the Safe House system also communicates the progress of each case to its victim and other involved parties.

B. SHS: Subjectification of Women and the Reintegration Matter

Another role of the Safe House system is the discussion of women in the judicial process as objects. When discussing legal pluralism, we must also discuss how objects and subjects are interpreted in a variety of ways. In an ideal state law scheme, a woman who is a victim of violence becomes a

subject because through the judicial process a victim can provide information and have her security ensured by law. However, in a broader context, is it true that women who are victims and testify in court fully are free subjects?

The interviews conducted during the present research revealed that it is crucial for a woman who is a victim of gender-based violence to be taken directly to a Safe House to avoid interventions against her that are often carried out by the perpetrator or the victim’s family. Such interventions are attempted for several reasons. First, the family is often desirous that the case, which occurred in the family environment, should not become known to others. Second, the perpetrator’s family often cannot accept that the offender must be punished. Third, separation of husband and wife (as in cases of domestic violence) can be detrimental to both families because of problems related to property and domestic work. If it a woman who is a victim is not immediately accommodated into the Safe House system, when she provides information in court, it is as if she is the subject, but because it is possible for the perpetrator or the family to intervene, the woman is actually the object of the violence.

The Safe House System provides more security guarantees for women who are victims of gender-based violence, and not only physical security, but also mental and legal security. With this security guarantee, coupled with access to psychologists who can help women victims tell their stories of violence more calmly and openly, women who are victims can be seen as subjects during the trial process. Limiting communication with a victim’s family is one way to ensure that the victim does not experience intervention from any party.

The next discussion is related to the reintegration of victims into their families and communities. This is the hardest part of the Safe House system’s job: ensuring that women who have been victims are not victimized again in the future. This is difficult because the Safe House system cannot provide 24-hour monitoring and protection for women once they have left the Safe House. Therefore, the Safe House system also engages in monitoring and evaluation through home or family visits with former victims after a certain period of time to ensure that the woman has not become a victim again or is not threatened.

Not infrequently, a woman who has been a victim of violence does not want to return to her family or community because of severe trauma. If this happens, the Safe House cannot force the woman to leave the Safe House, but can instead move her to another Safe House or equip her with the skills to earn a living to be able to pay for her own life.

VII. CONCLUSION

Through this research, we demonstrate and propose that future studies on legal pluralism can be successfully performed by focusing on one institution that is viewed as a central or common point of a diverse legal system in society. In other words, diverse legal systems in a society must overlap or meet at some time and place in order to negotiate or communicate, and this meeting point can be a useful point of entry into studies of such legal systems.

This study shows that Safe Houses can be seen as a meeting point between institutions and structures in the context of the justice process for gender-based violence in

Timor Leste. In the Safe House system, there are ministries and other institutions that oversee the compiling of SOPs as well as financing, and there is a police institution that technically works in the field of evidence. There are also courts and prosecutors who seek justice, and NGOs that seek legal assistance and mental-physical health assistance for victims. These institutions with their various functions and structures overlap in the Safe House system, which reveals the complexity of the community and society as well as the complexity of the legal systems of East Timor.

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