



# The Urgency of Law Enforcement for Sexual Violence Based on Law Number 12 of 2022

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**Abstract:** *This study examines the regulatory construction of sexual violence crimes under Law Number 12 of 2022 concerning Sexual Violence Crimes (TPKS Law) and analyzes the urgency of effective law enforcement in Indonesia. The research applies a normative juridical method using historical and statutory approaches to explain the background, development, and legal framework of the TPKS Law. The historical approach traces the evolution of legal protection for victims of sexual violence, while the legislative approach analyzes the substance, structure, and systematic coherence of the law within the national legal system. The findings show that the TPKS Law consists of 12 chapters and 93 articles that comprehensively regulate sexual violence crimes. These provisions include general definitions, classifications of sexual violence, related criminal acts, investigation and prosecution procedures, and court examination mechanisms. The law also explicitly regulates the rights of victims, victims' families, and witnesses, including protection, recovery, restitution, and access to justice. TPKS Law prioritizes integrated women/children protection services at national and local levels, plus prevention, coordination, oversight, and community involvement. It includes funding, global partnerships, transitional clauses, and final provisions, notably launching SPPT-PKKTP for women violence cases. Within this system, victims are positioned as legal subjects with the right to be heard, informed of legal processes, considered in the pursuit of justice, and restored from the impacts of violence. This victim-centered orientation represents a shift toward restorative-justice.*

**Keywords:** *Law Enforcement; Criminal Offenses; Sexual Violence*

## Introduction

Indonesia adheres to several legal systems at once, namely, civil law, common law, customary law, and Islamic law. The system refers to laws and regulations that are binding, but still accepted by the community which are then applied to achieve a state goal, as stated in the preamble to the Constitution of the Republic of Indonesia of 1945 (Constitution of the Republic of Indonesia 1945) paragraph four. Interpreting this goal, the presence of law in a country is positioned as a comprehensive means of protection for the community. As described in Article 28G paragraph (2) of the 1945 Constitution of the Republic of Indonesia, every citizen has the right to be free from torture or treatment that underestimates human dignity. Therefore, the law in a country is required to be able to protect the constitutional rights of every citizen, both the right to life, the right to freedom from all forms of threats

and violence, then the right to protection and the right to justice, all of which have urgency in their implementation (Nitha, 2024).

In Indonesia, one form of crime that underestimates human dignity and dignity is sexual violence. Throughout January-December 2024, there were 35,533 reports of violence against women, an increase of 2.4% compared to the previous year. West Java, East Java, and DKI Jakarta are the regions with the highest cases, while the 3T region faces major obstacles in reporting due to limited infrastructure and assistance. The most reported types of violence were sexual violence (12,398 cases) and domestic violence (7,587 cases). In addition, there were 489 cases of trafficking in persons (TPPO), as well as a significant increase in online gender-based violence (2,866 reports) almost double from the previous year. The report also highlights the vulnerability of marginalized groups, including women with disabilities, sex workers, migrant workers, and survivors with other special conditions (Women, 2025).

Sexual violence can be interpreted as an act or act that intimidates a person related to intimacy or sexual relations carried out by a perpetrator by force. Because of this act, the victim suffered physically and psychologically (Queen, 2022). The crime of sexual violence is a sexual crime which is generally an act that violates decency that damages modesty and the act is not against the will of the victim through the threat of violence (Marapaung, 2004).

Sexual violence not only impacts the individual victim but also creates a domino effect for the wider community. With the increasing number of reported cases, fundamental questions arise about how the criminal justice system can function effectively to protect victims and tackle perpetrators. These cases often involve not only violations of the law but also reflect more complex social dynamics, including stigma against victims, lack of psychological support, and a lack of public understanding of victims' rights (Thalia, 2024).

In Indonesia, there is a law that regulates this, namely Law Number 12 of 2022 concerning the Crime of Secular Violence (hereinafter referred to as the TPKS Law) which was passed by the House of Representatives (DPR) on April 12, 2022. The TPKS Law has gone through a long process until it was passed by the House of Representatives. With this law, it is a breath of fresh air for the community regarding the handling of sexual violence crimes (Vido, 2024).

After the officialization of the TPKS Bill was passed into the Sexual Violence Crime Law (TPKS Law). The TPKS Law is expected to be followed up in its implementation. The follow-up can be in the form of legal or non-legal steps. Legal steps can be in the form of completing the preparation of implementing regulations, while non-legal steps are in the form of education and training in capacity building and preparing resources in all regions. Not only that, understanding by law enforcement officials and the public is also needed in its implementation, so that the presence of the TPKS Law is implemented effectively and can prevent and solve the problem of sexual violence in Indonesia. In addition, it can also make it easier for investigators of sexual violence cases to ensnare anyone who commits sexual violence.

Indonesia's legal framework for handling sexual violence crimes includes key laws: Criminal Procedure Code (Law No. 8/1981), Sexual Violence Crime Law (Law No. 12/2022), and Juvenile Criminal Justice System Law (Law No. 11/2012). Involved agencies encompass police, prosecutors, courts, prisons, and advocates. Enforcement seeks societal order and legal certainty through coordinated institutional roles, duties, and collaborative systems (Alelxaender, 2023).

Law enforcement in cases of sexual violence has not been clearly seen. This is because the regulation of violent crimes has not long been promulgated and enforced. In addition, there are several things specifically related to evidence in a criminal sexual violence case, witness or victim testimony alone suffices to establish the defendant's guilt when supported by one additional valid piece of evidence, provided the judge is convinced a crime occurred and the defendant committed it.

Research on law enforcement against sexual violence has been carried out by other researchers before. First, Sakti Musa Jafar's research entitled "Juridical Analysis of Law Enforcement of Sexual Harassment Cases by Medical Personnel in Indonesia" in 2025. The study discusses law enforcement related to cases of sexual harassment by medical personnel in Indonesia, with an emphasis on the implementation of Law Number 12 of 2022 concerning the Crime of Sexual Violence. The results indicate that although the regulatory framework has established strict criminal sanctions for perpetrators, the implementation of law enforcement in the field is still faced with a number of significant obstacles. Some of these obstacles include the low number of reports from victims and difficulties in collecting strong evidence (Jafar & Wahyudi, 2025).

Second, a research conducted by Rani Pusdikawati and Ahmad Jamaludin entitled "Law Enforcement against Sexual Violence in the Higher Education Environment in Indonesia" in 2023. This study examines sexual violence symptoms in universities, along with existing enforcement and prevention measures. To combat it, President of Indonesia enacted Law No. 12/2022 on Sexual Violence Crimes on May 9, 2022, while the government issued Minister of Education Regulation No. 30/2021 on preventing and addressing such violence in higher education. Universities form task forces for prevention and handling, compiling guidelines for prevention and handling, training and socializing gender equality and sexual health education, and providing violence reporting services Sexual (Pusdikawati & Jamaludin, 2023).

Third, a study conducted by Kathryn Kirsten Voges, Toar Neman Palilingan, and Tommy Sumakul entitled "Law Enforcement for Perpetrators of Sexual Harassment of Women Carried Out Online" in 2022. The research discusses the legal arrangements for perpetrators of sexual harassment crimes and how law enforcement against perpetrators of sexual harassment crimes committed online (Voges, 2022).

The author's research is different from the three previous studies, this can be observed in the variables and subject matter. The author's research more generally discusses the urgency of law enforcement of sexual violence crimes based on the TPKS Law.

Meanwhile, previous research was limited to the medical environment and the university environment.

From the foregoing overview, the author poses a research question on the framework of sexual violence regulations in Law No. 12/2022 and the pressing need for enforcing such crimes in Indonesia. Law enforcement against perpetrators of sexual harassment crimes carried out online was initially ineffective because there was no legal umbrella. Now there is a new law that has been promulgated that specifically regulates sexual violence, namely Law Number 12 of 2022 concerning the Crime of Sexual Violence.

## **Methodology**

This study uses a normative juridical research method by examining literature materials or secondary data (Benuf & Azhar, 2020). The research approach in this study uses a legislative approach and a historical approach (Dr. Muhaimin, 2020). This study uses secondary data types with primary legal materials, secondary legal materials, and tertiary legal materials. Legal materials are gathered via literature review, examining widely published written sources on law. This research employs qualitative analysis to interpret processed legal data, aiming to uncover gaps in norms, norm conflicts (antinomy), norm ambiguities, particularly in primary legal norms (HS & Nurbani, 2013).

## **Result and Discussion**

### **Construction of Sexual Violence Criminal Regulations in Law Number 12 of 2022**

Laws and regulations fundamentally serve to safeguard citizens' rights, settle disputes equitably, and guide state governance (Alfanada, 2023). Prior rules like the Criminal Code, Domestic Violence Elimination Law, and other sexual violence statutes failed to curb the daily surge in such crimes or deter offenders effectively, leaving incidents unchecked. Consequently, Indonesia introduced TPKS Law No. 12/2022 to ensure legal certainty, justice for violations—particularly sexual offenses—and prevention of future occurrences.

The ratification of the TPKS Law is a form of lawmakers' efforts to deal with the pressure from the public on the rampant cases of sexual violence in various regions in Indonesia. The Academic Text of the TPKS Bill clearly states that the establishment of the TPKS Law is an effort to reform the law which aims to, among others: (Legislation, 2021)

1. preventing incidents of sexual violence;
2. create and apply community-involved, victim-centered prevention, response, protection, and recovery strategies to help victims overcome trauma and emerge as survivors;
3. deliver justice via rehabilitation, penalties, and rigorous measures against sexual violence offenders;
4. guaranteeing state duties, family roles, community involvement, and corporate accountability to create a sexual violence-free environment.

The enactment of the TPKS Law is expected to be implemented properly so that it can provide a guarantee of legal certainty. Legal steps can be in the form of completing the preparation of implementing regulations, while non-legal steps are in the form of education

and training in capacity building and preparing resources in all regions. Not only that, understanding by law enforcement officials and the public is also needed in its implementation, so that the presence of the TPKS Law is implemented effectively and can prevent and solve the problem of sexual violence in Indonesia. In addition, it can also make it easier for investigators of sexual violence cases to ensnare anyone who commits TPKS (Vido, 2024).

TPKS Law comprises 12 chapters and 93 articles covering general provisions, sexual violence types, related crimes, investigation/prosecution/trial processes, victim/family/witness rights, integrated women/children protection services, prevention/coordination/monitoring, community/family roles, funding, international cooperation, transitional rules, and closing provisions. It upholds principles like human dignity, non-discrimination, victim priority, justice, utility, and legal certainty, while pursuing goals to prevent sexual violence, aid/protect/rehabilitate victims, enforce laws/rehabilitate offenders, foster violence-free environments, and ensure no recurrence—elements absent in prior regulations (Hairi & Latifah, 2023).

There are nine criminal acts of sexual violence in Article 4 paragraph (1) of the TPKS Law, namely: non-physical sexual harassment, physical sexual harassment, coercive co-ception, forced sterilization, forced marriage, sexual torture, sexual exploitation, sexual slavery, electronic-based sexual violence.

Each type of sexual violence crime has its criminal penalties regulated, including sanctions and fines against the perpetrators. Which is written as follows:

1. Non-Physical Harassment

In Article 5, Targets body/sexual/reproductive areas to demean dignity based on sexuality/morality; max. 9 months imprisonment and/or Rp10M fine.

2. Physical Harassment

In Article 6a, Involves physical acts to unlawfully control someone (in/out of marriage); max. 12 years imprisonment and/or Rp300M fine.

3. Forced Contraception

In Article 8, Compels contraceptive use via violence/threats/power abuse/deception/helplessness, causing temporary reproductive loss; max. 5 years imprisonment and/or Rp50M fine.

4. Forced Sterilization

In Article 9, Forces permanent reproductive loss through violence/threats/power abuse/deception/helplessness; max. 9 years imprisonment and/or Rp200M fine.

5. Forced Marriage

In article 10, Illegally forcing someone into marriage or under control for sexual acts incurs max. 9 years imprisonment and/or Rp200M fine.

6. Sexual Torture

In article 11, Officials or agents commit violence to intimidate for information/confessions, punish suspected acts, or degrade dignity via discrimination/sexuality; max. 12 years imprisonment and/or Rp300M fine.

7. Sexual Exploitation

In article 12, Uses violence/ threats/ power abuse/ deception/ vulnerability/ dependency/ debt/ payments to profit from or exploit someone's sexual organs for self/others' desire; max. 15 years imprisonment and/or Rp1B fine.

#### 8. Sexual Slavery

In article 13, Illegally controls/impairs someone for sexual exploitation; max. 15 years imprisonment and/or Rp1B fine

#### 9. Electronic-Based Sexual Violence

In article 14, unauthorized recording/screenshots of sexual content, sending unwanted sexual electronic info, or electronic stalking for sexual purposes; max. 4 years imprisonment and/or Rp200M fine.

The principal crimes regulated in the TPKS Law are in the form of imprisonment and fines. The threat of imprisonment is related to 9 (nine) types of sexual violence that have been specifically regulated in the TPKS Law which do not recognize the threat of minimum or shortest imprisonment, but regulate the threat of the longest prison sentence. It is the same with the threat of a criminal fine with the maximum fine. Against the threat of imprisonment and the threat of criminal fines in the TPKS Law are alternative/cumulative ("and/or")(Alfanada, 2023).

Additional penalties in the form of restitution are stipulated in Article 16 of the TPKS Law in all cases of TPKS that are threatened with a penalty of 4 (four) years or more. The TPKS Law requires judges to determine the amount of restitution that must be paid by the perpetrator or victim. In this case, a fine is a sum of money that must and must be paid by the perpetrator to the state, while Restitution is an amount of money that the perpetrator pays to the victim. Furthermore, Article 17 of the TPKS Law regulates actions in the form of rehabilitation intended for perpetrators and victims with the aim of recovering from physical and psychological condition disorders.

The examination of sexual violence cases in court sessions is carried out in closed session. Article 58 of the TPKS Law aligns with this principle. Article 59 further requires courts to conceal witnesses'/victims' identities in rulings or decisions. Judges announce TPKS verdicts publicly but must protect those identities(Scott, 2022).

The legal consequence of the passage of the TPKS Law is the existence of legal protection related to victims of sexual violence in Indonesia in the public domain(Nikmah & Puspoayu, 2023). The TPKS Law also focuses and pays attention from the perspective of the rights of victims, victims' families and/or witnesses in the occurrence of sexual violence. The TPKS Law has regulated it in Article 66, namely that victims have the right to handling, protection, and recovery since the occurrence of sexual violence.

**Table 1.** Rights of Victims of Sexual Violence in the TPKS Law

Handling Rights	Protection Rights	Right of Restoration
a. Access to updates on all handling, protection, and recovery stages/outcomes	a. Delivery of details on entitlements and safeguard resources	a. Medical Rehabilitation b. Mental and social rehabilitation c. Social empowerment

Handling Rights	Protection Rights	Right of Restoration
b. Entitlement to receive processing documents	b. Granting entry to updates on protection execution	d. Restitution and/or compensation
c. Access to legal assistance	c. Shielding from threats/violence by offenders/others and repeat incidents	e. Social reintegration
d. Right to mental health support	d. Safeguard of personal identity privacy	
e. Right to medical care, including exams, treatments, and procedures	e. Defense against belittling conduct from legal authorities	
f. Right to tailored services/facilities matching victim's unique requirements	f. Security from employment dismissal/transfers, schooling, or civic opportunities	
g. Right to erase sexually explicit content from electronic media cases.	g. Immunity for victims/reporters from penal charges or lawsuits over reported offenses.	

One of the major changes brought by the TPKS Law is a clearer regulation of victims' rights in the criminal justice process. Article 28 in this law gives victims the right to receive legal assistance during the investigation, prosecution, and trial process. This is very important to ensure victims are not treated discriminatorily or intimidated during the legal process (Aditya, 2024).

**Table 2.** Rights of Victims of Sexual Violence in the TPKS Law Before and After the Judicial Process

Right to Restoration Before and During the Judicial Process	Right to Recovery After Judicial Process
a. Provision of healthcare services for recovery	a. Monitoring, examination, and physical and psychological health services of victims on a regular and continuous basis
b. Psychological reinforcement	b. Strengthening community support for victim recovery
c. Providing information about victims' rights and the judicial process	c. Assistance in the use of restitution or compensation
d. Providing information about recovery services for victims	
e. Legal assistance	

Right to Restoration Before and During the Judicial Process	Right to Recovery After Judicial Process
f. Providing accessibility and decent accommodation for victims of persons with disabilities	d. Provision of population documents and other supporting documents needed by victims
g. Provision of transport, meals, short-term living costs, and suitable temporary housing	e. Delivery of social security like health coverage and tailored aid, determined by integrated team evaluation
h. Access to psychological and spiritual counseling	f. Economic empowerment initiatives
i. Educational support for victims	g. Fulfillment of additional requirements identified by UPTD PPA or community service providers
j. Issuance of ID papers and essential supporting documents	
k. Right to delete sexually explicit online content	

### The Urgency of Law Enforcement of Sexual Violence in Indonesia

Law enforcement involves executing legal mandates and regulations. From an object's perspective, it encompasses narrow enforcement by authorities or broader application of societal legal norms, justice values, and formal rules—spanning "rule by law" (man governed by law) versus "rule of man." (Wangsa, 2025).

Soerjono Soekanto notes that law enforcement challenges stem from influencing factors (affecting enforcement itself), which remain neutral—their positive or negative effects depend entirely on the factors' substance (Soekanto, 2014).

Sexual violence has recently become an issue that has attracted public attention because of its increasing occurrence. It is unfortunate that this case of sexual violence continues to occur but the authorities still do not seriously pay attention to it, because this case of sexual violence is very difficult to detect directly. Cases of violence cause psychological adverse effects on their victims such as loss of confidence, mental health disorders, anxiety, depression, difficulty sleeping, and suicide (Andriani & Martha, 2024).

The journey of the women's movement, a group that is often classified as "*second class citizens*" It has been a very long time in the effort to fight for their rights to be equal with men. Of course, there have been changes compared to a few decades ago, but they still cannot completely eliminate gender discrimination from people's lives (Anggoman, 2019).

Existing laws on sexual violence remain narrow in scope and forms, failing to fully address evolving societal crimes. Procedural aspects (investigation, prosecution, trials) overlook victim rights and often victim-blame. Prevention, community engagement, and the TPKS Law No. 12/2022—providing substantive/formal legal foundations, certainty, and community needs—are essential for violence-free environments (Nova & Elda, 2024).

TPKS Law represents a criminal law policy reform targeting all legal system components (particularly substance). Considering the five law enforcement factors, efforts against sexual violence require ongoing monitoring, evaluation, and modernization. Legal

substance demands revision, while enforcement personnel and infrastructure must improve if suboptimal. Society and culture remain crucial, influencing perceptions of such cases (Nurisman, 2022).

The criminal justice system enforces penal law via coordinated agencies through stages like investigation, prosecution, trials, and sentence execution in prisons, balancing state, community, victim, and offender interests. TPKS Law introduces SPPT-PKKTP, an integrated system for women violence cases, linking authorities for efficient victim services, reducing delays, minimizing revictimization, and centering victims as active subjects entitled to voice, updates, justice, and restoration – shifting from their prior object status.

SPPT-PKKTP rests on principles of human/women's rights protection, gender equity, and non-discrimination, implemented via: coordinated rapid victim-sensitive services; dedicated funding for mentoring/investigation/recovery; community oversight; gender-aware personnel; and specialized exam rooms, especially at police stations.

The impiling of an integrated criminal justice system with gender justice in handling cases of violence against women is one of the breakthroughs to transform a legal system that is not gender-fair into a legal system that is gender-just. If all elements of law enforcement officers can understand and feel the need for tools and cooperation between fellow officers. Comprehensive procedural law arrangements, starting from investigation, prosecution and examination in court hearings while still paying attention to and respecting human rights, honor and inexperience and guarantee of sexual rights to the handling, protection and recovery and criminal acts of sexual violence cannot be carried out outside the court process, except for the settlement of children's cases (Nova & Elda, 2024).

It is time for law enforcement officials, both police, prosecutors, and judges, including advocates, to unite perceptions to make this case of sexual violence a priority, because the case is no longer a crime of morality but has been included in a crime against humanity and is categorized as an extraordinary crime (*extra ordinary crime*). The government itself has tried to make regulations that impose severe punishments on perpetrators of sexual violence. The police must be more responsive in handling cases of sexual violence just like other crimes such as drugs, theft and so on, when there is enough evidence, then the case is quickly raised, not delayed. Regarding the budget, the local government should have provided a fairly high budget in handling this case of child sexual violence. This is because the police often complain about budget constraints that are not enough to make arrests, so sometimes it is charged to the victim (Lubis, 2023).

## Conclusion

The legal construction in the TPKS Law contains 12 chapters and 93 articles. The legal consequences of the passage of the TPKS Law are the existence of legal protection related to victims of sexual violence in Indonesia in the general realm with a focus and attention from the perspective of the rights of the victim, the victim's family and/or witness in the occurrence of sexual violence. Victims also hold recovery rights before, during, and after judicial proceedings. The urgency of law enforcement against sexual violence crimes is carried out through a system approach known as the criminal justice system. TPKS Law

creates SPPT-PKKTP, a specialized criminal justice system for women violence cases. Victims gain subject status with rights to speak, receive process updates, achieve desired justice, and recover from rights violations and trauma.

This research is still based on normative research which means it is not based on data in the field. It is hoped that further research can be carried out using sociological research that goes directly into the field and seeks data on the success or effectiveness of law enforcement efforts for sexual violence.

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