

A legal analysis of legal protection for female victims of sexual violence is reviewed based on Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS Law)

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Sexual violence against women has become an increasingly serious social issue in Indonesia, with data showing a significant increase in reported cases, often linked to gender inequality and inadequate legal protection. Prior to the enactment of Law Number 12 of 2022 concerning Crimes of Sexual Violence (TPKS Law), the legal framework for protecting victims had weaknesses, such as limited coverage, a focus primarily on criminal aspects without a holistic approach to victims' rights, and a lack of effective mechanisms for recovery and restitution. This study aims to analyze the form and effectiveness of legal protection for women victims of sexual violence under the TPKS Law. The research method used is normative juridical, with a legal and conceptual approach, through analysis of legal texts, court decisions, and related legal concepts. Key findings indicate that the TPKS Law expands protection for victims through medical and psychological rights, protection from revictimization, social recovery, and more comprehensive restitution. In conclusion, the TPKS Law is a progressive legal instrument for protecting victims of sexual violence. However, its implementation still faces challenges such as limited resources, public awareness, and harmonization with other regulations.

Keywords: Legal Protection, Women, Sexual Violence, TPKS Law

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1. Introduction

Sexual violence is a serious violation of a person's dignity and physical and psychological integrity, violating not only national criminal law but also human rights guaranteed by international legal instruments. In recent years, Indonesia has experienced an increase in cases of sexual violence against both women and children, demonstrating that existing legal protections are not yet optimal in providing justice and reparation for victims (National Commission on Violence Against Women, 2023).

In today's digital ecosystem, combating sexual crimes against children requires an organized effort and robust regulations. Every perpetrator must be punished with appropriate sanctions, ranging from imprisonment, fines, castration, to the death penalty or life imprisonment. Although regulations issued by the Government and the House of Representatives (DPRI RI) exist, victims' rights have not been fully recognized. Consequently, victims often only receive assessments and assistance from the police, prosecutors, and courts. Furthermore, victims of sexual crimes have not yet fully received physical and mental recovery, including guarantees of a decent standard of living to overcome the trauma they experience. The increasing number of sexual crimes has become an inseparable issue from efforts to uphold human rights, particularly the rights of child victims of sexual crimes. New legal regulations are needed that prioritize the fulfillment of these rights. One such regulation is Law Number 12 of 2022 (Putra, 2021).

Although Indonesia has enacted several regulations, such as Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS), implementation in the field still faces various obstacles, ranging from

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limited understanding among law enforcement officials, a lack of victim service facilities, to a weak gender perspective in the judicial process (LPSK, 2022). This demonstrates a gap between ideal legal norms and social realities and legal practices on the ground.

From a human rights perspective, the state has an obligation to respect, protect, and fulfill the rights of victims of sexual violence. Failure to provide effective protection not only violates national law but also international obligations ratified by Indonesia, such as the Convention Against Torture and the Convention on the Rights of the Child. Therefore, victim protection must be an integral part of law enforcement and justice efforts.

This sexual harassment law is regulated in Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence. Article 4, paragraph 2, states that anyone who commits non-physical acts, such as gestures, writing, and/or words to another person related to their body parts or sexual desires, may be subject to criminal penalties for non-physical sexual harassment. Perpetrators found guilty of this violation will be punished with a maximum of nine months' imprisonment and/or a maximum fine of IDR 10 million. The law on sexual harassment/violence is not explained in detail in the Criminal Code but only uses the term indecent acts, which is regulated in the Criminal Code in Articles (Articles 289 to 296 of the Criminal Code). Article 289 explains that "Anyone who by force or threat of force forces a person to commit or allow an indecent act to be committed shall be punished, for committing an act that violates moral honor, with a maximum imprisonment of nine years." Therefore, sexual harassment is interpreted as an act that violates norms or morality. (Windy Widya Sistha, 2025).

According to Article 19 of Law Number 12 of 2022 concerning the Crime of Sexual Violence, any person who intentionally prevents, obstructs, or directly or indirectly thwarts the investigation, prosecution, and/or examination in court of a suspect, defendant, or witness in a case of Sexual Violence, shall be punished with a maximum imprisonment of 5 (five) years.

The Law on Crimes of Sexual Violence requires the state to fulfill the rights of victims of sexual violence through integrated national and regional policies within the management of relevant state institutions. This is an appropriate step to address sexual violence and provide clear legal protection for victims seeking justice. Law Number 12 of 2022 concerning Crimes of Sexual Violence complements Indonesia's 38 criminal law instruments for addressing sexual violence. This law provides comprehensive legal protection for victims by regulating criminal and non-criminal sanctions to address cases of sexual violence. Legal updates to the Law on Crimes of Sexual Violence address issues in legal protection for women from acts of sexual violence. (Windy Widya Sistha, 2025).

Law Number 12 of 2022 concerning Crimes of Sexual Violence also regulates the right of every person to receive protection from degrading treatment, preventive measures, and recovery for victims of sexual harassment. This law serves as a legal umbrella in the event of a crime of sexual violence.

2. Method

This study employs a normative legal research method, aiming to explore and analyze positive legal norms governing legal protection for women victims of sexual violence. The normative legal research method was chosen because the study focuses on written legal regulations, specifically the provisions of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS Law), and the relevance of these laws in providing legal protection to victims.

The approaches applied in this study include a legislative approach (statute approach) and a conceptual approach. The legislative approach examines various legal provisions related to sexual violence, both from

the TPKS Law and other relevant legal regulations. Meanwhile, the conceptual approach is used to explore legal concepts regarding legal protection, victims' rights, gender justice, and human rights in the context of sexual violence against women.

The legal data sources utilized in this study consist of primary legal sources, secondary legal sources, and tertiary legal sources. Primary legal sources include laws and regulations related to the research object, specifically Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence. Secondary legal sources include legal textbooks, scientific journals, research findings, and the opinions of legal experts related to legal protection for victims of sexual violence. Tertiary legal sources, such as legal dictionaries and legal encyclopedias, are used as supporting references.

The legal material collection technique was conducted through literature research, which involved inventorying, reviewing, and analyzing legal materials relevant to the research issue. Next, the collected legal materials were analyzed qualitatively, interpreting and explaining legal norms systematically, logically, and argumentatively to answer the research problem formulation. The results of this analysis were then presented descriptively and analytically to gain a comprehensive understanding of legal protection for female victims of sexual violence under the TPKS Law.

3. Results and Discussion

Law No. 12 of 2022 concerning the Prevention and Handling of Criminal Acts of Sexual Violence has become a significant milestone in efforts to combat sexual violence, particularly against women, in Indonesia. In this discussion, we will explore the impact and implications of this law, as well as the challenges that may be faced in its implementation. One of the main impacts of Law No. 12 of 2022 is increased awareness of sexual violence and the protection of victims. With the law explicitly regulating the prevention and handling of sexual violence cases, the public has become more aware of the importance of combating sexual violence and providing strong protection for victims. This is reflected in the increase in reports of sexual violence cases reported to the authorities following the enactment of this law.

However, this increased awareness also brings its own challenges in handling sexual violence cases. Despite the increase in reports, many cases of sexual violence remain unreported for various reasons, including fear of social stigma, lack of trust in the justice system, and pressure from the perpetrator or their environment. Therefore, even with the law in place, further efforts are needed to improve victims' access to support and protection services, as well as to strengthen the law enforcement system to handle these cases more effectively. Furthermore, Law No. 12 of 2022 also provides a stronger foundation for the protection and recovery of victims of sexual violence. This law affirms victims' rights, including the right to health services, psychosocial services, and legal aid. This is a positive step in providing holistic protection for victims of sexual violence, encompassing not only legal aspects but also health and psychosocial aspects.

It must be recognized that cultural change in society does not occur instantly. While Law No. 12 of 2022 provides a strong legal basis, changing ingrained attitudes and behaviors requires time and sustained effort. Therefore, in addition to legal aspects, a holistic and integrated approach is needed to achieve deeper changes in attitudes and behaviors towards sexual violence. In addressing these challenges, education and social campaigns play a crucial role. The public needs to be better informed about the dangers of sexual violence, the rights of victims, and how to support and protect them. Structured and sustainable education and awareness programs must be strengthened, both in schools and in the general community. Furthermore, strengthening institutions that provide support services for victims is also crucial. Crisis centers, shelters, and counseling services must be expanded and improved to ensure that victims of sexual violence receive the assistance they need, without discrimination or stigmatization.

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In this context, collaboration between the government, NGOs, and the private sector is crucial. Cross-sectoral collaboration can strengthen the capacity and effectiveness of protection efforts and the handling of sexual violence cases. For example, the government can work with companies to provide health and counseling services for employees who are victims of sexual violence. Furthermore, special attention must be paid to the protection of other vulnerable groups, such as children and people with disabilities. They are often vulnerable to sexual violence and require a more sensitive and focused approach to protection and recovery efforts.

Implementation of the Law for Victims of Sexual Crimes Based on Law Number 12 of 2022

The enactment of legislation must be applicable in national and societal life. When faced with related issues, existing regulations are expected to address all problems or upheavals arising from society. Thus, these regulations can serve a purpose, leading to their issuance and ratification.

In the KBBI (Big Indonesian Dictionary), the application of law is defined as the act of implementing. Meanwhile, according to the views of several experts, implementation is the act of putting a theory, method, or other means into practice to achieve a specific goal and for the benefit of a group or class that has been planned and structured in advance.

Austin views law as a regulation enacted to provide guidance to rational beings (society) by rational beings with authority over them (the government). Meanwhile, according to the explanations of Lili Rasjidi and Wyasa Putra, the application of law is a continuation of the law-making process, encompassing institutions, apparatus, facilities, and procedures for implementing the law itself. Discussing the application of law means discussing the implementation of the law itself. Laws are created to be implemented to address related issues.

The application of the law to victims of sexual crimes under Law Number 12 of 2022 means that the law can be implemented seriously to resolve the ongoing issues within society related to sexual crimes. Therefore, with the enactment and implementation of this law, the purpose of establishing these regulations can be achieved. Problems related to sexual crimes can be resolved. The TPKS Law regulates each type of crime with detailed criminal sanctions, including imprisonment and fines:

1. Perpetrators of Non-Physical Sexual Harassment: This is formulated in Article 5. It reads: "Any person who commits non-physical sexual acts directed at the body, sexual desire, and/or reproductive organs with the intent to degrade a person's dignity and worth based on their sexuality and/or morality shall be punished for non-physical sexual harassment, with a maximum imprisonment of 9 (nine) months and/or a maximum fine of Rp10,000,000.00 (ten million rupiah)."
2. Against Perpetrators of Physical Sexual Harassment Formulated in Article 6 a. Reads: "Any person who commits a physical sexual act directed against the body, sexual desire, and/or reproductive organs with the intention of placing someone under his/her unlawful control, whether within or outside of marriage, shall be punished by imprisonment of up to 12 (twelve) years and/or a maximum fine of Rp. 300,000,000.00 (three hundred million rupiah)."
3. Against Perpetrators of Coerced Contraception Coerced contraception is regulated in Article 8. Reads: "Any person who commits the act of forcing another person to use contraceptives by violence or threat of violence, abuse of power, misdirection, fraud, creating or exploiting a helpless condition that can result in the temporary loss of reproductive function, shall be punished for coerced contraception, with a maximum prison sentence of 5 (five) years and/or a maximum fine of Rp. 50,000,000.00 (fifty million rupiah)."
4. For Perpetrators of Forced Sterilization, Article 9 states: "Anyone who commits an act of forcing another person to use a contraceptive device by means of violence or threat of violence, abuse of

power, deception, fraud, creating or exploiting a helpless condition that can result in permanent loss of reproductive function, shall be punished for forced sterilization, with a maximum imprisonment of 9 (nine) years and/or a maximum fine of Rp. 200,000,000.00 (two hundred million rupiah)."

5. Forced Marriage, Article 10 states: "Anyone who unlawfully forces, places a person under his or her power or another person's power to enter into or allow a marriage to be entered into with him or another person, shall be punished for forced marriage, with a maximum imprisonment of 9 (nine) years and/or a maximum fine of Rp. 200,000,000.00 (two hundred million rupiah)."

Sexual Torture is contained in Article 11. It reads: "Every official or person acting in the capacity of an official or person acting because he is motivated or with the knowledge of an official, commits sexual violence against a person with the aim of: intimidation to obtain information or a confession from the person or a third party; persecution or punishment for acts that have been suspected or committed; and/or humiliating or degrading the dignity of a person for reasons of discrimination and/or sexual abuse in any form, shall be punished for sexual abuse, with imprisonment a maximum of 12 (twelve) years and/or a maximum fine of Rp 300,000,000 (three hundred million rupiah)".

6. Sexual Exploitation Contained in Article 12. It reads: "Any person who, by using violence or the threat of violence or by abusing a position, authority, trust, influence arising from deception or a relationship of circumstances, vulnerability, inequality, powerlessness, dependency of a person, debt bondage or giving payment or benefits with the intention of gaining profit, or exploiting the sexual organs or other organs of that person aimed at sexual desires with him or another person, shall be punished for sexual exploitation, with a maximum imprisonment of 15 (fifteen) years and/or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah)".
7. Sexual Slavery Contained in Article 13. It reads: "Any person who unlawfully places a person under his or another person's power and makes them powerless with the intention of sexually exploiting them, shall be punished for sexual slavery, with a maximum imprisonment of 15 (fifteen) years and/or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah)".
8. Electronic-Based Sexual Violence is contained in Article 14. It reads: "Any person who, without the right: records and/or takes images or screenshots of a. sexual content against the will or without the consent of the person being the recording or images or screenshots; transmits electronic information and/or electronic documents of sexual content against the will of the recipient, directed towards sexual desires; and/or stalks and/or tracks using electronic systems against the person being the object of the electronic information/document for sexual purposes; shall be punished for committing electronic-based sexual violence, with a maximum penalty of imprisonment of 4 (four) years and/or a maximum fine of Rp200,000,000.00 (two hundred million rupiah)." In addition to the sanctions mentioned above, Article 16 contains additional criminal provisions that can be imposed on perpetrators, including: Revocation of child custody rights or revocation of guardianship; Publication of the perpetrator's identity; and/or Confiscation of profits and/or assets obtained from the Crime of Sexual Violence.

Furthermore, legal protection also included in the TPKS Law is the right to restitution for victims of sexual violence. Referring to Article 1 number 20 of the TPKS Law, restitution is a payment of compensation imposed on the perpetrator or a third party based on a legally binding court decision for material and/or immaterial losses suffered by the victim or their heirs. As a legal breakthrough in the TPKS Law, restitution is included as a Principal Crime. Article 16 paragraph (1) states that the judge is obliged to determine the amount of restitution for Crimes of Sexual Violence punishable by imprisonment of 4 (four) years or more. Furthermore, Article 35 paragraph (1) states that if the assets If the confiscated funds from the convict are insufficient to cover the restitution costs, the state will provide compensation in the amount of the underpaid

restitution to the victim in accordance with the court's decision. Furthermore, paragraph (2) states that compensation is paid through the Victim Assistance Fund. Restitution can be provided in four (4) forms:

- a. Compensation for lost assets or income;
- b. Compensation for losses incurred due to suffering directly related to the crime of sexual violence;
- c. Reimbursement for medical and/or psychological treatment costs; and/or
- d. Compensation for other losses suffered by the victim as a result of the crime of sexual violence.

Referring to Article 23, it is stated that cases of sexual violence cannot be resolved outside the judicial process, except for child perpetrators as stipulated in the Law. The successful implementation of the TPKS Law certainly depends heavily on the understanding and professionalism of law enforcement officers when interpreting the law, and the need to accelerate the development of implementing regulations to support its implementation (Risal, 2022).

However, the involvement and active participation of all parties is also necessary to support the effectiveness of the Prevention and Handling of Victims of Sexual Violence. Regarding coordination and monitoring, Article 83 paragraph (1) states that "to ensure the effectiveness of the Prevention and Handling of Victims of Sexual Violence, the Minister of Women's Empowerment and Child Protection shall coordinate and monitor across sectors with relevant ministries/agencies." Furthermore, Article 85 paragraph (1) also states that the public can participate in the Prevention, assistance, Recovery, and monitoring of Sexual Violence. Prevention is realized through (Article 85 paragraph (2):

- a. Cultivating literacy about the crime of sexual violence among all ages to prevent the occurrence of sexual violence and prevent victims or perpetrators;
- b. Disseminating laws and regulations governing the crime of sexual violence; and
- c. Creating an environment that can prevent the occurrence of sexual violence.

Public participation in victim recovery, as referred to in paragraph (1), is realized through (Article 85 paragraph (3):

- a. Providing information about incidents of sexual violence to law enforcement officials, government agencies, and non-governmental organizations;
- b. Monitoring the implementation of prevention and victim recovery;
- c. Providing support for the implementation of victim recovery;
- d. Providing emergency assistance to victims;
- e. Assisting in submitting applications for protection orders; and
- f. Playing an active role in the implementation of victim recovery.

Article 86 also states that family participation in the prevention of sexual violence is realized through:

- a. Strengthening education within the family, including moral, ethical, religious, and cultural aspects;
 - b. Building communication Quality Relationships Between Family Members;
 - c. Building Emotional Bonds Between Family Members;
 - d. Strengthening the Roles of Fathers, Mothers, and All Family Members to Develop a Protective Character;
 - e. Protecting and Preventing Family Members from the Influence of Pornography and Access to Information Containing Pornographic Elements; and
 - f. Protecting Family Members from Negative Environmental Influences and Free Social Interactions.
- Regarding funding, Article 87 of the TPKS Law states that:

1) Funding for the implementation of this Law comes from:

- a. the state budget;
- b. the regional budget; and
- c. other legitimate and non-binding sources in accordance with statutory provisions.

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2) Funding as referred to in paragraph (1) includes the use for medical examinations and health services required by the victim.

Legal Consequences of Legal Protection for Victims of Sexual Violence Based on Law Number 12 of 2022 Concerning Criminal Acts of Sexual Violence

Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence represents a revolutionary step in the Indonesian legal system, which has previously been considered insufficient to comprehensively protect victims of sexual violence. This law not only regulates the types of criminal acts of sexual violence but also places significant emphasis on victims' rights. The legal protection provided in Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence has a number of direct and indirect legal consequences for perpetrators, victims, law enforcement officials, and the legal system as a whole.

Efforts to protect victims and prevent sexual violence are a priority in upholding human rights and creating a safe society. The enactment of the Draft Law on Criminal Acts of Sexual Violence, better known as the RUU TPKS, is an important step for Indonesia to strengthen the legal framework for addressing various forms of sexual violence. However, looking back, the process of drafting and ratifying the TPKS Bill has been quite controversial, both among legislative officials and the general public. Some of the key issues that sparked lively discussion included the scope of the regulated crimes, victims' rights, and law enforcement mechanisms.

Furthermore, political dynamics and diverse ideological perspectives also influenced the smooth progress of this legislative process. Although the bill was ultimately passed, the long journey of the TPKS Bill reflects the complexity of formulating policies aimed at protecting vulnerable groups. Sexual violence is a complex social issue and must be a primary concern for the government. The Criminal Code (KUHP) itself only lists two types of sexual violence: rape and molestation (Maulida, 2021).

This results in the law not adequately covering the various other types of sexual violence that are increasingly prevalent. With the passage of time, the number of media available to irresponsible individuals has increased, leading to a lack of safe spaces for the community, especially women. In an effort to reduce and impose sanctions on perpetrators of sexual violence, the National Commission on Violence Against Women (Komnas Perempuan) drafted the Sexual Violence Crimes Bill (RUU TPKS). The TPKS Bill itself not only focuses on violence against women and children, but also targets men.

However, facts on the ground and media reports indicate that sexual violence predominantly occurs against children and women. This is due to the patriarchal culture still perpetuated by society and the stereotypes attached to women, making them more vulnerable to sexual harassment than men. This can also be seen in Article 1 of the 1993 UN Declaration on the Elimination of Violence Against Women, which states: "Any act of gender-based violence that results in, or has the potential to result in, physical, sexual, or psychological harm or suffering, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life."

Therefore, to provide better legal protection for victims of sexual violence in Indonesia, the urgency of the TPKS Bill is crucial. The TPKS Bill is needed as a clear and comprehensive legal framework to address various forms of sexual violence, including those not covered by previous laws. This bill covers nine categories of sexual violence: non-physical sexual harassment, physical sexual harassment, forced contraception, forced sterilization, forced marriage, sexual torture, sexual exploitation, sexual slavery, and electronic sexual violence (Fauzia & Rastika, 2022).

This bill is also designed to improve victim protection, including access to rehabilitation services and legal assistance. This is crucial to ensure that victims not only receive justice but also receive emotional and

psychological support throughout the legal process. The TPKS Bill itself has been proposed numerous times, but has never achieved the desired results. Therefore, on April 12, 2022, this bill was officially passed into law through a plenary session of the Indonesian House of Representatives (DPR RI), following a ten-year struggle since its initial initiative by the National Commission on Violence Against Women in 2012. Furthermore, the number of cases in 2022, based on data obtained from the National Commission on Violence Against Women, reached 457,895, of which 339,782 were gender-based violence (GBV), of which 3,442 cases were successfully reported to the National Commission on Violence Against Women (Amiruddin, Sitohang et al., 2023).

Although this number has decreased by 1,202 cases, it remains very high. The number recorded each year demonstrates the urgency of the TPKS Bill and is highly anticipated to prevent and address the rise in this crime. Given such urgency regarding sexual violence crimes in Indonesia, the passage of the TPKS Law is certainly welcome news that the public has been eagerly awaiting. The TPKS Law was expected to be a legal instrument capable of protecting victims of sexual violence and preventing the emergence of new issues related to sexual violence. Unfortunately, the TPKS Bill's journey from its drafting to its enactment took quite a long time, amidst increasing public demand. This length of time is certainly closely related to the process of forming or drafting the TPKS Bill itself. Therefore, to understand the reasons behind the long wait for the TPKS Bill to finally be passed into law, we must understand the systematic process of its drafting.

According to Van Apeldoorn (1994), a law can be defined as a set of general, binding rules created by authorized institutions within a country to regulate the lives of its citizens. Therefore, it is understandable that the TPKS Law, the object of this research, was created to serve as a tool to regulate Indonesian society regarding criminal acts of sexual violence, which are highly likely to occur in society. In accordance with the previous definition, laws are created by authorized institutions, and in Indonesia, this authority is held by the House of Representatives with the approval of the President.

Legal protection is a form of service that must be provided by the government to provide a sense of security to every citizen. The 1945 Constitution of the Republic of Indonesia states that the state is responsible for protecting human rights (HAM). This is a very important matter, as outlined in Article 28I paragraph (4) of the 1945 Constitution, which states that the protection, advancement, enforcement, and fulfillment of human rights are the responsibility of the state, especially the government (Amiruddin & Asikin, 2020).

Legal protection for victims of sexual violence can be interpreted as part of human rights, namely individual safety, the right to freedom and personal security, and protection of a person's honor and dignity, which are inherently inherent in humans from birth. Sexual crimes are one of the crimes that truly receive special attention, especially sexual violence against children. This is clearly seen in Article 15 of the Child Protection Law, which clearly states that every child has the right to receive protection from sexual crimes, due to the increasing number of sexual violence crimes against Indonesian children. The Indonesian Child Protection Commission (KPAI) recorded 5,953 cases of child rights violations in 2021, 859 of which were sexual violence (Mulyati, Rahmadina, & Pangestuti, 2022).

Addressing sexual violence against children requires synergy between families, communities, and the state. Furthermore, the approach taken to child protection must be systems-based. This systems-based approach aims to strengthen the environment that protects children from all harm. The systems-based approach to child protection emphasizes the state's responsibility or obligation as the primary duty bearer in providing services to fulfill children's rights and protect them. (Rizqian, 2021).

There are several regulations in Indonesian law to provide protection for victims of sexual violence as guaranteed by the 1945 Constitution of the Republic of Indonesia, including Law Number 23 of 2004

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concerning the Elimination of Domestic Violence, Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims, Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, as well as its derivative regulations that provide clarity regarding the enforcement of regulations to provide protection for victims with the hope of reducing the criminal acts of sexual violence. Sexual violence began to be recognized by the international community after World War II in 1945. This occurred during the Batavia Trials, held to punish Japanese soldiers for their treatment of Dutch women as sexual slaves in 1948. The development of definitions of sexual violence in international law began with the emergence of rape cases. The establishment of the International Criminal Tribunal of Yugoslavia, hereinafter referred to as the ICTY, in 1993, regarding rape cases committed by combatants, provided the first jurisprudence in international law (Nuraini et al., n.d.). In addition to these provisions, the Beijing Declaration and Platform for Action is an international legal instrument used to achieve gender equality and fulfill women's rights in various fields, including combating violence against women.

The Beijing Declaration and Platform for Action serves as a guideline for governments in various countries that have adopted this instrument to fulfill women's rights in their countries. This instrument was adopted by 189 UN member states at the Fourth World Conference on Women in Beijing, China. Protection of women from violence in the instrument is stated in Article 29, this shows that the Beijing Declaration protects women and children from various forms of violence. All forms of violence referred to in the paragraph are not explained in detail in the Beijing Declaration. In the Beijing Platform for Action in Chapter IV Part D discussing violence against women, it is explained that the term violence against women in question is various forms of gender-based violence (GV) that can have an impact on women such as physical, sexual, and psychological suffering that includes threats, deprivation of rights, and coercion. Furthermore, Article 113 explains the forms of violence such as beatings, rape of girls in a family (incest), marital rape, female genital mutilation (female circumcision), rape and sexual harassment in the workplace or in public places, or other types of violence perpetrated or condoned by the state.

Legal protection is defined as achieving its goal of providing a sense of security to every citizen. Efforts are needed to uphold or protect individual rights and obligations through various regulations. In several countries, witness and victim protection is recognized as a crucial aspect of law enforcement. In Indonesia, the importance of witness and victim protection has long been recognized.

The government has enacted laws related to witness and victim protection. In 2006, Law No. 13 of 2006 concerning Witness and Victim Protection was enacted. The issuance of Law No. 13 of 2006 aims to ensure that witnesses and victims receive protection, and the public can access it through Law No. 31 of 2014 concerning Amendments to Law No. 13 of 2006 concerning Witness and Victim Protection (Law No. PSK), which was followed by the establishment of an institution to serve as a forum for witness and victim protection, the Witness and Victim Protection Agency (LPSK). The LPSK (Lembaga Masyarakat Witness and Victim Protection Agency) is a Non-Structural Institution (LNS), located outside the government structure and has autonomy in carrying out its duties in accordance with applicable laws and regulations. LNS are established through various laws and regulations, such as laws, government regulations, and presidential regulations. LPSK is one of the Non-Structural Institutions (LNS) established under the law.

In carrying out its duties to protect witnesses and victims, the LPSK collaborates with other relevant institutions and agencies. This is because issues related to witness and victim protection will be most effective when addressed through a multi-agency approach. Therefore, it is crucial for LPSKs in Indonesia to obtain support from relevant institutions and agencies, conduct in-depth research into the roles of these institutions, and identify any issues that may arise from inter-agency collaboration.

The forms of protection provided in Government Regulation Number 2 of 2002, as stated in Article 4, include: a. Protection of the personal safety of victims or witnesses from physical and mental threats; b. Confidentiality of victim and witness identities; c. Providing testimony during court hearings without meeting the suspect face-to-face.

One of the main legal consequences of implementing legal protection for victims is the official recognition of their rights in the legal process. Until now, in criminal law enforcement practices, victims have often been limited to reporting or witnessing. Through Law Number 12 of 2022 concerning Crimes of Sexual Violence, victims now have a strong legal standing and are recognized as having special rights, such as the right to information, the right to legal assistance, the right to recovery, and the right to physical and psychological protection. This means that law enforcement officials are now obliged to treat victims not merely as evidence, but as legal subjects who must be actively protected.

A further consequence of this legal protection is a greater legal obligation for the state, particularly law enforcement officials, to conduct judicial proceedings based on the victim's perspective. Law Number 12 of 2022 concerning Crimes of Sexual Violence requires a change in approach, from the investigation to the trial. All stages must be carried out without causing additional trauma to the victim, for example by prohibiting inflammatory questions, maintaining confidentiality of identity, and providing psychological and legal assistance throughout the process.

This has legal consequences in the form of expanded responsibilities for law enforcement officials, including police, prosecutors, and judges, to receive training and adjustments in case handling procedures. Failure to properly implement these provisions can be considered a violation of human rights and may even result in administrative or ethical consequences.

Law Number 12 of 2022 concerning Crimes of Sexual Violence also has legal implications for the evidentiary process in sexual violence cases. In previous practices, victims were often burdened with unrealistic burdens of proof, such as demands for eyewitnesses or complete physical evidence. Now, through a victim-centered approach, the evidentiary system in Law Number 12 of 2022 concerning Crimes of Sexual Violence allows for the recognition of victims as valid evidence, supported by expert testimony, medical records, or digital evidence. This signifies a shift in the burden of proof toward fairer justice, where the legal process does not merely blame or doubt the victim, but actively seeks substantial truth with maximum protection for the victim.

Furthermore, legal protection for victims also has consequences for perpetrators. With a legal system that favors victims, perpetrators of sexual violence are now more likely to receive the maximum sentence. Law Number 12 of 2022 concerning Crimes of Sexual Violence expands the types of punishments, including additional penalties and rehabilitative measures, such as revocation of custody rights, psychological rehabilitation, publicizing the perpetrator's identity, and prohibitions on approaching the victim. This demonstrates that the legal consequences of victim protection are not merely normative but also have direct implications for improving restorative justice and deterring perpetrators.

Furthermore, another legal consequence worthy of note is the strengthening of the victim recovery system as part of transformative justice. In this regard, the state has a legal obligation to provide recovery facilities that include health, psychological, social, and reintegration services. If the state or related institutions fail to fulfill this obligation, they can be held accountable, either through administrative channels or through civil lawsuits for negligence or violations of the victim's rights.

Equally important, the legal consequences of victim protection under Law Number 12 of 2022 concerning Crimes of Sexual Violence also include the requirement to establish and strengthen integrated service

institutions. This means that institutions such as the Women and Children's Service Unit (PPA), the Integrated Crisis Center (PKT), and the Witness and Victim Protection Agency (LPSK) must play a more active and professional role in providing protection. Failure to provide adequate services can be considered a violation of administrative law and impact the performance evaluation of state institutions.

From a societal perspective, legal protection for victims as stipulated in Law Number 12 of 2022 concerning Crimes of Sexual Violence also carries legal consequences in the form of increased obligations for social institutions, the media, and third parties to respect victims' rights. For example, media outlets that violate the principle of confidentiality of victims' identities can be subject to legal sanctions. Educational institutions and workplaces are also obligated to prevent and respond to cases of sexual violence through legally compliant internal procedures, as part of their compliance with Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence.

However, even though legal norms have been strengthened, the implementation of victim protection still faces challenges. One legal consequence that needs to be considered is the need for harmonization with other laws, such as the Criminal Code, the Child Protection Law, the Law on the Elimination of Domestic Violence, and the Electronic Information and Transactions (ITE) Law. Without this synchronization, there is the potential for legal conflicts or multiple interpretations that could hinder effective protection for victims.

In conclusion, legal protection for victims of sexual violence under Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence has resulted in various fundamental and far-reaching legal consequences. It not only changes the perspective on victims in the criminal justice system but also encourages reforms in law enforcement, the accountability of state institutions, and victim recovery procedures. These legal consequences, in turn, strengthen the principles of justice, respect for human rights, and create a legal system that is more responsive to the suffering of victims of sexual violence. However, for these legal consequences to be truly effective, political commitment, serious implementation, and strict oversight are required to ensure that the legal protection promised in the law is truly realized in practice.

4. Conclusion

Based on the results of the legal analysis, it can be concluded that Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) is a progressive and comprehensive legal instrument for protecting victims of sexual violence, especially women. The TPKS Law not only more clearly defines various forms of sexual violence that were previously under-recognized in the law, but also establishes victims as entitled parties whose protection must be safeguarded and fulfilled by the government. The TPKS Law provides legal protection that includes victims' rights to attention, protection, recovery, and compensation, from the time the victim reports the violence until the court renders a verdict. This demonstrates a shift in the Indonesian criminal justice system, from an approach focused solely on punishing the perpetrator to one that prioritizes victims and the principles of gender justice. Thus, the TPKS Law provides a stronger legal basis for the physical, mental, social, and economic recovery of victims of sexual violence. However, despite the comprehensive regulatory structure of the TPKS Law, its implementation still faces numerous obstacles. These challenges include limited understanding of victims among law enforcement officials, persistent patriarchal social and cultural stigma, and the limited availability and coordination of victim support institutions. Furthermore, the TPKS Law needs to be harmonized with other legal regulations to avoid overlapping implementation. Therefore, the effectiveness of legal protection for victims of sexual violence depends not only on the existence of the TPKS Law as a legal regulation, but also on the commitment of the government, law enforcement, and the community to consistently and continuously implement the law. By strengthening implementation, oversight, and increasing public legal awareness, the

TPKS Law is expected to create a legal protection system that is fair, humane, and focused on victim recovery.

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