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Promatics of Sexual Violence Based On The Direction of Government Policy In Handling It

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Abstract: Cases of sexual violence are increasing from year to year, not only in Indonesia but also in several other countries, data from the National Commission for Women shows that cases of sexual violence continue to increase every year, as well as data from the Department of Justice , Office of Justice Program, Bureau of Justice Statistics, The National Crime Victims Survey shows a 68-second increase in Americans experiencing sexual assault. This shows that regulations regarding sexual violence are still weak. In Indonesia, even the Philippines, the Netherlands and the United States have regulated acts of sexual violence, but in substance it is still very lacking so that it has not been able to overcome the acts of sexual violence that have occurred so far. This study intends to analyze how the government should act in reducing the number of victims of sexual violence in Indonesia. Even though to date the government has issued laws and regulations related to sexual violence in 2022 which are issued through law, their implementation has not been optimal. Therefore, there is still a great need to improve government policy measures. Such as revising regulations relating to forms of sexual violence. Apart from that, the government must also be able to make derivative regulations for the Sexual Crimes Law so that they can be used legally.

Keyword: Sexual Violence, Criminal Policy, Sexual Victims.

INTRODUCTION

The Preamble to the 1945 Constitution of the Republic of Indonesia (UUD 1945) in the fourth paragraph states "further than that, to establish an Indonesian State Government which protects the entire Indonesian nation and all Indonesian blood and to promote general welfare, educate the life of the nation, and participate in implementing world order based on independence, eternal peace and social justice, then Indonesian National Independence was formulated in a Constitution of the State of Indonesia, which was formed in the structure of the Republic of Indonesia which is the sovereignty of the people based on Belief in One Almighty God, Just Humanity. and civilized, Indonesian Unity and Democracy led by wisdom in deliberation/representation, and by realizing social justice for all Indonesian people.¹

¹See the fourth paragraph of the 1945 NRI Constitution.

Indonesia is a rule of law country, with Pancasila as the source of all sources of state law and the 1945 Constitution of the Republic of Indonesia as the basic law in statutory regulations. One of the moral messages of the constitution to the Indonesian government is to protect the entire Indonesian nation and all of Indonesia's blood as contained in the Preamble to the 1945 Constitution of the Republic of Indonesia (UUD 1945).²

The government, through its efforts, authority, policies and development programs, is obliged to protect all Indonesian citizens, politically, economically, socially and culturally with all the diversity of the nation's children. In the development of national law, one of the strategic issues is the elimination of sexual violence.

Cases of sexual violence, from year to year, are like an iceberg phenomenon which shows that victims of sexual violence require a broad perspective, which links various dimensions of social and individual life, as well as law enforcement in eliminating sexual violence.³

A total of 339,782 of the total complaints were gender-based violence (KBG), of which 3442 were reported to the National Commission on Violence Against Women. Violence in the personal realm still dominates reporting of KBG cases, namely 99% or 336,804 cases. In complaints at the National Commission on Violence Against Women, cases in the personal domain reached 61% or 2,098 cases. For cases in the public domain, a total of 2978 cases were recorded, of which 1,276 were reported to the National Commission on Violence Against Women. Meanwhile, cases of violence in the state domain were only found in the National Commission on Violence Against Women, with an increase of almost 2 times, from 38 cases in 2021 to 68 cases in 2022⁴.

In 2023, there will be 901 (79%) complaints of cases of violence against women (KtP) which include⁵: Sexual Violence; Online Gender-Based Violence; Domestic violence; and Violence in Dating.

In the Criminal Code (KUHP) the definition of sexual violence can be found in articles 285 and 289⁶. In article 285, anyone who, by force or threats of violence or threats of violence, forces a woman who is not his wife to have sexual intercourse with him, is punished, for rape, with a maximum prison sentence of twelve years.⁷

Sexual violence is a phenomenon that has been widely encountered and has been going on for a long time, but many of these articles do not realize this, the statistical figures produced by the National Commission for Child Protection and the National Commission on Anti-Violence Against Women.

If you remember the case of YN in 2016 where she was a victim of rape in Kediri, East Java, 17 out of 58 children were under the age of 18, of the 58 children who dared to report it to the authorities, only five (5) children⁸, who were initially given anti-pregnancy drugs and then given adult films, some of the victims even became pregnant⁹.

If this article looks at the juridical aspect, it contains 3 (three) aspects that need to be considered in the obstacles experienced by victims of sexual violence, namely: the substance

²Ninik Rahayu, *Legal Politics of Eliminating Sexual Violence in Indonesia* (Jakarta: Bhuana Ilmu Populer, 2021) p. XIII.

³ibid.

⁴Annual Notes of the National Commission on Violence Against Women in 2023.

⁵Infographic Analysis of Gender and Sexual Violence Cases LBH APIK Jakarta 2023.

⁶Ismantoro Dwi Yuwono, *Application of Law in Cases of Sexual Violence Against Children* (Yogyakarta: Medpress Digital, 2015) Pg. 1.

⁷Law of the Republic of Indonesia Number 1 of 1946 concerning Criminal Law Regulations.

⁸<https://www.merdeka.com/besar/cepat-mengerikan-pemeriksaan-58-bocah-oleh-pengusaha-di-kediri.html> accessed on December 23, 2023.

⁹<https://regional.kompas.com/read/2016/06/13/15441351/gadis.belia.korban.kekerasan.sexual.di.manado.bercita-jadi.dokter> accessed December 23, 2023.

aspect, the structure aspect and the legal culture aspect.¹⁰ Substantial aspect, although in Indonesia there are many regulations that regulate sexual violence, in implementation many of these regulations still cannot be used when victims make a police report. There are still many shortcomings in the structural aspect in the field, this article understands that Law Enforcement Apparatus agencies have created special units and procedures to handle cases of victims of sexual violence which have been regulated in statutory regulations, but there are still several agencies that still do not provide facilities or perspectives. victims of sexual violence and finally the legal culture aspect, this aspect is an aspect that is often found. When victims of sexual violence are reporting their cases, there are still many Law Enforcement Officials who adopt society's point of view regarding morality and sexual violence¹¹, as a result the attitude given does not show empathy for the victim, and sometimes even corners the victim.

To date, the number of sexual violence has reached 27,402, the number of cases of which 24,043 were experienced by female victims. From this data, you can see for yourself how many women experience sexual violence. The Ministry of Empowerment, Protection of Women and Children in SIMFONI-PPA shows that the household is the place where most incidents occur. high reaching 16,601 cases.¹²For this reason, the government's role is urgently needed to be able to issue regulations that can provide justice to victims of sexual violence and punishment for perpetrators of sexual violence.

METHOD

The research method used in this study is the legal research method, which refers to the opinion of Prof. Peter Mahmud Marzuki, the term legal research or can also be interpreted as *rechsonderzoek* in Dutch which means normative in nature¹³. Apart from that, this study also uses comparative law research methods, with the aim of increasing understanding of the integrity of applicable law and how its implementation can function well in life.¹⁴This research also uses normative or library research methods, which are carried out by examining library materials and secondary materials, such as¹⁵:

1. Primary legal materials, such as statutory regulations: Sexual Violence Crime Law No. 12 of 2022; And
2. Secondary legal materials, which help provide explanations of primary legal materials, such as journals, written works and opinions of legal experts

After collecting these two materials, they were then analyzed normatively qualitatively related to sexuality.¹⁶

RESULTS AND DISCUSSION

Types of Sexuality

Recently, Indonesia has had regulations that regulate the types of sexual violence in CHAPTER II CRIMINAL ACTIONS OF SEXUAL VIOLENCE Article 4 of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence consisting of¹⁷:

¹⁰Lawrence M. Friedman, *The Legal System: A Social Science Perspective*, (New York: Russell Sage Foundation, 1975).

¹¹Sulistiyowati Irianto and Lidwina Inge Nurtjahyo, *Women in Court: Monitoring Justice from a Women's Perspective*, (Jakarta: Nzaid, Convention Watch University of Indonesia and Indonesian Obor Foundation, 2006).

¹²<https://kekerasan.kempppa.go.id/ringkasan> accessed December 23, 2023

¹³Peter Mahmud Marzuki. *Op. cit.*, p. 181.

¹⁴Read, Jaakko Husa, Book Review of Esin Orucu, *The Enigma of Comparative Law: Variations on a Theme for the Twenty-First*, vol 9.3 *Electronic Journal Of Comparative Law*, (October 2005).

¹⁵Soerjono Soekanto and Sri Mamudji, *Normative Legal Research; A Brief Review*, PT Raja Grafindo Persada, Jakarta, 2003, p-13.

¹⁶Adami Chazawi, *Crimes Regarding Politeness*, Raja Grafindo Persada, Jakarta, 2005, p. 2.

1. Indirect (non-physical) sexual harassment;
2. Direct sexual harassment (physical);
3. Coercion of contraception;
4. Forced sterilization;
5. Forced unwanted marriage;
6. Sexual torture;
7. Sexual exploitation;
8. Sexual slavery;
9. Electronic-based sexual violence.

Non-Panel Efforts in Combating Sexual Violence

The Universal Declaration of Human Rights (UDHR, 1948) states, among other things, that: "... all people are born with the same (equal) freedom and dignity", but in reality, in the practice of life in this world, it will still be easy to find or encounter actions that contain acts that are not views equality of honor and dignity between God's creatures (women and men).

To this day, many women in various countries still experience violence and sexual abuse perpetrated by people they don't know, even those closest to them, such as their biological father, older sibling and even their own biological mother who carries out the abuse. Victims who experience sexual violence also come from various backgrounds, such as workers, domestic workers, friends and even biological family.

Apart from criminal measures (penal), the prevention of sexual violence can be pursued using channels outside criminal law (non-penal). From a criminal political perspective, non-penal preventive activities have a strategic position and are the key that must be identified and made effective in order to create peace.

According to the reviewer, these non-penal measures are still being carried out by the government. Unemployment and poverty continue to be big problems in various parts of the world.¹⁸The poverty testing program and reducing the unemployment rate must continue to be the government's priority in the future. There are various kinds of efforts to make victims less painful by increasing provisions such as creating a climate that can prevent and reduce the number of victims by disseminating information about how to prevent victims from occurring, designating crime victim locations, developing a sense of vigilance and responsibility, procuring appropriate laws and regulations. regulate and guarantee the rights of victims and the obligations that must be fulfilled by perpetrators of sexual violence.

This effort can be taken by making society healthier through social media policies and by exploring more of the potential that exists in society, this effort can also be explored from various other sources (preventive effect). Such as the press/mass media, the use of technological advances (techno prevention) and the use of potential preventive effects from legal officers.¹⁹

Continuous patrol activities carried out by the police in places prone to sexual crimes also really need to be carried out, for example raids and operations in certain places that have the potential to become places of sexual violence crimes, such as public areas and

¹⁸The Central Statistics Agency (BPS) noted that this year (February 2014-February 2015) the number of unemployed people in Indonesia increased by 300 thousand people, bringing the total to 7.45 million people. See: <http://ekbis.sindonews.com/read/997601/34/number-unemployment-beraddjadi-7-45-juta-orang-1430816593>, accessed 8 June 2015. The Central Statistics Agency (BPS) also recorded that the poverty figure as of September 2014 was 27.73 million soul, which means around 10.96 percent of Indonesia's population as a whole. See: <http://www.iberita.com/62130/bps-number-poverty-could-be-higher-in2015-due-increase-in-fuel>, accessed 8 June 2015.

¹⁹Barda Nawawi Arief, *An Anthology of Criminal Law Policy*, Ibid., p. 49.

workplaces. If these things are done it will definitely have a preventive effect on sexual violence crimes.

The next thing that happens in its implementation is that many cases of sexual violence are not handled legally, but are resolved through peace efforts outside the legal (judicial) process.²⁰

Legal Protection for Victims of Sexual Violence/Harassment

In Human Rights Law no. 39 of 1999 (Human Rights Law) is contained in Article 45 which states "The human rights of women are human rights". Thus, because women's human rights are important because they are stated in the Human Rights Law, they must be upheld with justice, protected, defended and must not be completely ignored, reduced or taken away by anyone. In fact, in the world, sexual violence is still continuously experienced by victims and has become a global issue, even though there are several international regulations that regulate it, such as:

1. Vienna Declaration and Program of Action (1993);
2. Convention on the Elimination of All Forms of Discrimination Against Women (1979);
3. Declaration on the Elimination of Violence Against Women (1993);
4. Beijing Declaration and Platform for Action (1995).

As a legal state, Indonesia has ratified the "convention on the elimination of all forms of discrimination against women" as stated in Law no. 7 of 1984 and created Law Number 23 of 2004 concerning the Elimination of Domestic Violence (UU PKDRT). This law was passed because many in the Criminal Code still do not regulate sexual violence in the domestic realm, and Indonesia also has a law. Sexual Violence Crime Number 12 of 2022 (TPKS Law) with the existence of this law really helps victims to obtain their rights and the reporting process is more pro-vice.

Of the many opinions that have been described regarding forms of violence against women, they can be divided into two groups of crimes of sexual violence in accordance with statutory regulations:

1. Domestic violence

In current world developments, it shows that the level of criminal acts of sexual violence is increasing, especially in the domestic area, which is carried out by people closest to them, so it is very appropriate with the existence of the PKDRT Law which in Articles 5 to 9 regulates the prohibition of domestic violence and in Articles 44 to with Article 50 regulating non-criminal perpetrators of domestic violence which regulates the sanctions that are regulated.

The PKDRT Law also regulates several types of sexual violence that are often experienced by female victims, as stated in Article 5 of the PKDRT Law.²¹:

- a. Physical abuse;
- b. Psychological violence;
- c. Sexual violence;
- d. Household neglect.

2. Sexual Violence or Harassment

Sexual violence or harassment is carried out by any attacker of a sexual nature whether the aim is to have sexual intercourse or not and without regard to the relationship between the perpetrator and the victim. Sexual violence in Indonesia is regulated in the

²⁰7 National Commission on Violence Against Women: 40 Percent of Sexual Violence Cases Stop at the Police, Kompas.com, 12 May 2016, <https://nasional.kompas.com/read/2016/05/12/18281941/Komnas.Perempuan.40.Persen.Kasus.Kekerasan.Seksual.Berhenti.di.Polisi> accessed December 26, 2023.

²¹See Law Number 23 of 2004 concerning the Elimination of Domestic Violence, LN. 2004/No. 95, TLN No. 4419, LL SETNEG : 25 HLM.

TPKS Law which has 12 chapters and 92 articles which regulate various types of sexual violence, whether committed by strangers or even those carried out by those closest to them.

The TPKS Law is a new breakthrough that regulates beneficial rights for victims, such as the aim of creating the TPKS Law to make it easier for victims to be able to process their cases both in the police and in the trial process.

Cases of sexual violence are very widespread and occur repeatedly and continuously, but not many people understand and are sensitive to the perpetrators of these sexual crimes.²² There are still many people who consider sexual violence to be a violation that is a crime of morality, but the facts show that this case has a very serious impact on the victim, because the victim suffered losses at that time (when the incident was committed), now and even in the future, it could be said The impact experienced by the victim really affects the victim forever, it can even make the victim hurt themselves and even decide to end their life because of the incident they experienced.²³

The impact of sexual violence not only affects oneself but can also have an impact on people around them, such as family, friends, partners and even the surrounding community, as follows:

1. Impact on physical or psychological health;
2. Impact on restoring the fulfillment of women's human rights and social relations;
3. Economic impact.

Comparison With Other Countries

This country is a country that is nominated in the 10 countries with the highest cases of sexual violence according to the Internet Watch Foundation (IWF), a Non-Governmental Organization (NGO) from England, reporting that there is 255,571 related content.[sexual harassment](#) children spread across internet networks throughout the world in 2022.

Some 736 million women – almost one in three – have been subjected to physical and/or sexual intimate partner violence, non-partner sexual violence, or both, at least once in their lives. More than four in five women and girls (86 per cent) are living in countries without robust legal protection, or in countries for which data are not readily available.

No country is within reach of eradicating intimate partner violence. Despite the scale of the problem and these worrying trends, financial commitments to violence prevention remain limited. Investing in preventing violence against women and girls is crucial to achieving gender equality by 2030, in line with the Sustainable Development Goals²⁴.

1. Philippines

In the history of the Philippines during the Spanish Colonial Period of 1565 – 1898 under the service of the King of Spain in 1898, women's conditions worsened.

During the Spanish population, women were seen as inferior to men, thus, men became the dominant gender, forming a patriarchal society that still persists today, women were not allowed to hold high positions in society, were prohibited from participating in public events and politics, men are given the opportunity to study, while women are forced to study religion and take care of the household. Filipino women should be one of two things namely a nun or a wife²⁵.

Conducted by the Philippine Statistics Authority, 17.5% of Filipino women aged 15-49 have experienced any form of physical, sexual, and emotional violence from their

²²National Commission on Violence Against Women, “Sexual Violence,” National Commission on Violence Against Women Information Sheet.

²³See for example <https://megapolitan.okezone.com/read/2023/11/02/338/2912943/dalami-kas-pencabulan-siswi-smp-polisi-periksa-ahli-dan-ayah-korban> accessed December 25, 2023.

²⁴In focus: 16 Days of Activism against Gender-based Violence, UN WOMEN.

²⁵20155 November, Accessed on Tonk. “The Role of Women from the Pre-Hispanic Era to Spain”.

intimate partners. As of 2021, there were 8,399 reported cases of physical violence, 1,791 on rape, and 1,505 on acts of cruelty. It's alarming that despite addressing the concern, VAW persists²⁶.

Even at that time, women were repeatedly looked down upon, persecuted and discriminated against in society²⁷. Among the Philippine laws aimed at protecting women are: Republic Act No. 9262, Republic Act no. 9710, and Republic Act No. 8371²⁸ for defense. Currently, the Philippine government has issued several laws that address the problem of violence against women such as: The Anti-Sexual Harassment Law of 1995 (Republic Law No. 7877)²⁹, Anti-Rape Act of 1997 (Republic Act No. 8353)³⁰, Anti-Trafficking in Persons Act of 2003 (Republic Act No. 9208)³¹, Anti-Child Pornography Law of 2009 (Republic Law No. 9775), Special Protection of Children Against Child Abuse, Exploitation and Discrimination Law (Republic Law No. 7610)³², Family Court Act of 1997 (Republic Act No. 8369)³³, Revised Penal Code (Republic Act No. 3815)³⁴, Domestic Workers Act (Republic Act No. 10361)³⁵, Welfare Act of 2000 (Republic Act No. 8972)³⁶.

In the Philippine constitution there are provisions regarding the prohibition of violence as contained in the Philippines's Constitution of 1987 Sec. 12 “No torture, force, violence, threats, intimidation, or any other means which vitiates the free will be used against him. Secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited”³⁷

2. United States of America

Every 68 seconds, another American is sexually assaulted.³⁸ 1 in every 6 American women has been a victim of attempted or attempted rape in her lifetime (14.8% completed, 2.8% attempted).³⁹ About 3% of American men—or 1 in 33 men—have experienced attempted or attempted rape in their lifetime.⁴⁰ From 2009-2013, Child Protective Services agencies proved, or found strong evidence to show, that 63,000 children each year were victims of sexual abuse.⁴¹ The majority of victims were children aged 12-17 years. Victims under 18 years old: 34% of sexual assault and rape victims

²⁶2022 National Demographic and Health Survey (NDHS)

²⁷“Presidential Museum and Library TODAY IN HISTORY: In 1973, women's suffrage in ...” tumblr.malacanang.gov.ph. Archived from the original on December 8, 2015.

²⁸2015 October 21. Accessed on www.pcw.gov.ph. “Philippine initiative to abolish ID cards, Philippine Women's Commission

²⁹“RA 8046”. www.lawphil.net. Accessed 22 October 2015.

³⁰“RA 8353”. www.lawphil.net. Accessed 22 October 2015.

³¹“RA 9208”. www.lawphil.net. Accessed 22 October 2015.

³²“RA 7610”. www.lawphil.net. Accessed November 6, 2015.

³³“RA 8369”. www.lawphil.net. Accessed 22 October 2015.

³⁴2015 22 October. Accessed on www.lawphil.net. “Law no. 3815”.

³⁵2015 6 November. Accessed on www.lawphil.net. “Republic Law No. 10361”

³⁶“RA 8972”. www.lawphil.net. Accessed November 6, 2015.

³⁷Constitution Project

³⁸Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Crime Victimization Survey, 2019 (2020). Note: RAINN applies a 5-year rolling average to adjust for changes in the year-to-year NCVS survey data.

³⁹National Institute of Justice & Centers for Disease Control & Prevention, Prevalence, Incidence and Consequences of Violence Against Women Survey (1998).

⁴⁰Ibid.

⁴¹United States Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. Child Maltreatment Survey, 2012 (2013).

were under 12 years old, and 66% of sexual assault and rape victims were 12-17 years old⁴².

What do survivors do when a crime occurs?⁴³

- a. 48% were sleeping, or doing other activities at home
- b. 29% commute to and from work or school, or travel to shop or run errands
- c. 12% work
- d. 7% attend school
- e. 5% engage in unknown or other activities

Millions of women in the United States have experienced rape, young women are the group most at risk. Women aged 16 – 19 years are 4 times more likely to be victims of rape, attempted rape, or sexual violence than the general population⁴⁴.

Sexual violence can have long-term impacts on its victims, the likelihood of someone having suicidal thoughts or depression increases after sexual violence:

- a. PTSD (Post Traumatic Stress Disorder) after rape⁴⁵;
- b. 30% of women report PTSD symptoms 9 months after rape⁴⁶;

Sexual violence also affects the victim's relationships with family, friends and co-workers⁴⁷. People who have experienced sexual abuse are more likely to use drugs than the general population⁴⁸:

- a. 3.4 times more likely to use marijuana;
- b. 6 times more likely to use cocaine;
- c. 10 times more likely to use other major medications;
- d. 38% of sexual assault victims experience problems at work or school, which can include major problems with superiors, coworkers or peers;
- e. 37% experienced family/friend problems, including fighting more often than before, feeling unable to trust family/friends, or not feeling as close as they were before committing the crime;
- f. 84% of intimate partner victimization survivors experienced professional or emotional problems, including moderate to severe distress, or increased problems at work or school;
- g. 79% of survivors who were victims of family members, close friends or acquaintances experienced professional or emotional problems, including moderate to severe stress, or increased problems at work or school;
- h. 67% of survivors who were victimized by strangers experienced professional or emotional problems, including moderate to severe stress, or increased problems at work or school.

⁴²Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Sex Offenses and Offenders (1997).

⁴³Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Female Victims of Sexual Violence, 1994-2010 (2013). (Due to rounding, this statistic may not total 100%. RAINN presents this data for educational purposes only, and strongly recommends using the citations to review any and all sources for more information and detail.)

⁴⁴Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Sex Offenses and Offenders (1997).

⁴⁵DS Riggs, T. Murdock, W. Walsh, Prospective examination of posttraumatic stress disorder in rape victims. *Journal of Traumatic Stress* 455-475 (1992).

⁴⁶JRT Davidson & EB Foa (Eds.) *Posttraumatic Stress Disorder: DSM-IV and Beyond*. American Psychiatric Press: Washington, DC. (pp. 23-36).

⁴⁷Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Socio-emotional Impact of Violent Crime* (2014).

⁴⁸DG Kilpatrick, CN Edmunds, AK Seymour. *Rape in America: A Report for the Nation*. Arlington, VA: National Casualty Center and Medical University of South Carolina (1992).

For victims who are at risk of pregnancy and sexually transmitted infections (STIs), researchers show that the probability of getting pregnant from one unprotected sexual intercourse is between 3.1-5%. This is a very general estimate, and the actual number may be different. These statistics present information from a number of different studies. Furthermore this information may not take into account factors that increase or decrease the likelihood of pregnancy, including, but not limited to: the impact of contraceptives or condom use at the time of assault or infertility, thus the number, number of children conceived from rape each year in the United States it may range between 7,750-12,500⁴⁹ depends on many factors, including the time of month during which sexual intercourse occurs, whether contraception is used, and the woman's age. The average number of rapes and sexual violence against women of childbearing age is around 250,000⁵⁰.

3. Dutch

In 2021, 720 women were murdered by intimate partners, family members or relatives in 17 EU Member States, according to an official report. In the Netherlands, 23 women were killed by intimate partners, and four women were killed by a family member⁵¹. In the Netherlands, around 33% of women in relationships have experienced violence perpetrated by an intimate partner during their adult life. In total, 17% had experienced physical violence (including threats) or sexual violence, while 32% had experienced violence from an intimate partner in the past 12 months, and 13% had experienced it in the past five years⁵².

In the Netherlands, 41% of all working women have experienced sexual harassment at work. Around 7% of women have experienced sexual harassment at work in the last 12 months, while as many as 19% have experienced it in the last 5 years⁵³.

Dutch law punishes sexual offenses in a dozen different codes. Contact offenses are classified based on three characteristics: a) use of force/force; b) body penetration

Dutch law punishes sexual offenses in a dozen different codes. Contact offenses are classified based on three characteristics: a) use of force/violence, b) penetration of the body and c) age of the victim (See table 1). The age of consent in the Netherlands is 16 and all sexual interactions with someone under 16 are punishable, however, consensual sex between teenagers is rarely, if ever, prosecuted. Sexual assault of a victim under the age of 12 will result in higher penalties, as will penetration of the victim. Penetration used to be defined strictly as inserting the perpetrator's penis into the victim's vagina. But over the years, this has included many types of penetration (digital, object, etc.) into any orifice of the body. If the abuse of the male victim includes penetration by the perpetrator, then this is also included in penetration in the perpetrator's indictment. In 2011, a forced French kiss was qualified as penetration and thus led to the perpetrator being convicted of rape. However, this decision was reversed in 2013 (Associated Press, 2013).

CONCLUSION

In this case, the government has indeed issued regulations governing sexual violence with the aim of reducing victims of cases of sexual violence which continue to increase every year, although its implementation is still not effective in terms of the substance, structure and

⁴⁹RAINN applies a 5-year rolling average to adjust for changes in NCVS survey data from year to year.

Note:

⁵⁰Journal of Contraception, (2001). Probability of Contraception with a Single Sexual Intercourse: Providing Benchmark Rates for the Assessment of Post-Coital Contraception.

⁵¹Source: Eurostat, 2021.

⁵²Ibid.

⁵³Ibid.

legal culture aspects that occur in society, therefore it is very necessary for the government to increase law enforcement for perpetrators of sexual violence.

First, the government needs to implement derivative policies from the TPKS Law which was passed in 2022, until now this law does not have derivative regulations that can be used for victims of sexual violence.

Second, the government needs to increase non-penal efforts as a preventive measure for dealing with sexual violence, such as training or outreach for teenagers, minors and parents.

Third, the government needs to increase efforts for the welfare of children and adolescents in the community to carry out continuous supervision of children and adolescents.

Fourth, the government can make stricter improvements regarding law enforcement officials when receiving cases of complaints from victims of sexual violence, so as not to ask questions that would put victims of sexual violence in a bad light.

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