The Urgency of the Law on Sexual Violence Criminal Act in Combating Sexual Violence in Indonesia

Setiawan Adiputra
South Lampung District Court
setiawan.adiputra.md@gmail.com

Agisel Awanisa
Universitas Lampung
agselawanisa17@gmail.com

Yemima Hotmaria Purba
Universitas Lampung
yemimapurba1999@gmail.com

Submitted: Feb 10, 2022; Reviewed: May 10, 2022; Accepted: Jun 7, 2022

Article’s Information

<table>
<thead>
<tr>
<th>keywords:</th>
<th>Abstract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Violence; Law on Sexual Violence Crimes; Sexual Violence; Urgency.</td>
<td>The challenging aspect of a large number of sexual violence in Indonesia currently makes the draft law on the Elimination of Sexual Violence included in the National Legislation Program Priority 2021. For this reason, the government is expected to ratify the draft law on the Elimination of Sexual Violence to regulate sexual violence comprehensively. The goal of this study is to determine the evolution of data on sexual violence in Indonesia and to assess the urgency of ratifying the draft law on sexual violence elimination in light of the reality of the high number of sexual violence in Indonesia. This study employs a normative legal research method with statutory, conceptual, and case approaches. According to the findings of this study, sexual violence crimes continue to rise in a variety of forms, including not only physical contact but also non-physical contact. Several factors contribute to the high rate of sexual violence, including the structural readiness of institutions and human resources to deal with sexual violence crimes remains very low. Substantially, existing regulations have not comprehensively accommodated various forms</td>
</tr>
</tbody>
</table>
of sexual violence, so there is no legality to serve as a foundation for preventing, dealing with, and recovering victims of sexual violence. Thus, the Act on the Crime of Sexual Violence (UU TPKS) is currently an urgent matter as a social control to reduce and overcome the occurrence of sexual violence.

A. Introduction

Human rights are fundamental rights that are naturally inherent in every human being. These human rights are universal, which means they apply to everyone, regardless of race, ethnicity, religion, or gender. In this era of globalization, various issues of human rights violations are growing and increasing almost everywhere in the world, including in Indonesia.¹ Human rights provisions in Indonesia are found in Articles 28A-28J of the Republic of Indonesia's 1945 Constitution, which are part of citizens' constitutional rights.

Sexual violence against women is one type of human rights violation that has occurred in many cases in Indonesia. This is due to current societal values that still regard women as creatures who are helpless, fragile, and vulnerable in comparison to men. Various sensitive issues have been experienced by women worldwide, including in Indonesia, in the form of acts of sexual violence, sexual harassment, murder, rape, and persecution. Therefore, sensitive, vulnerable women become targets of criminal acts (victims of crime) within the norms of decency.² There were 1,983 cases of sexual violence in the personal sphere, according to Komnas Perempuan's 2020 annual records, which were released in March 2021. There were 215 cases of incest, 309 cases of rape, 412 cases of sexual harassment, 220 cases of sexual harassment, 26 attempted rapes, 15 cases of sexual intercourse, 70 cases of sexual exploitation, 57 marital rape, 9 forced abortions, 329 cases of gender-based sexual violence, and 321 cases of violence other sex.³

Not all victims of sexual violence receive justice or recovery from the various effects of sexual violence. There are numerous impediments, ranging from laws and regulations to working methods and perspectives of law enforcement officers to the non-integration of the criminal justice system with the recovery system and a victim-blaming culture.⁴ Many victims of sexual violence do not want to report it because of the perpetrator's threats and the victim-blaming culture. The victim-blaming attitude assumes that sexual violence did not occur entirely because of the perpetrator's fault. However, it is also the victim's fault, as the victim is frequently seen as inviting the perpetrators to do things the victim does not want, namely sexual acts.⁵ It is necessary to optimize the prevention and handling of sexual violence. The Minister of Women's Empowerment and Child Protection stated that victims of sexual violence still often receive stigma and unfair treatment from the community, so many are reluctant to report and resolve their problems without going through legal channels. It is vital to have a system

⁴Ibid.
that guarantees victims’ rights, prioritizes truth, justice, and recovery, and prevents the recurrence of cases.\textsuperscript{6}

Women's human rights are founded on gender equality and the right to be free from discrimination. Women are given a special place in the national context by the regulation of human rights protection guaranteed in Law Number 39 of 1999 concerning Human Rights. In addition to Law Number 39 of 1999, detailed provisions for protecting women's rights are contained in a number of other laws and regulations that are still scattered.\textsuperscript{7} These formal rules do not necessarily eliminate various efforts of discrimination and marginalization. The current law does not cover all age levels. The weak's vulnerability percentage is getting worse regardless of age range, social class, and gender. For example, women over 18 years old are unmarried and not entangled in human trafficking, so they cannot be protected from the current law.

The Criminal Code only regulates rape and obscenity, whereas Komnas Perempuan divides sexual violence into 15 categories. The Criminal Code and current regulations only cover physical and sexual violence, despite the fact that sexual harassment is now also done non-physically. In fact, in today’s world of increasing speed and sophistication, crimes are committed not only directly through physical contact. It can, however, be done verbally or online using technology and internet facilities, or through online gender-based violence.\textsuperscript{8} In this case, it can be seen that there is a legal vacuum for sexual violence that occurs and a deep-rooted patriarchal culture so that many cases cannot be prevented, handled, and even continue to develop. This can be seen from the phenomenon of social change, and the high number of sexual violence continues to increase. Several types of gender-based violence against women will be a concern in 2021, including Cyber Gender-Based Violence (KBGS) against women, KBGS against women with disabilities, violence against members of the TNI, and POLRI, as well as sexual violence in education.\textsuperscript{9}

One example of injustice in law enforcement regarding online gender-based sexual violence is the case of Baiq Nuril, which has binding legal force in Decision No. 265/Pid.Sus/2017/PN.Mtr, Cassation Decision No. 574 K/Pid.Sus/2018, and the Judicial Review Decision No. 83 PK/PID.SUS/2019. What happened to Baiq Nuril was a form of criminalization. From the start, he didn't record the conversation to defame M, but as evidence that M had harassed him in case, anything wrong happened. However, the panel of judges at the cassation level saw this as an act of defamation carried out by spreading immoral content through electronic means that Baiq Nuril deliberately did so that he became a defendant in the ITE Law Case. As can be seen, the Criminal Code, Law Number 23 of 2004 Regarding the Elimination of Violence in Households, and the Child Protection Law are still insufficient to address sexual violence. This includes the aforementioned forms of sexual violence. As a result, a law must supplement it with a specific nature that regulates and oversees all forms of sexual violence because the laws are critical to providing victims of sexual violence with guarantees of protection and legal certainty within a perfect range to minimize cases.\textsuperscript{10} As a progressive response, the government included the Bill on the Elimination of Sexual Violence as a Priority Prolegnas in 2021, ratified into the Criminal Act of Sexual Violence in 2022. So that the


\textsuperscript{7} Rhona K.M. Smith Smith et al., \textit{Hukum Hak Asasi Manusia (HAM), Evolusi Pemikiran Dan Sejarah Perkembangan Hak Asasi Manusia} (Yogyakarta: PUSHAM UII, 2008).

\textsuperscript{8} Subarkah and Tobroni, “Urgensi Pengesahan RUU PKS Terhadap Instrumen Penegakan Hak Asasi Perempuan.”


\textsuperscript{10} Ismantoro Dwi Yuwono, \textit{Penerapan Hukum Dalam Kasus Kekerasan Seksual Terhadap Anak} (Jakarta: Media Pressindo, 2018).
ratification of the Criminal Act on Sexual Violence or Undang-undang Tindak Pidana Kekerasan Seksual (UU TPKS) is an urgent matter so that it can meet the community’s needs for the protection of sexual violence.

The novelty is that the existence of legal instruments in the form of regulations that can provide an umbrella for sexual violence itself is critical. As a result, social control seeks to strike a balance between stability and societal change. The established rule of law will be capable of preventing and effectively dealing with various problems of social violence that arise as a result of social changes. For this reason, this study analyzes the development of data on sexual violence that occurred in Indonesia and the urgency of the Act on the Crime of Sexual Violence (UU TPKS) in tackling sexual violence in Indonesia. In comparison to previous research, this study examines the urgency of regulation in addressing sexual violence using Lawrence M. Friedman's legal system theory, which examines the problems of sexual violence that occur based on the legal structure, legal substance, and legal culture. This study was carried out using a statutory, concept, and case approach, then use formative research methods and descriptive research in the writing.

B. Discussion
1. Development of data on the occurrence of sexual violence in Indonesia
In 2020 the number of violence against women decreased by around 31.5% from the previous year. The following graph shows the number of sexual violence that occurred from 2008-2020:

![Graphic 1: Total Violence Against Women in 2008-2020 based on KOMNAS Perempuan's CATAHU.](image)

What should be noted is that a decrease in the number of cases in 2020 compared to the previous year does not imply that the number of cases has disappeared. According to the findings of a survey during the pandemic, the number of cases decreased as a result of:

1. Victims being close to perpetrators during the pandemic (PSBB).
2. Victims tend to complain to their families or be silent.

---

12 Peter Mahmud Marzuki, Penelitian Hukum (Jakarta: Kencana Prenada Media Group, 2012).
13 Ibid.
3. Technological literacy issues.
4. Complaint service models were not ready for pandemic conditions (not yet adapted to changing complaints online).

Religious courts, for example, have limited their services and proceedings due to the pandemic (this caused the divorce rate to drop by 125,075 cases from last year). Furthermore, the number of questionnaires returned has decreased by nearly 100% compared to the previous year. Thus, the number of cases will undoubtedly increase if the religious court resumes its usual services and returns the same questionnaire as the previous year. Each institution had 61 cases in 2019, which increased to 68 cases in 2020. Thus, if the questionnaire returns are the same as the previous year, there will be a 10% increase or 1700 cases.

Sexual violence can take many forms. According to Komnas Perempuan, there are 15 forms of sexual violence. However, not all types of sexual violence are included in the Sexual Violence Law (UU TPKS), because after synchronizing with other existing laws, the types of Sexual Violence in the Sexual Violence Law (UU TPKS) only formulate 9 types of sexual violence to be punished, as well as providing a legal umbrella for criminal procedures and victims' rights for violations of sexual violence crimes in other laws. The following 9 types of sexual violence cases will be criminalized in this Draft Law. Regarding rape and abortion, it is not regulated in the Sexual Violence Law (UU TPKS). This is because in Article 389 of the Criminal Code Bill also regulates forms of sexual violence such as rape. The formulation of the crime of rape in the Draft Criminal Code, in addition to recognizing the threat of minimum sanctions, also expands the meaning of the crime of rape as stated in Article 285 of the Criminal Code, the formulation in the Draft Criminal Code is a very advanced development considering the development of sexual crimes has undergone a shift.

Physical violence was the most common (31 percent or 2,025 cases), followed by sexual violence (30 percent/1,938 cases). Furthermore, psychological violence accounted for 1,792 cases (28%) and economic violence accounted for 680 cases (10%). This pattern is identical to the pattern from the previous year. Sexual violence is consistently the second most reported, indicating that women's homes and personal relationships are not yet safe. According to data compiled by Komnas Perempuan on the number of sexual violence incidents in 2020, which was released in March 2021, they are as follows:

15 Hardianti et al., “Urgensi Percepatan Pengesahan Rancangan Undang-Undang Penghapusan Kekerasan Seksual.”
16 Undang-Undang Tindak Pidana Kekerasan Seksual.
17 RUU KUHP
Unlike in 2019, when incest was the most common type of sexual violence in domestic violence, obscenity ranks first this year, with 412 cases. As a result, sexual abuse is defined as a physical attack that does not involve penetration. In its application, the crime of obscenity is also used as a subsidiary article for the crime of rape, which is extremely difficult to prove; in this case, it must be proven by penetration. As a result, the burden of proof falls on the victim. It should be noted that cyber gender-based violence in domestic violence increased from 35 to 329 cases last year. This translates to a 920% KBGS increase in domestic violence/RP over the previous year. This rise in cyber-based sexual violence must be viewed as a new pattern or form that makes vulnerable women more vulnerable to becoming victims and does not yet provide them with protection and security in the cyber world. Other types of sexual violence include 220 instances of sexual harassment, 309 instances of rape, 215 instances of incest, and 57 instances of marital rape.

Based on the data above, it can be concluded that the crime of sexual violence is still ongoing and even increasing. Besides occurring in the realm of household or personal relationships, sexual violence also occurs in education and religious institutions. Everyone has the potential to become a victim. The main obstacles in accessing justice are proof of sexual violence to determine the perpetrator as a suspect. The suspect is not immediately arrested, causing a feeling of insecurity for the victim and the victim's family because the perpetrator is still on the loose, protracted delays that take a period that is not even informed, and service procedures in poor law enforcement institutions. Aside from a lack of access to justice in the criminal justice system, there is a legal vacuum and uncertainty regarding victim and child restitution. The legal validity of several laws in child marriage serially does not accommodate sexual violence comprehensively. This creates a gap in the number of cases of sexual violence in Indonesia.

2. The Urgency of Ratifying the Bill on the Elimination of Sexual Violence in Light of the High Rate of Sexual Violence

Regard to the urgency of the ratification of the Bill on the Elimination of Sexual Violence as a reality of the high number of sexual violence occurring, at least several things can be used as a basis, namely the three legal components presented by Lawrence M. Friedman, that must be addressed for law enforcement to be effective and successful. The three legal components

\[9\text{Ibid.}\]
presented by Lawrence M. Friedman must be addressed in order for law enforcement to be effective and successful.20

To begin, legal structure is a legal institution that supports the legal system itself, which consists of legal forms, legal institutions, legal instruments, and their processes and performance. Knowing the condition and situation of service institutions is very necessary because it impacts reporting data on violence against women. The following is the HR data held by the institution as a partner in dealing with crimes of sexual violence. The most human resources owned in the data are documentation personnel, followed by initial data personnel, advocates, and counselors. There is also a Judge/Prosecutor. Meanwhile, the lowest available resources in service institutions are psychologists and female medical and police personnel. Even though these three are very important for the process of handling victims, the numbers found are minor.21

[Graph showing human resources owned by CATAHU partner institutions in 2020]

**Graphic 3: Human Resources Owned by CATAHU Partner Institutions in 2020**

On the other hand, the barriers to law enforcement in handling cases of sexual violence are caused by:

1. The increasingly diverse forms of sexual violence and the complexity of handling criminal acts of sexual violence have not been regulated by law.
2. The number of law enforcement officials The law is still limited and does not have the perspective of human rights and victims.
3. Legal handling is not integrated with the victim recovery system.
4. A culture of violence places the victim blamed for the sexual violence that has befallen him.

These issues cannot be resolved because there is no comprehensive legal framework. Comprehensive legislation must include six key elements, which are as follows:

1. Criminal acts of sexual violence.
2. Law governing special procedures.
3. Victims', families', and witnesses' rights.
4. Coordination, prevention, and supervision.
5. Participation of the community and families.

---


The Sexual Violence Act (UU TPKS) currently regulates nine new forms of sexual violence in terms of the number of law enforcement officers. As a result, there will be a significant increase in the number of law enforcement and support personnel handling various cases. Regulations governing online-based sexual violence will also necessitate the government preparing professionals in this field to handle a variety of cases. Institutions such as the Police are also unavoidable in resolving non-legal cases, which they sometimes interpret as Restorative Justice. Eighty-seven cases were resolved by Unit Pelayanan Perempuan Dan Anak, a non-legal settlement at the Police. The impact of implementing this mechanism does not benefit the victim but instead benefits the perpetrator and law enforcement officers. This study suggests that alternative mechanisms such as mediation/restorative justice be avoided, and that the Ministry of Women Empowerment and Child Protection and Komnas Perempuan develop clear standards on cases that can be resolved through restorative justice, as well as the process of dealing with them by empowering victims through facilitators with specific qualifications.

Sexual violence has a negative impact if it is not stopped immediately, even if this impact can lead to Post Traumatic Stress Disorder or PTSD. Someone who experiences symptoms of Post Traumatic Stress Disorder is seen with a sense of anxiety. Thus, psychologists, medical personnel, and female police officers are very much needed to recover and assist victims of sexual violence. This is due to the numerous effects of sexual violence on victims, particularly mental recovery and protection. Furthermore, partner service institutions have 63 percent female human resources, while only 37 percent male. Although there are few men, their participation is critical in drawing attention to violence against women. If possible, men's roles in supporting sexual violence prevention must be expanded. It will achieve a common perspective and encourage the realization of protection against sexual violence with a lot of male support.

Meanwhile, 43 service institutions stated that they had prevention, handling, and recovery provisions in their regulations, 35 did not, and others did not fill out or answer the questionnaire. Questions about the rules of this provision are intended to cast a shadow on these institutions' readiness in terms of their internal conditions and situations involving violence against women if it occurs within their institutions. It is critical that the institution be prepared to deal with cases of sexual violence. Furthermore, the number of cases that occurred and the numerous impacts that were caused must be dealt with the readiness of a good handling system. In the United States, for example, the victim's right to consult with law enforcement officials about the resolution of her case includes the victim's right to propose sanctions against the perpetrator. Another right that victims may be granted is the right to "provide information to the police that is free of outside pressure and threats At the same time, this right can assist in the disclosure of cases that occur." Information is not only provided to the law enforcement

---

22 A condition that develops after witnessing an extraordinary event that is gripping, terrifying, and even life-threatening for a person, such as a natural disaster, serious accident, sexual abuse (sexual violence), or war, and it can also result in the victim's death.
26 Ibid., hlm 36
apparatus by the victim, but information related to the process of resolving the case from law enforcement officials is also beneficial and important to the victim.29

Based on this, it can be concluded that human resources and institutional readiness in dealing with crimes of sexual violence are still lacking. It is necessary to increase the number of psychological personnel, medical personnel, and female police officers and strengthen institutions' readiness in terms of prevention, treatment, and recovery. Both the handling of criminals and the handling of victims, especially in the context of recovering and protecting victims of sexual violence, so that a system for handling sexual violence can be appropriately formed.

Secondly, is a legal substance as the content of the law itself, which means that the content of the law must aim to create justice and be applicable in society. The existence of protection against sexual violence is part of the fulfillment of citizens' constitutional rights regarding human rights as stated in Article 28A-28J of the 1945 Constitution of the Republic of Indonesia, especially Article 28G paragraph (1) where everyone has the right to personal protection and Article 28 I paragraph 3 which mandates that everyone has the right to be free from discrimination on any basis.

Violations and acts of violence against women can occur in various categories of protected rights.30 Violence against women can be referred to as gender-based violence. Gender-based violence arises due to the inequality of power relations that occurs between women and men. The definition of sexual violence against women according to the Declaration on the Elimination of Violence against Women is any act based on gender-based discrimination that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation, whether that occur in the public sphere as well as in the private or private sphere. The forms of violence against women can occur in various ways.31 There are several specific national instruments related to sexual violence, namely:

1) Law Number 23 of 2004 concerning the Elimination of Domestic Violence (KDRT).
2) Law Number 21 of 2007 concerning Eradication of the Crime of Trafficking in Persons (PTTPPO).
3) Law Number 23 of 2002 concerning Child Protection.

However, the existence of these various laws and regulations has not comprehensively complied with and protected the various ages and forms of sexual violence that have occurred. As a result, victims of sexual violence require a legal framework that provides a sense of justice. According to the Criminal Code (KUHP), sexual violence is only classified as a crime if it involves rape or sexual harassment or obscenity. In this country, verbal or sexual violence has become an act, but there is still a legal vacuum in its regulation.32

Currently, sexual crime is growing with the rapid development of the world of technology. Online Gender-Based Violence or Kekerasan Berbasis Gender di Ranah Online (KBGO) is an action that can be carried out widely using digital technology. KBGO is an action that can be carried out widely using digital technology, including efforts to control the communication system of a spouse or ex-spouse, stalking, and harassment through telecommunications and social media platforms. In addition, KBGO can take the form of exposing personal information or uploading violent content, such as the non-consensual sharing of sexually suggestive photos

31 Ibid., hlm 102.
The Urgency of

and videos of women. Sexual violence is classified into nine types in the Draft Law on the Elimination of Sexual Violence. The PKS Bill's broader definition of sexual violence is expected to reach perpetrators who have previously escaped legal entanglement only because their actions did not meet the elements of legality as a crime. The Draft Law on the Elimination of Sexual Violence's expansion of the category of sexual violence is expected to regulate more comprehensively and reach all forms of sexual violence that occur in order to achieve justice.

In Indonesia, victims and perpetrators have not received adequate justice. As previously stated, national law has not comprehensively regulated the scope of criminal acts of sexual violence, including prevention, treatment, protection, and victim recovery. Victims of sexual violence, on the other hand, require protection. The following are examples of current forms of settlement for cases of sexual violence:

Graphic 4: forms of settlement of cases of domestic violence/RP based on CATAHU KOMNAS Perempuan in 2021

In the graph of case settlement above, there are three patterns of settlement of domestic violence cases, namely: 1) Non-Legal Settlement (29%), (2) Legal Settlement (19%), and (3) Unidentified (N/A) (39% ). The non-legal settlements are settlements carried out by deliberation facilitated by P2TP2A in as many as 526 cases, LSM in 1,043 cases, and WCC in as many as 214 cases. The number of non-legal settlements illustrates that the handling of cases of sexual violence has not been going well. The number of non-legal settlements demonstrates that the handling of sexual violence cases is not going well. The main issue that families of victims or key witnesses of victims of sexual violence face is that they frequently face threats or even violence in order to silence their testimonies. As a result, it is hoped that the Draft Law on the Elimination of Sexual Violence will not only protect victims of direct violence, but will also protect victims' families and witnesses who wish to testify during the legal process.

Another factor that makes this bill essential to support is the inclusion of a rehabilitation component for perpetrators of sexual violence. The PKS Bill protects not only victims of sexual

harassment, but also perpetrators of sexual violence (article 88, paragraph (3)). Most importantly, the function and purpose of this rehabilitation are to prevent future acts of sexual violence. Based on the above description, the Draft Law on the Elimination of Sexual Violence must be able to complete the existing legal rules concerning sexual violence and become a lex specialist that will be used to handle sexual violence cases. Previously enacted laws, such as the Criminal Code, did not specifically address sexual violence. The crime of rape is regulated in the Criminal Code in Articles 285 and 288, which are considered ineffective in protecting victims of sexual violence.

Lastly, legal culture is associated with the professionalism of law enforcers in carrying out their duties and functions, as well as public awareness of the importance of obeying the law itself. Violence against women based on culture (custom) is violence against women based on cultural legitimacy. Culture contains a system of knowledge and rules or values that the community uses to take action. A series of sanctions and stigma as a form of social punishment and a mechanism for resolving 'customs' suffered by women because they were considered to have violated norms. Sanctions and rewards in culture will run according to the mechanisms developed in the cultural community concerned, regardless of whether these values or norms align with or violate International Conventions On Eliminating Discrimination And Violence Against Women (CEDAW) or applicable laws. Conversely, when an individual is obedient or obedient to existing norms or values, he will receive an award or appreciation from the community concerned.

There are also claims in the name of adat to justify violence against women by public officials in West Kalimantan in the case of marriage and arrest in Central Sumba. The main barrier to accessing justice is establishing the perpetrator as a suspect through proof of sexual violence. The suspect is not immediately apprehended, resulting in fear for the victim and his or her family, lengthy delays, and an uninformed period and service procedures in law enforcement institutions.

A patriarchal culture that discriminates against women is also contributing to the rise in cases. This dominance results in the subordination of both men and women in a variety of social activities. The attitude of men who frequently dominate women stems from a sense of excessive masculinity (hypermasculinity). The current culture has developed a deeply ingrained belief that men are superior and women are inferior. This results in gender inequality. Men's sexual violence or other forms of violence against women are simply expressions of masculinity in their relationships or interactions with women. Being a victim of sexual violence, especially as a woman, is considered a disgrace in Indonesian society. Women are thought to be incapable of caring for themselves and to have received 'negative societal values.' This is not a good psychological situation.

Victim blaming occurs when a victim of a crime is blamed and held accountable for the crime they have suffered, and it is most common in the context of sexual violence. The legal culture continues to blame victims for their suffering. Several parameters determine how worthy a woman is to be blamed in this case, such as the availability of romantic contact based on both parties' agreement, the type of clothing worn at the time of the incident, and inviting or accompanying a date to her residence.

36 https://www.amnesty.id/empat-urgensi-pengesahan-ruu-pks/, diakses pada tanggal 23 oktober 2021, pukul 15.00 WIB.
Not believing the victim's side of the story, blaming the victim, believing that the victim is the one who tempts, downplaying the severity of the attack received, and inappropriate treatment after the crime by those in authority are all forms of blaming the victim. Friends, family, relatives, and even those who work in certain police agencies, lawyers, judges, and medical personnel are among those closest to the victim. People who are not known to the victim frequently blame the victim, especially if the act of sexual violence is covered in the news, both locally and nationally. These individuals are referred to as third-party observers, or people who did not directly witness the crime.40

C. Conclusion
After being analyzed with Lawrence M. Friedman's theory, it can be concluded that based on the legal structure, legal substance, and legal culture, the high number of sexual violence that occurs is caused by several things. Structurally, human resources and institutional readiness in dealing with sexual violence crimes are still very lacking, so they need to be reproduced again to strengthen institutional readiness in terms of prevention, handling, and recovery. Substantially, the pre-existing regulations regarding sexual violence have not protected sexual violence comprehensively, so it is necessary to form a new regulation that can accommodate various concerns regarding sexual violence. In legal culture, victim-blaming is still common in the suffering of victims. Victims should not be punished and subject to criminal acts, let alone have to go through re-traumatism through individual and institutional responses to the heinous acts they received. For this reason, the existence of the Act on the Crime of Sexual Violence (RUU TPKS) is essential.

The existence of the Sexual Violence Law (UU TPKS) is an urgent matter to tackle sexual violence based on the reality of the high number of sexual violence in Indonesia. Several things cause the high number of sexual violence in Indonesia. Finally, given the prevalence of sexual violence, it is critical to emphasize the need for regulations that comprehensively protect the various forms of sexual violence that are emerging. Furthermore, this research suggests that the ratification of the Act on the Crime of Sexual Violence (UU TPKS) should be done with public participation in its formulation in order to meet the needs of the community.

Acknowledgements
The acknowledgment expresses gratitude to all parties involved in the research process, including advisors and other forms of assistance such as readers, typists, and, most importantly, sponsors who contributed to the funding of this article.

Bibliography

A. Book


B. Journal


Lailisna, Novi Nur. “Polemik Rancangan Undang-Undang Penghapusan Kekerasan Seksual


### C. Internet

