



Abuse of Authority by Village Head in Cases of Sexual Violence against Women

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Abstract

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The government's efforts to combat sexual violence in society are embodied in the Law on the Elimination of Sexual Violence, reflecting the State's responsibility to protect and improve the psychological well-being of victims, whether they have experienced physical or psychological harm. Protection of women in the workplace is crucial, and ensuring their rights is a legal imperative. The prevalence of sexual violence against women in work environments, often driven by power imbalances, highlights the urgent need for effective legal protection. This research aims to examine the influence of power relations on sexual violence crimes committed by regional officials and to identify optimal legal protections for women who are victims of sexual violence. Employing a normative juridical approach, the research finds that while existing laws are generally adequate for addressing sexual violence, their implementation falls short of expectations. Recommendations include enhancing legal protection to be more victim-centered, as current regulations primarily focus on penalizing perpetrators. There is a need for policies that provide comprehensive protection and justice for female victims of sexual violence.



A. Introduction

Indonesia is a legal state grounded in Pancasila and Article 1, Paragraph 3 of the 1945 Constitution (*UUD 1945*), which mandates that all actions must conform to legal norms and provisions established by the state. The Republic of Indonesia's objectives are explicitly outlined in Paragraph 4 of the Constitution's preamble, emphasizing the need for the state to ensure protection, peace, and security for its citizens. This obligation includes safeguarding women, whose protection is crucial due to their role as future bearers of the nation's legacy and potential leaders.¹

The prevalence of sexual violence underscores the multifaceted nature of this issue, affecting various sectors and seemingly rendering safe spaces increasingly elusive. Data from the National Commission on Violence Against Women indicate that sexual violence pervades personal, public, and state domains. The 2019 UNWTO Global Report on Women in Tourism highlights that 55.07% of women are employed in Indonesia's tourism sector, particularly in hospitality and food services. Contributing factors to sexual harassment in the workplace include extended working hours, irregular shifts, extensive work areas, and frequent interactions with diverse individuals.²

Moreover, female workers in the government sector face sexual violence, both physical and non-physical, with such incidents often going unreported and unnoticed. This lack of visibility enables employers to retain female employees under adverse conditions, exacerbating the issue of workplace injustice.

The protection of women in Indonesia remains a critical concern. Violence against women persists across numerous regions and major cities in the country. Although obtaining comprehensive data on such violence proves challenging, it is evident that these issues are prevalent. Serious cases of violence often make headlines in the media, sometimes with severe consequences. According to the National Commission on Women's case records from 2018, there were 293,220 reported cases of violence against women. Most of these cases—280,710, or approximately 96%—were processed by 359 Religious Courts at the district or city level across 30 provinces.³

Violence against women is intricately linked to cultural ideologies and societal values that shape gender relations. In contemporary times, crimes affecting women, particularly those of a sexual nature, continue to be a significant issue. These crimes occur across various community settings, from traditional societies to urban areas characterized by modernity.⁴

Even within governmental institutions, sexual violence persists, including incidents involving Regional Officials and their subordinates. Such occurrences, frequently reported in the media and social platforms, highlight the pervasive issue of gender inequality and power imbalances. These dynamics often place perpetrators in positions of superiority, while victims are marginalized and vulnerable.

The government's approach to combating sexual violence is embodied in the Law on the Elimination of Sexual Violence, which represents a manifestation of the state's responsibility to protect and enhance the psychological well-being of victims. This law aims to address both

¹ Laurensius Arliman S, "Perlindungan Hukum Bagi Anak Dalam Perspektif Pancasila Dan Bela Negara," *UNIFIKASI: Jurnal Ilmu Hukum* 5, no. 1 (2018): 58, <https://doi.org/10.25134/unifikasi.v5i1.754>.

² Anindwitya Rizqi Monica, Annisa Risfiana, and Holy Melinda Cloudia Rohman, "Urgensi Pengesahan Rancangan Undang-Undang Penghapusan Kekerasan Seksual Terhadap Pekerja Perempuan Di Sektor Pariwisata," *Jurnal Suara Hukum* 4, no. 1 (2023): 190–216, <https://doi.org/10.26740/jsh.v4n1.p190-216>.

³ Komisi Nasional Anti Kekerasan terhadap Perempuan, "Lembar Fakta Dan Catatan Tahun an Komnas Perempuan Tahun 2018," *Komisi Nasional Anti Kekerasan Terhadap Perempuan*, 2018.

⁴ Sumintak Sumintak and Abdullah Idi, "Analisis Relasi Kuasa Michel Foucault: Studi Kasus Fenomena Kekerasan Seksual Di Perguruan Tinggi," *Jurnal Intelektualita: Keislaman, Sosial Dan Sains* 11, no. 1 (2022): 55–61, <https://doi.org/10.19109/intelektualita.v11i1.11117>.

physical and psychological violence, with a particular focus on women and children who are vulnerable to sexual violence and thus require state protection.

In addressing sexual violence within governmental environments, where victims often need safeguarding, the government has enacted several measures. These include Article 294, Paragraph 2 of the Criminal Code and Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, alongside various other regulations and criminological theories regarding the causes of such crimes.⁵

Preventive measures against sexual violence involve several strategies. These include abolishing traditional practices and discriminatory policies that target individuals' bodies and sexuality, integrating human rights, gender sensitivity, and sexuality and reproductive health education at all educational levels and within communities, and fostering a culture that opposes sexual violence. Additionally, recruitment criteria for officials and workers should include anti-sexual violence standards, infrastructure and facilities should be developed to support prevention efforts, and regulations should be established to ensure the protection of women in public services by state institutions, corporations, and community organizations.

The Law on the Elimination of Sexual Violence (*TPKS* Law) establishes provisions for victim recovery based on the concept of "Recovery in the Broad Sense." This framework encompasses recovery efforts for victims, their families, support networks, and communities, as well as the State's obligations. The Law delineates the responsibilities of both the Government and Regional Governments to provide comprehensive and sustainable services through an integrated service center system for victims. This legislative approach addresses the specific needs of sexual violence victims that cannot be fully covered under the Criminal Procedure Code (*KUHAP*), positioning the *TPKS* Law as a crucial *lex specialis* to the Criminal Code.

Studies providing insight into violence against women include the National Commission on Violence Against Women's 2014 Annual Notes, which highlighted that violence against women persists despite state and community efforts. In 2016, the Commission reported 293,220 cases of violence handled by various service institutions. Tanti Hermawati's research, "Javanese Culture and Gender Equality," further documents the ongoing prevalence of physical, mental, social, and economic violence against women in domestic, workplace, and societal contexts.⁶

In Lampung Province, sexual violence remains a significant issue, exemplified by a recent case in South Lampung. On March 31, 2021, a woman identified as RF reported sexual harassment to the Lampung Police. The harassment occurred while she was employed at the Rawa Selapan Village Office, where the village head was the accused. Despite the gravity of the case, the perpetrator was acquitted by the Kalianda District Court on June 21, 2022. The prosecutor has appealed this decision to the Supreme Court. Kiki Ayu Septiyani, a representative from the Damar Lampung Women's Advocacy Institute, noted that the victim continues to suffer from trauma and social stigma, exacerbated by the acquittal and ongoing community intimidation.

Ana Yunita Pratiwi, Executive Director of the Damar Lampung Women's Advocacy Institute, expressed appreciation for the Supreme Court's decision to impose a criminal sentence on the perpetrator in the South Lampung sexual harassment case. This ruling is seen as a significant step toward justice for the victim and a progressive advancement in law enforcement's handling of similar cases. It is hoped that this decision will encourage future victims of sexual violence in Lampung to report incidents to the police and pursue legal justice more assertively.

⁵ Ria Sintha Devi and Muhammad Yasid, "Tinjauan Kriminologi Mengenai Ketimpangan Relasi Kuasa Dan Relasi Gender Dalam Kasus Kekerasan Seksual," *Jurnal Pengabdian Kepada Masyarakat Maju UDA Universitas Darma Agung Medan* 3, no. 3 (2022): 1–10.

⁶ Tanti Hermawati Pendahuluan, "Budaya Jawa Dan Kesetaraan Gender," *Jurnal Komunikasi Massa* 1, no. 1 (2007): 18–24.

Empirical research indicates that gender inequality and power dynamics are central factors in sexual violence cases, as highlighted in the Supreme Court's cassation decision 1173/K/Pid/2022. To address these issues effectively, it is crucial that criminalization efforts consider both the protection and rights of victims, in accordance with Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence, and ensure sentencing aligns with the principles set out in the Indonesian Criminal Code. This approach aims to foster legal justice for victims of sexual violence.

B. Discussion

1. The Influence of Power Relations on Sexual Violence Crimes Against Female Employees

Sexual violence refers to deviant sexual behavior or relations that inflict harm on victims and disrupt societal peace. Such violence undermines social harmony and imposes severe suffering on victims, necessitating focused attention. Sexual violence encompasses a range of acts, from sexual harassment to the coercion of sexual relations without consent, as well as engaging in sexual activities in ways that are unwanted or distressing to the victim, and isolating individuals from their sexual needs.⁷

Despite ongoing efforts, violence against women continues in various forms and is reportedly increasing. Current research often links this violence to issues surrounding gender relations. Discussions on violence against women frequently intersect with concepts of gender and feminism. Gender, as an academic perspective, informs the societal construction of gender relations, while feminism serves as a movement aimed at addressing violence against women, which is believed to stem from unequal gender dynamics.

Michel Foucault's theory, particularly his concepts of discourse, knowledge, and power, provides a critical framework for understanding violence against women within the feminist movement. Foucault posits that violence against women is rooted in the production of knowledge and the definition of truth within an unequal power dynamic, where men are positioned as superior to women. This theoretical perspective not only elucidates the origins of gender-based violence but also offers potential solutions for addressing these issues.

Feminists draw on Foucault's insights to argue that patriarchal societies perpetuate gender inequality by creating and controlling knowledge and definitions of truth that serve male interests. In such societies, the knowledge and norms produced often reinforce violence and injustice against women.⁸

Foucault's theory helps explain how patriarchal ideologies foster violence by illustrating how dominant groups—those with greater power—construct and propagate knowledge and truths that marginalize and subordinate others. This unequal power dynamic contributes to the normalization and perpetuation of violence.

In the context of gender-based violence, this theoretical framework reveals how patriarchal structures not only allow but also encourage acts of sexual violence. Such violence can occur within personal relationships and encompasses any form of sexual assault directed at women, whether physical or non-physical, and irrespective of whether a personal relationship exists between the perpetrator and the victim.⁹

Sexual violence within personal relationships has evolved to encompass a range of behaviors, defined as any act of sexual assault directed at women, whether physical or non-

⁷ Wahid dan Muhammad Irfan, *Perlindungan Terhadap Korban Kekerasan Seksual: Advokasi Atas Hak Asasi Perempuan* (Bandung: Refika Aditama, 2007).

⁸ Arifah Udasmoro, Wening dan Rahmawati, "Antara Maskulinitas Dan Feminitas, Perlawanan Terhadap Gender Order" (Fakultas Ilmu Budaya, UGM, 2021), V.

⁹ Aroma Elmina Martha, *Perempuan Dan Kekerasan Dan Hukum* (Yogyakarta, 2003).

physical, and irrespective of the existence of a personal relationship between the perpetrator and the victim. This violence often stems from an abuse of power.

Michel Foucault extensively explored the concept of power in his work. Foucault's theory reveals how modern individuals are both subjects and objects within a network of power relations. His analysis underscores that societal structures are integral to the mechanisms of power. By fostering awareness of these power dynamics, Foucault aims to encourage individuals to use power constructively, benefiting themselves and others.

Foucault also introduces the concept of the abuse of power, where authority is misused for personal, corporate, or other interests. Unchecked power tends to escalate, leading to various forms of deviation and exploitation. As power increases, the potential for its abuse also increases, highlighting the critical need for vigilance and accountability in power dynamics to prevent such misconduct.

Power relations underpin every political process at both individual and group levels, serving as the essence of politics. Power is not a static property but a dynamic strategy, involving practical approaches within a network of positions that are strategically interrelated and constantly shifting. It operates through various strategies and manifests in diverse regulatory systems and social relations between individuals and institutions.

Michel Foucault conceptualizes power not as a mere tool of repression but as a complex network of practices and strategies. Power, according to Foucault, is realized through differences and operates through manipulative and hegemonic means rather than through overt force. He defines power as comprising concrete practices that shape realities and behavioral patterns, creating specific knowledge areas and unique rituals of truth.¹⁰

Understanding power relations involves recognizing two key elements. First, the hierarchical nature of power, which delineates positions of higher and lower authority within and outside groups. Second, dependency, which refers to the reliance of individuals on others due to factors such as social status, culture, education, or economic standing. Both elements, as identified by Foucault, contribute to the potential for power to be abused, leading to what is termed as the abuse of power or exploitation of circumstances.

Social inequality and gender injustice are persistent realities, and Law No. 12 of 2022 seeks to address these issues through its provisions. Article 2(a) of the law emphasizes the equality of human dignity, while Article 2(b) upholds the principle of non-discrimination. These principles reflect an attempt to reconcile idealistic goals with practical realities, acknowledging that power relations and cultural politics are significant sources of sexual violence.

The Law on Criminal Acts of Sexual Violence is designed to ensure equitable application, not solely focusing on female victims but adhering to principles of justice and balance. It mandates that protection against sexual violence is available to all individuals, irrespective of gender. This approach seeks to address power dynamics and cultural politics, which are sociological realities influencing the prevalence of sexual violence, without narrowly constraining individual freedoms.¹¹

The impact of power relations is evident in cases of sexual violence, such as the incident in South Lampung involving Ririn Fatmawati. As reported, Ririn Fatmawati, an honorary staff member at the Village Head's office in Rawa Selapan Village, was subjected to sexual harassment by her superior, the Defendant. On February 7, 2021, the Defendant summoned Fatmawati to the office under the pretext of work, and upon her arrival, forcibly assaulted her by pushing her onto a sofa and molesting her. Despite her struggle, Fatmawati managed to escape and return home.

¹⁰ Khumaid Akhyat Sulkhan, "Relasi Kuasa Dan Pertautan Identitas Dalam Novel Entrok Dan Maryam Karya Okky Madasari: Sebuah Kajian Interseksionalitas," *Jurnal Kawistara* 11, no. 3 (2021): 353, <https://doi.org/10.22146/kawistara.v11i3.70244>.

¹¹ San Mikael Sinambela and Manotar Leryaldo Sinaga, "Pemberian Perlindungan Dan Pemberlakuan Keadilan Bagi Korban Kekerasan Seksual Dalam Sistem Hukum Pidana Indonesia," *Jaksa: Jurnal Kajian Ilmu Hukum Dan Politik* 2, no. 1 (2024): 28–37, <https://doi.org/10.51903/jaksa.v2i1.1468>.

The victim, Ririn Fatmawati, showed her displeasure with the Defendant's treatment by submitting a resignation letter the next day and returning the laptop she had received from the Defendant. However, that evening, the Defendant visited Fatmawati's home and met with her father, Sunaryo bin Jaimin, informing him that Fatmawati's services were still needed at the village office and returning the resignation letter. The next day, February 9, 2021, the Defendant came to the victim's house and asked for the resignation letter. The victim handed it over, but the Defendant tore it up and threw the pieces at her, insisting that she return to the office the following day. On February 10, 2021, after returning from Bandar Lampung to handle a vehicle registration issue, the victim went back to the office, but the Defendant repeated his abusive actions when she was about to leave.

According to Report No. LP/B-540/III/2021/SPKT Polda Lampung, the victim reported Bagus Adi under Article 294 paragraph (2) of the Criminal Code. In the report made in March 2021, the victim stated that the (non-active) Village Head of Rawa Selapan had committed repeated sexual harassment. The harassment and sexual violence were carried out by the perpetrator at the village office and in the village ambulance. The victim was unable to resist because the perpetrator always used his position as the village head, while the victim was a staff member of the village office.

The sexual violence experienced by the victim, RF, occurred due to the power relationship between RF, as an honorary employee, and the perpetrator, who was the Village Head and held a superior position in the job. This violence happened because of a power relationship, where one party has higher attributes and power compared to the other and uses this to control individuals considered weaker. RF, as a victim of sexual violence committed by the Village Head, could not refuse and was under pressure. The perpetrator felt he had higher authority due to his position, while RF was in a lower position and dependent on her job, leaving her with no option but to endure the abuse. Sexual violence can be effectively prevented through proactive measures by the surrounding community or law enforcement officials. The social environment plays a critical role in preventing and addressing acts of violence. Social control, a fundamental social institution, aims to regulate community behavior to maintain social order. The effectiveness of social control is significantly influenced by the strength of sanctions imposed on offenders or potential offenders. Sanctions, as deliberate burdens or losses, are designed by social institutions to compel adherence to societal norms.

Various social control institutions, including the Police, Courts, Customs, Community Leaders, Schools, Workplaces, Mass Media, and Families, each have specific roles in maintaining societal order. The impact of these institutions—whether positive or negative—depends on their performance within the community. In a civilized society, the state holds the exclusive authority to address disruptions, security breaches, criminal activities, and violations of law and order, including sexual violence. In Indonesia, the Indonesian National Police represent the state in enforcing these laws and maintaining public safety.

The police function as a crucial instrument of social control, tasked with addressing and preventing sexual violence. In the case of RF, a victim of sexual harassment, she reported the incident to the police to seek protection and uphold her rights through legal means. RF experienced harassment while employed at the Rawa Selapan Village Office, where the accused served as the village head. Despite the gravity of the accusations, the perpetrator was acquitted by the Kalianda District Court on June 21, 2022. The prosecution subsequently appealed this decision to the Supreme Court.

According to Kiki Ayu Septiyani from the Damar Lampung Women's Advocacy Institute, RF continued to suffer from trauma and faced stigma and intimidation from the community throughout the legal process. The acquittal by the Kalianda District Court exacerbated RF's psychological distress. The sexual violence inflicted on RF reflects gender-based violence, which objectifies women's bodies and enables perpetrators to exploit them sexually. This issue

is deeply rooted in patriarchal cultural norms that historically subordinate women and reduce them to sexual objects.

The hierarchical power dynamics between regional officials, as seen in this case, exacerbate the victim's vulnerability. The gender and class-based power imbalance places RF at a distinct disadvantage, both physically and psychologically, as well as economically. Such violence undermines women's ability to respond to their environment and diminishes their self-esteem, leading to significant emotional and psychological harm.

Regarding the legal framework, the perpetrator's actions meet the criteria outlined in Articles 285 and 289 of the Indonesian Criminal Code. According to these provisions, the term "Whoever" refers to any individual, regardless of gender, who is legally accountable and capable of being prosecuted if their actions fulfill the elements specified in these articles.

In legal contexts, a crucial aspect is the concept of responsibility, which implies that individuals or legal entities who commit acts explicitly prohibited by law and subject to criminal penalties must possess the capacity to be held accountable. This principle ensures that punishment is only meted out to those capable of bearing responsibility for their actions.

In the case of sexual violence, the perpetrator's actions involved coercion, defined as the absence of consent from the victim, and occurred outside of a marital context. According to Article 294, Paragraph (2) of the Criminal Code, the elements of the offense can be assessed based on the perpetrator's position and power. The Village Head, who was in a position of authority over RF, exploited his power to commit sexual violence against her. The hierarchical power dynamics made it exceedingly difficult for RF, as a subordinate, to resist or assert her rights against the perpetrator's actions.

Violence and harassment in the workplace represent a significant and concerning issue that requires immediate and decisive action. The government, along with relevant stakeholders, must take a firm stand to prevent the recurrence of such incidents. Addressing gender stereotypes and dismantling patriarchal cultural norms within the workplace are essential steps in this process. The prevalence of sexual violence in workplaces is often exacerbated by power imbalances, where victims may find it challenging to resist or seek redress due to the authority of their aggressors.

To combat these issues effectively, it is crucial to enforce the *TPKS* Law rigorously, enhance management practices, and increase government oversight. Additionally, raising public awareness about the consequences of sexual harassment and improving literacy on the issue can help protect female workers and educate the community on the importance of addressing and preventing sexual violence.

2. Future Policies for Protecting Women Victims of Sexual Violence Crimes

Sexual violence, irrespective of its form or perpetrator, has a profoundly detrimental impact on the victim's mental health. Victims often develop a hardened exterior and present themselves as strong, a defense mechanism to avoid appearing vulnerable and to mitigate potential belittlement. Addressing this issue requires robust regulations that offer comprehensive support to survivors of sexual violence.¹²

On April 12, 2022, the Draft Law on the Elimination of Sexual Violence (PKS Bill) was enacted as Law Number 12 of 2022, concerning Criminal Acts of Sexual Violence. Prior to this legislation, sexual harassment and related crimes in the workplace were governed by a fragmented set of regulations, including the Criminal Code (KUHP), the Criminal Procedure Code (*KUHAP*), and various other laws such as the Child Protection Law, the Law on the Elimination of Domestic Violence, the Law on the Eradication of Human Trafficking, the Pornography Law, and the Electronic Information and Transactions Law.

¹²Ani Purwanti and Marzellina Hardiyanti, "Strategi Penyelesaian Tindak Kekerasan Seksual Terhadap Perempuan Dan Anak Melalui RUU Kekerasan Seksual," *Masalah-Masalah Hukum* 47, no. 2 (2018): 138–48.

The enactment of the *TPKS* Law consolidates these scattered regulations into a single, comprehensive legal framework. This consolidation has significant implications for both substantive and procedural aspects of the law. The *TPKS* Law represents a significant state effort to address and regulate various forms of sexual violence that were previously unrecognized or inadequately addressed under existing legal frameworks.¹³

The *TPKS* Law defines a broad range of sexual violence offenses, including non-physical sexual harassment, physical sexual harassment, forced contraception, forced sterilization, forced marriage, sexual torture, sexual exploitation, sexual slavery, and electronic-based sexual violence. It also encompasses rape, indecent acts, sexual violence against children, acts violating morality not consented to by the victim, child pornography, forced prostitution, human trafficking for sexual exploitation, sexual violence within the household, and financial crimes linked to sexual violence.

The followings are some of the most common forms of sexual violence in the workplace.

- a) Non-physical sexual harassment, which includes verbal harassment, gesture or visual harassment, and psychological or emotional harassment.
- b) Physical sexual harassment, such as kissing, patting, pinching, or touching the body in a lustful manner.
- c) Electronic-based sexual violence.
- d) Recording and/or taking pictures or screenshots of sexual content without the consent of the person being recorded or photographed.
- e) Sharing electronic information and/or documents containing sexual content without the recipient's consent, intended to fulfill sexual desires.
- f) Stalking and/or tracking individuals using electronic systems for sexual purposes.

Sexual violence affects individuals regardless of gender; however, it is fundamentally a form of gender-based violence, targeting individuals based on their sex or gender, or disproportionately impacting individuals of a specific sex or gender. The societal construction of gender often results in unequal power dynamics between men and women, leading to a higher prevalence of gender-based violence, particularly sexual harassment, against women compared to men.¹⁴

Sexual violence against women encompasses not only physical acts, such as rape and indecent exposure, but also extends to verbal sexual violence, including acts like whistling intended to seduce. Moreover, Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence recognizes eye contact as a form of sexual violence if it involves a gaze directed at specific body parts with intent.¹⁵

Law No. 12 of 2022 serves as an enhancement to existing legislation aimed at addressing sexual violence. Nevertheless, its effectiveness is challenged by various factors inherent in the law enforcement process.

The purpose of enacting the *TPKS* Law is to reform legal frameworks and address deficiencies in the protection of women against sexual violence. The specific objectives of the law are to:

1. Prevent all forms of sexual violence;
2. Address, protect, and assist victims;

¹³ Yayan Agus Siswanto and Fajar Rachmad Dwi Miarsa, "Upaya Preventif Sebagai Bentuk Perlindungan Hukum Dari Kejahatan Kekerasan Seksual Pada Anak," *Jurnal Kolaboratif Sains* 7, no. 5 (2024): 1651–67.

¹⁴ Aqila Abda Azizi et al., "Perlindungan Perempuan: Implementasi UU No.12 Tahun 2022 Dalam Pencegahan Dan Penanganan Kekerasan Seksual Di Perguruan Tinggi," *Jurnal Pelayanan Hubungan Masyarakat* 2, no. 2 (2024): 01–12, <https://doi.org/10.59581/jphm-widyakarya.v2i2.3343>.

¹⁵ Hasanuddin Muhammad, "Implikasi Yuridis Pengaturan Hak Korban Tindak Pidana Kekerasan Seksual Dalam Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual," *Jurnal Surya Kencana Dua : Dinamika Masalah Hukum Dan Keadilan* 9, no. 1 (2022): 1, <https://doi.org/10.32493/skd.v9i1.y2022.22495>.

3. Enforce the law and rehabilitate offenders;
4. Foster an environment free from sexual violence; and
5. Ensure the prevention of recurrence of such violence.

Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence defines specific criminal acts of sexual violence and addresses instances where such violence is perpetrated through positions of power or authority.

Efforts to protect victims of sexual violence are integral to the broader struggle for victims' rights. As a rule-of-law country, Indonesia is obligated to safeguard human rights for all individuals. This obligation arises from the State's duty to respect, protect, and fulfill the human rights of its citizens. One significant approach to this protection is through legal measures applicable to all crime victims, including those affected by sexual violence, both in physical and digital environments.¹⁶

Effective handling of sexual violence requires appropriate regulatory measures. Regulations play a crucial role in shaping the legal system in Indonesia, which comprises legal substance, legal structure, and legal culture. These three elements interact and influence each other in the implementation of victim protection efforts.¹⁷

Gaps in both the regulatory substance and its implementation impact the ability of child victims of sexual violence to access justice. While well-crafted regulations are crucial, they alone do not guarantee optimal protection. Effective regulations must be complemented by a supportive legal culture, which encompasses societal attitudes toward legal issues and the law itself. A legal culture that is empathetic towards victims of violence influences how law enforcement personnel work to provide adequate protection. However, a supportive culture is insufficient without corresponding legal substance; laws and regulations must also robustly support victims. Regulations serve as crucial guidelines and resources for law enforcement officers in protecting victims. Although legal protections appear adequate on paper, their practical implementation often falls short, as evidenced by the persistent occurrence of sexual violence cases.

For legal protection and justice to be effectively realized, proper implementation is essential. Achieving these goals requires both preventive and remedial criminal policies, utilizing both penal and non-penal measures. Legal protection for victims of sexual violence necessitates a comprehensive legal framework and the creation of a positive legal culture. Integration of these elements is crucial for successful law enforcement.

An important aspect of this process is education on sexual violence across all societal levels. Educating the public about the nature of sexual violence, identifying vulnerable individuals, and providing strategies for addressing such violence is essential. Society must be informed and empowered to protect victims and support them, ensuring that they feel safe to speak out and seek help without fear of stigma. Early and widespread education on sexual violence is vital to preventing victimization and fostering a supportive environment.

The second point emphasizes the need to effectively support victims of sexual violence by ensuring they feel embraced and secure. Complaint services for sexual violence must be adequately empowered and accessible in various target areas to ensure easy reach for victims. Additionally, these services should utilize social media platforms while maintaining confidentiality for victims. It is crucial that these services are staffed by competent professionals and follow well-defined Standard Operating Procedures (SOPs) to prevent instances of victim-blaming or discomfort.

¹⁶Raden Muhammad and Arvy Ilyasa, "Legal and Victimological Perspective on Sexual Violence Against Children Cases in Indonesia," *The Indonesian Journal of International Clinical Legal Education* 3, no. 3 (2021), <https://doi.org/https://journal.unnes.ac.id/sju/index.php/iccle/article/view/48269>.

¹⁷M. Khozim (Penerjemah) Lawrence M. Friedman, *Sistem Hukum Perspektif Ilmu Sosial, Terjemahan. M. Khozim* (Bandung: Bandung, Nusa Media, 2015).

The third point highlights the importance of supporting the families of sexual violence victims. Families should receive assistance and psychological support, and be educated on how to handle and support victims. As the primary support network for victims, families need to be adequately prepared to aid in the victim's recovery without perpetuating blame. Furthermore, education should extend to the community and school environments to prevent stigmatization of victims and their families.

The fourth point stresses the need for additional regulations to clarify the implementation of the *TPKS* Law. These regulations should facilitate understanding and application of the law by officers and other relevant parties, ensuring that the law is effectively implemented rather than remaining underutilized.

The final point addresses the inadequacy of current restitution measures for covering the mental, physical, economic, and educational needs of sexual violence victims. While government support is essential, the researcher advocates for the establishment of a donation system or assistance fund managed by state institutions. Such a fund would provide additional financial resources to support victims and ensure that their rights are effectively upheld.

The author contends that the responsibility for implementing the *TPKS* Law and protecting victims of sexual violence extends beyond the government to encompass our collective obligation. Safeguarding the rights of women who are victims of sexual violence requires more than the efforts of law enforcement alone. While law enforcers are tasked with imposing fair sanctions on perpetrators and deterring future incidents, they must collaborate with other state institutions dedicated to child protection. These institutions—including the Indonesian Police, the Witness and Victim Protection Agency (LPSK), the Indonesian Women's Protection Commission (KPAI), P2TP2A, and various organizations focused on women's empowerment and child protection—play a crucial role in addressing and mitigating the impacts of sexual violence on victims.

A comprehensive social approach is essential, involving both government and society in the protection of sexual violence victims and the fulfillment of their rights. The government must ensure that regulations guarantee victim protection and rights, while society must actively oversee and implement these protections through prevention and resolution strategies. Government-initiated programs should be supported by societal efforts to ensure effective implementation.

Achieving ideal legal protection and justice for women victims of sexual violence requires coordinated effort from all societal levels. It is imperative to monitor the enforcement of protective measures to uphold justice for both victims and perpetrators. By effectively implementing these protections, the aim is to achieve Pancasila justice, which embodies fairness and respect for human dignity in alignment with fundamental rights. This collaborative effort will contribute to the realization of comprehensive legal protection and justice for all citizens of Indonesia.

C. Conclusion

Sexual violence can occur in various settings, including the workplace. In such environments, sexual violence often results from imbalanced power dynamics between the perpetrator and the victim. For instance, a perpetrator who holds a position of authority, such as a village official, may exploit their power, leading victims to adopt a passive stance. Additionally, gender disparities significantly contribute to the prevalence of sexual violence against women in the workplace. Addressing this issue requires substantial efforts to mitigate the impact of power imbalances. The application of criminal law to sexual violence, as demonstrated in the Supreme Court's Cassation Decision Number 1173 K / Pid / 2022, relies

on legal facts derived from statements by victims, defendants, and evidence, as well as considerations of the Public Prosecutor's demands and the judges' assessments. Sexual harassment in the workplace negatively impacts productivity and undermines employees' sense of security and comfort. Prior to the enactment of the *TPKS* Law, sexual violence regulations were dispersed across various legal frameworks, including the Criminal Code (KUHP), the Criminal Procedure Code (*KUHAP*), and several specific laws such as the Child Protection Law, the Law on the Elimination of Domestic Violence, the Law on the Eradication of Human Trafficking, the Pornography Law, and the Electronic Information and Transactions Law. The *TPKS* Law consolidates these fragmented regulations into a single, comprehensive legal framework. Effective implementation of this law is crucial for achieving justice and protecting victims. The establishment of a unified legal framework supports the development of a robust legal culture, facilitating successful law enforcement and ensuring the protection of victims' rights.

D. Suggestion

To prevent and address sexual violence, particularly in the workplace where power dynamics play a significant role, the Manpower Office should establish clear regulations concerning acts of sexual harassment. Additionally, it is crucial for the Manpower Office to supervise the implementation of these regulations to ensure they are enforced effectively. To ensure the rights and protection of victims of sexual violence, it is essential to conduct comprehensive socialization efforts. This should include educating law enforcement officers and the community about the nature, forms, and perpetrators of sexual violence, as well as the available protections for victims. Such initiatives will enhance understanding and support for effective intervention and protection measures.

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