

Socialization of Law No. 12 of 2022 on Sexual Violence Offenses

Esti Aryani¹, Triwanto², Marihot Janpieter Hutajulu³

^{1,2}Faculty of Law, Slamet Riyadi University Surakarta, Indonesia
Jl. Sumpah Pemuda 18, Joglo, Kadipiro, Surakarta, Indonesia

³Faculty Of Law Satya Wacana Christian University, Indonesia
Corresponding author : estiarayani29@gmail.com

Abstract

The aim of this legal education is to provide understanding to the mothers of the study group in the village of Banaran, Sragen about prevention, handling, and legal regulations regarding sexual violence crimes. It is hoped that the mothers of the study group members can share their knowledge with other community members. This is essential as sexual violence is a real phenomenon that occurs. Sexual violence can happen anywhere and to anyone. The National Commission on Violence Against Women has received 3,014 cases of gender-based violence against women, including 860 cases of sexual violence in public/community and 899 cases in personal settings from January to November 2022. Socialization of the Law on Sexual Violence Crimes is necessary for the community to prevent sexual violence and create a safe environment free from sexual violence crimes. One way to socialize is by providing counseling to the mothers of the study group in the village of Banaran, Sragen. It is hoped that the mothers of the study group members can share their knowledge with other community members. Counseling is conducted through lectures and interactive dialogues

Date of Submission: 12-08-2024

Date of acceptance: 26-08-2024

I. INTRODUCTION

Sexual violence can occur anywhere and can affect anyone. From January to November 2022, the National Commission on Violence Against Women (Komnas Perempuan) has received 3,014 cases of gender-based violence against women, including 860 cases of sexual violence in public/community settings and 899 cases in personal settings (Press Release by Komnas Perempuan on the International Campaign for the 16 Days of Activism Against Gender-Based Violence (November 25 - December 10, 2022), Jakarta, November 23, 2022

Every citizen has the right to protection from violence and freedom from torture or degrading treatment that undermines human dignity. Sexual violence is a form of violence and treatment that undermines human dignity, contrary to divine and human values, and disrupts the security and tranquility of society.

Up to this point, there have been regulations governing various forms of sexual violence, but the types and scope are still very limited. The existing regulations have not been fully able to respond to the facts of sexual violence that occur and evolve in society. The enactment of Law No. 12 of 2022 on Sexual Violence Crimes is a breakthrough that addresses several issues that were not regulated in the previous existing regulations.

It is essential to conduct socialization of the Sexual Violence Criminal Law to empower the community in preventing sexual violence and to create a safe environment free from such crimes. An effective method of socialization is by providing educational sessions to the mothers attending religious study groups in Banaran village, Sragen. The aim is for these mothers to share their knowledge with other community members.

In order to address the increasing prevalence of sexual violence, it is necessary to conduct socialization efforts, such as providing education to the mothers attending religious gatherings in the village of Banaran, Sragen

IMPLEMENTATION METHODS

Legal counseling is one of the activities for disseminating information and understanding about legal norms and regulations to the public. Legal counseling can be carried out directly or indirectly. The direct method of legal counseling is conducted through face-to-face interaction between the counselor and the counseled, including through integrated legal counseling lectures, socialization of laws, legal counseling exhibitions, mobile legal counseling, and legal consultations. On the other hand, the indirect method of legal counseling is carried out through print and electronic media such as online legal counseling, cultural legal stage performances, talk shows/discussions on television, and talk shows/discussions on the radio. (BPHN, 2016)

The activity of community service is carried out in the form of legal counseling through lectures and discussions with interactive engagement between the presenter and the participants. During the implementation of the counseling, the participants actively participate and the discussions proceed dynamically.



Figure 1 showcases the speaker delivering a lecture and engaging in interactive dialogue with the participants of the legal counseling session.





Figure 2 and 3. The participants of the counseling session are engaging in a pleasant discussion.

II. RESULT AND DISCUSSION

According to the data reported by the Ministry of Women Empowerment and Child Protection through the Online Information System for Women and Child Protection (SIMFONI PPA), the number of sexual violence cases in Indonesia reached 17,384 in 2023. Among the victims, there were 3,469 males and 15,458 females (<http://kekerasan.kemenppa.go.id>)

In an interactive discussion, it was found that there are several possible causes of sexual violence cases, including the perpetrator's desire and opportunity to commit sexual violence, as well as the possibility of the victim's stimulus that encourages sexual violence. Considering the relatively high number of sexual violence incidents, it is necessary to regulate them specifically through Law No. 12 of 2022 concerning Sexual Violence Criminal Acts, taking into account that everyone is entitled to protection from violence and has the right to be free from torture or degrading treatment. Furthermore, sexual violence is contrary to the values of divinity and humanity, and disrupts the security and tranquility of society.

In Article 1 Number 1, it is stipulated that sexual violence refers to any act that meets the elements of a criminal offense as regulated by the law and other acts of sexual violence as regulated by the law as long as specified in this law. Article 4 Paragraph (1) regulates that the criminal offense of sexual violence consists of:

- a. non-physical sexual harassment
- b. physical sexual harassment
- c. contraception coercion
- d. sterilization coercion
- e. forced marriage
- f. sexual torture
- g. sexual exploitation
- h. sexual slavery, and
- i. electronic-based sexual violence,

In addition to the criminal act of sexual violence as referred to in Paragraph (1), the criminal act of sexual violence also includes:

- a. rape,
- b. indecent acts,
- c. sexual intercourse with a child, indecent acts against a child, and/or sexual exploitation of a child.
- d. Acts that violate decency contrary to the will of the victim,

- e. Child pornography or pornography explicitly containing violence and sexual exploitation,
- f. Forcing prostitution,
- g. Criminal acts of human trafficking aimed at sexual exploitation,
- h. Sexual violence within the household,
- i. Money laundering crimes where the original crime is a sexual violence offense, and
- j. Other criminal acts explicitly declared as sexual violence offenses as regulated in the provisions of the legislation.

The Substance of Law No. 12 of 2022 introduces several breakthroughs, including:

1. In addition to classifying the types of sexual violence crimes as regulated in Law No. 12 of 2022, there are also other criminal acts explicitly declared as sexual violence crimes.
2. There is a comprehensive procedural law regulation starting from the investigation stage, prosecution, and examination in court sessions while still considering and upholding human rights, dignity, and without intimidation.
3. Victims of sexual violence have rights that include:
 - a. Right to treatment
 - b. Right to protection, and
 - c. Right to recovery

The rights to treatment include: the right to information regarding the entire process and outcomes of treatment, protection and recovery, the right to obtain documents regarding the results of treatment, the right to legal services, the right to psychological empowerment, the right to health services including examination, procedures, and medical care, the right to services and facilities according to the specific needs of the victims, and the right to the removal of sexually explicit content for cases of sexual violence involving electronic media. The rights of victims to protection include: the provision of information regarding rights and protection facilities, access to information on the implementation of protection, protection from threats or violence by perpetrators and others, protection of identity confidentiality, protection from demeaning attitudes and behaviors by law enforcement officials, protection from job loss, job transfers, education, or political access, and protection of victims and/or complainants from criminal charges or civil lawsuits for reported acts of sexual violence.

The rights of victims to recovery include: medical rehabilitation, mental and social rehabilitation, social empowerment, restitution and/or compensation, and social reintegration. Crime victims require support and services to recover. The arguments for the need for support and services for victims are as follows: 1) because the criminal justice system has treated victims disproportionately, even tending to exploit them, 2) because the actions of the perpetrators have caused suffering to the victims, 3) because the law enforcement bureaucracy will benefit from the motivation of victims to cooperate in crime prevention efforts, 4) because with the existence of support and services programs, victims will be assisted in overcoming their suffering, 5) because society often places victims in a position that further exacerbates their suffering.¹

Article 39 stipulates that victim or individuals who are aware of, witness, and/or observe incidents of sexual violence are required to report them to the UPTD PPA, technical implementation units, and regional technical implementation units in the social field, Community-Based Service Provider Institutions, and/or the police, both at the location of the victim and where the crime occurred. Medical personnel or healthcare workers are obligated to inform the UPTD PPA technical implementation units and regional technical implementation units in the social field, Community-Based Service Provider Institutions, and/or the police if they encounter any suspicion of sexual violence crimes.

The Unit Pelaksana Teknis Daerah Perlindungan Perempuan dan Anak (UPTD PPA) is an operational technical unit within a government agency that handles matters related to the empowerment of women and the protection of children. Its main function is to provide integrated services for women and children who have experienced violence, discrimination, and other issues. The participation of the community is also crucial in efforts to prevent, support, rehabilitate, and monitor cases of sexual violence. Community prevention can be achieved by promoting literacy about sexual violence to people of all ages, in order to prevent such acts from occurring and to ensure that individuals do not become victims or perpetrators, Socialization of legal regulations on sexual violence crimes, creating an environment that can prevent the occurrence of sexual violence crimes. Community participation in victim recovery is realized by providing information on the existence of sexual violence crimes to law enforcement officials, government agencies, and non-governmental organizations, monitoring the implementation of prevention and victim recovery, providing support for victim recovery,

¹ G Widiartana, 2009, *Viktologi, Perspektif Korban Dalam Penanggulangan Kejahatan*, Jogjakarta, Universitas Atmajaya, Page.64

providing emergency assistance to victims, assisting in filing applications for protection orders, and actively participating in victim recovery efforts.

III. CONCLUSION

Sexual violence is a real phenomenon that occurs. Society needs to gain an understanding of the prevention, handling of sexual violence, and its legal regulations. Society also needs to be educated about the role of the community in preventing sexual violence in order to create a safe environment free from sexual violence crimes. One way of socializing this is by providing education to the mothers attending religious study groups in the village of Banaran, Sragen. It is hoped that these mothers can pass on their knowledge to other members of the community.

SUGGESTION

The interactive dialogue method of counseling should be implemented periodically for the community, as it enables community members to acquire knowledge on sexual violence crimes, encompassing prevention measures, handling procedures, and the community's role in preventing such offenses.

REFERENCES

- [1]. BPHN, 2016, Buku Panduan Penyuluhan Hukum Langsung Melalui Mobil Penyuluhan Hukum Keliling
- [2]. G Widiartana, 2009, Viktimologi, Perspektif Korban Dalam Penanggulangan Kejahatan, Jogjakarta, Universitas Atmajaya,
- [3]. Undang- Undang RI Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual.
- [4]. Siaran Pers Komnas Perempuan Tentang Peringatan kampanye Internasional Hari 16 Anti Kekerasan Terhadap Perempuan (25 November – 10 Desember 2022), Jakarta, 23 November 2022