

The Criticalness of the Law on Sexual Savagery Criminal Demonstration in Battling Sexual Brutality in Indonesia

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Abstract. The reason for carrying out this research is to find out the development of information regarding sexual crimes that occur in Indonesia and to break the hopelessness of the sanctions bill on ending sexual barbarity regarding the truth of the amount of sexual brutality in Indonesia. This exploration uses regular legal examination techniques using legal methodology, an idea approach, and a case approach. The impact of this research shows that sexual outrage offenses continue to increase in various new structures. Forms of sexual brutality not only occur in real contact mindsets, but also in non-actual structures. The high number of sexual brutality cases is caused by several things, including Basically, the readiness of agencies and human resources to handle violations of sexual brutality is still very minimal. Interestingly, current regulations do not yet widely mandate other types of sexual abuse so there is no validity as a reason to prevent, treat and rehabilitate survivors of sexual crimes. Socially, there is still a culture that is centered on men and there are often parties who blame each other. Therefore, the follow-up to the follow-up to criminal acts of sexual outrage (UU TPKS) is currently an important thing as a friendly control to reduce and stop incidents of sexual crime.

Keywords: Urgency; Sexual Violence Crime Law; Sexual Violence.

1 Introduction

In this period of globalization, different issues of basic liberties infringement are developing and expanding consistently practically from one side of the planet to the other, including Indonesia. Common freedoms are fundamental privileges intrinsic in each person normally. These common freedoms apply generally, and that implies that they apply to everybody with no differentiation in light of race, nationality, religion, or orientation.[1] In Indonesia, the arrangements with respect to Common freedoms are contained in Article 28A-28J of the 1945 Constitution of the Republic of Indonesia which is important for the protected privileges of residents.

One of the types of cases of violating human rights that occurred in Indonesia with a high number of cases is cases of sexual violence against women. This is due to the current values in society that still hold the view that the position of women as creatures who are seen as helpless, fragile, and vulnerable. sick compared to men. In addition to this, another thing that causes many cases of acts of sexual exploitation that occur against women is that

currently women are still positioned as subordinated and marginalized who must be subjugated, exploited, and enslaved by men and women who are still considered lower class citizens or less. important. There are different delicate issues that have been capable by ladies in life on the planet, including Indonesia, specifically as demonstrations of sexual savagery, lewd behavior, murder, assault, and mistreatment. Thusly, touchy weak ladies become focuses of criminal demonstrations (survivor of wrongdoing) inside the standards of respectability [2]

As per Komnas Perempuan's 2020 yearly records delivered in Walk 2021, there were 1983 instances of sexual brutality in the individual circle. From this information, there were 215 instances of inbreeding, 309 instances of assault, 412 instances of lewd behavior, 220 inappropriate behavior, 26 endeavored assaults, 15 sex, 70 sexual double-dealing, 57 conjugal assault, 9 constrained fetus removals, 329 orientation based sexual brutality (KBGS), 321 savagery other sex.[3] In any case, not all survivors of sexual viciousness get equity and recuperation from the different effects of sexual viciousness they have encountered. There are numerous snags going from regulations and guidelines, working techniques and viewpoints of cops to the non-incorporation of the criminal regulation framework with the recuperation framework and a culture that faults casualties.[3]

As indicated by Komnas Perempuan's Yearly Records (CATAHU) delivered each Walk 8, the quantity of sexual brutality against ladies from 2011-2019 was recorded at 46,698 cases. The instance of assault is the situation with the most noteworthy record with a sum of 9,039 cases. In any case, assuming we take a gander at current realities, it shows that there are numerous survivors of sexual viciousness who would rather not report in light of dangers from the culprit focused on the person in question and the way of life of casualty accusing. The disposition of accusing the casualty so far is a suspicion that sexual viciousness didn't completely happen in light of the shortcoming of the culprit, yet additionally the shortcoming of the casualty is much of the time seen as welcoming the culprits to do things the casualty doesn't need, specifically sexual demonstrations. 12 years, viciousness against ladies expanded very nearly multiple times or by 792%. [4]

The Pastor of PPPA expressed that casualties of sexual savagery still frequently get shame and unjustifiable treatment from the local area so a large number of them are hesitant to report as well as resolve their concerns without using lawful procedures. Enhancing the anticipation and treatment of sexual violence is important. He stressed that it is essential to have a situation that ensures the freedoms of casualties, focuses on truth, equity and recuperation and forestalls repeat of cases.[5]

In the public degree, ladies truly do help a unique spot through the guideline of the security of common freedoms ensured in Regulation Number 39 of 1999 concerning Basic liberties. Ladies' common freedoms depend on the privileges of an orientation viewpoint and the right to hostile to separation. As well as being contained in Regulation Number 39 of 1999, itemized plans for the security of ladies' privileges are contained in a few regulations and guidelines that are as yet dissipated, like the Crook Code (KUHP), Regulation Number 1 of 1974 concerning Marriage, The Kid Insurance Regulation, the Lawbreaker Demonstration of Dealing with People and Regulation Number 23 of 2004 concerning the Disposal of Aggressive behavior at home (UU PKDRT).[6] The issue is, these proper principles don't be guaranteed to kill different endeavors of segregation and minimization.

The ongoing regulation doesn't cover all age levels. The level of weakness of the frail is deteriorating paying little heed to mature reach, social class, and orientation. For instance, ladies north of 18 years of age are unmarried or unmarried and are not snared in illegal exploitation, so they can't be shielded from the ongoing regulation.

The Lawbreaker Code likewise just directs assault and vulgarity. In the interim, as per Komnas Perempuan, sexual savagery is separated into 15, in particular: Assault, Constrained Pregnancy, Sexual Terrorizing including Dangers or Endeavored Assault, Constrained Fetus removal, Inappropriate behavior, Constrained contraception and cleansing, Sexual Abuse, Sexual Torment, Dealing of Individuals for Sexual Purposes, Discipline harsh and physically nuanced, constrained prostitution, conventional acts of sexual subtlety that damage or victimize ladies, sexual subjection, sexual control, including through prejudicial guidelines because of reasons of ethical quality and religion, and constrained marriage, including hanging.[4] The Lawbreaker Code and the ongoing guidelines just manage actual sexual viciousness, despite the fact that right now lewd behavior is likewise done non-truly. As a matter of fact, in the undeniably quick and complex improvement of the world as it is today, violations are not just brought out straightforwardly through actual contact. Be that as it may, it should likewise be possible verbally or web based utilizing innovation and web offices or what is called internet based orientation based brutality (KBGO).[1]

In this way, it very well may be seen that both the Crook Code, the PKDRT Regulation and the Youngster Security Regulation are as yet not significant enough to oblige sexual brutality. This incorporates the different types of sexual viciousness depicted previously. Consequently, a regulation is required that can supplement it with a particular nature that directs and manages all matters. types of sexual viciousness. In this way, the presence of regulations that explicitly direct sexual viciousness is vital to give certifications of security and lawful conviction for survivors of sexual brutality inside a more wonderful reach to limit cases that happen.[8]

As a dynamic reaction, the public authority has remembered the Bill for the Disposal of Sexual Viciousness as Vital Prolegnas in 2021 which has been sanctioned into the Crook Demonstration of Sexual Brutality (UU TPKS) in 2022. So the approval of the Crook Follow up on Sexual Brutality (UU TPKS) is a dire matter so it can address the local area's issues for security of sexual savagery.

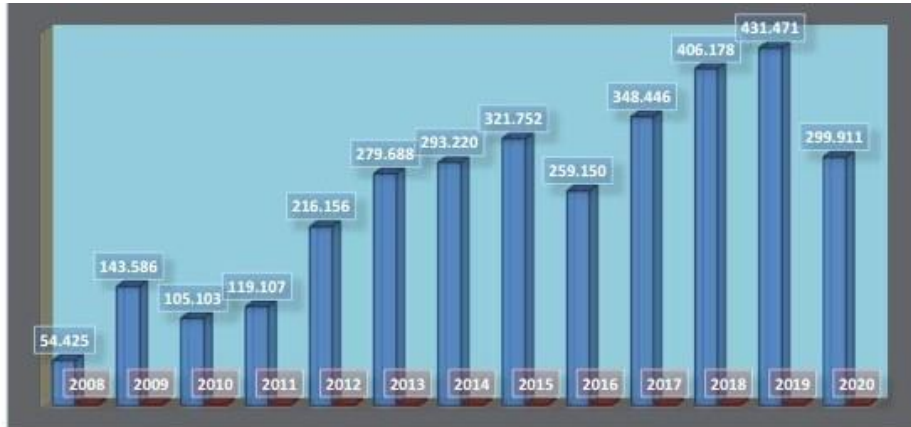
In view of the clarification above, it tends to be seen that there is a desperation for the presence of legitimate instruments as guidelines that can give an umbrella to sexual brutality itself. Hence, social control expects to accomplish concordance among soundness and change in the public eye.[9] With law and order that is made, it will actually want to forestall and give great treatment of different issues of social viciousness that happen because of social changes in the public arena.

Thus, this study examines the improvement of information on sexual savagery that happened in Indonesia and the criticalness of the Follow up on the Wrongdoing of Sexual Brutality (UU TPKS) in handling sexual viciousness in Indonesia. Contrasted with past examination, this study dissects the earnestness of the guideline in tacAkling sexual viciousness utilizing the overall set of laws hypothesis proposed by Lawrence M. Friedman, which inspects in light of the lawful construction, legitimate substance, and lawful culture of the issues of sexual brutality that happen. In doing composing, utilizing regulating research methods[9] and the kind of distinct examination. This examination was led utilizing a legal methodology, an idea approach, and a case approach.[10]

2 Discussion

2.1 Development of data on the occurrence of sexual violence in Indonesia

In 2020 the quantity of savagery against ladies diminished by around 31.5% from the earlier year. What is critical to note is, the decline in the quantity of cases in 2020 (299,911 cases consisting of 291,677 cases in the Religious Courts and 8,234 cases from questionnaire data from service providers) compared to the previous year (431,471 cases - 416,752 cases in religious courts and 14,719 questionnaire data), does not mean the number of cases decreased. In line with the results of the survey on the dynamics of ID cards during the pandemic, the quantity of cases diminished because of 1) casualties being near culprits during the pandemic (PSBB), 2) casualties having a tendency to gripe to their families or being quiet, 3) innovative proficiency issues, 4) grievance administration models were not prepared. with pandemic circumstances (not yet adjusted to changing grumblings on the web). For instance, because of the pandemic, strict courts have restricted their administrations and procedures (this caused the separation rate to drop by 125,075 cases from a year ago). Moreover, the quantity of polls returned has diminished by just about 100% from the earlier year. Accordingly, on the off chance that the strict court gets back to offer types of assistance to the surprise of no one and returns a similar poll as the earlier year, it is sure that the quantity of cases will increment. Assuming determined all things considered, in 2019 every establishment had 61 cases, while in 2020 it expanded to 68 cases in every foundation. Accordingly, assuming that the poll returns are equivalent to the earlier year, there will be an increment of 10% or identical to 1700 cases.[3] The accompanying chart shows the quantity of sexual brutality that happened from 2008-2020:[3]



Graphic 1 : All out Savagery Against Ladies in 2008-2020 in view of KOMNAS Perempuan's CATAHU.

Sexual savagery can take many structures. As indicated by Komnas Perempuan, there are 15 types of sexual savagery, to be specific:[4]

- 1) Rape
- 2) Forced Pregnancy
- 3) Sexual Intimidation including Threats or Attempted Rape
- 4) Forced Abortion
- 5) Sexual Harassment
- 6) Forced contraception and sterilization
- 7) Sexual Exploitation
- 8) Sexual Torture
- 9) Trafficking of Women for Sexual Purpose
- 10) Inhuman and sexual punishment
- 11) Forced Prostitution
- 12) Traditional sexual practices that harm or discriminate against women
- 13) Sexual Slavery
- 14) Sexual control including through prejudicial principles in light of profound quality and religion
- 15) Forced marriage, including hanging divorce

With respect to and fetus removal, it isn't controlled in the Sexual Viciousness Regulation (UU TPKS). This is on the grounds that in Article 389 of the Lawbreaker Code Bill [12] additionally directs types of sexual viciousness, for example, assault, which peruses:[13]

- (1) Sentenced to imprisonment for a maximum of 12 years and a minimum of 3 years for the crime of rape.

First: a man has intercourse with a woman against the will of the woman. Second: a man has intercourse with a woman without the woman's consent.

Third: a man has intercourse with a woman with the woman's consent, but this consent is achieved through threats to be killed or injured.

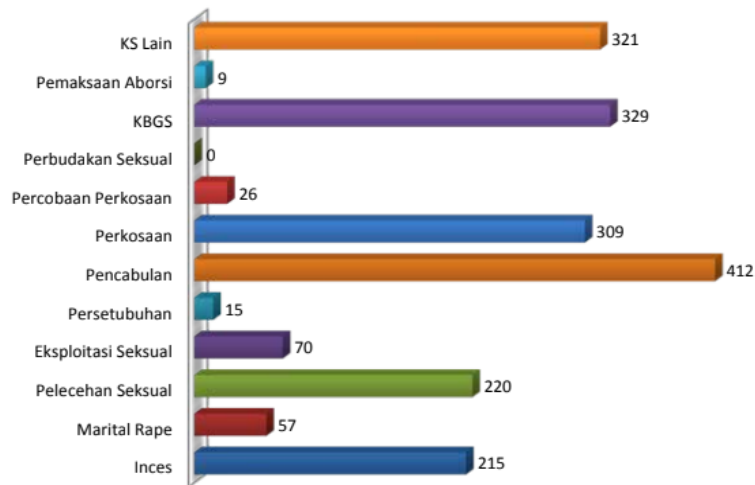
Fourth: a man has sexual intercourse with a woman with the woman's consent because the woman believes that he is the person he should agree to.

Fifth: a man who has intercourse with a woman under the age of 14 with his consent.

- (2) Also deemed to have committed a crime of rape with a maximum sentence of 12 years and a minimum of 3 years if in the circumstances referred to in paragraphs 1 to 1 to 5 above First: a man inserts his genitals into the anus or mouth of a woman. Second: Whoever inserts an object that is not part of his body into the vagina or anus of a woman.

Types of savagery against ladies in private/confidential connections. The most successive type of savagery was physical (31% or 2,025 cases) trailed by sexual viciousness (30%/1,938 cases). Moreover, mental brutality arrived at 1,792 cases or 28% lastly monetary savagery arrived at 680 cases or 10%. This example is equivalent to the earlier year's example. Sexual viciousness is reliably the second generally detailed and shows that home and individual connections are not yet a protected spot for ladies.

In view of information ordered from Komnas Perempuan with respect to the quantity of sexual savagery that happened in 2020, which was delivered in Walk 2021, they are as per the following:



Graphic 2: Kinds of Sexual Savagery in the Domain of Aggressive behavior at home/Individual Relations in 2020 (N-1983 Cases)

Unique in relation to 2019 where inbreeding turned into the most noteworthy kind of sexual viciousness in the domain of abusive behavior at home/RP. This year indecency positions first, specifically 412 cases. sexual longing, for instance kissing, grabbing the privates, grabbing the bosoms, etc." Subsequently, the meaning of sexual maltreatment itself is even more an actual assault, yet doesn't include entrance.[14]

The wrongdoing of foulness in its application is likewise utilized as an auxiliary article for the wrongdoing of assault, which is undeniably challenging to demonstrate,

which for this situation should be demonstrated by entrance. So this is difficult for the casualty with regards to evidence. It ought to be noticed that contrasted with last year, digital orientation based viciousness (KGBS) in the space of aggressive behavior at home/RP expanded from 35 cases to 329 cases. This truly intends that there was an increment of 920% KGBS in the domain of aggressive behavior at home/RP contrasted with the earlier year.[14]

The following are some examples of cases of violence that occur, both in the educational environment, the environment, and the family, including:

2.1.1 Incest case against three biological children in East Luwu which is not enough evidence

ARP (female, age 7 years), RR (male, age 5 years), AAR (female, age 3 years), victims of rape allegedly committed by SA's biological father. This case was reported to the East Luwu Resort Police. In the process of requesting the victim's information, R as the mother is prohibited from accompanying and is not allowed to first read the BAP of the victim's children. Investigators immediately asked R to sign it. Through SP2HP the Police informed that they had stopped the case investigation process based on the recommendation of a case title, with the conclusion that 2 (two) sufficient evidence was not found.[14]

2.1.2 Cases of violence in the world of education: Obscenity of 6 (six) female students by a Advisor at the University of Palangkaraya

Criminal, Administrative and Campus Support for Victims of Dr. PS, a lecturer and Head of the Education Study Program, FKIP University of Palangkaraya, committed sexual violence against 6 (six) female students under his guidance. The judge of the Palangkaraya District Court stated that PS was guilty of committing a crime of obscenity and was sentenced to 6 (six) months in prison. The Ministry of Law and Human Rights grants the assimilation of the perpetrators so that they can then carry out activities on campus, which causes re-traumatization for the victims.[14]

2.1.3 Rape by Friends: Pregnancy and the Bad Stigma of Victims

CMGP is someone who is 17 years old. She is a victim of rape allegedly committed by MJT. The rape occurred when the perpetrator took the victim to his house. The victim's parents reported the child's case to the North Sulawesi Regional Police and made MJT a wanted list. As a result of the events that have been experienced and the legal process in such a way, it makes the victim feel depressed, scared and even traumatized.

Not to mention that the victim's family received information from relatives that the perpetrator was still free to roam outside. The victim's suffering also continues because of her pregnancy, not to mention that the child that the victim is carrying has been born. So that it will automatically lead to a more social burden that will be experienced by the victim. [14]

2.1.4 Daughter of Rape Victim of Husband's Friend: Loss of Safe Space in Friendship

S is the daughter of a victim of rape by two of the victim's neighbors who are friends of her husband, namely AG and DS. They both came to the victim's house to meet the victim's husband. When the victim's husband went to the shop to buy cigarettes, the perpetrator took advantage of the situation by raping the victim who was in his room. After the victim's husband returned from the shop, he saw that his wife had been raped, fought with the two perpetrators until the local community broke up. After the rape, the victim experienced fear, trauma,

continued to cry, and finally told the incident to her uncle. The victim's uncle immediately made a report to the Pasuruan Resort Police. But unfortunately, since reporting the two perpetrators have not been arrested and are even still free to be around the victim's neighborhood and several times are still trying to meet the victim. This will actually make the victim feel more traumatized.

In view of the information above, it tends to be presumed that the wrongdoing of sexual savagery is as yet progressing and, surprisingly, expanding. Other than happening in the domain of family or individual connections, sexual brutality additionally happens in the realm of schooling and strict establishments. Everybody can possibly turn into a casualty. Sexual savagery takes a gander at no perspective, separation can happen either in light old enough, orientation or power relations between understudies, understudies and educators, ustadz, and teachers.[14]

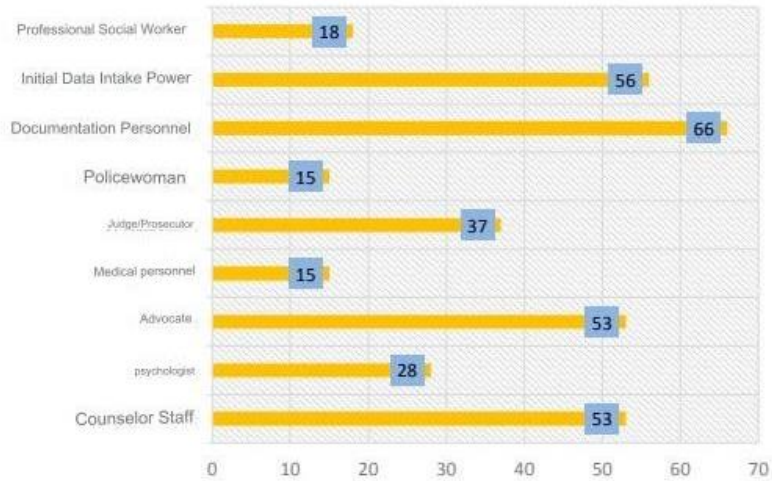
The fundamental deterrents in getting to equity are evidence of sexual viciousness to decide the culprit as a suspect, the suspect isn't promptly captured, causing a sensation of uncertainty for the person in question and the casualty's family in light of the fact that the culprit is still running wild, extended defers that take a timeframe that are not even educated and furthermore administration strategies in unfortunate policing. Notwithstanding the absence of admittance to equity in the law enforcement framework, there is a legitimate vacuum and lawful vulnerability for compensation of casualties and youngster casualties in the event that the culprit has kicked the bucket, as well as the lawful legitimacy of a few regulations like the Marriage Regulation, Kid Security Regulation and Basic freedoms Regulation in kid marriage. sequentially doesn't oblige sexual brutality extensively. This makes a hole in the quantity of instances of sexual brutality in Indonesia.

2.2 The urgency of the ratification of the Bill on the Elimination of Sexual Violence against the reality of the high number of sexual violence

The adequacy and outcome of policing contact the three legitimate parts introduced by Lawrence M. Friedman which include: (a) Lawful design, as in the legitimate construction is a legitimate foundation that upholds the overall set of laws itself, which comprises of authoritative documents, legitimate establishments, legitimate instruments, and their cycles and execution. (b) Legitimate substance, which is the substance of the actual law, implying that the substance of the law should be something that expects to make equity and can be applied in the public arena. (c) Legitimate culture, this is connected with the impressive skill of regulation masters in doing their obligations and capabilities joined by open mindfulness in submitting to the law itself.[15] Hence, as to the direness of the endorsement of the Bill on the Disposal of Sexual Savagery as a truth of the great number of sexual viciousness happening, essentially there are a few things that can be utilized as a premise, to be specific:

2.2.1 Legal Structure

Knowing the condition and circumstance of administration establishments is exceptionally essential since it affects revealing information on viciousness against ladies. Coming up next is the HR information held by the establishment as an accomplice in managing violations of sexual brutality:



Graphic 3: HR Claimed by CATAHU Accomplice Organizations in 2020

In the information, the most HR possessed are documentation staff, trailed by beginning information faculty, backers, and guides. There is likewise an Adjudicator/Investigator. In the mean time, the most minimal accessible assets in help organizations are analysts, and female clinical and police staff. Despite the fact that these three are vital for the most common way of taking care of casualties, the numbers found are extremely less.[14]

Then again, the boundaries to policing taking care of instances of sexual brutality are brought about by: (1) The inexorably different types of sexual savagery and the intricacy of taking care of criminal demonstrations of sexual brutality that poor person been directed by regulation, (2) Number of policing The law is as yet restricted and doesn't have the viewpoint of common liberties and casualties, (3) legitimate dealing with isn't coordinated with the casualty recuperation framework, and (4) a culture of viciousness that puts the casualty faulted for the sexual viciousness that has happened to him. These issues can't be settled due to the shortfall of a thorough lawful umbrella. Thorough regulation should contain six key components, to be specific: (1) criminal demonstrations of sexual savagery, (2) exceptional procedural regulation, (4) rights of casualties, families and witnesses, (5) anticipation, coordination and management (6) local area and family cooperation.

Concerning number of cops, as of now the Sexual Savagery Act (UU TPKS) controls 9 new types of sexual viciousness. In this manner, there will be an extraordinary requirement for additional policing supporting staff in taking care of different cases. The presence of guidelines in regards to online-based sexual savagery (KBGO) will likewise require the public authority to get ready experts in this field to deal with different cases that happen.

Establishments, for example, the police are additionally undeniable in settling non-lawful cases which they at times decipher as Helpful Equity. There were 87 cases that were settled by non-legitimate settlement at the Police (UPPA). The effect of carrying out this system doesn't help the person in

question, yet rather helps the culprit and cops. This study prescribes to APH that elective systems like intervention/helpful equity can be kept away from and to KPPPA and Komnas Perempuan to foster clear norms on cases that can be settled through supportive equity and the most common way of taking care of them through enabling casualties by facilitators who have specific capabilities.

It ought to be noticed that sexual savagery has a pessimistic effect on the off chance that it isn't halted right away, regardless of whether this effect can prompt Post Traumatic Stress Disorder or PTSD, which is a condition that emerges in the wake of encountering a phenomenal occasion that is grasping, frightening and, surprisingly, perilous for an individual, like a cataclysmic event, serious mishaps, sexual maltreatment (sexual viciousness), or war furthermore that it can likewise make passing the victim.[16] Somebody who encounters side effects of Post Traumatic Stress Disorder is seen with a feeling of anxiety.[17] Subsequently, the presence of clinicians, clinical staff and female cops is a lot of required as a work to recuperate and help casualties of sexual brutality. This is thinking about the many effects that happen on survivors of sexual viciousness, particularly with respect to mental recuperation and assurance.

Likewise, in view of orientation balance, accomplice administration establishments on normal have 63% female HR, while just 37% male. In spite of the fact that there are not many men, their association is essential to be important for the consideration regarding savagery experienced by ladies. In the event that conceivable, it is important to expand the job of men in supporting the security against sexual violence.[14] With a great deal of help from men, it will accomplish a typical viewpoint and energize the acknowledgment of assurance against sexual brutality.

In the mean time, in the guideline on counteraction, dealing with and recuperation arrangements in various help foundations, 43 expressed that they had and 35 didn't, while others didn't finish up or answer the poll. Inquiries regarding the standards of this arrangement are to give a sad remnant of the status of these establishments concerning their inside conditions and circumstances concerning brutality against ladies on the off chance that it happens inside their own institutions.[14] Essentially, the preparation of the foundation in managing instances of sexual savagery is exceptionally vital. Besides, the quantity of cases that happened and the many effects caused and should be taken care of with the preparation of a decent dealing with framework.

For instance, in the US, the casualty's all in all correct to talk with policing in regards to the settlement of her case incorporates the casualty's on the right track to propose types of authorizations for the culprit [18] One more right that can likewise be conceded to casualties is to "give data to the police that is liberated from strain and dangers from different gatherings. Simultaneously, this right can assist with unveiling cases that happen." [19] Data isn't just given by the casualty to the policing, however then again, data connected with the most common way of settling the case from policing given to the casualty is likewise extremely helpful and significant for the person in question.[20]

In view of this, it tends to be reasoned that HR and institutional status in managing violations of sexual savagery are as yet deficient. It is important to build the quantity of mental work force, clinical faculty, and female cops as well

as to fortify the preparation of organizations with regards to counteraction, treatment and recuperation. Both the treatment of lawbreakers and the treatment of casualties, particularly with regards to recuperating and safeguarding survivors of sexual brutality. So a framework for taking care of sexual viciousness can be shaped appropriately.

2.2.2 Legal substance

Infringement and demonstrations of viciousness against ladies can happen in different classifications of safeguarded privileges, which can be depicted as follows:[1]

- 1) Right to freedom, equality and self-integrity. Actions taken can be in the form of barriers to dress by a party based on gender, barriers to movement, prohibition of driving, slavery and trafficking in women, rape, and torture.
- 2) Right to legal equality Violations that can occur, such as not getting adequate facilities and not getting an impartial legal system or an independent legal system.
- 3) Political and democratic rights Violations of these rights can take the form of denial of the right to nominate oneself, fraud and intimidation in elections, restrictions on gatherings, and denial of asylum.
- 4) The right to education can be violated through the provision of inadequate facilities and high education costs.
- 5) The right to work and economic rights Actions that occur can take the form of no promotion, refusal of payment to female workers while on maternity leave, dismissal without notification and wage discrimination.
- 6) Right to reproduce Can occur due to forced sterilization, forced contraception, forced abortion, forced pregnancy, rape, sexual harassment and female genital mutilation/cutting.
- 7) Right of marriage and family

Brutality against ladies can be alluded to as orientation based savagery. Orientation based savagery emerges because of the imbalance of force relations that happens among ladies and men. The meaning of sexual brutality against ladies as per the Statement on the End of Savagery against Ladies is any demonstration in light of orientation based segregation that outcomes in or is probably going to bring about physical, sexual or mental damage or enduring to ladies, including dangers of such demonstrations, pressure or erratic hardship, whether that happen in the open arena as well as in the private or confidential circle. The types of savagery against ladies can happen in different ways, including:[5]

- 1) Physical, sexual and mental viciousness executed in the family, including beatings, sexually molesting girls in the family, raping in a marriage relationship, mutilating or castrating female genitalia as well as traditional practices that can harm women and non-violent violence. by partners and violence regarding exploitation.
- 2) Physical, sexual and mental brutality committed locally, like assault, rape, lewd behavior and terrorizing at work, instructive organizations and somewhere else, dealing with ladies and constrained prostitution.
- 3) Physical, sexual and mental brutality executed or excused by the state, any place it happens.

There are a few explicit public instruments connected with sexual viciousness, specifically:

- 1) Law Number 23 of 2004 concerning the Disposal of Aggressive behavior at home (KDRT).

Aggressive behavior at home (KDRT) was at first thought to be as aggressive behavior at home that was not managed by the state. Nonetheless, because of the huge number of reports with respect to aggressive behavior at home encountered, the public authority likewise made a unique guideline as Regulation Number 23 of 2004 concerning the End of Abusive behavior at home.

Violence that occurs in the family, can not only be done by a husband, but also his wife and children. Violence can occur between people who have power to people who are weaker, both men and women can become victims of domestic violence.

Therefore, what is emphasized here is violence perpetrated against parties whose position is subordinated.¹⁹ Often women are treated as secondary beings who have a position below men and are considered weaker, which makes many cases of domestic violence experienced by women.^[21]

- 2) Law Number 21 of 2007 concerning Annihilation of the Wrongdoing of Dealing with People (PTTPPO).

In line with the idea of the abolition of all forms of slavery which are basic rights and human rights, Indonesia has enacted Regulation Number 21 of 2007 concerning the Annihilation of the Wrongdoing of Dealing with People.

Cases of human trafficking are very vulnerable to occur in migrant workers, domestic workers (PRT) and commercial sex workers. The Criminal Code (KUHP) in article 297 has included a prohibition on trafficking in women and trafficking in boys who are not yet mature, but this rule has not been comprehensively regulated and the sanctions given are only in the form of imprisonment for a maximum of 6 years. Thus, the importance of making the PTTPPO Law is in order to eliminate various kinds of trafficking in persons.

- 3) Law Number 23 of 2002 concerning Child Protection.

With the enactment of Law Number 23 of 2002 concerning Child Protection which later underwent changes to Law Number 35 of 2014 is one of the right steps to provide protection for Indonesian children, particularly those connected with the issue of pedophilia, on the grounds that the law by and large ensures the satisfaction of kids' freedoms so they can develop, create and take an interest ideally as per their poise and huge issues.^[22]

In any case, the presence of these different regulations and guidelines has not followed and safeguarded the different ages and types of sexual savagery that happened thoroughly. In this way, survivors of sexual viciousness need a lawful umbrella that gives a feeling of equity. In the Lawbreaker Code (KUHP), sexual savagery that can be sorted as a wrongdoing just incorporates two things, to be specific assault and inappropriate behavior or vulgarity. Truth be told,

verbal or sexual viciousness has turned into a demonstration in this nation, however there is as yet a lawful vacuum in its guideline.[23]

As indicated by Komnas Perempuan, there are 15 types of sexual savagery, to be specific [24]

- 1) Rape
- 2) Forced Pregnancy
- 3) Sexual Intimidation including Threats or Attempted Rape
- 4) Forced Abortion
- 5) Sexual Harassment
- 6) Forced contraception and sterilization
- 7) Sexual Exploitation
- 8) Sexual Torture
- 9) Trafficking of Women for Sexual Purposes
- 10) Punishment is inhumane and sexually nuanced
- 11) Forced Prostitution
- 12) Implementation of traditional sexual nuanced practices that harm or discriminate against women
- 13) Sexual Slavery
- 14) Sexual control, including through discriminatory rules for reasons of morality and religion
- 15) Forced marriage, including hanging divorce.

At present, the type of sexual wrongdoing is endlessly developing. The quick improvement of the universe of innovation, Online Orientation Based Brutality (KBGO). KBGO is an activity that can be done broadly utilizing advanced innovation. KBGO is an activity that can be completed generally utilizing computerized innovation, including endeavors to control the correspondence arrangement of a companion or ex-mate, following and badgering through broadcast communications media and virtual entertainment stages. Also, KBGO can appear as uncovering individual data (doxxing) or transferring fierce substance, for example, non-consensual sharing of physically intriguing photographs and recordings of ladies.[25]

In the Draft Law on the Elimination of Sexual Violence, sexual violence is classified into nine types, namely:

- 1) Sexual harassment
- 2) Eksploitasi seksual
- 3) Forced contraception
- 4) Forced abortion
- 5) Rape
- 6) Forced marriage
- 7) Forced prostitution
- 8) Sexual slavery, and
- 9) Sexual torture

The more extensive meaning of sexual savagery in the PKS Bill is supposed to have the option to arrive at the culprits who have so far got away from legitimate ensnarement simply because their activities don't meet the components of lawfulness as a wrongdoing.[26] The extension of the

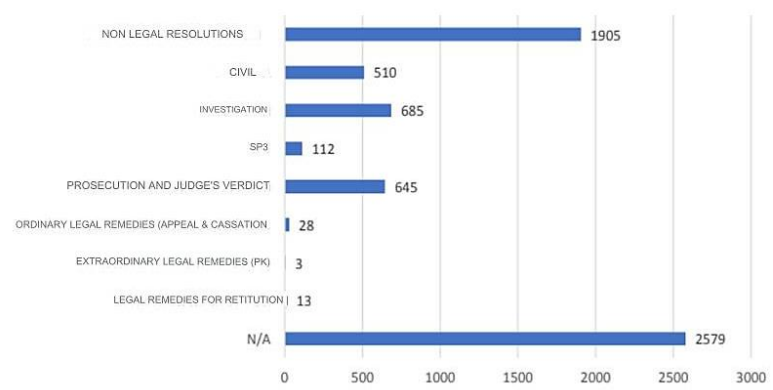
classification of sexual savagery in the Draft Regulation on the End of Sexual Brutality is supposed to have the option to direct more thoroughly and have the option to arrive at all types of sexual viciousness that happen to accomplish equity.

Draft Regulation on the Disposal of Sexual Savagery, one of the 9 (nine) types of criminal demonstrations of sexual brutality is assault which is universally qualified as a serious infringement of common freedoms. In the Worldwide Lawbreaker Court (ICC) casualties are given legitimate security through reserving the privilege to partake during the time spent settling their cases through the law enforcement framework.[27] In addition to providing legal protection for victims in the form of participation in the judicial process, the ICC also provides rights in the form of repairs as well as other legal protections, including restitution or reparation.[28]

In the Follow up on the Wrongdoing of Sexual Viciousness (UU TPKS) figures out 9 kinds of sexual brutality that will be rebuffed, and gives a legitimate umbrella to criminal methods and casualties' freedoms for infringement of criminal demonstrations of sexual savagery in different regulations. Coming up next are 9 kinds of sexual brutality cases that will be condemned in this Draft Regulation.[11]

In Indonesia, equity for casualties and culprits has not been gotten as expected, as recently made sense of, the substance of public regulation has not completely managed the extent of criminal demonstrations of sexual viciousness, going from anticipation, treatment, security, and recuperation of casualties. However casualties of sexual brutality need security.

Coming up next are types of settlement of instances of sexual savagery that are presently happening:



Graphic 4: types of settlement of instances of aggressive behavior at home/RP in light of CATAHU KOMNAS Perempuan in 2021

The quantity of non-legitimate settlements represents that the treatment of instances of sexual brutality has not been working out in a good way. The fundamental issue that is much of the time experienced by the groups of casualties or key observers of survivors of sexual brutality is that they frequently get dangers or even viciousness to quiet their declarations. Hence, it is trusted that the Draft Regulation on the Disposal of Sexual Savagery won't just

safeguard survivors of direct brutality, yet additionally give assurance to the groups of casualties and witnesses who wish to give their declarations during the legitimate cycle.

Something else that makes this bill vital to help is the presence of a component of restoration for culprits of sexual brutality. The PKS Bill safeguards survivors of inappropriate behavior, yet it additionally gives recovery to culprits of sexual viciousness (article 88 passage (3)). Above all, the capability and motivation behind this recovery is to keep demonstrations of sexual brutality from reoccurring.[11]

In light of the above depiction, the Draft Regulation on the End of Sexual Brutality should have the option to finish the current lawful guidelines connected with sexual viciousness and become a lex expert that will be utilized to deal with instances of sexual savagery. Already existing guidelines, like the Lawbreaker Code, don't explicitly control types of sexual brutality. In the Lawbreaker Code, it is controlled that the wrongdoing of assault in Article 285 and Article 288 which is considered to have not had the option to give assurance to casualties of sexual savagery. The understanding of brutality realized in Indonesian regulation is when there is entrance between the penis and vagina joined by proof of actual viciousness.

2.2.3 Legal culture

Viciousness against ladies in view of culture (custom) is brutality that happens against ladies in light of social authenticity. Culture contains an arrangement of information and an arrangement of decides or esteems that the local area uses to make a move. A progression of assents and disgrace as a type of social discipline and a system for settling 'customs' endured by ladies since they were considered to have disregarded standards. On the other hand, when an individual is respectful or submissive to existing standards or values, he will get an honor or appreciation from the local area concerned. Endorses and compensations in culture will run by the components created in the social local area concerned, whether or not these qualities or standards are in accordance with or abuse global shows on the end of separation and brutality against ladies (CEDAW) or pertinent regulations.

Of the three examples of settlement of abusive behavior at home/RP cases, specifically: (1) Non-Legitimate Settlement (29%), (2) Lawful Settlement (29%), and (3) Unidentified (N/A) (39%). Non-lawful settlements are completed in different structures, for example, intervention by the family, RT heads, local area, and strict pioneers, as well as standard settlements.

On account of marriage and capture in Focal Sumba, there are likewise guarantees for the sake of adat to legitimize viciousness against ladies by open authorities in West Kalimantan. The primary deterrent in getting to equity is evidence of sexual viciousness to lay out the culprit as a suspect, the suspect isn't promptly captured, bringing about a sensation of weakness for the person in question and the casualty's family, extended delays, and an ignorant period and administration methodology in policing.

The rising number of cases is likewise because of a male centric culture that actually oppresses ladies. The presence of this predominance brings about the subjection of ladies and men or the subjection of ladies in different social exercises. The disposition of men who frequently rule ladies is because of the

sensation of exorbitant manliness (hypermasculinity). The ongoing society has turned into a well established outlook that men are viewed as unrivaled and ladies are viewed as sub-par. This causes orientation disparity. The type of sexual savagery or different types of brutality executed by men against ladies is only an outflow of manliness in their connections or cooperations with ladies.[4]

In Indonesian society, being a victim of sexual violence is considered a disgrace, plus if the victim is a woman. Women are considered unable to take care of themselves and have received 'negative values' in society. Psychologically, this is not good. She has become a victim but has values. Not good in society. Furthermore, he is a victim but does not feel himself as a victim because his ignorance of this is a matter of sexual harassment.[29]

The lawful culture is still casualty accusing the enduring of casualties. Casualty accusing happens when the survivor of a wrongdoing is faulted and is liable for the wrongdoing they have endured, and frequently happens with regards to sexual viciousness. In this issue, a few boundaries decide how commendable a lady is to be accused, for instance: the accessibility of heartfelt contact in view of the understanding of the two players, the sort of dress worn at the hour of the occurrence, and welcoming or going with a date to her home.[30]

The types of accusing the casualty are as not accepting the story from the casualty's side, accusing the person in question, imagining that the casualty is the person who entices, bringing down the seriousness of the assault got, and unseemly treatment after the wrongdoing by the people who have authority. The nearest individuals to the casualty start from companions, family, family members, and, surprisingly, the people who work in specific police offices, legal counselors, judges, and clinical staff. Notwithstanding, fellowship for the most part assumes a part in preparing favoring the person in question. Not rarely individuals who are not known to the casualty likewise fault the person in question. , particularly assuming the demonstration of sexual savagery is remembered for the information, both territorially and broadly. We can allude to these gatherings as third people as spectators, specifically individuals who didn't observe the wrongdoing straightforwardly.[31]

While casualties ought not be 'rebuffed' and dependent upon criminal demonstrations, they should be retraumatized through individual and institutional reactions to the offensive demonstrations they got.

In light of the portrayal above, subsequent to being examined with Lawrence M. Friedman's hypothesis, it tends to be reasoned that in view of the legitimate design, lawful substance, and legitimate culture, the big number of sexual viciousness that happens is brought about by a few things. , among others: Basically, HR and institutional status in managing sexual brutality wrongdoings are still extremely missing, so they should be replicated again as a fortifying of institutional preparation regarding counteraction, dealing with and recuperation. Significantly, the prior guidelines in regards to sexual savagery have not safeguarded sexual viciousness extensively, thus important to frame another guideline can oblige different worries in regards to sexual brutality. In lawful culture, casualty accusing is as yet normal in the enduring of casualties.

This is also in order to meet the needs of the community, it is necessary to establish a law as a social control of the community, defined as a supervisor to the

community over the course of government. Thus, social control aims to achieve harmony between stability and change in society. From the point of view of its nature, social control is preventive or repressive, preventive is an effort to prevent the occurrence of disturbances of certainty and justice. While repressive efforts aim to restore legal harmony with society, social control processes can be carried out without violence or coercion. Social control functions to form new rules that replace old rules, a person is forced to obey or change his attitude resulting in propriety indirectly. Thus, the existence of the Sexual Violence Law (UU TPKS) is expected to result in a reduction in sexual violence that occurs in Indonesia.

3 Closing

3.1 Conclusion

1. The wrongdoing of sexual savagery is as yet progressing and, surprisingly, expanding with different new structures. The type of sexual brutality isn't just in that frame of mind of actual contact, yet in addition in non-actual structures. In its advancement additionally arose as digital orientation based sexual brutality (KBGS). In light of Komnas Perempuan's 2020 yearly records delivered in Walk 2021, there were 1983 instances of sexual viciousness in the individual circle. From the information, there were 215 instances of inbreeding, 309 instances of assault, 412 instances of inappropriate behavior, 220 lewd behavior, 26 endeavored assaults, 15 sex, 70 sexual abuse, 57 conjugal assaults, 9 constrained early terminations, 329 digital orientation based sexual viciousness (KBGS), 321 other sexual brutality. Not quite the same as 2019 where interbreeding turned into the most elevated sort of sexual brutality in the domain of abusive behavior at home/RP, this year foulness positions first, in particular 412 cases. Also, digital orientation based brutality (KBGS) in the domain of aggressive behavior at home/RP expanded from 35 cases to 329 cases. This truly intends that there is a 920% expansion in KBGS in the domain of aggressive behavior at home/RP contrasted with the earlier year.
2. The presence of the Sexual Brutality Regulation (UU TPKS) is a dire make a difference to handle sexual savagery in view of the truth of the great number of sexual viciousness in Indonesia. The big number of sexual savagery in Indonesia is brought about by a few things as follows: Fundamentally, the preparation of foundations and HR in managing violations of sexual viciousness is still extremely negligible, so it should be duplicated again as a fortifying of institutional status. Lawfully, the beforehand existing guidelines with respect to sexual brutality have not safeguarded sexual viciousness exhaustively, consequently important to lay out another guideline can oblige different types of sexual savagery and contains arrangements in regards to the anticipation, treatment and recuperation of casualties. In legitimate culture, there is a man centric culture that is as yet developing and there are as yet regular casualty blaming on the enduring of casualties. As a matter of fact, the casualty ought not be rebuffed and dependent upon a lawbreaker act, not to mention going through the injury once more. Thus,

the presence of the Sexual Savagery Regulation (UU TPKS) is a critical matter as friendly control with an end goal to decrease the event of sexual brutality.

3.2 Suggestion

1. There is a requirement for guidelines that thoroughly safeguard the different types of sexual brutality that are creating considering the large number of sexual viciousness that happens.
2. The confirmation of the Follow up on the Wrongdoing of Sexual Savagery (UU TPKS) is completed with public support in its plan so it can oblige the necessities of the local area.

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