



Analysis of the policy substance of law number 12 of 2022 concerning criminal acts of sexual violence

Muhammad Abdul Aziz^{1*}, Hidayatullah²

Faculty of Law, Universitas Muria Kudus, Indonesia. E-mail: azizmabdul.2024@gmail.com

ARTICLE INFO

Keywords:

Crime;
Law;
Policy;
Sexual Violence.

Article history:

Received Dec 3, 2024;
Revised Dec 18, 2024;
Accepted Dec 30, 2024;
Online Jan 30, 2025.

ABSTRACT

Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence is a legal basis that specifically regulates criminal acts of sexual violence. This article aims to review and evaluate the content of policies related to criminal acts of sexual violence. This assessment is important to carry out because the success of a policy can be seen, among other things, from the quality of the content of the policy itself. This article focuses on the content of policy using Merilee S. Grindle's model, which includes six aspects, namely: interest affected, type of benefits, extent of change envisions, site of decision making, program implementor, and resource committed. This research uses a normative legal method with a statutory regulatory approach and a conceptual approach. The data sources used are secondary data obtained from library materials and legal materials such as books, research journal articles and legislation. In this study, the author analyzes the policy of the Republic of Indonesia Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence. The results of the analysis show that the formation of this law was motivated by the absence of a clear legal basis that specifically regulates criminal acts of sexual violence (interest affected). This law aims to prevent all forms of sexual violence; handle, protect, and restore victims; enforce the law and rehabilitate perpetrators; create an environment free from sexual violence; and ensure that sexual violence does not recur (type of benefits). The expected change is the existence of a legal basis that specifically regulates criminal acts of sexual violence (extent of change envisions). The decision-making position is the People's Representative Council of the Republic of Indonesia with the approval of the President (site of decision making). The policy implementers are the central government and regional governments (program implementor). Policy resources consist of five components, namely man, materials, methods, machines, and money (resource committed).

This is an open access article under the [CC BY-NC](#) license.



Corresponding Author:

Muhammad Abdul Aziz,
Faculty of Law,
Universitas Muria Kudus,
Gondangmanis, Bae, Kudus, Jawa Tengah 59327, Indonesia
Email: azizmabdul.2024@gmail.com

1. Introduction

Sexual violence has become a very serious concern for the world community, because it is a fairly complex and crucial problem (Dahlia et al., 2020; Jasia et al., 2024). Sexual violence is any sexual act committed by one (or more) people on another person without their consent (Ritonga

& Panjaitan, 2024). Types of sexual violence include: sexual harassment, rape, sexual intimidation including threats or attempted rape, sexual exploitation, trafficking of women for sexual purposes, forced prostitution, sexual slavery, forced marriage, forced pregnancy, forced abortion, forced contraception and sterilization, and sexual torture (Hidjun et al., 2023).

This crime is often experienced by women (Noorsyafina et al., 2024). However, recently, sexual violence has not only been experienced by adult women, but also children and teenagers (Robzi et al., 2024; Tunur et al., 2022). The large number of cases of sexual violence against children that have occurred has put Indonesia in a state of emergency regarding crimes of sexual violence against children, and the President has even declared it an extraordinary crime that must be handled using extraordinary methods (Andari, 2017; Maharani & Jaya, 2024).

In most cases, people who commit sexual violence against minors are people known to the victim, sometimes even people close to the victim such as fathers, older brothers, uncles, teachers, grandfathers, and the like (Fitriani et al., 2024; Kifli & Ismail, 2022; Wi et al., 2024; Zuraidah & Anwar, 2022). The National Commission on Violence Against Women's Annual Report (2024) shows that in 2023, the perpetrators of sexual violence were 75 biological fathers, 70 step/adoptive fathers, 68 uncles, and 32 brothers.

Sexual violence against children can leave them traumatized for a long time, which can harm their development (Ardiyanto & Wibowo, 2022; Kifli & Ismail, 2022). The results of Noviana's (2015) research show that child victims of sexual violence have the potential to experience a crisis of trust in adults, sexual trauma, feelings of helplessness, and stigma. If not handled seriously, sexual violence against children can have a wide social impact on society.

Sexual violence as a social phenomenon that has long been ingrained in society requires a clear legal umbrella to provide protection for victims (Cahyadi & Rasji, 2024; Pakpahan et al., 2024). So far, the rules regarding sexual violence committed by criminals is addressed in the Criminal Code and other laws, so they do not form a single legal umbrella (Ardiyanto & Wibowo, 2022; Arifin, 2024). Therefore, to resolve several issues related to sexual violence, legal regulations were created that specifically address sexual violence, specifically referred to in the Criminal Acts of Sexual Violence Law (UU TPKS) (Harmanto & Karim, 2024; Hidjun et al., 2023).

The Legislation on Offenses of Sexual Violence is a law that was passed on April 12, 2022 and then enacted on May 9, 2022, after going through a very long journey starting in 2012 and there was rejection from several parties until it was finally passed on April 12, 2022 as a law during the Level II discussion at the 19th Plenary Meeting in 2021-2022 (Yusuf et al., 2023). This law is a form of government effort to protect and fulfill the rights of victims to treatment, protection and recovery (Nurisman, 2022; Saputra et al., 2022; Utomo & Arifin, 2024).

The Law on Sexual Violence Crimes has regulated the rights of victims, including in Article 1 number 16 which confirms the rights of victims to treatment, protection and recovery. These rights are intended to enable victims to obtain, use and enjoy the actions necessary to address the impact of the offense of sexual assault they have experienced. The general explanation within the legislation regarding offenses involving acts of sexual violence, in Article 1 number 3, explains the breakthroughs contained in the law regarding victims' rights. This law stipulates that the state has an obligation to handle, protect and restore victims from the time a crime of sexual violence occurs, by paying attention to the conditions and individual needs of the victim.

The Sexual Violence Crime Law also places a high priority on providing compensation for the victim's suffering through restitution. Restitution is the payment of compensation to victims of sexual violence by the perpetrator. The state will provide compensation to the victim in accordance with the court's decision if the assets confiscated from the perpetrator are not sufficient to pay the compensation. (Herisasono et al., 2023).

The ratification of the Law on Sexual Violence Crimes is very important in strengthening social life and national regulations on treatment and accountability to prevent, treat and recover victims of sexual violence comprehensively. The government and other institutions must work

together to focus on helping victims of sexual violence. Because sexual violence does not see place and can happen anywhere, even in cyberspace (Hairi & Latifah, 2023; Jaman & Zulfikri, 2022).

The National Commission on Violence Against Women's Annual Report (2024) shows that approaching the second year of the TPKS Law, in 2023, Electronic-Based Sexual Violence (KSBE) was recorded as occupying the highest position followed by physical sexual harassment, other Sexual Violence (KS), and rape in the form of sexual violence in the personal sphere as per data from the National Commission on Violence Against Women's service and complaint institutions. This shows a different trend from 2022, where Electronic-Based Sexual Violence was in third place. This trend also shows the urgency of a legal basis and its instruments that better protect victims and also be careful in using the Electronic Information and Transactions Law because it has the potential to criminalize victims of sexual violence (Tajuddin et al., 2023).

The ratification of the TPKS Law has had a positive impact on reducing the number of cases of sexual violence. The National Commission on Violence Against Women's Annual Report (2024) shows that the number of case complaints decreased in 2023 from the previous year, namely to 289,111 from 339,782. The decrease in the number of complaints of this case occurred in all institutions, both service institutions, the National Commission on Violence Against Women, and BADILAG. Specifically, for complaints of cases to the National Commission on Violence Against Women, the number decreased insignificantly from 3,442 to 3,303 cases. This number means that on average the National Commission on Violence Against Women receives 11 complaints every day.

Although the TPKS Law has been expected to be a major breakthrough in protecting victims of sexual violence, its implementation still faces various challenges that need to be considered. These obstacles include the lack of understanding of law enforcement officers regarding the substance and objectives of the TPKS Law, minimal supporting facilities for victims, and the inconsistency between the TPKS Law and other legal regulations, such as the Criminal Code and Criminal Procedure Code (Lubis & Sari, 2023).

Based on the previous explanation, this article focuses on the analysis and evaluation of the policy content of the Sexual Violence Crime Law. Therefore, the formulation of the problem raised is, "What is contained in the policy of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence?" This step is important because the effectiveness of a policy can be determined by examining the policy's content alone. The plan or initiative will be put into action based on a previously established plan or guideline. The success of implementing a policy is determined by the level of implement ability of the policy. Evaluation of the plan or initiative will be put into action is based on two aspects, specifically the substance of the policy and its surrounding circumstances in which the policy is implemented (context of implementation) (Adnyana et al., 2023).

2. Method

This article applies a normative legal research method, which aims to provide an explanation and description of research results based on statutory provisions. The approaches used include a statute approach to examine the problem through regulations relating to criminal acts of sexual violence, as well as a conceptual approach which relies on principles and concepts proposed by legal scholars and doctrines relevant to the issues raised (Purnomo et al., 2023).

The data sources used are secondary data obtained from library materials and legal materials such as books, research journal articles and legislation. In this study, the author analyzes the policy of the Republic of Indonesia Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence.

The conceptual approach is used in formulating the problems to be discussed, then analyzed qualitatively. The analysis method is carried out in stages by searching for and collecting relevant literature and legal materials for the research, so that it can provide a comprehensive picture of the contents of this research.

This article will focus on the content of policy aspects by referring to Merilee S. Grindle's model, comprised of six elements. The following are elements of the policy content and its implementation:

Table 1. Operational Concept

Content of Policy Aspects	Operationalization
Interest affected	The foundation for the creation of the Sexual Violence Crimes Law is taken into account
Type of benefits	Benefits of the formation of the Sexual Violence Crime Law
Extent of change envisions	Desired changes to the Sexual Violence Crime Act
Site of decision making	Position of the person who made the Sexual Violence Crime Act (who made and signed it)
Program implementor	Implementation of the Sexual Violence Crime Act policy
Resource committed	Sexual Violence Act Policy Resources

Source: (Mubarok et al., 2020).

Merilee S. Grindle's model can be used to understand the dynamics between the various parties involved in the drafting and ratification of the Sexual Violence Crimes Act. Despite differences of opinion and high levels of conflict, the interests of victims and parties supporting the ratification of this law were factors that encouraged a compromise to be reached in the ratification of the law. However, the main challenge lies in effective implementation and solving problems that arise in its implementation.

3. Analysis and Results

3.1. Interest Affected

Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence was formed based on the 1945 Constitution of the Republic of Indonesia. However, this basis must still follow the development of the times. Because in every development of the era has its own challenges and problems that are always developing.

Sexual violence is a violation of human rights, a crime that degrades the dignity of fellow human beings, and a form of discrimination that must be eliminated. Sexual violence can cause harm, not only physical, but also damage to property, and can even result in death or trauma to the victim. The trauma caused to the victim will be more difficult to heal compared to injuries caused physically. Sexual violence occurs due to sexual advances, whether it be groping, touching, or making jokes of a sexual nature (Saputra et al., 2022). Therefore, the state is obliged to be present to provide protection and recovery for victims, both physical and mental recovery.

The Legislation Regarding Offenses of Sexual Violence was created to complement the legal regulations connected to acts of sexual violence already existed and were in effect previously, including the Criminal Code (KUHP), Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT), Law Number 23 of 2002 which was later amended by Law Number 35 of 2014 concerning Child Protection, and Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. Some of these laws partially include provisions containing material on sexual violence criminal acts. However, the law is considered incapable of comprehensively answering the legal needs for the problem of sexual violence in Indonesia, because the law can only be a legal basis for victims of sexual violence that occurs within a limited scope: victims are victims of domestic violence, child victims, or victims of human trafficking.

This need is what prompted the birth of the Sexual Violence Crime Law, so that society feels safer and is protected from the shadow of such violence. Here is the quote:

"...a) that everyone has the right to protection from violence and has the right to be free from torture or treatment that degrades human dignity as guaranteed in the 1945 Constitution of the Republic of Indonesia; b) that sexual violence is contrary to divine and humanitarian values and disrupts the security and peace of society; c) that laws and regulations relating to sexual violence are not yet optimal in providing prevention, protection, access to justice, and recovery, do not meet the needs of the rights of victims of Sexual Violence, and are not yet comprehensive in regulating procedural law; d) that based on the considerations as referred to in letters a, b, and c, it is necessary to establish a Law on Sexual Violence."

3.2. Type of Benefits

The Legislation on Sexual Assault is not intended to justify free sex and deviant sex, because this is not in accordance with Pancasila, religious norms, and the nation's cultural values. The Law on Sexual Violence Crimes is an attempt to revise the law in order to tackle these various issues. This is in accordance with Article 3 which states:

"The substance of the Law on Sexual Violence Crimes aims to: a) prevent all forms of sexual violence; b) handle, protect, and restore victims; c) enforce the law and rehabilitate perpetrators; d) create an environment free from sexual violence; and e) ensure the non-recurrence of sexual violence."

In order to realize the breakthrough mentioned above, the legal process, especially in the trial process, must be ensured to be in accordance with the procedural law regulated in the Law on Sexual Violence Crimes as Lex specialist and the Criminal Procedure Code (KUHAP) which has previously been present as Lex generalist in order to ensure accessibility to justice and protection of human rights can be fulfilled.

3.3. Extent of Change Envisions

The Legislation on Sexual Assault is a legal regulation that specifically regulates special criminal acts, namely the crime of sexual violence. When compared to before the existence of the Legislation on Sexual Assault, the regulation of sexual violence crimes will depend on the Criminal Code (KUHP), the Criminal Procedure Code (KUHAP) and is also spread across several laws such as the Child Protection Law, the Law on the Elimination of Domestic Violence, the Law on the Eradication of Criminal Acts of Human Trafficking, the Pornography Law, and the Electronic Information and Transactions Law. However, with the existence of the Law on Sexual Violence Crimes, these scattered regulations have become specific in one law. These changes certainly have an impact on several aspects, especially those related to material (substance) and formal (procedural law).

The first transformation in terms of substance can be seen from the regulations regarding the scope of the illegal actions of sexual violence as specified in Article 4 paragraph (1) of the Law on Sexual Violence Crimes. There are at least nine types of sexual violence crimes in the article, namely, non-physical sexual harassment, physical sexual harassment, forced contraception, forced sterilization, forced marriage, sexual torture, sexual exploitation, sexual slavery, and electronic-based sexual violence.

With the existence of specific regulations regarding this scope, it can be interpreted that the Legislation on Sexual Assault seeks to criminalize acts that are included in criminal acts, but were not previously regulated in the Criminal Code. Such provisions show that the Legislation on Sexual Assault is a manifestation of the government's presence in addressing the problem of sexual violence. This is different from the Criminal Code which views cases of sexual violence such as rape as merely a violation of moral norms. In fact, this categorization will not only result in a reduction in the degree of the crime committed, but also influence the view that sexual violence is merely a matter of morality (Wirawan & Permatasari, 2022).

Regarding the changes that appear on the formal side (procedural law) after the enactment of the Law on Sexual Violence, several things can be noted. First, looking at the implementation of the Criminal Procedure Code which tends towards protecting the rights of the perpetrator,

while there is almost no guarantee of the rights of the victim. This can be proven by the evidentiary system in cases of sexual violence being treated the same as evidentiary system in other criminal acts. That the testimony of one witness cannot be used as evidence to prove the defendant guilty if it is not accompanied by 1 (one) other piece of evidence. Even the testimony of the victim's witness is often not believed by law enforcement officers because the sexual violence experienced by the victim is always linked to the victim's behavior, way of dressing, and sexual history (Feni et al., 2024). This is different from the Legislation on Sexual Assault, where the evidentiary system is regulated in Article 25, which states that,

"The testimony of witnesses and/or victims is sufficient to prove that the defendant is guilty if accompanied by 1 (one) other valid piece of evidence and the judge is convinced that a crime has indeed occurred and that the defendant is guilty of committing it."

Second, regarding compensation and recovery. Before the Sexual Violence Crime Act was passed, the legal regulations regarding this matter were not specifically regulated. However, implicitly, in Article 14c paragraph (1) of the Criminal Code (KUHP) it is stated that:

"In the order referred to in Article 14a, unless a fine is imposed, in addition to setting a general condition that the convict will not commit a criminal act, the Judge may set a special condition that the convict within a certain time, which is shorter than the probation period, must compensate for all losses caused by the criminal act."

Therefore, according to the provisions of Article 14 a, b and c of the Criminal Code, the judge can impose a sentence by setting special conditions on the defendant with the aim of making the perpetrator compensate the victim for the loss. However, after the Sexual Violence Crime Law was passed, the provisions regarding compensation and recovery for victims of sexual violence were specifically regulated in Articles 30 to 38 of the TPKS Law using the term "restitution". Article 30 of the Law on Sexual Violence Crimes states that: *"Victims of Sexual Violence Crimes have the right to receive Restitution and Recovery services."*

Furthermore, Articles 30 to 38 of the Legislation on Sexual Assault regulate the form of restitution, the right to restitution, the time period for granting restitution, and the confiscation of the assets of those convicted of sexual violence. The existence of more specific regulations regarding compensation and recovery for victims is proof that the government really wants to create protection of the rights of victims of sexual violence.

Finally, regarding the resolution of sexual violence cases which are regulated with certainty in the Legislation on Sexual Assault, this will end the problematic cases of sexual violence that occur peacefully or through mediation. This kind of settlement should not happen. This is because it gives the impression that the rule of law is not on the side of victims of sexual violence. However, with the existence of the Law on Sexual Violence Crimes, it seems to be a hope to break the shackles of victims' fear of sexual violence cases. Considering the contents of the Legislation on Sexual Assault which detail everything from the scope of sexual violence crimes, other crimes related to sexual violence crimes, the judicial process, the rights of victims, families and witnesses, even to the implementation of integrated services for the protection of women and children in regional centers, prevention, coordination and monitoring as well as community and family participation. As one example, there is a regulation in Article 20 which expressly states that:

"Investigation, prosecution, and examination in court of Sexual Violence Crimes shall be carried out based on the Law governing criminal procedure law, including those specifically applied in the handling of certain Sexual Violence Crime cases, unless otherwise specified in this Law."

This article seeks to emphasize that if a crime of sexual violence occurs, there is no longer a resolution that ends with just the word peace. This is of course because the aim of the Law on Sexual Violence Crimes is to guarantee the continuity of victims' rights and ensure legal certainty.

3.4. Site of Decision Making

The authority to make decisions through legislation is held by the People's Representative Council of the Republic of Indonesia and the President. This is mentioned in Article 91, section (2), which states:

"The Central Government must report on the implementation of this Law to the People's Representative Council of the Republic of Indonesia through the supporting apparatus that handles legislative affairs no later than 3 (three) years from the date this Law is enacted."

The explanation regarding the decision makers or makers of Legislation is contained in Law Number 12 of 2011 concerning the Formation of Legislation, Article 1 paragraph (8) states: *"The Law is a Legislation formed by the People's Representative Council with the joint approval of the President."* In this case, the Law of the Republic of Indonesia Number 12 of 2022 regarding Criminal Acts of Sexual Violence was established by the People's Representative Council of the Republic of Indonesia with the consent of the President.

3.5. Program Implementor

The provision of integrated services in handling, protecting and recovering victims cannot be separated from the system and coordination of the central and regional governments as regulated in Article 72 of the Law on Sexual Violence Crimes. *"The Central Government and Regional Governments provide Integrated Services in Handling, Protection, and Recovery."*

Furthermore, Article 73 specifically states that the parties are the Ministry of Health, Ministry of Social Affairs, Ministry of Law and Human Rights, and other Ministries. Here is the quote: *"The provision of Integrated Services at the center is coordinated by the Minister."*

Referring to Article 76 paragraph (2) of the TPKS Law, regional governments also have an obligation to form Regional Technical Implementation Units for the Protection of Women and Children (UPTD PPA). According to Article 1 point 11 of the Law on Sexual Violence, the Regional Technical Implementation Unit for the Protection of Women and Children is an active technical implementation unit within the work unit that manages government affairs related to women's empowerment and child protection, serving as a comprehensive service provider for women and children facing violence, discrimination, and various other issues.

Apart from the central and regional governments, there is also the involvement of non-structural institutions such as the Witness and Victim Protection Agency (LPSK). As regulated in the Law on Sexual Violence Crimes, the Witness and Victim Protection Agency has the duty and authority to provide protection and other rights to Witnesses and/or Victims as regulated in the Law on Witness and Victim Protection

3.6. Resource Committed

Resources refer to the capacity or potential available to meet needs. In the context of policy, resources refer to the capacity of a policy to achieve its goals, which include five elements: people (individuals/groups involved), materials (categories), techniques (approaches), machinery (technology), and finances. (costs) (Ulhaq, 2023).

To begin with, concerning men, all groups are engaged in initiatives to thwart sexual violence offenses, including the government, society and families. Article 85 paragraph (1) of the Law on Sexual Violence Crimes regulates community involvement in participating in the prevention, support, recovery and monitoring of sexual violence crimes. Here is the quote: *"The community can participate in prevention, assistance, recovery, and monitoring of Sexual Violence Crimes."*

Apart from the government and society, families also participate in preventing sexual violence, as stated in Article 86:

"Family participation in the Prevention of Sexual Violence Crimes is realized by: a) strengthening education in the family, both in moral, ethical, religious, and cultural aspects; b) building quality communication between family members; c) building emotional bonds between family members; d)

strengthening the role of fathers, mothers, and all family members so that a protective character is built; e) protecting and preventing family members from the influence of pornography and access to information containing pornographic elements; and f) protecting family members from negative environmental influences and free association."

Secondly, regarding materials, there are nine types of sexual violence crimes in Article 4 paragraph (1), namely non-physical sexual harassment, physical sexual harassment, forced contraception, forced sterilization, forced marriage, sexual torture, sexual exploitation, sexual slavery, and electronic-based sexual violence. Furthermore, Article 4 paragraph (2) also mentions ten types of criminal acts of sexual violence.

Thirdly, regarding methods, penalties for offenders of sexual violence are regulated in Articles 5 to 14. The following is a quote from Article 5 which regulates penalties for offenders of non-physical sexual abuse:

"Any person who commits a non-physical sexual act directed at the body, sexual desire, and/or reproductive organs with the intention of degrading a person's dignity and honor based on their sexuality and/or morality, shall be punished for non-physical sexual harassment, with a maximum imprisonment of 9 (nine) months and/or a maximum fine of Rp. 10,000,000.00 (ten million rupiah)."

In addition to criminal sanctions in the form of imprisonment, fines, and additional penalties in the form of revocation of child custody rights or revocation of pardon, announcement of the perpetrator's identity, and confiscation of profits or resources acquired through acts of sexual violence, perpetrators of the crime of sexual violence can be subject to rehabilitation measures, both medical and social rehabilitation under the coordination of the prosecutor and periodic supervision by the Minister who handles government affairs in the social sector and the Minister who handles government affairs in the health sector. This is stated in Article 17: *"In addition to being sentenced to criminal penalties, perpetrators of sexual violence crimes can be subject to rehabilitation."*

Furthermore, Article 30 to Article 38 regulates the rights of victims of sexual violence. Where victims of sexual violence have the right to receive restitution and recovery services. Restitution refers to the compensation payment required from the offender or an associated third party as determined by a legally enforceable court ruling or ruling, for material and/or immaterial losses suffered by the victim. Restitution can be in the form of compensation for loss of wealth or income; compensation for losses incurred due to suffering directly related to the crime of sexual violence; reimbursement of medical and psychological care costs; and compensation for other losses suffered by the victim as a result of the crime of sexual violence.

Fourthly, regarding machines, valid evidence in proving the crime of sexual violence consists of: evidence as referred to in criminal procedure law as explained in Article 184 paragraph (1) of the Criminal Procedure Code, including witness testimonies, expert opinions, documents, directives, and declarations from the accused. Furthermore proof presented as electronic information or electronic documents, as well as evidence used to commit a crime. This is regulated in Article 24, which reads:

"(1) Valid evidence in proving a Crime of Sexual Violence consists of: (a) evidence as referred to in criminal procedure law; (b) other evidence in the form of electronic information and/or electronic documents as regulated in the provisions of laws and regulations; and (c) evidence used to commit a crime or as a result of a Crime of Sexual Violence and/or objects or goods related to the crime. (2) Including evidence of Witness statements, namely the results of examinations of Witnesses and/or Victims at the investigation stage through electronic recording. (3) Including written evidence, namely: (a) a certificate from a clinical psychologist and/or psychiatrist/psychiatrist specialist; (b) medical records; (c) results of forensic examinations; and/or (d) results of bank account examinations."

Fifth, regarding money, funding for the implementation of the Law on Sexual Violence Crimes originate from the Regional Revenue and Expenditure Budget (APBD). The funding for executing the Law on Sexual Violence Crimes is substantial, and should relying solely on APBD resources be considered inadequate, additional funding can be sourced from the State Revenue

and Expenditure Budget (APBN). This legislation also refers to additional sources that are valid and non-binding, yet it fails to specify their origins. According to Article 87, section (1), it states:

“Funding for the implementation of this Law comes from: a) the state revenue and expenditure budget; b) the regional revenue and expenditure budget; and c) other legitimate and non-binding sources in accordance with the provisions of laws and regulations.”

4. Conclusion

This article analyzes the content of the policy in the Republic of Indonesia Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence using the Merilee S. Grindle model. This approach includes six aspects: interest affected, type of benefits, extent of change envisions, site of decision making, program implementor, and resource committed.

The results of the analysis show that the formation of this law was motivated by the absence of a clear legal basis that specifically regulates criminal acts of sexual violence (interest affected). This law aims to prevent all forms of sexual violence; handle, protect, and restore victims; enforce the law and rehabilitate perpetrators; create an environment free from sexual violence; and ensure that sexual violence does not recur (type of benefits). The expected change is the existence of a legal basis that specifically regulates criminal acts of sexual violence (extent of change envisions). The decision-making position is the People's Representative Council of the Republic of Indonesia with the approval of the President (site of decision making). The policy implementers are the central government and regional governments (program implementor). Policy resources consist of five components, namely man, materials, methods, machines, and money (resource committed).

To improve the policy and implementation of the TPKS Law in Indonesia, the government and related institutions need to consider various strategic steps that can strengthen the effectiveness of this law, as well as ensure that protection for victims of sexual violence is more optimal. Further research evaluating the effectiveness of the TPKS Law could help identify challenges in implementing this policy, as well as provide evidence-based recommendations for improvement.

References

- Adnyana, Y., Sulandari, S., & Astawa, I. W. (2023). Analisis Implementasi Kebijakan Pengelolaan Sampah Berbasis Sumber. *Ekuitas: Jurnal Pendidikan Ekonomi*, 11(1), 57–64.
- Andari, R. N. (2017). Evaluasi Kebijakan Penanganan Kejahatan Kekerasan Seksual terhadap Anak di Indonesia. *Jurnal Ilmiah Kebijakan Hukum*, 11(1), 1–11. <https://doi.org/http://dx.doi.org/10.30641/kebijakan.2017.V11.1-11>
- Ardiyanto, F., & Wibowo, A. (2022). Konsep dan Filosofi Pemidanaan Dalam Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual. *Prosiding Seminar Hukum Aktual: Climate Change and The Rule of Law*, 12–23.
- Arifin, Y. (2024). Politik Hukum Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual. *Literasi Hukum*, 8(1), 45–52. <https://doi.org/10.31004/jh.v4i1.1285>
- Cahyadi, S., & Rasji. (2024). Perspektif Hukum terhadap Perlindungan Anak Korban Kekerasan Seksual dalam Undang-Undang Nomor 12 Tahun 2022. *UNES LAW REVIEW*, 6(4), 10304–10311. <https://review-unes.com/https://creativecommons.org/licenses/by/4.0/>
- Dahlia, Sutrisno, & Qibtiyah, A. (2020). Analisis Kebutuhan Pengembangan Lembar Kerja Anak Pendidikan Seksualitas Anak Usia Dini Terintegrasi dalam Pembelajaran Tematik Terpadu. *AL-ASASIYYA: Journal Basic of Education (AJBE)*, 5(1), 40–57. <http://journal.umpo.ac.id/index.php/al-asasiyya/article/view/2970/0>
- Feni, E., Yunara, E., & Desiandri, Y. S. (2024). Pembaharuan Keabsahan Pembuktian Testimonium de Auditu dalam Tindak Pidana Kekerasan Seksual : Analisis Peraturan Perundang-Undangan di Indonesia. *Legalite: Jurnal Perundang Undangan Dan Hukum Pidana Islam*, 9(2), 148–165.
- Fitriani, N., Najemi, A., & Siregar, E. (2024). Anak, Inses dan Problematikanya. *PAMPAS : Journal of Criminal Law*, 5(2), 197–211.
- Hairi, P. J., & Latifah, M. (2023). Implementasi Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual. *NEGARA HUKUM*, 14(2), 163–179.

- <https://doi.org/10.46576/rjpkm.v4i1.2399>
- Harmanto, T., & Karim, M. (2024). Konservasi Hukum Terhadap Korban Kekerasan Seksual Ditinjau Dari Undang-Undang Nomor 12 Tahun 2022. *Jurnal Ilmu Hukum*, 1(4), 224–233.
- Herisasono, A., Efendi, A. R., & Kharisma, O. D. (2023). Implementasi Pembuktian Tindak Pidana Kekerasan Seksual dalam Perspektif Undang-undang Nomor 12 Tahun 2022. *Jurnal Preferensi Hukum*, 4(3), 292–298. <https://www.ejournal.warmadewa.ac.id/index.php/juprehum>
- Hidjun, L., Bilondatu, A., & Kadir, Y. (2023). Analisis Implementasi Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual dari Perspektif Teori Keadilan (Studi Kasus di Kota Gorontalo). *Journal of Law and Nation (JOLN)*, 2(3), 172–177.
- Jaman, U. B., & Zulfikri, A. (2022). Peran serta Masyarakat dalam Pencegahan Kekerasan Seksual dihubungkan dengan UU No. 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual. *Jurnal Hukum Dan HAM West Science*, 1(1), 1–7. <https://wnj.westscience-press.com/index.php/jhhws/article/view/4%0Ahttps://wnj.westscience-press.com/index.php/jhhws/article/download/4/4>
- Jasia, N., Kurniawan, M. R., & Suryatama, F. (2024). Analisis Perspektif Sosiologi Hukum Dalam Mengatasi Krisis Penyimpangan Seksual Ditinjau Dari Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual. *SEIKAT: Jurnal Ilmu Sosial, Politik Dan Hukum*, 3(4), 429–439.
- Kifli, S., & Ismail, A. (2022). Analisis Hak Korban Kekerasan Seksual dalam Rancangan Undang-Undang Penghapusan Kekerasan Seksual dalam Perspektif Hukum Positif dan Hukum Islam. *Wajah Hukum*, 6(2), 462–470. <https://doi.org/10.33087/wjh.v6i2.1093>
- Komnas Perempuan. (2024). *Catatan Tahunan Kekerasan Terhadap Perempuan Tahun 2023: Momentum Perubahan (Peluang Penguatan Sistem Penyidikan di Tengah Peningkatan Kompleksitas Kekerasan Terhadap Perempuan)*. Jakarta: Komisi Nasional Anti Kekerasan terhadap Perempuan. <https://komnasperempuan.go.id/>
- Lubis, A., & Sari, Z. M. (2023). Implementasi Undang-Undang Tindak Pidana Kekerasan Seksual Terhadap Perlindungan Hak Korban dan Penguatan Asas Non-Diskriminasi. *Jurnal Kajian Hukum Dan Kebijakan Publik*, 1(1), 617–626.
- Maharani, N. L. D., & Jaya, I. B. S. D. (2024). Sanksi Tindak Pidana Pelecehan Seksual dalam Undang-Undang Nomor 12 Tahun 2022 dari Perspektif Perlindungan Korban. *Jurnal Hukum Dan Kewarganegaraan*, 6(2), 1–8.
- Mubarok, S., Zauhar, S., Setyowati, E., & Suryadi, S. (2020). Policy Implementation Analysis: Exploration of George Edward III, Merilee S Grindle, and Mazmanian and Sabatier Theories in the Policy Analysis Triangle Framework. *Journal of Public Administration Studies*, 5(1), 33–38. <https://doi.org/10.21776/ub.jpas.2020.005.01.7>
- Noorsyafina, Alfazri, A., Sinaga, N., Nisa, K., Nurhayati, & Angrayni, L. (2024). Penerapan UU No. 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual di Muka Hukum Indonesia. *JCS: Journal of Comprehensive Science*, 3(6), 1089–1095.
- Noviana, I. (2015). Kekerasan Seksual Terhadap Anak: Dampak dan Penanganannya. *Jurnal Sosio Informa*, 1(1), 13–28.
- Nurisman, E. (2022). Rihal Tantangan Penegakan Hukum Tindak Pidana Kekerasan Seksual Pasca Lahirnya Undang-Undang Nomor 12 Tahun 2022. *Jurnal Pembangunan Hukum Indonesia*, 4(2), 170–196. <https://doi.org/10.14710/jphi.v4i2.170-196>
- Pakpahan, Z. A., Risdalina, M, I. K., Hakim, A., & Siahaan, N. (2024). Pencegahan dan Penanganan Kekerasan Seksual Berdasarkan Undang-Undang Nomor 12 Tahun 2022 di Desa Perkebunan Labuhan Haji. *BERDAYA: Jurnal Pendidikan Dan Pengabdian Kepada Masyarakat*, 6(3), 345–354. <https://doi.org/10.36407/berdaya.v6i3.1385>
- Purnomo, A. T. C., Gulo, S. P., Permatasari, N., & Irman. (2023). Application Of Preventive In Action Principles In Dealing With Waste In The Cooperative Market Area. *MENDAPO: Journal of Administration Law*, 4(3), 214–229.
- Rahmah, V. M., Arifah, I. M., & Widyastuti, C. (2021). Penanganan Kondisi Traumatik Anak Korban Kekerasan Seksual Menggunakan Art Therapy: Sebuah Kajian Literatur. *Acta Islamica Counsnesia: Counselling Research and Applications*, 1(1), 1–12. <https://doi.org/10.59027/aicra.v1i1.83>
- Ritonga, I. M. S., & Panjaitan, B. S. (2024). Kritik Restorative Justice dalam Kasus Pelecehan Seksual di Pesantren: Analisis Undang-Undang No. 12 Tahun 2022. *Legalite: Jurnal Perundang Undangan Dan Hukum Pidana Islam*, 9(1), 100–116.
- Robzi, S. A., Susanti, E., & Monica, D. R. (2024). Analisis Kebijakan Hak Restitusi Dalam Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual. *Viva Themis: Jurnal Ilmu Hukum Dan Humaniora*, 7(2), 183–200.
- Saputra, A. R., Mustopa, Melinda, & Ina, S. T. (2022). Analisis Undang-Undang Tindak Pidana Kekerasan

- Seksual Berdasarkan Teori Formil. *Jurnal IKAMAKUM*, 2(2), 791-795.
- Sari, D. P., Purwati, S. A. R., Darmawan, M. F., Maulana, M. S., Maulana, I., & Antoni, H. (2023). Perlindungan Hukum Bagi Korban Pelecehan Seksual Menurut Perspektif Undang-Undang No. 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual. *Al-Qisth Law Review*, 7(1), 65-87.
- Tajuddin, M. M., Hafizhullah, M. A., & Hasan, M. F. (2023). Analisis Maqasid Syariah Jasser Auda Terhadap Undang Undang No 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual. *Jurnal Hukum & Pembangunan Masyarakat*, 14(3), 1-12.
- Tunur, A. S., Supangkat, B., Gunawan, B., & Nugraha, A. M. (2022). Konstruksi Sosial Dalam Kasus Kekerasan Seksual Anak di Bandung Barat. *SOSIOGLOBAL: Jurnal Pemikiran Dan Penelitian Sosiologi*, 7(1), 1-17.
- Ulhaq, N. H. D. (2023). Analisis Faktor Penyebab dan Identifikasi Temuan Program dalam Penanganan Sampah di Kabupaten Jepara. *JISHUM: Jurnal Ilmu Sosial Dan Humaniora*, 1(4), 997-1014.
- Utomo, D. G. S., & Arifin, T. (2024). Kekerasan Seksual Pada Perempuan Berdasarkan UU No. 12 Tahun 2022. *Aliansi: Jurnal Hukum, Pendidikan Dan Sosial Humaniora*, 1(5), 42-55. <https://doi.org/10.62383/aliansi.v1i5.376>
- Wi, C., Haryadi, & Wahyudhi, D. (2024). Bentuk Amicus Curiae Terhadap Anak Sebagai Korban Kekerasan Seksual. *PAMPAS : Journal Of Criminal Law*, 5(2), 127-138.
- Wirawan, I. K. A., & Permatasari, P. (2022). Tinjauan Yuridis Undang-undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual dalam Aksesibilitas Keadilan Bagi Perempuan. *IBLAM Law Review*, 2(3), 153-174.
- Yusuf, M. D., Lina, Ramon, F., Sipayung, J. P., & Saragih, G. M. (2023). Analisis Perspektif Sosiologi Hukum Dalam Mengatasi Krisis Penyimpangan Seksual Ditinjau Dari Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual. *Jurnal Pendidikan Dan Konseling*, 5(2), 1924-1932.
- Zuraidah, & Anwar, C. A. (2022). Analisis Yuridis Terhadap Korban Kekerasan Seksual di Lingkungan Keluarga Menurut Perspektif Undang-Undang Nomor 23 Tahun 2002 Juncto Undang-Undang Nomor 35 Tahun 2014 Tentang Perlindungan Anak Juncto Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana. *Journal Presumption of Law*, 4(2), 1-17. <https://doi.org/10.31949/jpl.v5i1.3293>