



The Urgency of Implementing the Sexual Violence Crime Law (UU TPKS) Viewed from the Perspective of Victims' Rights

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Abstract—After two years the People’s Representatives Council passed Law Number 12 of 2022 concerning Criminal Act of Sexual Violence (TPKS Law); its implementation has not been optimal because the government has not completed the derivate regulation from the TPKS Law, so there is an excuse for law enforcement officers to continue to use the Criminal Code or other laws in case of sexual violence. The research aims to determine the urgency of implementing the TPKS Law from the perspective of victim’ right. The research methodology used is normative legal research, namely legal research carried out by examining library materials or secondary data consisting of the TPKS Law, the Criminal Code, and the Criminal Procedure Code, as well as legal theory relevant to the focus of the study. The result of this research lead to the conclusion that the TPKS Law, viewed from the perspective of victim’ right, is a legal umbrella for regulating sexual violence crimes that is oriented toward fulfilling victim’ rights. Therefore, the implementation of the TPKS Law is urgent for the police, prosecutors, and judiciary to carry out. The recommendation from this research encourages the government to prioritize the completion of regulations derived from the TPKS Law so that it becomes a juridical basic for law enforcement official and related institutions in implementing the TPKS Law to fulfill the rights of victims of sexual violence crime.

Keywords—The Sexual Violence Crime Law, TPKS Law, Victims' Rights.

I. INTRODUCTION

The birth of Law Number 12 of 2022 concerning Critical Act of Sexual Violence (Indonesian: *Undang-Undang Tindak Pidana Kekerasan Seksual* abbreviated as “UU TPKS” or TPKS Law) was motivated by the high rate of sexual violence against women and children in Indonesia, which continues to increase every year.

Based on data collected by the National Commission on Violence Against Women (Komnas Perempuan) from 2011 to 2019, around 46,698 cases of sexual violence against women occurred in Indonesia. Of this number, 23021 cases occurred in the public domain, in the form of rape (9,039 cases), sexual harassment (2,861 cases), and cyber-based sexual violence (91 cases). Meanwhile, 23,677 cases occurred in the personal realm, namely within the scope of household relation and dating relationships in the form of rape, incest, and sexual harassment.[1]

The high rate of sexual violence, which continues to increase every year, has attracted the attention of the Komnas Perempuan, feminist activists, women’s organization, and services provider to create an academic text and draft Bill on the Elimination of Sexual Violence which proposed to People’s Representatives Council in 2016. The discussion of the draft bill took eight years until it was finally passed by People’s Representatives Council on April 12, 2022, to

become Law Number 12 of 2022 concerning Critical Act of Sexual Violence (TPKS Law) and was signed by President Joko Widodo on May 9, 2022.

Almost two years since the People's Representatives Council passed the TPKS Law, this regulation has not been implemented optimally by law enforcers (police, prosecutors, judges) because the derivative regulations governing the technical implementation of the TPKS law have not been completed by the government. As a result, many police/investigators continue to use the Criminal Code in cases of sexual violence, even though to support the implementation of the TPKS Law at the investigation process the Head of the Indonesian National Police has sent a telegram Letter with Number: ST/1292/VI/RES.1.24/2022, to all Regional Police Chiefs, with orders that police institution in all regions should implemented the TPKS Law in cases of criminal sexual violence.

Nevertheless, we still should appreciate that several regions have implemented the TPKS Law in concrete cases of sexual violence crime, although the number are still tiny. Based on the researcher's search for the 2023 Supreme Court decision directory, there are 41 decision data for sexual violence crime that tried in 34 District Court. Of the 41 decisions, 23 came from 21 District Court, which applied the TPKS Law in their court decision even though when viewed from victims' right perspective, these decisions do not guarantee the victims' rights as regulated in the TPKS Law. Its happen because the judge did not include the particular procedural law principles in the TPKS Law in the Criminal Procedure Code, even though the criminal penalties imposed on perpetrators of sexual violence crime have been maximized, this does not directly correlate with the rights of victim following the occurrence of sexual violence crime, especially in term of recovery because the provision of the Criminal Procedure Code are more oriented toward protecting perpetrators. Based on this problem, the author will analyse and describe the differences regarding the regulation of fulfilling the rights of victim of sexual violence crime in the Criminal Code and the Criminal Procedure Code compare with the TPKS Law, as well as analyse and describe the urgency of implementing the TPKS Law towards fulfilling victim' rights. This research aims to determine the urgency of implementing the TPKS law from the perspective of victims' rights.

This research article regarding the urgency of implementing the TPKS Law, based on research by researchers, has previously been carried out by other researchers: *First*, Prianter Jaya Hairi & Marfuatul Latifah, research title "*Implementation of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence*", publish on Journal Law States. This research an overview about several regulations regulates sexual violence crime, and obstacles to implementing the TPKS Law from the aspect of enforcement are described, starting from the element of law enforcement, the law itself, and legal culture. *Second*, Eko Nurisman, research title "*Challenges to Law Enforcement of Criminal Sexual Violence After the Birth of Law Number 12 of 2022*" publish in Journal Indonesian Law Development. This research describes of the challenges in law enforcement for criminal acts of sexual violence after the enactment of the TPKS Law is influenced by law enforcement factors themselves.

However, the focus of reviewing the fulfillment of victim's rights, which the researchers studied, is new from previous research. In this research, author will describe the differences in the regulation of the rights of victims of criminal sexual violence as regulated in the Criminal Procedure Code and the procedural law of the TPKS Law and the urgency of implementing the TPKS Law in fulfilling victims' rights, namely treatment, protection and recovery.

II. LITERATURE REVIEW

This chapter will explain the theoretical study that will be the basis for analyzing the TPKS Law from the perspective of victim's rights. It will provide an overview of the urgency of optimally enforcing the TPKS Law in handling cases of sexual violence crime in legal process. Two theoretical frameworks, the concept of Indonesia as a Rule of Law State and Victimology, are used in this research.

The reasons for choosing these two theories as research analysis tools are as follows: *First*, the conception of Indonesia as a rule of law is closely related to the function of the rule of law in fulfilling guarantees of protection for citizens. *Second*, victimology is closely related to the concept of victims and crime victim' rights.

A. Concept of Indonesian as a Rule of Law State

According to Adriaan Bedner, there are at least two main functions of the concept of a state based on law. First, citizens are protected from state power and state practices. Second, the law protects citizens from attacks by others in their lives against themselves and their property ownership.[2] Regarding these legal rights, Bedner emphasized that, in fact, of the two main functions of the concept of the rule of law, the one that is most widely discussed is the first function related to guaranteeing and protecting the fundamental rights of citizens while the second function is in balance manner. One example raised by Bedner is the importance of examining the concept of the rule of law in upholding women's rights, as known in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This convention is an example of how the legal state carries out the function of state obligation,

which regulate the power and authority of the state and, on the other hand, places the state's obligation not to discriminate or commit violence against women and violate the rights of another citizen.[3]

Bedner's view is in line with the conception of Indonesia as a legal state which must guarantee and protect the fundamental rights of its citizen; these rights are from now on referred to as constitutional rights as regulated in the 1945 Constitution of the Republic of Indonesia and in positive law regulated in Law Number 39 of 1999 concerning Human Rights, and Law Number 24 of 2003 in conjunction with Law Number 8 of 2011 concerning the Constitutional Court which contains the definition of constitutional rights as rights -the rights regulated in in the 1945 Constitution of the Republic of Indonesia- with fundamental characteristic because they are guaranteed by and are part of written constitution, which must be respected by all branches of state power starting from the executive, legislative and adjudicative. Meanwhile, in the context of fulfilling women's rights to be free from various forms of discrimination, Indonesia has ratified CEDAW, which reduces to Law Number 7 of 1984 concerning the Elimination of All Forms of Discrimination Against Women on July 24, 1984.

Meanwhile, the existence of Indonesia as a legal state is stated explicitly in Article 1 Paragraph (3) of the 4th Amendment to the 1945 Constitution of the Republic of Indonesia, which states that "Indonesia is a Legal state".

Indonesia as a state of law, according to Bernard Arief Sidharta, has its uniqueness, namely that Indonesia is a state of law which has the philosophical foundation of Pancasila by placing a balance between the relationship of human and their creator (God), the relationship between humans and their universal environment, and the relationship between humans and other humans. Therefore, Pancasila is Indonesia's fundamental value and goal as a rule-of-law state. The ideals of Indonesian law based on Pancasila are intended to achieve the goal of establishing Indonesia as legal state.[4]

B. *Victim Rights in Victimology*

The Criminal Procedure Code currently lacks proper regulation for the protection of victims' rights. This imbalance in regulations, which favors the rights of suspects and accused, has a significant impact on the attitudes and action of law enforcers. They often act as mere implementers of the law, relying on obedience to carry out procedures. To address this issue, it is crucial to introduce a victim protection perspective in the framework of more progressive criminal law regulations. These regulations should consider the interests of victims, particularly in terms of service provision and state regulated rights. In the context of procedural rights, the focus should be on the victim's rights to press criminal charges, as they are the ones who suffer and incur losses due to the criminal acts they experience.[5]

The 1985 United Nation Congress on "The Prevention of Crime and the Treatment of Offenders" stated that victims' rights were integral to the criminal justice system. Then, the definition of "victim" based on the provision of number 1 of the Declaration of Basic Principles of Justice for Victim of Crime and Abuse of Power on September 6, 1985, states that "*victims are people who, individually or collectively, suffer losses, including physical or mental injury, emotional, economic suffering, substantial loss or impairment of fundamental rights, through action or omissions that violate the criminal law in force in a country, including laws that prohibit abuse of power*".[6] Then, Arif Gosita defined the definition of victims as "those who suffer physically and spiritually as a result of the action of others people who seek to fulfill their own or other people's interest which conflict with the interests and human rights of those who suffer".[7]

Theoretically and practically, in the criminal justice system in Indonesia, the public prosecutor represents the interests of crime victims as part of community protection by social contract theory and solidarity theory.[8] In general, in theory, there are two models of protection, namely: *First*, the procedural rights model. In short, this model emphasizes that victims can play an active role in the criminal justice process, such as assisting the public prosecutor, being involved at every level of case examination, having their opinion heard if the convict is released on conditional terms, and so on. Apart from that, victims can regain their self-esteem and self-confidence by actively participating in the criminal justice process. *Second*, a service model that emphasizes providing compensation in the form of compensation, restitution, and efforts to restore the condition of victims who have experienced trauma, fear, and depression due to crime.[9]

III. METHOD

This research is a type of normative legal research, namely legal research carried out by examining library materials or secondary data.[10] The secondary data used for the document study is the TPKS Law, Criminal Code, Criminal Procedure Code, and legal theories relevant to the study focus. This research is also referred to as doctrinal research because it examines positive law and legal principles, which are analyzed using legal theories related to the rights of victims of sexual violence crime. For this purpose, the analysis method that will be carried out in fulfilling the rights of victims of sexual violence crime as regulated in the Criminal Procedure Code and specials procedural law in the TPKS Law, which will then be analyzed using concepts and theories of legal science, mainly related to the conception

of Indonesia as rule of law and victimology, with systematic description: (1) Qualification of the sexual violence crime; (2) Penal System; (3) Particular Criminal Procedure Law and Victims' Rights; (4) Recommendation to the government regarding the urgency of implementing the TPKS Law toward fulfilling victims' rights.

IV. RESULT AND DISCUSSION

The formation of the TPKS Law was based on consideration of the concept of Indonesia as a legal state, along with the Pancasila philosophy. The consideration in question are as follows: *First*, every person has the rights to receive protection from violence and the right to be free from torture or treatment that degrades humanity, as guaranteed in the 1945 Constitution of Republic Indonesia. *Second*, sexual violence is contrary to divine values (the first principle of Pancasila: Belief in One Almighty God) and human values (the second principle of Pancasila: Just and Civilized Humanity) and disrupts public security and order. Third, the law and regulation relating to sexual violence are not yet optimal in providing prevention, protection, access to justice, and recovery, do not meet the rights need of victim of sexual violence crime, and are not yet comprehensive in regulating procedural law.

Meanwhile, in substance, the TPKS Law consist of 12 chapters and 92 articles, which contain several legal breakthroughs as follows: (1) Qualifications for the sexual violence crime; (2) Penal System; (3) Special Procedural law, reporting, investigation, prosecution, examination, restitution, and financial assistance for victim; (4) Victims' rights to treatment, protection, and recovery; (5) Prevention, community, and family participation; (5) Monitoring is a share responsibility, with oversight carried out by Minister, National Human Rights institutions, and the community, ensuring the TPKS Law's effective implementation.[11]

The TPKS law also consist several legal breakthroughs that don not yet exist in other Law consist of four essential elements: *First*, A part from qualifying the types of sexual violence crime regulated in TPKS Law, other criminal acts are expressly stated as sexual violence crime as regulated in different laws and regulation. *Second*, Comprehensive procedural legal arrangements starting from stages of investigation, prosecution, and examination in court while still paying attention to and upholding human rights, honor, and without intimidation. *Third*, the victims' right to treatment, protection, and recovery from the occurrence of a sexual violence crime, which in an obligation of state and is carried out by the condition and needs of the victim. Apart from that, great attention to the suffering of victims can also be seen in the form of providing restitution. Restitution is given by the perpetrator of a sexual violence crime as compensation for losses to the victim. If the convict's confiscated assets are insufficient for restitution costs, the state compensates the victim per the court's decision. *Fourth*, Cases of sexual violence crime cannot be resolved outside the judicial process, except for the child perpetrators.[12]

Next, the author will describe the result of the analysis regarding differences in the fulfillment of the victims' rights as regulated in the Criminal Code/ Criminal procedure Code with the TPKS Law.

A. Qualification of the Sexual Violence Crime

Sexual violence in the Criminal Code regulates into three form, namely sexual immorality, violations of morality, and act of rape.

Article	Acts
Article 414 - 421	Regulates acts of sexual immorality (including obscene acts committed against children or against people who are reasonably suspected to be children)
Article 422	Regulates violations of decency (including violations of morality committed against children or against people who are reasonably suspected to be children)
Article 473- 483	Regulates the act of rape (including violations of morality committed against children or against people who are reasonably suspected to be children)

Table 01: Regulation of Sexual Violence in the 2023 Criminal Code

These three form of sexual violence in their application to concrete cases, cannot reach the reality of various other forms of sexual violence experienced by victims. The limited regulation of forms of sexual violence in the Criminal Code opens up room for impunity for the perpetrators because law enforcers don not have a clear and firm normative basis for processing form of sexual violence outside the Criminal Code through the criminal justice process for sexual experience by victims.

Sexual Violence Crime in the TPKS Law	Sexual Violence Crime outside the TPKS Law	Other Crimes
There are nine acts as criminal acts of sexual violence in Article 4 Paragraph (1), namely: <ul style="list-style-type: none"> - non-physical sexual harassment; - physical sexual abuse; - forced contraception; - forced sterilization; - forced marriage; - sexual torture; - sexual exploitation; - sexual slavery; - electronic-based sexual violence 	Crimes of Sexual Violence that are regulated outside the TPKS Law are described in Article 4 paragraph (2), which states that apart from Crimes of Sexual Violence as referred to in paragraph (1), Crimes of Sexual Violence also include: <ul style="list-style-type: none"> - rape; - obscene acts; - sexual intercourse with a child; - obscene acts against children, and sexual exploitation of children; an act of violating decency that goes against the will of the victim; - pornography involving children or pornography that explicitly contains violence and sexual exploitation; - forced prostitution, criminal acts of trafficking in persons aimed at sexual exploitation; - sexual violence in the domestic sphere; - the crime of money laundering, the original crime of which is the Crime of Sexual Violence 	Other criminal acts are expressly stated as criminal acts of sexual violence in the provisions of statutory regulations

Table 02: Categories of Sexual Violence Crimes in the TPKS Law

The table 03 shows that the regulation of sexual violence crime contained in TPKS Law is different from Criminal Code. The TPKS Law expands the regulation of sexual violence crime into three categories: (1) sexual violence crime in the TPKS Law, sexual violence crime outside the TPKS Law and others crime that states as sexual violence crime in the TPKS Law. The expanding form of sexual violence crime in the TPKS Law can reach the reality of various forms of sexual violence crime experienced by victims.

B. Penalty System for Sexual Violence Crime

The punishment system in the Criminal Code, which originally adhered to a single-track system, was to apply a retributive or criminal element as a means of retaliation for crimes committed by someone. Crime is seen as an immoral act in society. Therefore, perpetrators of crime must be retaliated against by imposing criminal penalties as retaliation or as a deterrent effect. In the new Criminal Code (2023), there are updates, namely by adding the main types of crimes that were not previously regulated in the old Criminal Code. That most significant change is the introduction of a ‘double-track system’, which no longer focuses on retaliation, but on the preventing criminal acts and the correction or rehabilitation of perpetrators, with the hope of instilling regret in the perpetrator for the criminal act they committed.

No.	Type of Crimes	Sentencing Rules
1.	Principal Criminal: Imprisonment; Cover-up crime; Criminal Supervision; Criminal fines; And Social work crime	<ul style="list-style-type: none"> - The order of punishment determines the severity or lightness of the sentence. - The criteria for closed criminal sanctions are primarily based on the motive of the perpetrator of the criminal act. This is because their motives are often worthy of respect and must be clearly stated in the judge's decision, underscoring the significance of this factor in the sentencing process. - Supervision penalties, fines, and social work penalties are alternatives to short-term deprivation of liberty (under 5 years), which a judge will impose.
2.	Additional Penalty	<ul style="list-style-type: none"> - Revocation of certain rights; - Confiscation of certain items and bills - Announcement of Judge's Decision - Revocation of specific permits - Fulfillment of local customary obligations
3.	Particular Crimes for Certain Crimes Regulated by Law	Very serious or extraordinary criminal acts

Table 03: Sentencing Rules in the 2023 Criminal Code

The punishment system of the TPKS Law also adheres to a double-track system of punishment, namely applying sanctions that are not retaliatory but rather rehabilitative (action to correct the perpetrator). The difference with the Criminal Code is that the TPKS Law, apart from implementing sanctions (criminal type) and action (rehabilitative), also provides obligations that the perpetrators, namely restitution, must fulfill. The purpose of the restitution is to ensure that victims receive the right to recovery.

No.	Crime Qualification	Sentencing Role
1.	Principal Crime	<ul style="list-style-type: none"> - Criminal - Fine - Other crimes according to law
2.	Additional Penalty	<ul style="list-style-type: none"> - Revocation of child custody or pardon - Announcement of the perpetrator's identity - Confiscation of profits and assets obtained from criminal acts of sexual violence
3.	Aggravated Crime	The sentence imposed is then given a weighting of 1/3 (one-third) based on efforts to provide special protection to vulnerable groups, carried out in power relations, the impact of criminal acts of sexual violence, the way criminal acts of sexual violence are carried out and situations that make victims vulnerable.
4.	Action	<ul style="list-style-type: none"> - Medical rehabilitation - Social rehabilitation <p>(given to victims of criminal sexual violence)</p>
5.	Obligation	Restitution (given to victims of criminal sexual violence)

Table 04: Types of Sanctions for Crimes of Sexual Violence in the TPKS Law

C. Special Criminal Procedure Law and Fulfillment of Victims' Rights

In the criminal justice system in Indonesia, the position of victim of sexual violence crime is placed as evidence to impose sanctions on perpetrators so that the impact of sexual violence crime (suffering and loss) and social impacts due to the existence of gender stereotypes on victims of sexual violence crime and the need for victim to recovery itself is not paid attention to, this happens because the Criminal Code and Criminal Procedure Code are still based on fulfilling the rights of suspects, do not clearly and firmly regulated the need for assistance to victims so that victims are ready to provide information in the criminal justice process. Apart from that, there are no specific procedures for carrying out the examination report process for victim of sexual violence crime. Hence, the examination process often places the victim in a condition of repeated victimization.

Even though in its development, Indonesia has implemented an Integrated Criminal Justice System for Handling Cases of Violence Against Women, handling cases of sexual violence crime against women has not been running optimally because there are no normative references or regulation that bind law enforcers procedurally.

In the TPKS Law, the Integrated Criminal Justice System for Handling Cases of Violence Against Women concept is adopted in the substance of the particular criminal procedural law content of the TPKS Law, which is regulated in 12 parts, namely: general, evidence, assistance to victims and witnesses, restitution, reporting, victim protection, witnesses' examination, investigation, prosecution, examination at court hearing, and implementation of decision. With the Integrated Criminal Justice System for Handling Cases of Violence Against Women concept regulated in the particular criminal procedural law of the TPKS Law, its implementation must be implemented on the normative basis of the TPKS Law by police/investigators, prosecutors and judges.

The particular criminal procedural law in the TPKS Law expands or complements the Criminal Procedure Code, which means that the Criminal Procedure Code continues to be use as the criminal procedure law for sexual violence crime by being expanded or supplemented by particular criminal procedure law of the TPKS Law, as stated in article 20 of the TPKS Law that investigation, prosecution, and examination in court of sexual violence crime based on the law which regulates criminal procedural law, including those carried out specifically in handling cases of certain sexual violence crime, unless otherwise provided in the TPKS Law.

In the special criminal procedure law for TPKS, apart from general procedures such as investigation, prosecution, and examination in court, the principles of fulfilling the victims' rights, which are not regulated in the Criminal Code, are also regulated, including:

1. Requirements for law enforcement officials (investigators, prosecutors, and judges) who handle cases of sexual violence crime, they must have integrity and competence regarding handling cases from a human rights and victim perspective and have attended training related to handling cases of sexual violence crime.
2. The method of examining witnesses/ victims/ suspects/ defendants, they must uphold human rights, honor, and dignity without intimidation, not justify mistakes, and not victimize their way of life and morality, including sexual experiences with questions that are ensnaring or which causes trauma for the victim or question that are not related to the sexual violence crime.
3. Expansion of the evidence system so that it does not hinder victims from processing their legal cases.
4. A victim companion is a trusted and competent person who can accompany the victim in accessing treatment, protection, and recovery rights. The companion in question includes the Witness and Victim Protection Agency or institutions officers, the Regional Technical Implementation Unit for Protection of Women and Children officers, health workers, psychologists, social workers, social welfare workers, psychiatrist, legal assistance (advocates and paralegal). community-based service provides officers, and other companions.
5. Make restitution an obligation of the perpetrators to be given to the victim. Restitution is a payment of compensation charged to the perpetrators or third party based on a court decision with permanent legal force for material and immaterial losses suffered by the victim or their heirs.
6. Reporting of sexual violence crime can be done through the Regional Technical Implementation Unit for Protection of Women and Children, Technical Implementation Unit and Regional Implementation Units in the Social Sector, Community-Based, Service Providers, and the Police both where the victim is located and where the crime occurred.
7. Arrangement for temporary protection for victims and establishing movement restriction for perpetrators.

Meanwhile, related to victim's rights, the TPKS Law formulated victims' rights which consist of handling, protection and recovery obtained, enjoyed, and used by the victim (article 1 number 16 the TPKS Law). The treatment referred to is an action taken to provide complaint services, health, social rehabilitation, law enforcement, legal services, repatriation, and social reintegration. The protection referred to is all effort to fulfill rights and provide assistance to provide a sense of security to witnesses and victims, which must be carried out by the Witness and Victim Protection Agency or institutions by provisions of statutory regulation. Meanwhile, recovery refers to all effort to restore the victims' physical, mental, and spiritual condition.

D. Urgency of Implementing the TPKS Law

Based on the description of the research results above, the implementation of the TPKS Law is urgent for fulfilling the rights of victims of criminal acts of sexual violence. Suppose you look closely at the 2023 District Court decision data, which has implemented the TPKS Law in cases of criminal sexual violence still oriented toward the perpetrator. The results of the decision do not yet apply the main principles of special criminal procedural law regarding criminal acts of sexual violence as regulated in the TPKS Law, especially those related to fulfilling the rights of victims, for example, determining restitution or compensation for the victim which the convict and the right to recovery must fulfill. In this case, judges still use the general criminal justice system, which is oriented towards punishment and the rights of suspects/convicts. The judge has not implemented the victim's rights to the losses suffered, including recovery, which should be stated in the decision.

The obstacle for judges to apply special criminal procedural law to complement the Criminal Procedure Code in examining cases at trial is because derivative regulations from the TPKS Law, which can be used as a judge's juridical basis, have not been issued by the government, even if the derivative rules have been issued or not, the TPKS Law can still be implemented optimally considering The TPKS Law has had legal force since its promulgation and judges have independence in deciding cases they examine in court.

V. CONCLUSION AND RECOMMENDATION

A. Conclusion

Based on the research result as describe above, the TPKS Law, viewed from the perspective of victims' right, is a law that comprehensively oriented toward fulfilling the rights of victim of sexual violence crime reflected in:

1. The concept of the TPKS Law, which places the state's responsibility on fulfilling victims' rights as citizen;
2. Expanding the regulation of sexual violence crime, which categories into three type of sexual violence crime in the TPKS Law, regulated in law outside the TPKS Law, and others crimes that expressly stated as sexual violence crime in the TPKS Law;

3. Comprehensive procedural law arrangements starting from the stages of investigation, prosecution, and examination in the court while still paying attention to human rights, honor, and without intimidation;
4. The overall rights of victim are regulated by needs of victims, both as stated in the particular criminal procedure Law and those regulated separately regarding victims' rights to treatment, protection, and recovery as a state obligation and implemented by conditions and need of victims;
5. The TPKS Law pays great attention to victims' suffering by providing restitution, which is charged to perpetrators.

B. Recommendation

Based on the findings and conclusion of this research, the TPKS Law must implemented optimally, considering that the TPKS Law has had legal force since it was promulgated in 2022. For this purpose, recommendation is given to law enforcement officials, starting from the police, prosecutor's office, and judicial level, ensure that in every case of sexual violence crime, the TPKS Law is applied even though the government has not yet completed the derivate regulation of the TPKS Law. The TPKS Law implementation should be completely used in both the substance of material and formality of TPKS Law, and the government swift completion of 7 derivative regulation of the TPKS Law is crucial. This will significantly bolster the legal standing of law enforcers in the implementing of the TPKS Law.

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