



Empowering SDG 16: Electronics-Based Criminal Law Policy to Combat Sexual Violence in Indonesia

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Abstract

Introduction to The Problem: Increasing cases of sexual violence, particularly against women, heighten concerns, prompting this group to be vigilant in self-protection. The lack of clarity on electronic-based sexual violence in the TPKS Law may lead to varied interpretations among law enforcement agencies. A normative study is crucial to discern the legislative intent and rationale, ensuring inclusion of these provisions in the TPKS Law. An ideal electronic-based criminal law policy is needed to universally safeguard victims, aligning with the principles of human dignity outlined in SDG 16 of the Global Agenda 2030.

Purpose/Objective Study: This investigation sought to delineate the contours of Indonesia's legislative framework pertaining to electronic-based sexual violence within the ambit of criminal law policy. The significance of this inquiry lies in its inherent alignment with and contribution to the realization of Sustainable Development Goal 16, which fundamentally advocates for the promotion of peace, justice, and the fortification of robust institutional frameworks.

Design/Methodology/Approach: The research method used is normative legal research with a statutory approach and qualitative analysis.

Findings: Law Number 12 of 2022 addresses electronic-based sexual violence in Article 14(1) (a) and (b) but presents drawbacks, particularly concerning consensual

consent. Recommending amendments to these articles is crucial to avoid discord with other regulations, striving for an optimal criminal law policy in Indonesia. Legal reforms should consider societal issues and contribute to effective law enforcement. Electronic-based sexual violence legislation must align with both expectations and realities, acknowledging the severity of the offense as a violation of human rights and a significant criminal act under SDG 16. The Indonesian government must establish and enforce laws to combat this activity, crucial for achieving SDG 16. Proposed amendments include introducing supplementary penalties, like revoking access rights to electronic media, to deter offenders.

Paper Type: Research Article

Keywords: Criminal Law Policy; Electronic Based Sexual Violence; Sexual Violence Crime; SDG 16

Introduction

A manifestation of the infringement upon human dignity resides in instances of sexual violence, frequently perpetrated against vulnerable demographics, notably women and children. Despite an absence of explicit elucidation regarding the extent of human dignity in both the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) and the pertinent legislation governing the eradication of sexual violence, the fundamental essence of human dignity within this context revolves around self-respect, self-esteem, and the interconnected facets of physical and psychological integrity and empowerment ([Harkrisnowo, 2002](#); [Rahayu, 2021](#)).

The escalating incidence of sexual violence has instilled heightened apprehension within society, prompting a growing concern for self-protection. Notably, cases of sexual violence against women have witnessed a substantial surge, evidenced by a noteworthy 80% increase from 2,134 cases in 2020 to 3,838 cases in 2021, as reported in complaints to the National Commission on Violence Against Women (hereinafter referred to as KOMNAS Perempuan) of the Republic of Indonesia. KOMNAS Perempuan ([2022](#)) contends that this surge inadequately reflects the commitment to safeguarding human rights against physical crimes and ensuring individual safety in Indonesia. Despite the escalating trend, the level of legal redress secured by victims of sexual violence remains disproportionately low ([Tantri & Made, 2021](#)). The global prevalence of sexual violence against women and children transcends national boundaries, affecting even developed nations that ostensibly uphold and prioritize human rights. Within any nation, protective measures for crime victims, particularly women and children, are imperative, underscoring the need for robust safeguards for the rights of those subjected to sexual violence.

In 2022, Law Number 12 of 2022 concerning Crimes of Sexual Violence (TPKS Law) was issued. The birth of the TPKS Law is a manifestation of efforts to respond to the increasing prevalence of sexual violence in Indonesia. The TPKS Law regulates several types of sexual violence crimes. When referring to Article 4(1) and (2) of the TPKS Law, the types of crimes of sexual violence can be described as follows:



1. Sexual Violence Crimes consist of:
 - a. Non-physical sexual harassment;
 - b. Physical sexual harassment;
 - c. Forced contraception;
 - d. Forced sterilization;
 - e. Forced marriage;
 - f. Sexual abuse;
 - g. Sexual exploitation;
 - h. Sexual slavery, and
 - i. Electronic-based sexual violence.
2. In addition to the Crime of Sexual Violence, as referred to in paragraph (1), the Crime of Sexual Violence also includes:
 - a. Rape;
 - b. Obscenity;
 - c. Intercourse with a child, obscene acts against a child, and/or sexual exploitation of a child;
 - d. Acts of violating decency that are contrary to the will of the victim;
 - e. Pornography involving children or pornography that explicitly contains violence and sexual exploitation;
 - f. Forced prostitution;
 - g. Criminal acts of trafficking in persons aimed at sexual exploitation;
 - h. Sexual violence within the household;
 - i. Money laundering crime whose predicate crime is a sexual violence crime; and
 - j. Acts that are expressly stated as Crimes of Sexual Violence are regulated in the provisions of laws and regulations.

The TPKS Law delineates a comprehensive spectrum of no fewer than nineteen distinct criminal offenses, each embodying the *expressis verbis* criterion—marked by clarity and transparency. These criminal acts, meticulously defined within the TPKS Law, serve as formal juridical foundations for the purposeful execution of legal measures directed at those implicated in acts of sexual violence.

Various forms of sexual violence crimes exist, with one specific category being electronic-based sexual violence offenses. The evolution of science and technology has introduced dynamic changes in the commission of criminal acts, particularly those related to sexual violence. A notable manifestation involves the utilization of electronic systems or bases as a medium for perpetrating such offenses. An electronic system is defined as a sequence of electronic devices and processes designed to prepare, gather, process, analyze, store, present, announce, transmit, and/or disseminate Electronic Information, as outlined in Article 1, point 5, of Law Number 19 of 2016 amending Law Number 11 of 2008 regarding Information and Electronic Transactions, commonly known as the ITE Law.

Furthermore, Law Number 1 of 2023 on the Criminal Code (National Criminal Code) intricately addresses sexual violence offenses. Article 423 delineates criminal acts falling under Article 414 through Article 422 as constituting sexual violence offenses. Likewise, Article 473 designates a specific provision as a criminal offense related to sexual violence. The proliferation of rules governing sexual violence offenses poses a potential quandary, fostering ambiguity and libel concerns for law enforcement officials tasked with discerning the applicable regulations, particularly in instances of electronic-based sexual violence crimes.

The lacuna in the TPKS Law regarding detailed elucidation on electronic-based sexual violence offenses harbors the risk of divergent interpretations among law enforcement entities, encompassing the police, prosecutors, and judiciary. Therefore, a normative inquiry becomes imperative to scrutinize the legislative intent and rationale underlying the TPKS Law, aiming to encapsulate these provisions comprehensively. This normative study is indispensable for the attainment of an optimally formulated criminal law policy concerning electronic-based sexual violence, ensuring universal victim protection in alignment with the principles delineated in SDG 16 of the Global Agenda 2030 and upholding the imperative of human dignity (Ariyanti, 2023).

SDG 16 constitutes a pivotal component within the United Nations' comprehensive agenda of 17 objectives, aiming to cultivate a more sustainable and equitable global order by 2030. This particular goal underscores the imperative of fostering peace and justice while fortifying institutions to ensure their resilience. The overarching objectives encapsulated in this initiative encompass the mitigation of violence, the combatting of corruption, the promotion of the rule of law, the facilitation of unfettered access to justice, and the establishment of efficient and accountable institutions across multiple strata. Integral to this endeavor is the establishment of harmonious and all-encompassing societies, wherein equitable access to justice is unequivocally guaranteed, and the safeguarding of human rights is accorded paramount importance. This concerted effort serves to not only promote stability but also to facilitate enduring, sustainable advancements.

SDG 16.1 aims to significantly reduce all forms of violence, which includes sexual violence, globally. Sexual assault is a severe violation of human rights that frequently reveals underlying issues of gender inequality, discrimination, and inadequate justice systems. Reference can also be made to SDG 16.2, whose specific goal is to "end abuse, exploitation, trafficking, and all forms of violence against and torture of children." It directly recognizes that children are among the most vulnerable groups in society and need protection from various forms of violence and exploitation. SDG 16.3 and SDG 16. B demonstrates an essential link with the implementation of Indonesian legislation about sexual assault, as they contribute to the advancement of equitable accessibility to the judicial system. SDG 16.3 aims to advance the rule of law domestically and internationally and guarantee equitable access to justice for all



individuals—additionally, SDG 16. B emphasizes explicitly the promotion and enforcement of laws and policies that are non-discriminatory in nature, with the ultimate goal of fostering sustainable development.

Hence, the Indonesian government's substantial endeavors in formulating an electronic-based criminal legislation policy targeting sexual assault should be acknowledged as a commendable stride towards SDG 2030. This initiative aims to address the underlying causes of sexual violence by fortifying legal structures, upholding the rule of law, and ensuring survivor access to justice. Additionally, it entails establishing responsive and accountable institutions capable of effectively handling sexual violence cases, conducting impartial investigations, and holding perpetrators accountable. Emphasizing gender equality and women's empowerment as overarching themes within all SDGs, including SDG 16, is crucial. Advancing gender equality is pivotal in combating sexual violence, challenging detrimental gender norms, stereotypes, and power imbalances that contribute to such offenses.

In addition, it is noteworthy to highlight SDG 5, which underscores the pursuit of gender equality. This objective seeks the eradication of all manifestations of violence against women and girls, encompassing sexual violence. SDG 5 entails the acknowledgment of gender disparities, the empowerment of women, the facilitation of access to justice, the establishment of secure environments, the transformation of societal attitudes, and the systematic monitoring of advancements in the ongoing battle against sexual violence. The realization of SDG 5 serves as a pivotal stride toward fostering a societal milieu wherein individuals can coexist devoid of apprehension and discrimination.

Methodology

This normative legal research, utilizing doctrinal approach (Sonata, 2014), examines the relationship between legal provisions and anticipates future developments. Focused on norms, legal concepts, principles, and doctrines, the study primarily involves literature research, delving into secondary legal materials. Employing the statutory approach, it scrutinizes laws and regulations related to the legal issues at hand to establish legal ratio and ontological foundations for law creation (Marzuki, 2017). Primary legal materials, including statutes and official records, serve as the basis, while secondary legal materials encompass textbooks, legal dictionaries, law journals, and commentaries. Additionally, non-legal materials such as books on political science, economics, sociology, philosophy, culture, and research reports may be incorporated for research purposes. (Yanova, Komarudin & Hadi 2023).

The theoretical framework of this study is based on the principle of human rights, which is a structured approach outlining fundamental principles and concepts for understanding and advocating for human rights. The framework emphasizes the universality, inalienability, and interdependence of human rights. It places central importance on equality, human dignity, and non-discrimination. States have

obligations to protect and fulfill these rights, and international law and institutions play a crucial role. Empowerment and participation are also essential, considering civil, political, economic, social, and cultural rights. The framework also recognizes intersectionality and conflict resolution to address complex challenges. Overall, it guides efforts to promote and protect human rights globally.

Results and Discussion

Electronic-based sexual violence constitutes an offense leveraging electronic facilities. This category encompasses various forms of electronic crimes, such as ([Maskun et al., 2013](#); [Maskun et al., 2020](#)):

1. Violations targeting the confidentiality, integrity, and accessibility of computer data and systems include actions like unauthorized access (hacking/cracking), illicit acquisition of data (data espionage), illegal interception, data interference, and system interference.
2. Offenses associated with computer systems involve acts such as computer-related fraud, computer-related forgery, phishing, identity theft, and the improper use of devices.
3. Offenses related to content encompass activities like the distribution of pornography, racism, hate speech, promotion of violence, religious violations, illegal gambling, online gaming violations, defamation and dissemination of false information, as well as the proliferation of spam and associated threats.
4. Violations linked to copyright infringement.

One facet of criminal transgressions pertains to infractions concerning pornographic content. As delineated in Article 1 point 1 of Law Number 44 of 2008 concerning Pornography (Pornography Law), the term Pornography defined as ([Hidayat & Irawan, 2023](#)):

“Pictures, sketches, illustrations, photos, writing, sounds, sounds, moving pictures, animations, cartoons, conversations, gestures, or other forms of messages through various forms of communication media and/or public performances, which contain obscenity or sexual exploitation that violates the norms of decency in society.”

The Centers for Disease Control and Prevention (CDC) outlines sexual violence as any sexual act carried out or attempted by another individual without the voluntary and freely given consent of the victim or against someone incapable of providing support or declining ([Bonar et al., 2020](#)). The debate surrounding the use of violence for entertainment has persisted for several years. A significant portion of the research on aggressive behaviour has concentrated on media violence, encompassing television, films, and video games, as a leading factor influencing both adolescents and adults. Despite empirical investigations, most studies lack compelling evidence establishing a strong connection between media violence and aggressive behaviour ([Ferguson & Hartley, 2020](#)).



Cyber extortion is a component within a broader spectrum of image-based sexual abuse (IBSA), encompassing offences like revenge pornography and nonconsensual sexting. In these instances, explicit images are utilized to cause harm (O'Malley & Holt, 2020). Sexual violence is a criminal act that causes significant physical and psychological damage to victims worldwide. The use of information and communication technologies has led to an increase in instances of technology-facilitated sexual violence (TFSV) in recent years. The widespread use of smartphones and easy internet access has made it easier for perpetrators and victims to engage in TFSV. This type of crime also referred to as image-based sexual abuse, nonconsensual pornography, or revenge pornography, involves the distribution of sexually explicit images or videos of individuals without their consent (Patel & Roesch, 2020).

Numerous research has delved into sexual violence as a societal critique, particularly scrutinizing the management of such violence in educational settings. Investigations in this domain have disclosed students' awareness of diverse forms of sexual violence within the campus milieu. Notably, efforts to address and rectify this issue are conspicuously lacking (Pandor et al., 2023). Sexual violence, likened to an iceberg phenomenon, is only partially covered by the media, focusing on cases resulting in fatalities. A closer examination reveals myriad instances of sexual violence with diverse characteristics. A considerable number of victims refrain from reporting these incidents, often compelled by fear of stigma or constrained by specific situations, systems, or environments, rendering them voiceless and powerless (Noviani P et al., 2018). The pervasiveness of sexual harassment on social media is a ubiquitous concern encountered across diverse online platforms, encompassing but not limited to Twitter, Instagram, Facebook, and others (Khoirunisa, 2022).

Within the Indonesian legal framework, numerous statutes govern sexual violence, with a primary focus on electronic-based criminal acts, delineated notably in Law Number 12 of 2022 concerning Crimes of Sexual Violence (TPKS Law). Article 4(1) of the TPKS Law enumerates various forms of sexual violence, particularly emphasizing electronic-based instances in Letter I. An exploration of criminal law policies concerning the regulation of electronic-based sexual violence crimes is imperative to assess the adequacy of the existing legal provisions in this domain.

In his publication, Eko Soponyono (2014) posits that criminal law policy is intricately linked to the broader framework of criminal justice system policy, representing a concerted endeavor to actualize criminal legislation in current and future contexts. The formulation of penal system policy is considered integral to the broader process of criminal law renewal. Internationally, the concept of criminal law policy is variously denoted as "penal policy," "criminal law policy," or "*strafrechts politiek*" in foreign literature. Theoretically, a consensus on the precise definition of criminal law policy remains elusive, with any existing formulation deemed provisional at best (Pujiyono & Adhari, 2019).

Moreover, as posited by Ivo Lapenna ([Pujiyono & Adhari, 2019](#)), criminal law policy represents an integral facet within a society's comprehensive strategy for crime mitigation, encapsulating a diverse array of methodologies and measures. These endeavors are aimed at both the prevention and suppression of criminal activities, delineating into two principal categories: preventative measures and punitive measures. Ivo Lapenna construes criminal law policy as an integral component of the broader public policy dedicated to combating crime, encompassing all means and actions deployed toward that objective. Within the realm of combating corruption, all strategies are bifurcated into two primary classifications: preventative and repressive.

With respect to the nexus between criminal law policy (penal policy) and social policy, Barda Nawawi Arief, as elucidated by Putro and Soponyono ([2015](#)), posits that the reformulation of criminal law within a policy framework entails the following significances:

1. As part of social policy, penal law reform is essentially part of an effort to address social problems in the context of achieving/supporting national objectives (community welfare);
2. As part of criminal policy, criminal law reform is essentially part of efforts to protect society (especially efforts to combat crime);
3. As part of law enforcement policy, criminal law reform is essentially part of efforts to renew legal substance to make law enforcement more effective.

Furthermore, Barda Nawawi Arief ([Kenedi, 2020](#)) argues in his book that:

"Criminal law policy is a direct translation of the term *penal policy*, but sometimes the term *penal policy* is also translated into criminal law politics. The term penal policy has the same meaning as the terms *criminal law policy* and *strafrechts politiek*, so these two terms are also translated into criminal law politics or criminal law policy, but from the previous explanation that the term policy is taken from the term *policy* in English or *Politiek* in Indonesian-Dutch."

The formulation of criminal law policy constitutes a pivotal facet in the broader initiative to preclude and address criminal transgressions within the framework of the rule of law (*rechtstaat*). This aligns seamlessly with Sudarto's perspective, as elucidated by Arief ([2010](#)), wherein criminal law policies or politics are construed as:

1. Efforts to realize reasonable regulations under the circumstances and situation at that time;
2. Policies from the state through authorized bodies are expected to express what is contained in the community and achieve what is expected.

The aforementioned exposition delineates penal policy as encompassing all endeavors directed towards formulating criminal laws and regulations attuned to the prevailing circumstances at a given time, encompassing both the present (*ius*



constitutum) and the future (*ius constituendum*). Furthermore, criminal law policies are integral to and concomitant with criminalization policies within the purview of criminal law reform (Munandar, 2021). In light of this elucidation, the electronic-based criminal law policy concerning sexual violence necessitates an exploration of the alignment between normative expectations (*das sollen*) and existing realities (*das sein*). Following the tenets of criminal law policy, rules should adapt to the exigencies and context at the time of their promulgation. In the specific case of electronic-based sexual crimes, regulation is imperative, albeit the potential complexity arising from the multitude of regulations that may be germane to these offenses.

Moreover, the constituents delineated within the ambit of Article 14(1)(a), specifically: *recording and/or taking sexually charged pictures or screenshots against the will or without the consent of the person who is the object of the recording or photographs or screenshots*, and letters b namely: *transmitting electronic information and/or electronic documents that are sexually charged against the will of the recipient aimed at sexual desire*, still experiencing some deficiencies. Notably, the inclusion of the phrase "beyond the will of the recipient" introduces a consensual dimension, creating a potential ambiguity. If adherence to the principle of decency in legal codes is invoked, any content contravening decency, whether willfully or inadvertently, should be subject to legal prosecution (Monica et al., 2023). Consequently, recommendations for refining the language of Article 14(1)(a) and (b) of the TPKS Law are as follows:

- a. *does recording and/or taking pictures or screenshots that are sexually charged to the person who is the object of the recording or picture or screenshot.*

The reason for the change is that even though the person who is the object of the recording picture or screenshot agrees, the provisions of Article 34 of the Pornography Law stipulate that *Everyone who intentionally or with his consent becomes an object or model that contains pornographic content as referred to in Article 8 shall be subject to punishment with a maximum imprisonment of 10 (ten) years and/or a maximum fine of Rp. 5,000,000,000.00 (five billion rupiah)*. Then Article 35 of the Pornography Law also stipulates: *Everyone who makes another person an object or model that contains pornographic content as referred to in Article 9 shall be subject to imprisonment for a minimum of 1 year and a maximum of 12 (twelve) years and/or a fine of at least Rp. 500,000,000.00 (five hundred million rupiahs) and a maximum of Rp. 6,000,000,000.00 (six billion rupiahs)*. So that, the consensual element in the provisions of Article 14 paragraph (1) letter a of the TPKS Law should have been abolished so that concurrency does not occur between one regulation and another (dis-harmonization).

- b. *transmitting sexually charged electronic information and/or electronic documents to recipients directed against sexual desire.*

The reason for the change is that transmitting is interpreted as sending Electronic Information and/or Electronic Documents addressed to another party through the



Electronic System (Vide: *General* Explanation of Article 27 paragraph (1) of Law Number 19 of 2016 concerning Amendments to Law Number 11 2008 concerning Information and Electronic Transactions). So, if you use the word consent/consensual from a person as the recipient of electronic information and/or electronic documents with sexual content, both the sender and the recipient can be punished. It can be seen in the provisions of Article 32 of the Pornography Law, which reads: " *Anyone who listens to, displays, uses, possesses, or stores pornographic products as referred to in Article 6 shall be punished with imprisonment for a maximum of 4 (four) years and/or fines 2,000,000,000.00 (two billion rupiah) at the most.*" It can be seen that anyone who stores pornographic products can be subject to criminal sanctions as stipulated in Article 32 of the Pornography Law. Therefore, it is not possible to have a consent system in terms of transmitting electronic information and/or electronic documents with sexual content to recipients who are directed against sexual desires.

The endeavor to modify the aforementioned article seeks to establish an optimal criminal law policy for the regulation of electronic-based sexual violence crimes in Indonesia. As one of the largest cities in the country, Makassar is identified as potentially vulnerable to incidents of electronically-based sexual violence. Moreover, technological advancements, ubiquitous not only in other regions but also pervasive in Makassar, warrant focused attention in this research. The study specifically concentrates on Makassar, serving as the capital of South Sulawesi. Additionally, insights gleaned from data acquired from the Makassar District Court and the Makassar City Police (Polrestabes Makassar) reveal the following:

Table 1. Cases of Sexual Violence in Makassar in 2021

Criminal act	Man	Woman	Total
Attempted Rape	0	0	0
Obscene acts	0	3	3
Obscene Child	1	17	18
Agree Child	0	24	24
Pornography	0	1	1
Pregnant Irresponsible	0	0	0
Online Prostitution	0	0	0
Rape	0	3	3
Total Data			49

Source: Makassar Polrestabes



Table 2. Cases of Sexual Violence in Makassar in 2022

Criminal act	Man	Woman	Total
Attempted Rape	0	2	2
Obscene acts	0	22	22
Obscene Child	9	34	43
Agree Child	1	54	55
Pornography	0	1	1
Pregnant Irresponsible	0	5	5
Online Prostitution	0	2	2
Rape	0	10	10
Physical Sexual Violence	0	1	1
Non-Physical Sexual Violence	0	3	3
Total Data			144

Source: Makassar Polrestabes

Table 3. Cases of Sexual Violence in Makassar in 2023

Criminal act	Man	Woman	Total
Attempted Rape	0	1	1
Obscene acts	0	4	4
Obscene Child	0	8	8
Agree Child	0	12	12
Pornography	0	0	0
Pregnant Irresponsible	0	0	0
Online Prostitution	0	0	0
Rape	0	1	1
Total Data			26

Source: Makassar Polrestabes

Drawing upon data from Makassar Polrestabes, it is discerned that during the 2021-2023 timeframe, instances of electronic-based sexual violence crimes were absent. Notwithstanding the promulgation of the TPKS Law in 2022, the enforcement of Article 14 remains unrealized. Moreover, the antecedent legal framework, preceding the TPKS Law, illustrates inadequate law enforcement attributable not only to its non-specific nature but also to the omission of explicit accommodations for electronic sexual violence offenses. Consequently, despite the TPKS Law's introduction in 2022, featuring more specific provisions, challenges persist in its interpretation. Additional insights into sexual violence crimes were gleaned from the Makassar District Court below.



Table 4. Cases of Sexual Violence in Makassar in 2021

Case	Man	Woman	Total
Information and Electronics	0	6	6
Pornography	0	1	1
Total Data	0	7	7

Source: Makassar District Court

Table 5. Cases of Sexual Violence in Makassar in 2022

Case	Man	Woman	Total
Information and Electronics	0	5	5
Pornography	0	2	2
Sexual Exploitation	0	2	2
Obscene Child	0	11	11
Agree Child	0	10	10
Total Data	0	30	30

Source: Makassar District Court

Table 6. Cases of Sexual Violence in Makassar in 2023

Case	Man	Woman	Total
Information and Electronics	0	2	2
Pornography	0	1	1
Online Prostitution	0	1	1
Agree Child	0	3	3
Total Data	0	7	7

Source: Makassar District Court

Examining the data pertaining to sexual violence offenses within the Makassar District Court, it is discerned that in 2021, seven instances were recorded, comprising one case of pornography and six cases falling under the purview of the Information and Electronic Transactions (ITE) Law. Subsequently, in 2022, there were five instances of sexual violence offenses governed by the ITE Law, followed by two such cases in 2023. A notable commonality across these occurrences is the gender of the victims, all identified as women, thus underscoring the vulnerability of this demographic group.

Drawing from this dataset, as of 2023, the optimal implementation of Article 14 of the TPKS Law has yet to be realized. This deficiency may stem from the absence of implementing regulations under the TPKS Law and is compounded by the plethora of regulations associated with Information and Electronic Transactions (ITE), posing challenges for Law Enforcement Officials (APH) in enforcement. Consequently, within the criminal law framework addressing electronic-based sexual violence crimes, due consideration must be accorded to the ratio legal aspect concerning the criminalization of these provisions.



A critical consideration within the criminal law policy pertaining to sexual violence offenses is the imperative to enhance the efficacy of Article 14 of the TPKS Law. Emphasis on the Transitional Provisions of the TPKS Law is essential, stipulating that the adjudication of all electronic-based sexual violence crimes must adhere to the provisions outlined in the TPKS Law. This stipulation aims to ensure legal certainty and harmonization within the legal framework. Fundamentally, the harmonization of rules and regulations fosters coherence in norms, particularly within the legal domain. Recognizing the significance of harmonizing norms, especially in the legal context, emerges as a logical imperative for establishing order in a country's legal system (Sjarif, 2022).

The implementation of these enhancements promises substantial benefits for the Indonesian populace, particularly women and children who have borne a disproportionate burden in the wake of this crisis. The imperative to curtail sexual abuse emanates from multifaceted considerations. Primarily, the eradication of sexual abuse ensures the ability of individuals to lead lives devoid of fear, with due regard for their fundamental human rights and the preservation of their dignity. Furthermore, addressing sexual abuse proactively fosters a safer societal milieu, precluding potential progression into more severe criminal acts. Beyond this, the cessation of sexual abuse serves to ameliorate the physical, psychological, and emotional trauma endured by survivors, thereby contributing to an overarching enhancement of well-being. The endeavor to combat sexual abuse concurrently contributes to the advancement of gender equality and the empowerment of individuals to live free from violence, representing a direct disruption of the cyclical perpetuation of trauma and safeguarding future generations from its deleterious repercussions.

Moreover, an efficacious justice system in addressing instances of sexual abuse will bolster public confidence in the legal framework and allied protective entities. This, in turn, engenders a favorable economic milieu by bolstering workforce productivity and underpinning economic advancement through facilitating the recovery of survivors. Particularly for women and children, unhindered access to education becomes a reality, free from the specter of disruption due to sexual abuse. The ensuing heightened protection not only fortifies social unity but also fosters a robust sense of community, thereby nurturing social cohesion. The safeguarding against sexual violence not only aligns with the objectives of SDG 16 (Peace, Justice, and Strong Institutions) and SDG 5 (Gender Equality) but also contributes substantively to the overall progress of other Sustainable Development Goals. In summation, eradicating sexual abuse necessitates collaborative endeavors from governments, institutions, civil society, and individuals to effect enduring positive transformations, ensuring a community where all can flourish devoid of the specter of violence.

Conclusion

The optimal formulation of electronic-based criminal law policy for sexual violence in Indonesia necessitates strict adherence to principles of decency. Article 14 of Law Number 12 of 2022 addressing Crimes of Sexual Violence requires meticulous regulation to prevent *obscuur libel* (obscurity) and diverse interpretations among law enforcement, minimizing disharmony between legal provisions. Despite the "*lex specialis systematis*" maxim, prioritizing more specific rules in case of concurrency, alterations to Article 14 are essential to eliminate the use of terms like "consensual" or "consensus" and align the framework with the ethical principles integral to the Indonesian legal system. Whether through agreement or disagreement, individuals involved in storing or disseminating pornographic content are implicated in crimes of sexual violence, breaching societal ethical standards.

Introducing a novel legal framework to combat electronically-based sexual violence in Indonesia promises positive implications for national progress and long-term stability. This initiative not only enhances access to justice but also facilitates improved data collection for analysis and preventive measures, fostering better coordination among stakeholders. The proposed law contributes to heightening public awareness, safeguarding vulnerable populations, attracting investments and talent, and aligning with international standards. Ultimately, it plays a pivotal role in the realization of Sustainable Development Goals 16 and 5, cultivating a safer, more equitable, and prosperous society. The envisaged criminal law policy aims to regulate electronically-based sexual violence by imposing supplementary penalties, such as revoking offenders' access to electronic media, serving as a deterrent against potential perpetrators of such criminal acts.

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Declarations

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