

LAW OF THE REPUBLIC OF INDONESIA

NUMBER 12 OF 2022

REGARDING

SEXUAL VIOLENCE

BY THE GRACE OF GOD THE ALMIGHTY

PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Noting : a. that every person has the right to receive protection from violence and to be free from abuse or degrading treatment as guaranteed under the 1945 Constitution of the Republic of Indonesia;
- b. that sexual violence is a violation of the values set forth by God and a violation of humanity, and disrupts peace and public security;
- c. that legislations that relate to sexual violence has not been effective in terms of rendering prevention, protection, access to justice, and restitution, and do work towards providing the needs of the victim of sexual violence, and is not comprehensive in setting forth procedural rules;
- d. based upon the considerations referred to in Point a, Point b, and Point c, a Law on Sexual Violence needs to be enacted;
- Recalling : Article 20, Article 21, and Article 28G paragraph (2) of the 1945 Constitution of the Republic of Indonesia;

Upon the joint approval of the  
HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA

and

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

IT IS HEREBY DETERMINED:

Affirmation of : LAW ON SEXUAL VIOLENCE

CHAPTER I  
GENERAL PROVISIONS

Article 1

In this Law:

1. Crime of Sexual Violence is any act that meet the elements of the crime as provided under the present Law and any other act of sexual violence that is provided under the law, insofar that it is determined as such under this Law.
2. Person is any individual person or corporation.
3. Corporate Entity is a group of organized persons and/or assets, whether or not incorporated as a legal entity.
4. Victim is any person incurring physical or mental suffering, economic loss, and/or adverse social situation caused by Sexual Violence.
5. Child is any person not having reached the age of 18 (eighteen) years, including a child still in the womb.
6. Witness is a person able to provide their statement for the purpose of an investigation, prosecution, and trial regarding a Crime of Sexual Violence that such person directly heard, saw, and experience, including any person who is able to provide a statement relating to a case of Sexual Violence despite not having personally heard, seen and experienced provided that the person's statement relates to the Crime of Sexual Violence.
7. Family [consists of] persons having consanguineous relationship line either vertically or horizontally up to the third degree, persons related through marriage, or persons who the dependents of the Witness and/or Victim.
8. Person With Disability is any person who has physical, intellectual, mental, and/or sensory impairment for a prolonged duration, and experiences impediments in interacting with their surroundings and difficulties in [interacting] fully and effectively with other members of society on an equal rights basis.
9. Society [comprises] individual persons, families, social organization, and/or civil society organizations, including community-led institutional service providers.
10. Witness and Victim Protection Agency, hereinafter referred to as LPSK, is an agency having the task of providing, and the authority to provide, protection and other rights to Witnesses and/or Victims as mandated by the law on witness and victim protection.

11. Regional Technical Implementing Unit for the Protection of Women and Children, hereinafter referred to as UPTD PPA (Unit Pelaksana Teknis Daerah Perlindungan Perempuan dan Anak), is a technical operational implementing unit which administrates governmental affairs in the empowerment of women and protection of children, having the function of providing integrated services to women and children experiencing violence, discrimination and other issues.
12. Community-Led Institutional Service Provider is a community institution with the status of legal entity providing service to Victims, Family of Victims, and/or Witnesses of Sexual Violence.
13. Integrated Service is a service delivered in an integrated, multi-dimensional, cross-functional and cross-sectoral manner to Victims, Family of Victims, and/or Witnesses of Sexual Violence.
14. Support Person is a trusted person having the necessary competence to accompany the Victim in accessing their rights to care, protection and recovery.
15. Prevention is any measure or endeavor undertaken to eliminate various factors that may cause the occurrence of Sexual Violence and the repeated commission of such crime.
16. Rights of the Victim are the rights to care, protection, and recovery that are received, used and enjoyed by the Victim.
17. Care is measure undertaken to provide complaint service, healthcare service, social rehabilitation, law enforcement, repatriation, and social reintegration.
18. Protection is any measures fulfill rights and provide assistance in order to bring sense of safety to the Witnesses and/or Victims that must be undertaken by the LPSK or other agencies in accordance with the requirements of the law.
19. Recovery is any measure to restore the physical, mental, spiritual, and social condition of the Victim.
20. Restitution is the payment of damages imposed on the offender or a third party by virtue of a court order or judgement having permanent legal force, as compensation of the tangible and/intangible harm suffered by the Victim or their inheritors.
21. Victim Assistance Fund is a state managed compensation funds paid to Victims of Sexual Violence.
22. Rehabilitation is measures directed towards the Victim and offender for the purpose of recovery from physical, mental and social impairments in order to regain normal ability

- to play their role, as an individual, member of their Family or within Society.
23. National Government is the President of the Republic of Indonesia holding governmental powers of the Republic of Indonesia, assisted by the Vice President and ministers, as mandated by the 1945 Constitution of the Republic of Indonesia.
  24. Subnational Government is the head of regional government as the implementer of regional governance, heading the administration of government affairs that fall within the authority of the autonomous regions.
  25. Minister is the minister administrating government affairs in the empowerment of women and duty of the government to provide child protection.

#### Article 2

Provisions regarding the crime of sexual violence is based upon the principles of:

- a. respect of human dignity and honor;
- b. non-discrimination;
- c. best interest of the victim;
- d. justice;
- e. benefit; and
- f. legal certainty.

#### Article 3

Subject matter of the provisions of the Law on the Crime of Sexual Violence are intended towards:

- a. preventing all forms of sexual violence;
- b. provide care, protection and recovery to Victims;
- c. facilitating enforcement of the law and rehabilitation of the offender;
- d. creating an environment free of sexual violence; and
- e. ensuring that sexual violence is not repeated.

## CHAPTER II CRIME OF SEXUAL VIOLENCE

#### Article 4

- (1) Crime of Sexual Violence takes the form of:

- a. non-physical sexual violence;
  - b. physical sexual violence;
  - c. forced use of contraceptives;
  - 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 acts of Sexual Violence as referred to in paragraph (1), Crime of Sexual Violence also covers:
- a. rape;
  - b. acts of indecency;
  - c. sexual intercourse with a Child, indecent act committed against a Child, and/or sexual exploitation of a Child;
  - d. violation of moralistic values against the will of the Victim;
  - e. pornography involving a Child or pornography that contains explicit violence and sexual exploitation;
  - f. forced prostitution;
  - g. trafficking in persons for the purpose of sexual exploitation;
  - h. sexual violence within the household;
  - i. money laundering with the predicate crime being a crime of Sexual Violence; and
  - j. other crimes expressly defined as Sexual Violence in the legislations.

#### Article 5

Any person committing a non-physical sexual [harassment] directed towards the body, sexual [orientation], and/or reproductive organ with the intention of degrading and humiliating a person based on their sexuality and/or moral values may be convicted of non-physical sexual [harassment] and sentenced to serve a minimum prison term of 9 (nine) years and/or pay a fine in the maximum amount of IDR 10,000,000 (ten million rupiah).

#### Article 6

Subject to punishment on charge of physical sexual abuse are:

- a. any person committing physical sexual abuse directed towards the body, sexual desire, and/or reproductive organs with the intention of degrading and humiliating a person based on their sexuality and/or moral values that are not covered by other criminal provisions imposing a more severe sentence, by maximum prison term of 4 (four) years and/or a maximum fine of IDR 50,000,000 (fifty million rupiah).
- b. any person committing physical sexual abuse directed towards the body, sexual desire, and/or reproductive organs with the intention of unlawfully causing another person to be under their control, whether in or outside a marriage, by maximum prison term of 12 (twelve) years and/or a maximum fine of IDR 300,000,000 (three hundred million rupiah);
- c. any person abusing their position, authority, trust, or charisma through fraud or relationship arising from a given circumstances or the taking advantage of a position of vulnerability, inequality or a person's dependence, forcing or through fraud causing another person to commit or allow the commission of sexual intercourse or indecent acts with that or another person, by maximum prison term of 12 (twelve) years and/or a maximum fine of IDR 300,000,000 (three hundred million rupiah).

#### Article 7

- (1) Non-physical sexual violence as referred to in Article 5 and physical sexual violence as referred to in Article 6 point a constitute complaint-based offense.
- (2) The provisions set forth in paragraph (1) do not apply to victims who are Persons With Disability or Children.

#### Article 8

Any person enforcing the application of contraceptives on another person by use or threat of violence, abuse of power, fraud, deceit, causing or taking advantage of incapacitation that may result in the temporary loss of their reproductive functions, may be convicted of enforced use of contraceptive and sentenced to a maximum prison term of 5 (five) years and/or a maximum fine of IDR 50,000,000.00 (fifty million rupiah).

#### Article 9

Any person enforcing the application of contraceptives on another person by use or threat of violence, abuse of power, fraud, deceit, causing or taking advantage of incapacitation that may result in the permanent loss of their reproductive functions, may be convicted of enforced

sterilization and sentenced to a maximum prison term of 9 (nine) years and/or a maximum fine of IDR 200,000,000.00 (two hundred million rupiah).

#### Article 10

- (1) Any person unlawfully enforcing or placing a person under their control or the control of another person, or abusing their power to conduct or allow the conduct of marriage with themselves or with another person, may be convicted of forced marriage and sentenced to a maximum prison term of 9 (nine) years and/or a maximum fine of IDR 200,000,000.00 (two hundred million rupiah).
- (2) The definition of forced marriage as provided under paragraph (1) includes:
  - a. child marriage;
  - b. forced marriage in the name of cultural practice; or
  - c. forced marriage of a rape Victim with their rapist.

#### Article 11

Any [public] official or person acting in their capacity as a [government] official, or any person acting under the instruction or with the knowledge of a public official, committing sexual violence against a person with the purpose of:

- a. intimidation to obtain information or admission from such person or a third party;
- b. persecution or imposition of punishment for a suspected or committed act; and/or
- c. humiliation or degradation on the basis of discrimination and/or sexual reasons in all their forms,

may be sentenced to a maximum prison term of 12 (twelve) years and/or a maximum fine of IDR 300,000,000.00 (three hundred million rupiah).

#### Article 12

Any person by use or threat of violence or abuse of position, power, trust, charisma fraud or relationship arising from a given circumstances or the taking advantage of a [person's] situation of vulnerability, inequality, powerlessness, dependence, debt bondage, or by the giving of payment or benefit for the purpose of gaining profit, or exploiting sexual or other body organs of such person, with the purpose of sexual gratification with such person or other person, may be imposed with a minimum prison sentence of 15 (fifteen) years and/or a fine in the maximum amount of IDR 1,000,000,000.00 (one billion rupiah).

Article 13

Any Person who unlawfully places a person under their control or the control of another person and cause such person to become powerless with the purpose of exploiting them sexually, may be convicted of sexual slavery and sentenced to a maximum prison term of 15 (fifteen) years and/or a maximum fine of IDR 1,000,000,000.00 (one billion rupiah).

Article 14

(1) Any Person who unrightfully:

- a. make a recording and/or capture an image or screenshot of a sexual content against the will or without the consent of the person who is the object of the recording or image or screenshot;
- b. transmit electronic information and/or document of a sexual content against the will of the recipient for the purpose of obtaining sexual gratification; and/or
- c. using an electronic system stalk and/or track a person who is the object of the electronic information/ document for sexual purposes,

may be convicted of electronic sexual violence and sentenced to a maximum prison term of 4 (four) years and/or a maximum fine of IDR 200,000,000.00 (two hundred million rupiah).

(2) If the act as described in paragraph (1) is committed with the intention of :

- a. extorting or threatening or coercing; or
- b. misleading or deceiving,

a person for the purpose of [causing] such person to commit, allow the commission of, or omit to undertake an act, [such offense] is punishable by a minimum prison term of 6 (six) years and/or a maximum fine of IDR 300,000,000.00 (three hundred million rupiah).

(3) Electronic sexual violence as referred to in paragraph (1) constitute complaint-based offense (delik aduan), except where the Victim is a Child or a Person With Disability.

(4) In the event the act as described in paragraph (1) point a and point b is committed in the name of public interest or in defense of such person against sexual violence, then such act shall not be punishable.

(5) In the event the Victim of the electronic sexual violence provided under paragraph (1) point a and point b is a Child or Person With Disability, willingness or consent of the



Victim does not preclude criminal charges.

#### Article 15

- (1) The sentences as described in Article 5, Article 6, Article 8 to Article 14 are added by 1/3 (one-third) if [the offense]:
- a. is committed within the Family;
  - b. is committed by a healthcare personnel, medical personnel, educator, education worker, or other professionals mandated with the task of providing care, protection, and recovery;
  - c. is committed by a staff member, manager or officer to whom a person has been entrusted or placed for safeguarding;
  - d. is committed by a public official, employer, supervisor, or manager against a person working with or for them;
  - e. is committed on more than 1 (one) occasion or against more than 1 (one) person;
  - f. is committed by 2 (two) or more persons acting in complicity;
  - g. is committed against a Child;
  - h. is committed against a Person With Disability;
  - i. is committed against a pregnant woman;
  - j. is committed against an unconscious or powerless person;
  - k. is committed a person during a situation of emergency, danger, conflict, disaster, or war;
  - l. is committed using electronic means;
  - m. causes the Victim to sustain severe injuries, suffer severe psychological harm, or contract a transmittable disease;
  - n. causes failure of and/or damage to reproductive functions; and/or
  - o. results in the death of the victim.
- (2) The adding of 1/3 (one-third) to the sentence as provided under paragraph (1) point 1 does not apply to Article 14.

#### Article 16

- (1) In addition to the prison term, fine, or other form of sentence prescribed by law, the Court must determine Restitution in cases where the charge of Sexual Violence carry a prison term of 4 (four) years or higher.

- (2) With regard to the provision of paragraph (1), the court may impose the additional sentence of:
  - a. revocation of custody right or guardianship;
  - b. announcement of the offender's identity; and/or
  - c. seizure of profit and/or assets required from the commission of the Sexual Violence offense.
- (3) Provisions on the imposition of additional sentence as provided under article (2) do not apply to capital punishment and life sentence.
- (4) Additional sentences as described in paragraph (2) are to be stated in the text of the court judgement.

#### Article 17

- (1) In addition to criminal sentence, a Sexual Violence offender may be ordered to undergo Rehabilitation.
- (2) Rehabilitation as referred to in paragraph (1) includes:
  - a. medical rehabilitation; and
  - b. social rehabilitation.
- (3) Rehabilitation as referred to in paragraph (2) is performed under the coordination of the public prosecutor and the periodic supervision of the minister in charge of government affairs in social affairs sector and the minister in charge of government affairs in the health sector.

#### Article 18

- (1) A Corporate Entity committing a crime of Sexual Violence as defined in this Law shall be sentenced to pay a fine in the minimum amount of IDR5,000,000,000.00 (five billion rupiah) and a maximum amount of IDR15,000,000,000.00 (fifteen billion rupiah).
- (2) Where a crime of Sexual Violence is committed by a Corporate Entity, criminal sentence may be imposed on the board members, instructing person, controlling person, beneficiaries of the Corporate Entity, and/or the Corporate Entity.
- (3) In addition to a fine, the court shall also determine the amount of Restitution [to be paid by] the corporate offender.
- (4) A Corporate Entity may also be imposed with the following supplemental sentences:
  - a. seizure of profit and/or assets gained from a Sexual Violence offense;

- b. revocation of certain licenses;
- c. announcement of the court judgement;
- d. perpetual ban from undertaking certain acts;
- e. ceasing of all or parts of the Corporation Entity's operations;
- f. dissolution of the Corporate Entity.

### CHAPTER III

#### OTHER CRIMINAL OFFENSES RELATING TO THE CRIME OF SEXUAL VIOLENCE

##### Article 19

Any person knowingly preventing, obstructing, or undermining an investigation, prosecution, and/or examination at a trial of a suspect, defendant, or Witness in a Sexual Violence case shall be sentenced to maximum prison term of 5 (five) years.

### CHAPTER IV

#### INVESTIGATION, PROSECUTION AND COURT EXAMINATION

##### Part One

##### General

##### Article 20

Investigation, prosecution, and trial of Sexual Violence cases are conducted pursuant to the law governing criminal procedure, including that which applies specifically to the prosecution of Sexual Violence cases, except as otherwise provided under the present Law.

##### Article 21

- (1) Investigators, prosecutors and judges assigned to Sexual Violence cases must meet the following requirements:
  - a. possesses integrity and competency to handle cases that feature a human rights perspective and which are Victim [oriented];
  - b. has undergone training on the handling of Sexual Violence cases.
- (2) If no investigator, prosecutor or judge are able to meet the requirements set forth in paragraph (1), the Sexual Violence case is to be handled by investigators, prosecutors or judges having experience in handling Sexual Violence cases, to be determined based on

decision affirmed by the relevant authorized officials.

- (3) The decision as referred to in paragraph (2) is affirmed pursuant to the following conditions:
- a. investigators [are assigned] by the Chief of the Indonesia National Police or another official [delegated with such authority];
  - b. prosecutors [are assigned] by the Attorney General or another official [delegated with such authority];
  - c. judges [are assigned] by the Chief Justice of the Supreme Court or another official [delegated with such authority].

#### Article 22

In examining the Witness / Victim / suspect / defendant, the investigator, prosecutor and judge shall respect the human rights, honor, and dignity of the Victim and shall not justify the wrongdoing, shall not victimize with regard to the lifestyle and moral values [of the victim] including their sexual history, by asking leading questions or questions that cause trauma for the Victim or which is irrelevant to the Sexual Violence offense.

#### Article 23

Sexual Violence offenses cannot be resolved outside a court proceeding, except where it involves a Child offender pursuant to the applicable laws.

#### Part Two

#### Evidence

#### Article 24

- (1) Valid evidence that can be presented to substantiate charges in Sexual Violence cases consist of:
- a. evidence as described in the criminal procedural code;
  - b. other evidence in the form of electronic information and/or documents as determined under the prevailing legislations; and
  - c. [items] used in the perpetration of the offense or resulting from the Sexual Violence offense and/or objects or articles relating to such offense.
- (2) Included as admissible Witness testimony are the result of examination performed on the Witness and/or Victim during the investigation collected through electronic recording.

- (3) Included as evidentiary documents are:
- a. certificate issued by a clinical psychologist and/or psychiatrist/mental specialist;
  - b. medical records;
  - c. result of forensic examination; and/or
  - d. result of analysis of bank statements.

Article 25

- (1) Witness and/or Victim statement is sufficient to prove that the defendant is guilty if accompanied by another valid evidence and the judge is convinced of the perpetration of a criminal offense and that the defendant is the person who committed the offense.
- (2) The family of the defendant may give testimony as Witnesses under oath, without requiring the consent of the defendant.
- (3) In the case where witness testimony can only be obtained from the Victim, witness testimony not obtained under oath, or obtained from another [indirect] person, the evidentiary powers of such testimony may be supported by statement given by:
  - a. a person able to provide a statement relating to the Sexual Violence case, despite not having personally heard, seen or experienced, insofar as such statement relates to the criminal offense;
  - b. a witness whose statements can be considered by itself but is related [with the other statements] such that it can substantiate an occurrence or condition and such statement can be used as valid evidence whether as a witness statement or a lead; and/or
  - c. an expert issuing evidentiary document and/or expert corroborating the criminal allegations.
- (4) Statement from a Witness and/or Victim with disability shall have evidentiary strength equal to a statement from a Witness and/or victim who do not have disability.
- (5) Witness and/or Victim statement as described in paragraph (4) must be corroborated by a personal assessment as required by the applicable regulatory instrument regarding adequate accommodation for Persons With Disability during court proceedings.

Part Three

Support Person of Victim and Witness

Article 26

- (1) Victim may be accompanied by a Support Person at every stage of the examination during the court proceedings.
- (2) Support Person of the Victim may be:
  - a. LPSK staff;
  - b. UPTD PPA staff;
  - c. healthcare personnel;
  - d. psychologist;
  - e. social worker;
  - f. social welfare worker;
  - g. psychiatrist;
  - h. legal counsel, including lawyers and paralegals;
  - i. staff member from a community-led institutional service provider; and
  - j. other support persons
- (3) A Support Person must meet the following qualifications:
  - a. possesses competency to provide care to Victims with a human rights perspective and in a gender-sensitive manner; and
  - b. has undergone training on handling cases of Sexual Violence.
- (4) Support Person shall be as far as possible be of the same sex as the Victim.

#### Article 27

- (1) A Witness and/or Victim with disability may be accompanied by the parent or guardian as designated by a court order, and/or a Support Person.
- (2) The provision of the above paragraph (1) does not apply in the event the parent and/or guardian of the Victim or Witness has been named suspect or defendant in the case being examined.

#### Article 28

A Support Person is entitled to legal protection while during their support to the Victim and Witness at every level of the examination.

#### Article 29

A Support Person as referred to in Article 26 in providing Care to the Victim cannot be held liable under criminal or civil law with regard to the support or service provided, except where

such support or service are provided in bad faith.

Part Four  
Restitution

Article 30

- (1) A Victim of Sexual Violence is entitled to Restitution and Recovery services.
- (2) Restitution as referred to in paragraph (1) may be in the form of:
  - a. compensation for loss of property or income;
  - b. compensation for suffering directly caused by the Sexual Violence;
  - c. reimbursement of cost of medical and/or psychological care; and/or
  - d. compensation for other losses suffered by the Victim as a result of the Sexual Violence.

Article 31

- (1) The investigator, prosecutor and judges are obligated to inform the Victim and LPSK [staff] regarding the right to restitution.
- (2) Restitution may be deposited in advance with the registrar's office of the district court at which the case is being examined.
- (3) The investigator may seize the assets of a Sexual Violence offender as guarantee for Restitution based upon the consent of the relevant district court.
- (4) Seizure of asset as referred to in paragraph (3) shall be executed with due consideration of the right of third parties acting in good faith.

Article 32

Restitution as referred to in Article 31 paragraph (2) is returned to the offender in the event:

- a. the case ceases to be prosecuted due to lack of evidence or is found to not [involve] a criminal offense; and/or
- b. based upon a court judgment having acquired permanent legal force, the defendant is declared free or released from any criminal charges.

Article 33

- (1) Restitution is disbursed within no later than 30 (thirty) days from the copy of the judgement or determination of the court being received.

- (2) The Prosecutor delivers a copy of the court judgment stipulating the order of Restitution as referred to in paragraph (1) to the convicted offender, Victim, and LPSK [staff] within a period of 7 (seven) days from the receipt of the copy of court judgment.
- (3) In the event Restitution is not paid to the Victim by the lapse of period as prescribed in paragraph (1), the Victim or their inheritors shall inform the court of such condition.
- (4) The court as referred to in paragraph (3) issues a written notice to the Restitution payer to immediately pay Restitution to the Victim or their inheritors.
- (5) The judge makes an order in the court judgement for the prosecutor to auction off the Restitution guarantee insofar as no payment Restitution has been made by the lapse of a 30 (thirty) day period following the court order acquiring permanent legal force.
- (6) In the event the Restitution deposited in advance as provided in Article 31 paragraph (2) and the assets of the convicted offender being auctioned as provided under paragraph (5) exceeds the Restitution amount ordered or determined by the court, the prosecutor must return the excess amount to the offender.
- (7) In the event the asset of the offender that has been seized pursuant to paragraph (5) is not sufficient to cover the Restitution amount, the convicted offender shall be sentenced to serve substituting jail time that shall not exceed the principal sentence as prescribed by the law.
- (8) If the convicted offender as referred to in paragraph (7) is a Corporate Entity, closure of its place of business or business operation shall be effected for a maximum period of 1 (one) year.
- (9) Service of a substituting prison sentence as provided under paragraph (7) and paragraph (8) shall be carried out by taking into account the amount of Restitution paid in a proportionate manner.

#### Article 34

The Prosecutor prepares a report on payment of Restitution and deliver the same to:

- a. the Victim and family of the Victim;
- b. the investigator; and
- c. the court.

#### Article 35

- (1) In the event the seized assets of the convicted offender is not sufficient to cover the



Restitution obligation as referred to in Article 33 paragraph (7), the State shall cover the shortfall in Restitution and pay the same to the Victim based upon a court order.

- (2) Compensation as referred to in paragraph (1) is paid through the Victim Assistance Fund.
- (3) The Victim Assistance Fund as referred to in paragraph (2) may be sourced from philanthropy, contribution from the community and individuals, corporate social and environmental responsibility, and other legitimate and non-binding sources as well as the State Budget in accordance with the prevailing legislations.
- (4) The source, purpose and use of the Victim Assistance Fund as referred to in paragraph (2) are to be provided under a Government Regulation.

#### Article 36

- (1) With regard to a case being halted in the name of public interest or halted by operation of the law, if the Restitution seized or deposited is in the form of goods, a ruling shall be requested from the Chairperson of the District Court for the same to be auctioned.
- (2) In the event the case is halted in the name of public interest, the request for a court ruling as provided under paragraph (1) is to be filed by the Attorney General.
- (3) In the event the case is halted by operation of the law during the investigation phase, the request for a ruling as referred to in paragraph (1) is to be filed by the prosecutor.
- (4) In the event the case is halted by operation of the law during the prosecution phase, the request for ruling as referred to in paragraph (1) is to be filed by the prosecutor.
- (5) The auction as provided under paragraph (1) is executed by the officer relevant to the current stage of the case proceeding.
- (6) Where an auction has been performed by the official as referred to in paragraph (5), proceeds from the auction is to be used to pay Restitution with due consideration of the assessment performed by the LPSK.

#### Article 37

Where the offender is Child, Restitution is provided by the parent or guardian.

#### Article 38

Provisions regarding the procedure to claim for Restitution are set forth in the applicable legislations.

#### Part Five

## Reporting

### Article 39

- (1) The Victim or person having knowledge of, seen, and/or witnessed the event constituting Sexual Violence files a report to the UPTD PPA, the technical implementing unit and the subnational technical implementing unit in charge of social affairs, a Community-Led Institutional Service Provider, and/or the police, at the location of the Victim or at the location where offense occurred.
- (2) A medical or healthcare personnel must notify the UPTD PPA, the technical implementing unit and the subnational technical implementing unit in charge of social affairs, a Community-Led Institutional Service Provider, and/or the police upon finding indications of Sexual Violence.

### Article 40

The UPTD PPA, technical implementing unit and the subnational technical implementing unit in charge of social affairs, and/or Community-Led Institutional Service Provider receiving a report as referred to in Article 39 paragraph (1) must provide support and Integrated Services needed by the Victim.

### Article 41

- (1) The UPTD PPA, technical implementing unit and subnational technical implementing unit in charge of social affairs, and/or Community-Led Institutional Service Provider must:
  - a. receive the report in a special room that guarantees the security and privacy of the Victim; and
  - b. provide psychological support to the Victim,  
if the Victim makes the report and/or provides the information through a UPTD PPA, a technical implementing unit and subnational technical implementing unit in charge of social affairs, and/or a Community-Led Institutional Service Provider.
- (2) The UPTD PPA, technical implementing unit and subnational technical implementing unit in charge of social affairs, and/or Community-Led Institutional Service Provider must file a report with the police regarding the report and/or information conveyed by the Victim, medical personnel, healthcare personnel, psychiatrist, psychologist or social

worker.

- (3) The UPTD PPA, technical implementing unit and subnational technical implementing unit in charge of social affairs, and/or Community-Led Institutional Service Provider must file the report as referred to in paragraph (2) by no later than 3 x 24 (three times twenty-four) hours since the report from the Victim.
- (4) In the event the Victim files a report directly with the police, the police must receive the report in a special room that guarantees the security and privacy of the Victim.
- (5) The report as referred to in paragraph (2) is to be received by an officer or investigator providing special service to the Victim.

## Part Six

### Victim Protection

#### Article 42

- (1) Within a period of no longer than 1 x 24 (one times twenty-four) hours upon receiving the report on Sexual Violence, the police may provide temporary protection to the Victim.
- (2) The temporary protection as referred to in paragraph (1) is provided based upon a temporary protection order for a period of 14 (fourteen) days upon support being given to the Victim.
- (3) For the purpose of the temporary protection as referred to in paragraph (1), the police has the authority to restrict the movements of the offender, whether for the purpose of maintaining a certain distance between the perpetrator and the Victim over a specific period of time, or removing certain rights of the perpetrator.
- (4) The temporary restriction as referred to in paragraph (2) is effected through a temporary protection order.

#### Article 43

- (5) Within a period no longer than 1 x 24 (one times twenty-four) hours from the rendering of temporary protection as referred to in Article 42 paragraph (1), the police must submit a request for protection with the LPSK.
- (6) Protection as referred to in paragraph (1) is delivered in accordance with the applicable legislations.

Article 44

In providing temporary protection and protection as referred to in Article 42 paragraph (1) and Article 42 paragraph (1), the police and the LPSK may work together with the UPTD PPA.

Article 45

- (1) Where the suspect or defendant is not remanded and there is concern that the suspect or defendant will commit sexual violence, make intimidation, make threats and/or commit violence against the Victim, and based upon a request from the Victim, Family, investigator, prosecutor, or Support Person, the judge may issue an order restricting the movement of the offender, whether for the purpose of maintaining a certain distance between the offender and the Victim over a specific period or to remove certain rights of the offender.
- (2) Movement restriction order as referred to in paragraph (1) is issued by no later than 6 (six) months and may be extended for 1 (one) instance by a maximum period of 6 (six) months.
- (3) The request for extension of movement restriction order as referred to in paragraph (2) is issued by no later than 7 (seven) days prior to the expiry of the restriction period.
- (4) Restriction of movement of the offender as referred to in paragraph (2) is enforced by the police.
- (5) Where a violation of the movement restriction order is committed, the suspect or defended shall be remanded in accordance with the applicable legislations.

Article 46

- (1) The National Government has the authority to remove and/or sever access to electronic information and/or document containing Sexual Violence.
- (2) Further provisions regarding the removal and/or severance of access to electronic information and/or document containing Sexual Violence as referred to in paragraph (1) is established through a Government Regulation.

Article 47

In the name of public interest, the prosecutor may file a request with the court to order the minister administrative government affairs in the area of communication and information to remove electronic information and/or document containing Sexual Violence.

Part Seven

Examination of Witness

Article 48

- (1) If a Witness and/or Victim due to health, security, safety and/or other legitimate reasons is unable to be examined in court, examination may be performed by way of:
  - a. reading out of the minutes of examination setting forth the statement taken under oath;
  - b. electronic recording; and/or
  - c. live remote examination using audio visual communication device.
- (2) A statement from a Witness and/or Victim taken pursuant to paragraph (1) has the same evidentiary value as that given in a court session.

Article 49

- (1) The investigator may conduct examination of the Witness and/or Victim while being recorded electronically in the presence of the prosecutor, who may attend directly or remotely using electronic means.
- (2) Electronic recording as referred to in paragraph (1) is used based upon an order of the chairperson of the district court.
- (3) The chairperson of the district court issues order as referred to in paragraph (2) by no later than 3 (three) days upon receiving the request for such order from the investigator.
- (4) If within the period of 3 (three) days the chairperson of the district court fails to issue the order, the investigator, upon their discretion, may examine the Witness and/or Victim while being electronically recorded as referred to in paragraph (1).
- (5) The order as referred to in paragraph (2) is issued with due consideration of :
  - a. the health, security, safety of the Witness and/or Victim, and/or other legitimate reasons supported by a letter issued by the authorized or competent official;
  - b. decision of the LPSK tasked with providing protection to the Witness and/or Victim;
  - c. number Witnesses and/or Victims; and/or
  - d. the domicile or home of the Witness and/or Victim.
- (6) Where examination is conducted on a Witness and/or Victim domiciling overseas, [such examination is to be] electronically recorded, attended by an officer of the Indonesian diplomatic mission overseas.

Article 50

- (1) With respect to the electronic recording as referred to in Article 49 paragraph (1), the following documents are prepared:
  - a. minutes of examination of Witness;
  - b. minutes of electronic recording; and
  - c. statement of oath to be read out by the Witness whose oath can be taken.
- (2) The minutes as referred to in paragraph (1) may be signed electronically.

Article 51

- (1) The judge may order the prosecutor to conduct live remote examination using audio visual communication device of a Witness and/or Victim.
- (2) The order as referred to in (1) takes into consideration:
  - a. the health, security, safety of the Witness and/or Victim, and/or other legitimate reasons supported by a letter issued by the authorized or competent official;
  - b. decision of the LPSK tasked with providing protection to the Witness and/or Victim;
  - c. number Witnesses and/or Victims; and/or
  - d. the domicile or home of the Witness and/or Victim.
- (3) Perintah sebagaimana dimaksud pada ayat (1) mempertimbangkan:
- (4) Live remote examination using audio visual device may be conducted at the courthouse where the case is being examined or at any other location upon consideration of the health, security and/or safety of the Witness and/or Victim.
- (5) In the event the examination is conducted on a Witness and/or Victim who is living or domiciled overseas, the live remote examination using audio visual device may be conducted in the presence of an officer of the Indonesian diplomatic mission overseas.

Part Eight

Investigation

Article 52

In the event the Witness and/or Victim of Sexual Violence is a Child, the investigator may make an electronic recording of the statement or conduct live remote examination using audio visual communication device, with or without the consent of the parents or guardian, and upon due consideration of the best interest of the Child.

Article 53

- (1) Examination during the investigation process is conducted at the special service room at the police office.
- (2) In certain circumstances the examination as referred to in paragraph (1) may be conducted at the office of the UPTD PPA or any other location.

Article 54

- (1) Prior to conducting an examination of the Victim, the investigator must [discuss] with the Support Person on the readiness and needs of the Victim based on their condition.
- (2) Result of the discussion with the Support Person as referred to in paragraph (1) may be taken by the investigator as basis to conduct an examination of the Victim.
- (3) If the Victim is suffering severe trauma, the investigator may convey the question through the Support Person.

Article 55

- (1) The investigator is authorized to make data and/or an electronic system relating to a Sexual Violence case inaccessible other than for the purpose of the judicial process.
- (2) Exercise of the authority as provided under paragraph (1) is conducted upon determination by the Chairperson of the local District Attorney's Office.

Part Nine

Prosecution

Article 56

- (1) If deemed necessary, the Prosecutor may conduct a preliminary meeting with the Witness and/or Victim upon receiving submission or resubmission of the complete investigation documents from the investigators.
- (2) The preliminary meeting as referred to in paragraph (1) is conducted following delivery of the suspect and evidence.
- (3) For the purpose of a preliminary meeting, the Prosecutor may summon the Victim and/or Witness by stating the time and place and reason of the summon.
- (4) The preliminary meeting as referred to in paragraph (1) may be conducted through electronic means upon due consideration of the health, security and/or safety of the

Witness and/or Victim.

- (5) During the preliminary meeting the Victim and/or Witness may be accompanied by a Support Person and/or family member, and the investigator may be present at such meeting.
- (6) At the preliminary meeting, the prosecutor may convey information on or explain about:
  - a. the judicial process;
  - b. the right of the Witness and/or Victim, including their right to claim for restitution, and/or compensation and the procedure by which such claim can be filed;
  - c. consequences of the Victim and/or Witness' decision to appear or not to appear in court in order to ensure that they understand the situation; and
  - d. [the possibility for] examination to be conducted outside the court through electronic recording and/or live remote audio visual examination if a Victim and/or Witness is not able to appear in court due to health, security, safety, and/or other legitimate reasons.

#### Article 57

- (1) In the presentation of facts and acts that are sexual in nature, the Prosecutor should, as far as possible, refrain from providing description that is overly detailed, vulgar, [or] excessive in the case file while providing a detailed, clear and complete description.
- (2) Avoidance of overly detailed, vulgar [or] excessive as required under paragraph 1 is meant to respect the human rights, dignity and privacy of Women and Children in Contact with the Law and to prevent the revictimization of Victims.
- (3) Elaboration of facts and acts that are overly detailed and vulgar as referred to in paragraph (1) is may be presented insofar as necessary to support the substantiation of the elements of the offense set forth in the articles [under which the charges are brought] and/or the charged offense or wrongdoing of the offender.
- (4) In the case where the Victim has been subjected to exploitation and sexual violence through electronic media or relating sexuality, the prosecutor shall avoid the insertion or copying and pasting of images, illustrations, and/or photographs of the Victim or details of the Victim or which depict reproductive organs, sexual activities and/or sexual objects in the indictment.
- (5) Avoidance of inserting or copying and pasting materials described in paragraph 4 above is intended as a measure to protect and ensure safety and to respect the dignity and



privacy of the Victim.

Part Ten  
Court Examination

Article 58

Examination of a case relating to Sexual Violence shall be held in a closed court.

Article 59

- (1) The Panel of Judges reads the judgments on the case relating to Sexual Violence in a courtroom made open to the public.
- (2) In reading out the judgement as referred to in paragraph (1), the panel of judges is obliged to keep the identity of the Witness and/or Victim confidential.
- (3) The court must keep the information containing the identity of the Witness and/or Victim in the court judgment or court determination confidential.
- (4) Courts at every level are obliged to provide copies of judgments to defendants, legal counsels, investigators, and public prosecutors within a period of no later than 14 (fourteen) working days from the date the judgment is pronounced.
- (5) Excerpts of the judgment must be provided to the defendant, legal counsel, and public prosecutor within 1 (one) working day after the judgment is pronounced.

Article 60

- (1) The examination of a Witness and/or Victim should at all times observe the human rights, honor and dignity [of the Witness and/or Victim] without intimidation, without justifying wrongdoing, lifestyle, and moral values, including sexual history, through the use of leading questions or questions that are not related to crimes of Sexual Violence as [a form of] extenuating circumstances for the defendant.
- (2) In examination of a victim, the Judge and Public Prosecutor should explore and consider the special circumstances that underlie the crime of sexual violence and/or impact upon the victim.
- (3) Questions and/or statements that are demeaning, condemning, intimidating, and using sexual experience and/or background shall be prohibited from being inquired, either to the Witness, Victim, or the Defendant.

Article 61

The Court shall seek to provide the facilities and protection needed in order for the Witness or Victim to give their testimony.

#### Article 62

The Panel of judges may order the institution providing assistance to replace the Victim's Support Person at the behest of the Victim, the Victim's Family, or the Victim's guardian.

#### Article 63

The Panel of judges is obliged to consider [to include] the Recovery of the Victim in the judgment as regulated in the Law.

#### Part Eleven

#### Enforcement of Judgment

#### Article 64

- (1) In the event the court imposes a fine, the convicted offender is given a period of 30 (thirty) days from the date the Judgment has obtained permanent legal force to pay the fine.
- (2) In the event that there are strong grounds, the period as referred to in paragraph (1) may be extended for a maximum of 1 (one) month.
- (3) In the event the convicted offender does not pay the fine within the term set by the sentence as referred to in paragraph (1) or paragraph (2), the asset or income of the convicted offender may be confiscated and auctioned by the prosecutor to settle the fine by virtue of the court judgment.
- (4) In the event the confiscation and auction of the asset and income as referred to in paragraph (3) [constitutes to the amount that is deemed] insufficient or [the execution is] unfeasible to enforce, the unpaid fine shall be substituted with a term of imprisonment for a maximum of not exceeding the primary punishment.
- (5) For corporate convicted offenders, the substituting sentence as referred to in paragraph (4) shall be freezing of all or part of the corporate business activities for a maximum period of 1 (one) year.
- (6) The term of the substituting sentence as referred to in paragraph (4) and paragraph (5) shall be determined in the court's judgment.
- (7) The substituting punishment as referred to in paragraphs (4) and (5) is enforced by taking

into account the fines that have been paid proportionally.

## CHAPTER V

### RIGHTS OF THE VICTIMS, FAMILY OF VICTIMS AND WITNESSES

#### Part One

#### General

#### Article 65

- (1) Provisions concerning the Rights of the Victims, the Family of Victims, and Witnesses as regulated in laws and regulations remain in effect, unless otherwise stipulated by this Law.
- (2) The implementation of Witness and Victim Protection is carried out in accordance with the Law that regulates the Witness and Victim protection, unless otherwise stipulated by this Law.

#### Part Two

#### Rights of the Victims

#### Article 66

- (1) Victims are entitled to [receive] Care, Protection, and Recovery since the occurrence of the Crime of Sexual Violence.
- (2) Victims with Disabilities are entitled to adequate accessibility and accommodation in order to fulfill their rights in accordance with the provisions of laws and regulations, unless otherwise stipulated in this Law.
- (3) Further provisions regarding the procedures for [receiving] Care, Protection, and Recovery as referred to in paragraph (1) shall be regulated by a Government Regulation.

#### Article 67

- (1) Rights of Victims include:
  - a. Right to [receive] care;
  - b. Right to protection; and
  - c. Right to recovery.
- (2) Fulfillment of the Victim's Rights is a state obligation and is carried out in accordance

with the conditions and needs of the Victim.

#### Article 68

The right of a victim in receiving care as referred to in Article 67 paragraph (1) point a include:

- a. right to information on the entire process and outcome pertaining to the Care, Protection and Recovery of the victim;
- b. right to obtain documents pertaining to the care of the victim;
- c. right to legal services;
- d. right to build psychological [strength];
- e. right to health services including examination, treatment, and medical care;
- f. right to services and facilities in accordance with the special requirements of the victim;  
and
- g. right to remove content that contain sexual images/descriptions for cases involving sexual violence through electronic media.

#### Article 69

The rights of a victim to Protection as referred to in Article 67 paragraph (1) point b include:

- a. provision of information regarding protection rights and facilities;
- b. provision of access to information on the enforcement of Protection;
- c. protection from threats or violence from criminal offenders and other parties as well as protection from repeated commission of such violence;
- d. protection of confidentiality of identity;
- e. protection from the conduct and behavior of law enforcement officers who demean the victim;
- f. protection from loss of employment, job transfer, loss of education, or political access;  
and
- g. protection of Victims and/or Complainants from criminal charges or being named in a civil claim based on reported sexual violence.

#### Article 70

- (1) The right of a victim to Recovery as referred to in Article 67 paragraph (1) point c include:
  - a. Medical rehabilitation;

- b. Mental and social rehabilitation;
  - c. Social empowerment;
  - d. Restitution and/or compensation; and
  - e. Social reintegration.
- (2) Recovery prior to and after judicial process include:
- a. delivery of health service for physical recovery;
  - b. psychological strengthening;
  - c. providing information on Victims' Rights and the judicial process;
  - d. providing information on Recovery services for Victims;
  - e. legal assistance;
  - f. providing adequate accessibility and accommodation for Victims with Disabilities;
  - g. provision of assistance for transportation, consumption, temporary living expenses, and proper and safe temporary residence;
  - h. provision of mental and spiritual guidance;
  - i. providing educational facilities for Victims;
  - j. provision of documents pertaining to civil registry and other supporting documents required by the Victim;
  - k. the right to information in the event that the prisoner has finished serving his/her sentence; and
  - l. the right to remove content that contain sexual images/descriptions for cases involving sexual violence through electronic media.
- (3) Recovery after judicial process include:
- a. monitoring, examination, as well as physical and psychological health services for Victims on a regular and ongoing basis;
  - b. strengthening community support for Victim Recovery;
  - c. assistance in the use of Restitution and/or compensation;
  - d. provision of documents pertaining to civil registry and other supporting documents required by the Victim;
  - e. provision of social security services in the form of health insurance and other social assistance in accordance with needs based on an integrated team assessment;
  - f. economic empowerment; and
  - g. provision of other needs based on the identification results of the Regional

Technical Implementing Unit for the Protection of Women and Children (UPTD  
PPA) and/or Community-Led Institutional Service Providers.

- (4) Further provisions regarding the integrated team as referred to in paragraph (3) point e shall be regulated by a Presidential Regulation.

### Part Three

### Rights of the Family of the Victim

#### Article 71

- (1) Rights of the Family of Victims include:
- a. right to information about the rights of the victim, the rights of the victim's family, and the criminal justice process from the start of reporting to the completion of the term of sentence served by the convicted offender;
  - b. right to confidentiality of identity;
  - c. right to personal security and freedom from threats regarding the testimony that will be, is being, or has been given;
  - d. right to not be criminally charged [or] being named in a civil claim based on a reported sexual violence;
  - e. custody rights to children who become Victims, unless their rights are revoked through a court judgment;
  - f. right to receive psychological reinforcement;
  - g. right to economic empowerment; and
  - h. right to obtain documents pertaining to civil registry and other supporting documents needed by the Victim's Family.
- (2) In addition to the rights as referred to in paragraph (1), children or other family members who depend for their livelihood on the victim or parents who are not criminal offenders are entitled to:
- a. Education facilities;
  - b. Health services and insurance; and
  - c. Social security.
- (3) Fulfillment of the rights of the victim's family is a state obligation and is carried out in accordance with the conditions and needs of the victim.

CHAPTER VI

IMPLEMENTATION OF INTEGRATED SERVICES FOR THE PROTECTION OF  
WOMEN AND CHILDREN AT THE NATIONAL AND SUBNATIONAL LEVEL

Article 72

The National and Subnational Governments provide Integrated Services in Administering Care, Protection, and Recovery.

Article 73

- (1) Implementation of Integrated Services at the national level is coordinated by the Minister.
- (2) The implementation of Integrated Services as referred to in paragraph (1) involves:
  - a. the ministry that administrates government affairs pertaining to the health sector;
  - b. the ministry that administrates government affairs pertaining to social sector;
  - c. the ministry that administrates government affairs pertaining to law and human rights;
  - d. the ministry that administrates foreign affairs;
  - e. the ministry that administrates for domestic affairs;
  - f. the ministry that administrates government affairs pertaining to education sector;
  - g. the ministry that administrates for religious affairs;
  - h. police;
  - i. LPSK;
  - j. Indonesian Migrant Workers Protection Agency; and
  - k. other institutions.

Article 74

The Minister administrates Integrated Services which include:

- a. providing services for Victims that require coordination at national, cross-provincial and international levels; and
- b. the provision of services for children who require special protection that requires coordination at national and international levels.

Article 75

Further provisions regarding the implementation of Integrated Services at the national level are regulated by a Presidential Regulation.

Article 76

- (1) The implementation of Integrated Services as referred to in Article 72 at the subnational level is carried out by a technical operational implementing unit that administrates government affairs in the empowerment of women and child protection.
- (2) Provincial and district/city governments are obliged to establish UPTD PPA which administers the Care, Protection, and Recovery of Victims, Family of Victims, and/or Witnesses.
- (3) In administering the provision of Care, Protection, and Recovery of Victims, UPTD PPA is tasked to:
  - a. receive reports or outreach from Victims;
  - b. provide information on the Rights of a Victim;
  - c. facilitate the delivery of health services;
  - d. facilitate the provision of psychological strengthening services;
  - e. facilitating the provision of psychosocial services, social rehabilitation, social empowerment, and social reintegration;
  - f. provide legal services;
  - g. identify the need for economic empowerment;
  - h. identify the need for temporary shelter for Victims and Family of Victim that must be met immediately;
  - i. facilitate the needs of Victims with Disabilities;
  - j. coordinate and cooperate on the fulfillment of Victims' Rights with other institutions; and
  - k. monitor the fulfillment of the Rights of the Victims by law enforcement officers during the court proceedings.

Article 77

UPTD PPA in carrying out its duties and functions can work closely with:

- a. community health centers, hospitals, and other health care facilities;
- b. technical implementing unit that is responsible for administering social affairs;
- c. detention houses, correctional institutions, and correctional centers;



- d. police;
- e. public prosecutor's office;
- f. courts;
- g. the technical implementing unit of the agency that organizes the protection of migrant workers;
- h. regional office of the ministry that administers religious affairs of the government;
- i. regional offices and technical implementing units of ministries that administer government affairs in the area of law and human rights;
- j. LPSK representatives in the regions;
- k. Social Service Institution;
- l. Community-Led Institutional Service Provider; and
- m. other institutions.

Article 78

Further provisions regarding UPTD PPA are regulated by a Presidential Regulation.

CHAPTER VII  
PREVENTION, COORDINATION, AND MONITORING

Article 79

- (1) The National Government and Subnational Governments are obliged to implement the Prevention of Criminal Acts of Sexual Violence in a fast, integrated, and unified manner.
- (2) The implementation of the Prevention of Sexual Violence as referred to in paragraph (1) is carried out through the following means:
  - a. education;
  - b. public facilities and infrastructure;
  - c. administration and institutional governance;
  - d. economy and employment;
  - e. social welfare;
  - f. culture;
  - g. information technology;
  - h. religion; and
  - i. Family.

- (3) The implementation of the Prevention of Sexual Violence is carried out by taking into consideration:
  - a. Conflict situations;
  - b. Disaster;
  - c. geographical location of the area; and
  - d. other special situations.
- (4) The Prevention of Sexual Violence Crimes is carried out on:
  - a. Social service center;
  - b. education institutions; and
  - c. other places with the potential for sexual violence crimes to occur.

Article 80

Further provisions regarding the implementation of the Prevention of Sexual Violence are regulated by a Government Regulation.

Article 81

- (1) The National Government and Subnational Governments are required to provide education and training for law enforcement officers, government service personnel, and service personnel at Community-Led Institutional Service Providers.
- (2) Education and training are conducted to increase understanding related to the Prevention and Handling of Sexual Violence.
- (3) The implementation of education and training as referred to in paragraph (1) is coordinated by the Minister and cooperates with the minister who administers government affairs in the fields of law and human rights.
- (4) Further provisions regarding the implementation of education and training shall be regulated by a Presidential Regulation.

Article 82

The National Government and Subnational Governments are required to coordinate regularly and continuously to ensure the effective Prevention and Handling of Victims.

Article 83

- (1) In the context of the effectiveness of the Prevention and Handling of Victims of Sexual

Violence, the Minister conducts cross-sectoral coordination and monitoring with relevant ministries/agencies.

- (2) Governors and regents/mayors coordinate and monitor the Prevention and Handling of Victims in the regions.
- (3) Coordination as referred to in paragraph (1) and paragraph (2) is carried out through planning, service, evaluation, and reporting.
- (4) Monitoring as referred to in paragraph (1) is carried out by the Minister, the commission that addresses violence against women, human rights, child protection, and disability and also carried out by the community.
- (5) Further provisions on coordination and monitoring as referred to in paragraph (1) shall be regulated by a Government Regulation.

#### Article 84

- (6) In the context of preventing and coordinating the crime of sexual violence, a national policy on the eradication of the crime of sexual violence is drawn up.
- (7) Further provisions regarding the national policy on the eradication of sexual acts as referred to in paragraph (1) shall be regulated by a Presidential Regulation.

### CHAPTER VIII

#### COMMUNITY AND FAMILY PARTICIPATION

##### Part One

##### Community Participation

#### Article 85

- (1) The community can participate in the prevention, assistance, recovery, and monitoring of sexual violence crimes.
- (2) Community Participation in Prevention as referred to in paragraph (1) is realized through:
  - a. cultivate literacy on the Crime of Sexual Violence to all age groups of society to prevent the occurrence of criminal acts of sexual violence and to avoid becoming a victim or offender;
  - b. disseminate the laws and regulations governing the Crime of Sexual Violence; and
  - c. create environmental conditions that can prevent the occurrence of criminal acts of

sexual violence.

- (3) Community Participation in the Recovery of Victims as referred to in paragraph (1) is realized through:
- a. provide information on the occurrence of Sexual Violence Crimes to law enforcement officers, government agencies, and non-governmental organizations;
  - b. monitor the implementation of Prevention [of Sexual Violence Crimes] and Recovery of Victims;
  - c. provide support for the implementation of Victim Recovery;
  - d. provide emergency assistance to Victims;
  - e. assist in the submission of applications for the determination of Protection; and
  - f. play an active role in the implementation of Victim Recovery.

## Part Two

### Family Participation

#### Article 86

Family Participation in the Prevention of Sexual Violence Crimes is realized through:

- a. strengthen education in the family, in terms of moral, ethical, religious, and cultural aspects;
- b. build quality communication between Family members;
- c. build emotional bonds among Family members;
- d. strengthen the role of father, mother, and all family members so that a protective character is built;
- e. protect and prevent Family members from being influenced by pornography and [prevent] access to information containing pornographic elements; and
- f. protect family members from negative environmental influences and promiscuity.

## CHAPTER IX

### FUNDING

#### Article 87

- (1) Funding for the implementation of this Law derives from:
- a. state revenue and expenditure budget;

- b. regional revenue and expenditure budget; and
  - c. other sources that are legal and not binding in accordance with the provisions of the legislation.
- (2) Funding as referred to in paragraph (1) includes being used for medico-legal examinations (visum) and health services needed by the Victim.

CHAPTER X  
INTERNATIONAL COOPERATION

Article 88

- (1) To make the implementation of the Prevention and Handling of Sexual Violence Crimes effective, the Government can establish international cooperation, both bilateral, regional and multilateral.
- (2) Cooperation as referred to in paragraph (1) is carried out in accordance with the provisions of the legislation.

CHAPTER XI  
TRANSITIONAL PROVISIONS

Article 89

Upon this Law coming into force, cases of Sexual Violence Crimes that are still in progress at the level of investigation, prosecution, or court examination will continue to be examined based on the laws currently in force.

Article 90

- (1) The UPTD PPA which was established before this Law was promulgated will continue to carry out its duties and functions related to the Crime of Sexual Violence and must comply with this Law no later than 2 (two) years from the promulgation of this Law.
- (2) In the event that UPTD PPA has not been formed, the establishment of the UPTD PPA shall be carried out no later than 3 (three) years from the promulgation of this Law.
- (3) In the event that the UPTD PPA has not been established as referred to in paragraph (2), the implementation of Integrated Services in the regions is carried out by a technical operational implementing unit which administrates governmental affairs in the

empowerment of women and protection of children.

## CHAPTER XII CONCLUDING PROVISIONS

### Article 91

- (1) Implementing regulations of this Law must be enacted no later than 2 (two) years from the promulgation of this Law.
- (2) the National government must report the implementation of the present Law to the People's House of Representatives of the Republic of Indonesia through the state organ in charge of legislative affairs no later than 3 (three) years from the promulgation of this Law.

### Article 92

Provisions regarding the Crime of Sexual Violence regulated in other laws are declared to remain in effect as long as they do not conflict with this Law.

### Article 93

This Law shall come into force on the date of its promulgation.

For public cognizance, the promulgation of this Law shall be announced by publishing it in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta

on May 9, 2022

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Signed.

JOKO WIDODO

Promulgated in Jakarta

on May 9, 2022

MINISTER OF LAW AND HUMAN RIGHTS

OF THE REPUBLIC OF INDONESIA,

signed.

YASONNA H. LAOLY

LEMBARAN NEGARA REPUBLIK INDONESIA TAHUN 2022 NOMOR 120

Certified true copy  
MINISTRY OF STATE SECRETARIAT  
OF THE REPUBLIC OF INDONESIA

Deputy for Legislative Affairs  
and Legal Administration ,

*[stamp & signature]*

Lydia Silvanna Djaman

ELUCIDATION  
OF LAW OF THE REPUBLIC OF INDONESIA  
NUMBER 12 OF 2022  
REGARDING  
SEXUAL VIOLENCE

I. GENERAL

The right of every citizen to receive protection from violence and be free from torture or demeaning or degrading treatment is a constitutional right guaranteed by the 1945 Constitution of the Republic of Indonesia. Sexual violence is a form of violence and degrading act in contravention with the social and humanistic values and disrupts the security and peace of society.

Indonesia is committed to eradicate all forms of violence and degrading acts as well as discrimination against women, children and people with disability as reflected in the ratification of a number of international conventions, among others the International Convention on the Elimination of All Forms of Discrimination against Women; International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Elimination of All Forms of Racial Discrimination; International Convention Concerning the Rights of Persons with Disabilities; Optional Protocol and International Convention on the Rights of the Child; and the International Convention Concerning the Sale of Children, Child Prostitution and Child Pornography.

It is also Indonesia's commitment to uphold civil and political, economic, social and cultural rights as confirmed in Law Number 11 of 2005 on the ratification of the International Covenant on Economic, Social, and Cultural Rights and Law Number 12 of 2005 on the Ratification of the International Covenant on Civil and Political Rights.

Sexual violence is a violation of human rights, a crime against human dignity, and a form of discrimination that needs to be eliminated. Sexual violence is becoming more prevalent in society, causing severe impact on the victim. Such impact may take the form of physical and mental suffering, health, economic, social and political harm. The effect of sexual violence also greatly affects the life of the victim, which becomes more severe when the victim is part of a economically, social, or political marginalized group, or if they have special needs, such as children and people with disability.



Thus far there have been laws and regulations that governs several forms of sexual violence, but their forms and scope are very limited. The available laws and regulations have not been fully able to respond to the facts of sexual violence that occurs and develops in the community. Investigations, prosecutions, and examinations in court of cases of sexual violence also do not pay attention to the rights of the victim and tend to blame the victim. In addition, prevention efforts and community involvement are still needed to create an environment free from sexual violence. Therefore, we need a special law on the crime of sexual violence that is able to provide a material and formal legal basis at the same time so that it can guarantee legal certainty and meet the legal needs of the community.

As a nation founded upon the belief in the One True God, the present Law is not intended to condone unhampered sexual behavior and deviant sex, as they are not in line with the state ideology of Pancasila, religious norms, and the traditional values of the nation. The Law on the Crime of Sexual Violence is a law reform measure aimed at overcome these issues. Such law reform has the following objectives:

1. prevent all forms of sexual violence;
2. provide care, protect and administer recovery for;
3. carry out law enforcement and rehabilitate offenders;
4. create an environment without sexual violence; and
5. ensure the non-recurrence of sexual violence.

This Law regulates the Prevention of all forms of Sexual Violence; Care, Protecting, and Recovery of Victims' Rights; coordination between the National Government and Subnational Governments; including international cooperation to allow the effective implementation of Prevention and Handling of Victims of Sexual Violence. In addition, community involvement in the Prevention and Recovery of Victims is also regulated in order to create environmental conditions that are free from sexual violence.

Several breakthroughs in the Law on the Crime of Sexual Violence include:

1. In addition to characterizing the types of Sexual Violence Crimes as regulated in this Law, there are also other criminal acts that are expressly stated as Sexual Violence Crimes as regulated in other laws and regulations;
2. there is a comprehensive procedural law arrangement starting from the stage of investigation, prosecution, and examination in court proceedings while at all times observing and upholding human rights, honor and without intimidation;

3. The Victim's Right to [receive] Care, Protection, and Recovery since the occurrence of the Crime of Sexual Violence which is the obligation of the state and is carried out in accordance with the conditions and needs of the Victim. Furthermore, great attention to the suffering of the victim is also seen in the form of restitution. Restitution is rendered by the offender of the crime of sexual violence as compensation for the victim. In the event the assets of the convicted offender that are confiscated are deemed insufficient to cover the cost of restitution, the state will compensate the victim in accordance to the court's judgment; and
4. Cases of Sexual Violence cannot be resolved outside the judicial process, except for child offenders.

## II. ARTICLE BY ARTICLE

### Article 1

Sufficiently clear.

### Article 2

#### Point a

“respect of human dignity and honor” is an acknowledgment of the dignity of the victim that must be protected, respected and enforced.

#### Point b

“non-discrimination” is to respect equality without discrimination of both parties, on the basis of religion, race, ethnicity, nationality, skin color, social status, affiliation, and ideology.

#### Point c

“best interest of the victim” is that all actions concerning victims undertaken by the executive, legislative, judicial bodies including the community must be the main consideration.

#### Point d

“justice” is the substantive content related to the Crime of Sexual Violence must reflect fair and proportionate treatment for every citizen.

#### Point e

“benefit” is the substantive content related to the Crime of Sexual Violence should be capable of providing broad benefits for the interests of the community, nation and state.

#### Point f

“legal certainty” is the implementation of the regulation of the Crime of Sexual Violence must be carried out within the framework of a state of law that prioritizes the basis of legislation, propriety, and justice.

Article 3

Sufficiently clear.

Article 4

Sufficiently clear.

Article 5

“non-physical sexual [harassment]” is a statement, gesture, or activity that is inappropriate and leads to sexuality with the aim of degrading or humiliating.

Article 6

Sufficiently clear.

Article 8

Sufficiently clear.

Article 9

Sufficiently clear.

Article 10

Sufficiently clear.

Article 11

Sufficiently clear.

Article 12

Sufficiently clear.

Article 13

Sufficiently clear.

Article 14

Sufficiently clear.

Article 15

Paragraph (1)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Safeguarding is carried out, among others, at educational units, government institutions, non-governmental organizations, international institutions domiciled in Indonesia, homes, hospitals, social service centers, or social rehabilitation centers.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Point g

Sufficiently clear.

Point h

Sufficiently clear.

Point i

Sufficiently clear.

Point j

Sufficiently clear.

Point k

Sufficiently clear.

Point l

Sufficiently clear.

Point m

Sufficiently clear.

Point n

Sufficiently clear.

Point o

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Article 16

Sufficiently clear.

Article 17

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Point a

“Medical rehabilitation” include Psychiatric Rehabilitation.

Point b

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Article 18

Sufficiently clear.

Article 19

Sufficiently clear.

Article 20

Sufficiently clear.

Article 21

Sufficiently clear.

Article 22

Sufficiently clear.

Article 23

Sufficiently clear.

Article 24

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Point a

Sufficiently clear.

Point b

“Medical records” include:

- a. Microbiology laboratory results;
- b. Urology;
- c. Toxicology; or
- d. Deoxyribo Nucleic Acid (DNA)

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Article 25

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Sufficiently clear.

Paragraph (5)

“personal assessment” is an effort undertaken to assess the different types of disability, level, barriers, and needs of Persons with Disabilities, both medically and psychologically to determine appropriate accommodation.

Article 27

Sufficiently clear.

Article 28

Sufficiently clear.

Article 29

Sufficiently clear.

Article 30

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

“Other losses” include:

- a. basic transportation costs;
- b. attorney's fees or other costs associated with legal proceedings;
- c. loss of income promised by the offender; and/or
- d. loss of income due to the Crime of Sexual Violence.

Article 31

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

“the right of third parties” is the right of the husband, wife, and/or children.

Article 32

Sufficiently clear.

Article 33

Sufficiently clear.

Article 34

Sufficiently clear.

Article 35

Sufficiently clear.

Article 36

Sufficiently clear.

Article 37

In the event the parents or guardians of the Sexual Violence offender does not have sufficient assets, Restitution for the Victim shall be executed in accordance with this Law.

Article 38

Sufficiently clear.

Article 39

Paragraph (1)

“Technical implementing unit” is a technical implementing unit under the ministry that is in charge of social affairs.

“Technical implementing unit in charge of social affairs” is a regional technical implementing unit that is responsible for social affairs under the Regional Government.

Paragraph (2)

Sufficiently clear.

Article 40

Sufficiently clear.

Article 41

Sufficiently clear.

Article 42

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

“Certain rights” among others is the right of the perpetrator to meet with the child of the perpetrator and the victim, in the event that the crime of



sexual violence is occurred within the scope of the household.

Paragraph (4)

Sufficiently clear.

Article 43

Sufficiently clear.

Article 44

Sufficiently clear.

Article 46

Sufficiently clear.

Article 47

“Remove” including the obliteration and announcing the prohibition of posting aimed at disseminating electronic information and/or electronic documents containing sexual violence crimes.

Article 48

Sufficiently clear.

Article 49

Paragraph (1)

Recording can be done with audio and/or audiovisual recording devices.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Sufficiently clear.

Paragraph (5)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

“The place of residence or domicile of the Witness and/or Victim”  
includes place of residence or domiciled abroad or outside the  
province.

Paragraph (6)

Sufficiently clear.

Article 50

Sufficiently clear.

Article 51

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

The provisions of examination, including those conducted in the territory of  
the representative of the Republic of Indonesia or in other places attended by  
representatives of the Republic of Indonesia.

Article 52

Sufficiently clear.

Article 53

Paragraph (1)

Sufficiently clear.

Paragraph (2)

“Certain circumstances” is by considering the health, security, and/or safety  
of the Witness and/or Victim.

“Any other location” for example is a hospital or safe house.

Article 55

Sufficiently clear.

Article 56

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

“place” is the local state prosecutor's office, or in the event that there is a condition where the Witness and/or Victim for a valid reason is unable to attend the local state prosecutor's office, the preliminary meeting can be held in another place by considering the health, security and/or safety of the Witness and/or or Victim.

Paragraph (4)

Sufficiently clear.

Paragraph (5)

Sufficiently clear.

Paragraph (6)

Sufficiently clear.

Article 57

Sufficiently clear.

Article 58

Sufficiently clear.

Article 59

Sufficiently clear.

Article 60

Sufficiently clear.

Article 61

“Needed” among others are physical and psychological health services for Victims as a result of the Crime of Sexual Violence suffered [by the Victim].

Article 62

Sufficiently clear.

Article 63

Sufficiently clear.

Article 64

Sufficiently clear.

Article 65

Sufficiently clear.

Article 66

Paragraph (1)

Care, Protection, and Recovery of Victims is obtained when reporting [of a Sexual Violence Crime] is submitted by the Victim, Victim's Family, Victim's guardian, or the Community to law enforcement officers, government agencies, or non-governmental institutions that handle Sexual Violence Crimes.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Article 67

Sufficiently clear.

Article 68

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

“Legal services” among others are legal assistance, legal consultation, and legal support.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Point g

Sufficiently clear.

Article 69

Sufficiently clear.

Article 70

Paragraph (1)

Point a

Sufficiently clear.

Point b

“Mental and social rehabilitation” including physical, psychological, psychosocial, and mental-spiritual rehabilitation.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Paragraph (2)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Point g

Sufficiently clear.

Point h

Sufficiently clear.

Point i

“Educational facilities” are facilities for Victims who are still in the

study period.

Point j

Sufficiently clear.

Point k

Sufficiently clear.

Point l

Sufficiently clear.

Paragraph (3)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

“Integrated team” is a team consisting of a ministry that administrates government affairs in the empowerment of women and protection of children, a ministry that is in charge of social affairs and a ministry that administrates government affairs in the health sector.

Point f

Sufficiently clear.

Point g

Sufficiently clear.

Paragraph (4)

Sufficiently clear.

Article 71

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Point a

“Education facilities” include educational assistance and scholarships.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Paragraph (3)

Fulfillment of the rights of the Family of Victims is implemented collectively, which among others involve UPTD PPA, the agency that administrates government affairs in the social sector, and LPSK in accordance with the provisions of the legislation.

Article 72

Sufficiently clear.

Article 73

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Point g

Sufficiently clear.

Point h

Sufficiently clear.

Point i

Sufficiently clear.

Point j

Sufficiently clear.

Point k

“Other institutions” among others are organizations of Persons with Disabilities, indigenous people organizations, and religious organizations.

Article 74

Sufficiently clear.

Article 75

Sufficiently clear.

Article 76

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

“Social rehabilitation” includes vocational training and entrepreneurship coaching.

Point f

Sufficiently clear.

Point g

Sufficiently clear.

Point h

Sufficiently clear.



Point i

Sufficiently clear.

Point j

Sufficiently clear.

Point k

Sufficiently clear.

Article 77

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Point g

Sufficiently clear.

Point h

Sufficiently clear.

Point i

“Technical implementing units” is an institution in charge of special child development.

Point j

Sufficiently clear.

Point k

Sufficiently clear.

Point l

Sufficiently clear.

Point m

Sufficiently clear.

Article 78

Sufficiently clear.

Article 79

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Point a

“Education” includes materials containing reproductive health.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Point g

Sufficiently clear.

Point h

Sufficiently clear.

Point i

“Family” which includes the surrogate family.

Paragraph (3)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

“Other special situations” include quarantine or extraordinary circumstances.

Paragraph (4)

Point a

“Social service center” includes social service center for people with disabilities.

Point b

“Education institution” include boarding schools.

Point c

“Other places” are among other things a place of refuge, a place to shelter for workers, or any other place that has the potential for the occurrence of criminal acts of sexual violence.

Article 80

Sufficiently clear.

Article 81

Sufficiently clear.

Article 82

Sufficiently clear.

Article 83

Paragraph (1)

“Relevant ministries/agencies” among others are the ministries that are in charge of education sector.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Sufficiently clear.

Paragraph (5)

Sufficiently clear.

Article 84

Sufficiently clear.

Article 85

Sufficiently clear.

Article 86

Sufficiently clear.

Article 87

Paragraph (1)

Sufficiently clear.

Paragraph (2)

“Visum” among others is *visum et repertum* and *visum et repertum psychiatricum*.

Article 88

Sufficiently clear.

Article 89

Sufficiently clear.

Article 90

Sufficiently clear.

Article 91

Sufficiently clear.

Article 92

Sufficiently clear.

Article 93

Sufficiently clear.

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