

Indonesia's Sexual Violence Data and Facts 2021



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Indonesia's Sexual Violence Data and Facts 2021

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First print, March 2022

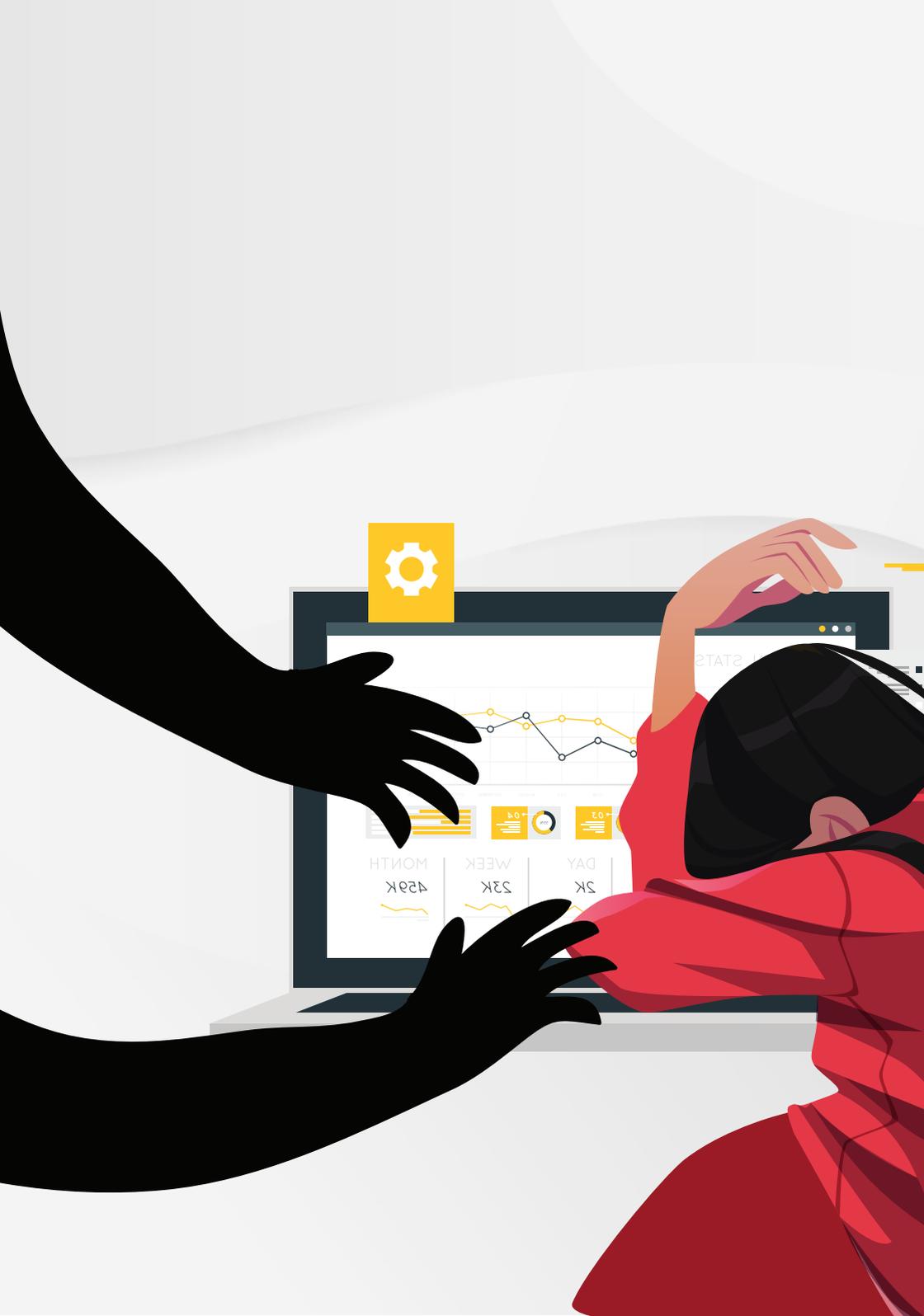
Published by:

Indonesia Judicial Research Society (IJRS)

Jakarta, Indonesia

This publication is published by Indonesia Judicial Research Society (IJRS) with supports from Australian Government through Australia Indonesia Partnership for Justice 2 (AIPJ2).

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**Indonesia's
Sexual Violence
Data and Facts
2021**

#1

Figure of Sexual Violence Cases between 2017-2021

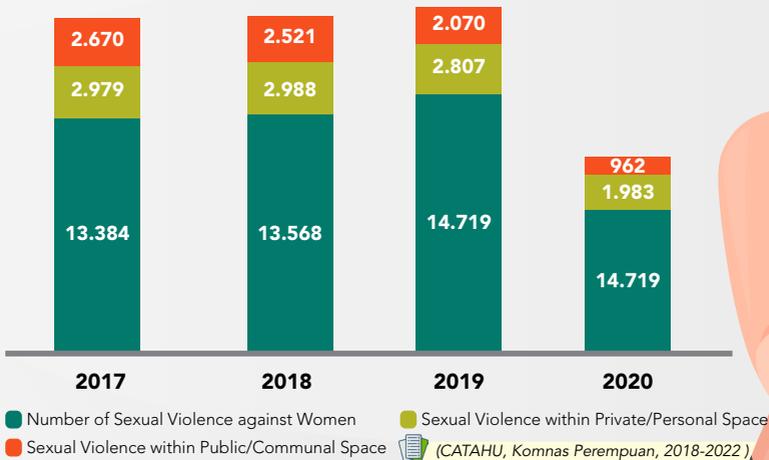
Sexual violence is a form of assault and threat to body, sexuality, and women's rights and generally relating to the inequality of power relation between men and women. [1]

There are various forms of sexual violence, including rape, molestation, sexual harassment, incest, sexual exploitation, and marital rape. [2]

According to National Commission on Anti-Violence against Women (Komnas Perempuan), on annual basis, the majority of violence against women and girls occur within:

- **Private/personal space** (existence of power relation, such as: family, household, and romantic relationship).
- **Public/communal space** (workspace, society, neighbourhood, and educational institution or school).

Figure of Sexual Violence against Women between 2017-2020



From the compilation of year-end note (Catahu) of Komnas Perempuan between 2018-2022, it emphasizes that cases of **sexual violence within private space** have **consistently become the second highest cases** that were reported, meanwhile, cases of sexual violence **within public or communal space**, similar to previous years, **are still ranked at first**.



How many persons who have experienced sexual violence?

#2

71,8% of respondents who were surveyed have experienced sexual violence either towards themselves, their families or their acquaintances, including friends, neighbours, colleagues and others. [3]

Who might encounter sexual violence?

#3

Research conducted by IJRS shows that all respondents who experienced sexual violence, turns out to be...[3]



99,5% of sexual violence cases that are settled in court, **the victims are women.**[7]

72,1% of sexual violence victims in court decisions are **6-18 years old, girls are** vulnerable to be sexual violence victims.[7]

76,9% of sexual violence cases that are settled in court are experienced by **victims who have encountered more than one sexual violence or** it has been performed repeatedly before the conduct was finally reported to authorities.[7]

1,1% of women who are victims of sexual violence has **mental disability. This situation becomes an iceberg** phenomenon due to lacking of reports on sexual violence that happened to people with mental disability, resulting in low rate of recorded data in court decisions.[7]

#4 Who are **sexual violence perpetrators**?



99%

of perpetrators in sexual violence cases that are settled in court are men. [7]

98,5%

of sexual violence perpetrators are sole defendant. [7]

87,9%

of sexual violence perpetrators in court decisions are persons who are acquainted by victims. [7]



Sexual violence perpetrators who **are known by the victims** are mostly romantic partner, ex-romantic-partner, biological father, step father, uncle, relative/next of kin, husband, teacher, friend and neighbour. [8]

#5 Are all **men** classified as sexual violence perpetrators and cannot become **sexual violence victims**?

12.389

of Indonesian men have experienced sexual violence, either verbally, physically, forced to watch porn contents, intimidation/threat to perform sexual activities and/or rapes. [4]

1 of 17 boys and **1 of 11 girls** have experienced sexual violence. [5]



Sexual violence towards men do not appear very frequently because of **Toxic masculinity**. *Toxic masculinity* is exaggerated masculine characteristics that have been accepted or glorified by many cultures, for instance, men always lack of empathy, always wish to dominate and/or control other person and always desire sexual relationship. This condition **contributes to the culture where sexual violence such as rape towards men are often overlooked and not reported.** [6]

Where sexual violence **usually occurs?**

#6

59,9%

✓ of sexual violence victims in court decisions were sexually violated in their own homes. [7]

✓ Besides of their own homes, sexual violence also frequently took place in **workplaces, schools** and **online platforms** or occurred on cyberspace. [8]

How the public **perceive sexual violence?**

#7

? **What people say:**

69,7%

of respondents believe that women are raped/sexually harassed because their clothing is revealing/stimulating. [3]

The facts are: ✓

Majority of harassed victims did not wear revealing clothes when sexual harassment happened. [9]

18% of them wore long pants/skirts

17% of them wore hijabs

16% of them wore long-sleeved clothes

14% of them wore school uniforms

14% of them wore baggy clothes

? **What people say:**

51,2%

believe that frequent night hangout is the trigger of sexual violence. [3]

The facts are: ✓

35% of sexual violence happened at noon. [9]

17% of sexual violence happened in the morning

25% of sexual violence happened in the afternoon

21% of sexual violence happened at night



What people say:

80,3% of respondents agree that women are physically weak, thus they regularly become victims of violence. [3]



What people say:

Sexual violence **only happens to women when they have reached adulthood**



What people say:

71,5% believe that the trigger of sexual violence is because victims are flirtatious/coquettish/seducing.

53,7% believe that the trigger of sexual violence is because victims love to take photos wearing sexy clothing.

51,2% believe that the trigger of sexual violence is because victims cannot take care of themselves. [3]

The facts are:



1 of 3 men

has experienced sexual violence to himself during his life. [3]

The facts are:



72,1% of sexual violence happened to victims who were 16-18 years old (minors). [7]

1 of 2 victims

of sexual violence underwent it when they were **minors**. [9]

The facts are:



Bad prejudice and discrimination against women have been deeply incorporated in human civilization, therefore the patriarchal structure with men superiority and women inferiority appear to be the 'natural' order.

This situation commonly serves as justification on why men commit sexual violence, either by using coercion or by exploiting vulnerability of women. [10]

? What people say:

40,6% believe that the trigger of sexual violence is because victims are afraid to fight back/weak. [3]

The facts are: ✓

56% of victims fought back when experiencing sexual violence. [9]

? What people say:

62,4% of respondents believe that **public place** is the most susceptible location for sexual violence to happen.

The facts are: ✓

59,9% of sexual violence conducts happened at **home**. [7]

61,5% of respondents believe that **terminal/station** is the second-most susceptible location for sexual violence to happen.

34,4% of victims encountered sexual violence at **home**. [3]

59,4% of respondents believe that **roadside/sidewalk** is the third-most susceptible location for sexual violence to happen. [3]

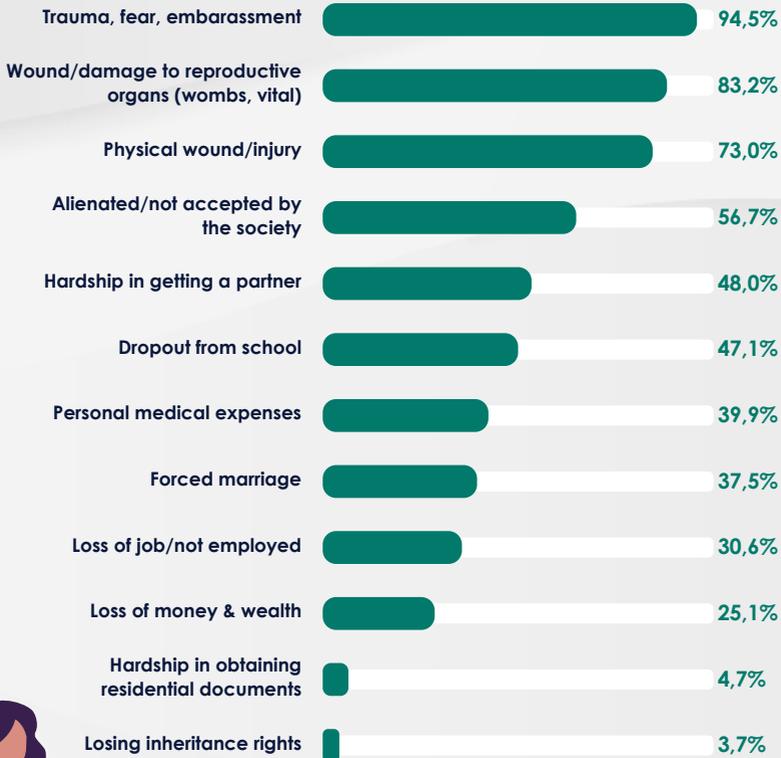


#8

What are **impacts** of Sexual Violence?

According to public perception, **sexual violence has various impacts that are suffered by the victims.**

94,5% of the public agree that trauma, fear, and embarrassment are impacts that are often suffered by victims. [3]



(Survei Barometer Kesetaraan Gender, IJRS dan INFID, 2020)



Then, what are the actual **impacts** that might be experienced by sexual violence victims?

Psychological Impacts

- ✓ Depression
- ✓ Worry
- ✓ PTSD (Post-Traumatic Stress Disorder)
- ✓ Poor mental health
- ✓ Suicidal intention
- ✓ Trauma
- ✓ Acute fear

Health Impacts

- ✓ Eating disorder
- ✓ Sleeping trouble
- ✓ Sexually transmitted infection
- ✓ Unwanted pregnancy
- ✓ Misuse of addictive substances as coping mechanism

Academic Impacts

- ✓ Dropout from school
- ✓ Decrease in academic ability
- ✓ Decrease in GPA (Grade Point Average)



(from various scientific journals) [11] [12] [13] [14] [15]

Physical Impacts

- ✓ Permanent physical injury
- ✓ Obstructed mobility
- ✓ Requiring 24/7 assistance

Economic Impacts

- ✓ Loss of assets
- ✓ From psychological impact, such as PTSD, resulting a decrease in work performance and lower income
- ✓ Loss of job and productivity
- ✓ Long-term high expenses for post-sexual-violence medical treatment, such as doctor's visit, costs for medicines, and periodic recovery counselling



#9

Depictions of Sexual Violence Cases



**Police officer
Randy and NW**

Relationship between Victim and Perpetrator:
Romantic relationship

Status: In 2021, the perpetrator was dishonourably terminated from the Police Force and imprisoned

Police officer Randy Bagus Hari Sasongko raped and forced his girlfriend, NW to commit abortion for two times in the span of 2020-2021. NW then fell into severe depression due to sexual experience that happened to her and passed away from suicide.

Source: CNN Indonesia [16]



**Sexual Violence
in Islamic
Boarding School
(Pesantren)**

Relationship between Victim and Perpetrator:
Teacher and Student

Status: The perpetrator is imprisoned

In 2020, Kutai Barat District Court judged sexual violence case that occurred in Pesantren where the perpetrator as the teacher, acting simultaneously as the leader of such Pesantren, and the victim who was 14 years old underwent repeated rapes under deception from the perpetrator, ranging from giving money up to promising her that the perpetrator will teach her the clairvoyant skill.

Source: Decision: -/Pid.Sus/2020/PN.Sdw



**Sexual Violence
in Family**

Relationship between Victim and Perpetrator:
Uncle and Niece

Status: The perpetrator is imprisoned

In 2019, Jombang District Court judged sexual violence case that happened to a child since she was 12 up to 16 years old, the perpetrator is the uncle of child victim who was entrusted by victim's mother who worked as migrant worker in Malaysia, to take care of the child victim because her parents have divorced and lived afar.

Source: Decision: 137/Pid.Sus/2019/PN.Jbg



Sexual Violence in Campus

Relationship between Victim and Perpetrator: Friends

Status: Settled amicably

A is a female college student who was raped when joining Community Service Program (KKN) in 2017 by HS who was in the same team with her. A reported such incident to the university, expecting that there will be a punishment or sanction that may be imposed to HS. However, the university tended to neglect the sexual violence that happened to A, although HS has admitted his conduct, even worse, there was university's official who assessed that A also contributed to the occurrence of the rape that happened to her. This case resurfaced in 2018 and became one of the many cases of silencing the sexual violence victim and survivor by campus and/or university.

Source: Balairung Press [17]



When Sexual Violence Victim was Criminalized

Relationship between Victim and Perpetrator: Siblings

Status: Jambi High Court acquitted the rape victim from conviction due to abortion that was performed under duress and cassation that was filed by Public Prosecutor was refused by the Supreme Court

In 2017, the older brother raped his own sister. As a result of such rape, the sister was pregnant and aborted her baby. Muaro Bulian District Court at first, in addition to convicting the older brother as the rapist, it also imposed sentence to the sister because she performed abortion. This decision incited public rage, hence an appeal was filed against that decision, the High Court acquitted the victim from such sentence on appeal level, but the step that was taken by Public Prosecutor was unfortunate in this case by filing cassation to the Supreme Court because they still intended to send the victim to prison because of abortion that was committed by her.

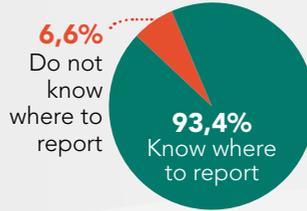
Source: detikNews [18]



#10

Why sexual violence victims are reluctant to report?

Majority of the public actually **know** where they should submit a report [3]



(Survei Barometer Kesetaraan Gender, IJRS dan INFID, 2020)

The public also **understand that when they become sexual violence victims, they should report** to the Police, Family, and local official. [3]



43,8%
to the Police



41,6%
to the Family



5,1%
to Komnas Perempuan



4,9%
to Local Neighbourhood Coordinator (RT/RW)



(Survei Barometer Kesetaraan Gender, IJRS dan INFID, 2020)

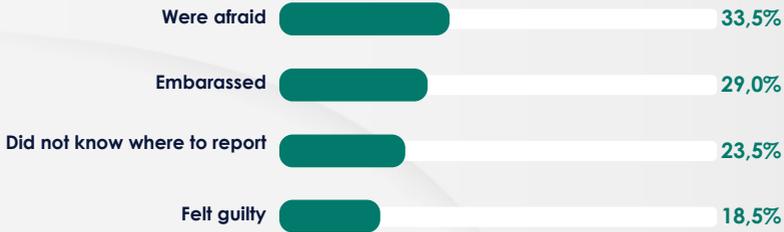
However, **majority** of sexual violence victims decided not to submit a report. [3]



(Survei Barometer Kesetaraan Gender, IJRS dan INFID, 2020)

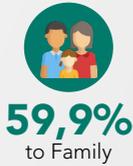


The reason why they did not submit a report
because they were afraid, embarrassed, to the
extent that they felt guilty. [3]



(Survei Barometer Kesetaraan Gender, IJRS dan INFID, 2020)

Even if they reported the case, sexual violence
victims **prefer to share the case with family** rather
than to the Police. [3]



(Survei Barometer Kesetaraan Gender, IJRS dan INFID, 2020)



During Covid-19 pandemic, efforts to encourage violence victims face more challenges



Sexual violence is more likely to happen to women during pandemic, especially violence within private space such as domestic violence (KDRT), abuse from romantic partner, violence towards children, etc. ^[19]

Proportion of violence against women **within private space rises 4% compared to previous year.** ^[19]

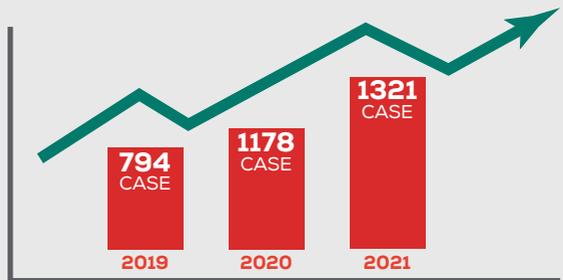
In the beginning of pandemic, violence victims were struggling more to submit a report because most victims must stay at home (due to social distancing) with the perpetrator. ^[19]

80.3% of victims who experienced violence during pandemic **decided not to report their case.** ^[19]





However, reporting agency and service provider adapted to the condition by opening an online reporting service. This effort opens broader access for victims to submit a report. The opening of this access is deemed to increase number of submitted reports.



(Number of Reports on Violence towards Women for the previous 3 years, Catahu of LBH APIK Jakarta, 2021)



Victims also often reluctant to report violence that happened to them because the perpetrator exercises...

DARVO TACTIC

Tactic that is used by the perpetrator when being accused of committing sexual violence for self-defense, fight back, or even embarrass victims as if the alleged sexual violence is partially victims' fault. [21]

1 DENY

The step of avoiding or denying from allegation.

For example: "That is a lie. I didn't do that"; "I don't remember"; "That is a false statement, if not, give me some proofs..".

2 ATTACK

After avoiding, the perpetrator will strike back or threaten the victim (or even family & acquaintance of the victim), so that the victim will be afraid and not have the courage to speak up.

For example: threatening the victim to be legally processed; threatening the victim to be criminally charged for defamation; intimidating victim through perpetrator's peers, fans, or other acquaintances; bullying the victim; etc.

3 REVERSE VICTIM AND OFFENDER

The perpetrator will act as if he/she is the victim (playing victim). This move is performed by the perpetrator by misleading public opinion to make them feel sympathetic towards the perpetrator.

For example: the perpetrator brought up that he/she has mental illness, trauma, etc., which may reverse the position of perpetrator as the victim; the perpetrator explains that he/she becomes less frequent to be hired for jobs or bullied because being accused as sexual violence perpetrator; seeks an excuse that the perpetrator was hacked, alcohol; shows the good part of the perpetrator and the bad part of the victim, etc.



Victims also often being helpless when sexual violence happens because they experience...

TONIC IMMOBILITY

Temporary paralysis symptom as a defensive reaction which happens by reflect due to extraordinary fear. [22] Temporary paralysis that is referred to may take forms as freezing (stiff body, unable to move), unable to speak, and so forth. [22] This condition causes PTSD and massive depression towards rape victims. [22] Tonic immobility also puts victims to feel embarrassed and have self-guilt because they did not run/fight when they were assaulted. [48]

Obstacles when Handling Sexual Violence Cases in Indonesia

#11

Settlement of Sexual Violence Cases Tends to Neglect Recovery of the Victim^[3]

A better sexual violence handling mechanism is urgently needed, because handling of sexual violence cases which provides recovery and victim-oriented settlement is very lacking. This condition is illustrated from:^[3]

- 57,0%** of respondents' cases did not reach settlement
- 39,9%** of respondents' cases were settled with compensation in sum of money
- 26,2%** of respondents' cases were settled by marrying them with the perpetrator
- 23,8%** of respondents' cases were settled through an agreement or amicable manner
- 19,2%** of respondents' cases were settled by imprisoning the perpetrator

There are Potentials of Revictimization of Sexual Violence Victims when Undergoing Legal Process

Sexual violence victims are vulnerable to fall back into a victim or undergo revictimization when reporting his/her case to the authority, for instance, they experience victim blaming or they are put at fault, and the crime which is suffered by them is considered to be justifiable, and victims frequently encounter demeaning, vulgar and leading inquiries. ^[23] This condition occurs simultaneously with the tendency of judging victims who are considered to not making serious efforts to fight when experiencing sexual violence (due to lack of understanding on victims' defensive reaction – see tonic immobility).

Police as the Front Line for Reporting of Sexual Violence Cases: Insensitive Behaviours, Even Acting as Sexual Violence Perpetrator

In February 2022, Directorate of General Criminal Investigation of Jakarta Metro Police published Guidebook on Handling of Sexual Violence Cases towards Women and Children to help the police force when exercising their duties, because revictimization occurs very frequently at police stations, ranging from dismissal of report, up to insensitive behaviour when searching for evidence.



Chief of National Police, General Tito Karnavian, stated “in rape cases, sometimes the police should ask to the victim, whether the victim felt fine after he/she was raped and whether during the rape, the victim felt pleasure.”

Source: BBC Indonesia [24]

Police force is not yet gender-responsive, for instance, statement from Chief of National Police, General Tito Karnavian, in 2017, incited public critics because the statement was deemed to be insensitive and demeaning towards sexual violence victims and survivors.

Besides that, online tags of *#PercumaLaporPolisi* and *#1Hari1Oknum* on social media such as Instagram and Twitter went viral due to many sexual violence cases that were not handled in satisfactory, for

instance, the long-drawn-out handling of sexual violence victims, handling that is not in accordance with procedures, reports that ended up with Order on Cease of Investigation (SP3) or the investigation is closed, sexual violence reports will only be investigated after the event went “viral” on news outlet, up to members of police force committing the sexual violence themselves.

Law enforcers and service workers also frequently assume the stance that settlement of cases involving violence towards women and girls with disability is better done using non-judicial mechanism due to stigma against the condition of people with disability who are closely associated with intellectual and mental disability.[49]

(various sources)

Forensic Examination is Needed to Assist the Inquisitorial Process of Sexual Violence Cases [25]

Considering the nature of sexual violence crime that lacks of witnesses who see the occurrence of such conduct asides from the perpetrator and the victim, then, in addition to the necessary *Visum et Repertum* (forensic doctor's statement) to support the inquisitorial process, Law Enforcers (APH) must develop forensic evidence process that is addressed under Attorney's General Guideline 1/2021.

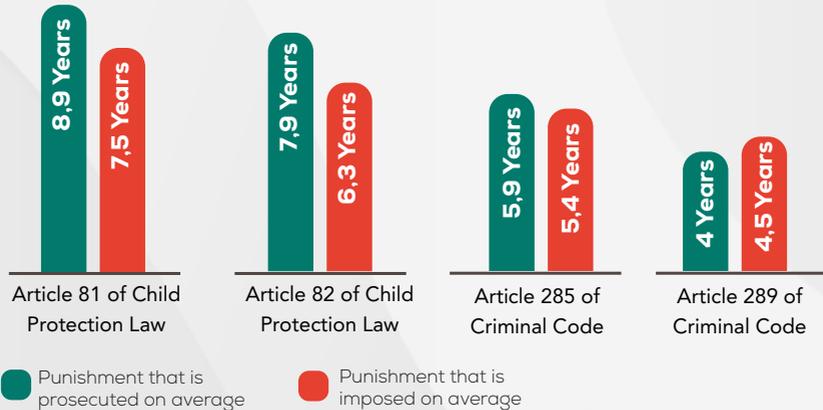
APH must develop investigation process that does not solely relies on medical report, for instance, investigation through forensic examination has been addressed under Attorney's General Guideline 1/2021, considering that sexual violence crime often faces difficulty of having evidence, often times causing victims refuse to report.



Asides from DNA-based forensic examination, non-DNA forensic examination may also be conducted to support the investigation of sexual violence crime, for example, hair of the perpetrator that was left behind at the crime scene, toxicology examination report and digital forensic evidence, including conversation between victim and the perpetrator via chat, and trace evidence, such as fingerprint or shoeprint that was left by the perpetrator.

80,7% of the Indonesian public consider that sexual perpetrator must be gravely punished for **10-15 years of imprisonment**.^[6]

In reality, **sexual violence cases in Court tend to be decided with lesser punishment where the Judge imposed punishment** that is lesser than the charges prosecuted by Public Prosecutor.^[7]



#12

Several limitations under Indonesian laws and regulations **when facing sexual violence cases**



Criminal Code (KUHP)

KUHP only addresses forms of sexual violence acts in limited manner. For example, the definition of rape crime is very narrow, online gender-based violence is not yet covered, and there are several forms of sexual violence that are not yet addressed, namely forced marriage and forced contraception. [25]



This type of regulation often justifies sexual lifestyle that is deemed to be "ideal" according to public opinion, for example, a wife cannot refuse the husband in terms of having sexual intercourse, consequently, criminal provisions on marital rape are nowhere to be found under KUHP.



Law No. 44 of 2008 on Pornography

Through the dissemination of pornographic contents, involved parties are possible to be criminally processed, especially those who act as the model or object in the disseminated pornographic media, not to mention that this condition often happens in cyber gender-based violence (KGBS). [25]



VG, a victim of KDRT from her ex-husband who was repeatedly offered to many men to fulfil economic needs, besides that, during the marriage, her ex-husband often recorded them having sexual intercourse and VG did not have any clue on the existence of such videos until those videos went viral on social media and VG was criminally processed as the perpetrator based on Pornography Law.



Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law) and Its Amendment



The element of “decency” is completely undefined under 2008 ITE Law and it was not revised under 2019 ITE Law. Furthermore, the criminal provisions under ITE Law may cover private/personal correspondences even though they are performed consensually. [25]



Example of the issue under this Law may be found in the case of Baiq Nuril, who recorded inappropriate conversations of her superior without any consent from the superior, submitting such contents (offline) to the party who may proceed her complaint, conversely, according to cassation decision 574K/Pid.Sus/2018 and reconsideration decision 83 PK/PID.SUS/2019, Baiq Nuril was convicted to be guilty of transmitting indecency contents to another person, although she was trying to prove the harassment case that happened to her.

Law No. 40 of 2008 on Eradication of Racial and Ethnic Discrimination



Sexual violence criminal elements are formulated under the section where we may find provisions addressing the criminal act of killing, torturing, theft, demonstrating that the drafter was still on the view of putting sexual violence on the same standard with right to freedom, and exempted the possibility of intersectionality of sexual violence cases with racial and ethnic discrimination as the underlying element. [25]



This Law also fails to support the protection of communities with various genders and sexual minorities, as well as religion-based minorities, and fails to mention right to safety, right to life, as well as right to bodily integrity, specifically sexual health and reproductive rights that are possessed by the victim, especially women victims.

Criminal Procedural Law Code (KUHAP)



KUHAP is heavily oriented on guarantee of rights that are possessed by the Accused and Defendant during criminal proceedings. Nonetheless, KUHAP's heavy focus on the Accused and Defendant still yields minimum protection of rights and accommodation of needs of Witnesses or Victims. [25]



#13 Existence of **several regulations** in Indonesia as manifestation of legal certainty for protection of sexual violence victims



Draft Bill on Sexual Violence Crime (RUU TPKS)

RUU TPKS serves as the realization of commitment to protection of sexual violence victims. RUU TPKS specifically addresses protection and recovery of sexual violence victims that have been assessed to be incomprehensive so far, hence new provisions are necessary to be addressed, definition of victim, victims' rights, and implementation of principles under RUU TPKS, one of them is best interest of the victims considering myriad situations and conditions of the victim. [26]



Supreme Court Regulation No. 3 of 2017 on Sentencing Guideline for Judging Cases Involving Women Before the Court

This framework has addressed provisions on procedures for handling cases involving women and children that must be adhered to by all Judges. This regulation also addresses matters on case examination and approach of Judges that must prioritize gender equality and be non-discriminatory, both to women and children as victims, witnesses, and perpetrators. [27]



Guideline of Attorney's General No. 1 of 2021 on Access to Justice for Women and Children when Handling Criminal Cases

This framework addresses procedures for handling cases involving women and children that must be adhered to by all Public Prosecutors, approach of Public Prosecutors who must uphold human rights, respect, dignity, without intimidation, and without sexism. In addition, relating to provisions on victims' rights, such as request for indemnity (restitution and compensation), rules on not to describe the case in details to avoid revictimization of victims, and protection of identity of victims in court dossiers. [28]



Law No. 31 of 2014 on Protection of Witnesses and Victims



This Law generally has addressed adequate and detailed fundamental provisions to protect rights of witnesses and victims, as addressed under Article 5. Furthermore, this Law also introduces new norms that are added under Article 6, stated as follows: [26]

"...victims reserve the right to receive medical treatment and psychosocial and psychology rehabilitation treatments. And provisions relating to protection, as well as restitution compensation for sexual violence victims."

Law No. 35 of 2014 on Child Protection



This Law addresses forms of protection that are addressed under Article 59A, including quick handling, psychosocial accompaniment, provision of social assistances, provision of protection and counselling on every stage of case proceeding. Also, it addresses provisions entitling sexual violence victims who are children to seek for restitution and it becomes the liability of the criminal perpetrator. [26]

Law No. 11 of 2012 on Criminal Juvenile System



This Law addresses provisions relating to protection of children who become victims or witnesses, namely relating to identity of children who become victims or witnesses must be kept confidential on printed or electronic news reporting. Children who become victims or witnesses are entitled to medical rehabilitation and social rehabilitation measures, guarantee on safety, easy access to information on case progress. Moreover, children who become victims or witnesses may also receive protection from the agency that handles protection of witnesses and victims or social safe house in accordance with provisions under laws and regulations. [26]



#14

Do sexual violence victims **receive protection** when they report their sexual violence case?

The state guarantees protection of victims under various policies and regulations. The granting of such protection may take forms as:*

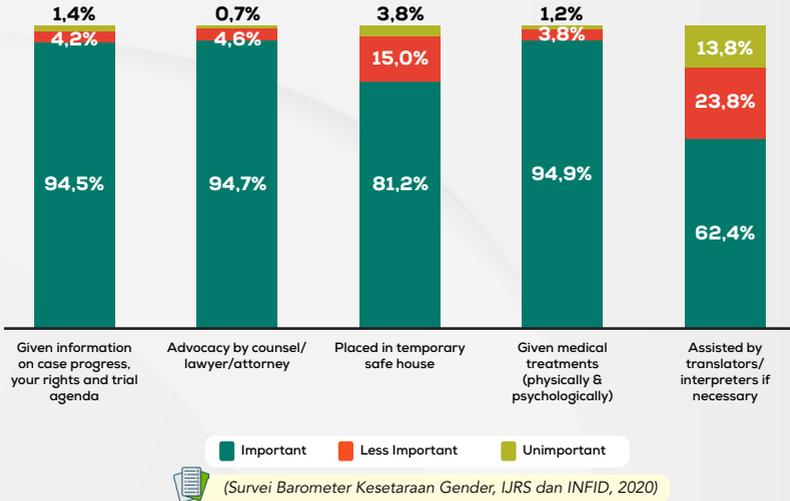
1. Provision of legal aids;
2. Confidentiality of victims' identity;
3. Provision of medical treatments;
4. Receiving protection for personal safety, safety of victims' family, and assets, as well as free from threats relating to testimony that will, is being, or had been given by victims;
5. Giving pressure-free testimony;
6. Being assisted by translator;
7. Free from leading inquiries;
8. Receiving information on case progress;
9. Receiving information on court decision;
10. Having temporary residential premises;
11. Receiving advocacy;

And others

** in KDRT cases, in accordance with Law No. 23 of 2014 on Eradication of KDRT and/or based on decree of Witnesses and Victims Protection Agency (LPSK)*

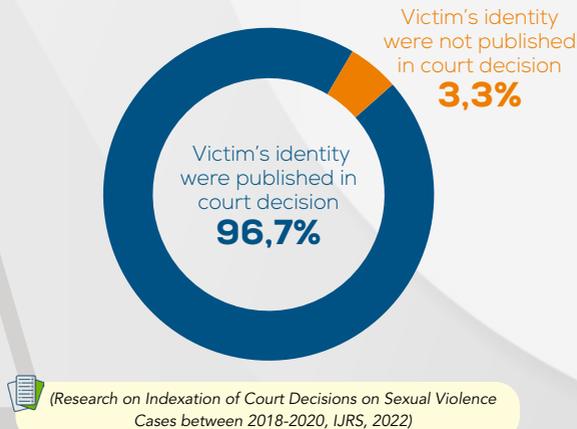


The public also consider that sexual violence victims are entitled for protection, namely:



However, unfortunately...

Protection of victims' identity tends to be inadequate and the confidentiality in court decision documents cannot be ascertained.^[7]



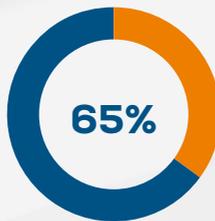
#15

Will sexual violence victims be counter reported when they report their sexual violence case?

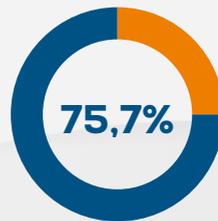
The public perceive that sexual violence victims should have not been reported or sanctioned upon sexual violence that happened to them.^[3]



Agree that it is not necessary to punish sexual violence victims who performed self-defense by hurting the perpetrator



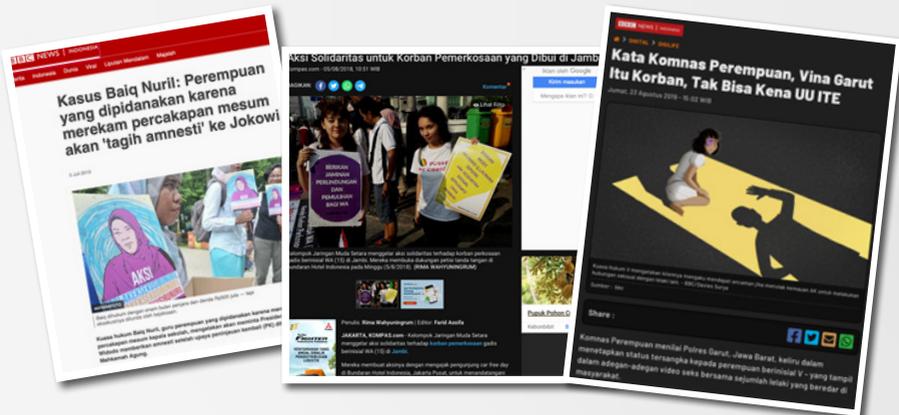
Agree that it is not necessary to punish sexual violence victims who disseminated images/ recordings/chats proving the sexual violence



Agree that sexual violence perpetrator cannot counter report the victim under the ground of defamation during the legal process of the sexual violence case

(Survei Barometer Kesetaraan Gender, IJRS dan INFID, 2020)

Although there are several cases where victims were counter reported or suffered criminalization, such as....



Are sexual violence victims entitled to receive recovery?

#16

Recovery is any effort to restore physical, mental, spiritual and social conditions of the victim. [29]

The state guarantees recovery of victims under various policies and regulations. Granting of such recovery may take forms as:*

1. Medical treatment
 2. Advocacy of victims
 3. Counselling
 4. Religious therapy
 5. Resocialization/to restore victims' social function when going back to the society.
 6. Restitution/indemnity
- and so forth...

**in KDRT cases, in accordance with Government Regulation No. 4 of 2006 on Organization of and Cooperation for Recovery of KDRT Victims and/or in accordance with Law No. 31 of 2014 on Amendment to Law Number 13 of 2006 on Protection of Witnesses and Victims (LPSK Law)*



Public also perceive that victims must receive recovery.^[3]



(Survei Barometer Kesetaraan Gender, IJRS dan INFID, 2020)

Agree that victims must receive the following recovery rights:

99,1% Medical treatment to recover injury/wound

99,2% Counselling to recover the psychological state of the victims

93,5% Being granted new job if they lost their job

98,9% Help to return to family & society (not being insulted/negatively stigmatized)

96,8% If they dropped out from school, assistance to return to school is given

93,7% Reimbursement of legal expenses

However, unfortunately...

Recovery of victims through restitution mechanism is very rarely implemented.^[7]

Restitution is indemnity that is given to victims or their family by the perpetrator or third party. ^[50]

80,7%

No available information on indemnity/recovery

19,2%

Women victims did not request for indemnity/recovery

0,1%

Women victims received restitution



(Research on Indexation of Court Decisions on Sexual Violence Cases between 2018-2020, IJRS, 2022)



In March 2022, Supreme Court issued Supreme Court Regulation (PERMA) No. 1 of 2022 on Restitution and Compensation. This PERMA addresses matters on role of judges in ascertaining existence of restitution and compensation requests that are suitable with victims' needs.

Am I experiencing **sexual violence**?

#17

Sexual violence may happen to anyone and it is not rare that victims did not aware of the sexual violence. Sexual violence may inflict visible physical impacts up to psychological impacts that are invisible to the eyes.

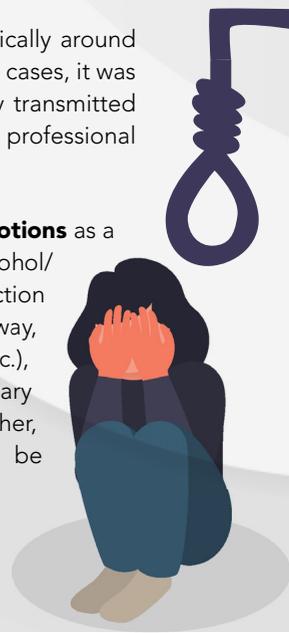


Understand the signs, namely: [31] [32]

1. **If we experience or receive unwanted sexual treatment from another person.** For instances:
 - a. being touched on body part that is unwanted and without your consent
 - b. being forced/threatened to touch or perform sexual act
 - c. being forced/threatened to undress, although you are not comfortable with it
 - d. being asked/shared images/recordings of body parts that are unwanted and without your consent
 - e. being called using sexually-related terms that are rude and condescending
 - f. being offered/forced to act/perform sexual act in return of something (such as position, high grade, money, etc.) and so forth

2. **Victims may have bruises/injuries on their body** specifically around the area of inner thighs all the way up to genitals. In several cases, it was also discovered that victims were contracted with sexually transmitted diseases (STD). To know further, victims may be checked by professional medical staffs at appropriate hospital or clinic

3. **Victims may also undergo change in behaviours and emotions** as a form of self-defense, such as self-harm (consumption of alcohol/narcotic, suicide attempt, etc.), change in their interaction and behaviour towards others (self-isolation, running away, aggressive & inappropriate behaviours in public, etc.), change in personal behaviours (sleep issues, change in dietary pattern, avoiding touch, low self-esteem, etc.). To know further, assistance from professionals such as psychologist may be requested.



#18

Everyone is susceptible to be a sexual violence victim, therefore, let's understand:

The concept of sexual consent

Sexual consent is a voluntary approval to be involved in sexual activity. This consent must be explicit with the existence of verbal or non-verbal communication. This consent must also be mutual and among those who are adults (not minors), mentally capable, and in sober condition. [33]

(Rephrased by Writers)



It must be noted, requesting consent must be performed each time there is a new stage of sexual activity through clear communication and such consent is revocable at any given time. **A person is allowed to refuse or request sexual activity to be stopped, even when it is happening.** [34]

What can we do to ourselves to prevent sexual violence?

Always be vigilant

If you use public transportation, seek for the one which is packed with passengers and there are other women passengers. If there is anything suspicious, exit immediately.

If you use online ride-hailing services (bike/car), request to be picked up at crowded places. Take picture/record identity of the driver and vehicle number, immediately send them to your confidant. [35]

Prepare yourself

Equip yourself with self-defense skills or tools that are useful to defend yourself, such as spraying pepper spray or perfume towards the eyes of the perpetrator. [35]



Be aware with strangers

You must always be aware with strangers around you whom you do not have any information about. [35]

Learn from existing cases

You may construct an understanding on sexual violence, both definition, forms, motives, and methods that are usually used by the perpetrator. Knowledge on the impacts of sexual violence may also be beneficial for a person when he/she encounters one. [35]

Protect personal data on online space

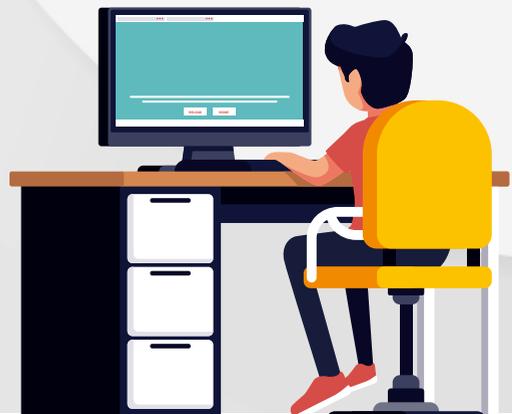
You must build awareness to protect your privacy, including personal data, from anyone who can access your information online and offline, especially your sensitive data. [36]

Do not recklessly trust third-party app

Do not recklessly put your trust on third-party app that requests access to your social media accounts, because it is possible that they use your personal data irresponsibly and it may have impact to your life, either online or offline. [36]

Be careful with shortened URL links

Be careful with shortened URL links. If you receive them from suspicious accounts, it could be that such URL redirects us to unsafe or malicious websites. [36]



#19

What can we do if we experience sexual violence?

Don't Blame Yourself

In a situation that you are experiencing, always remember that it was not your fault and strongly believes that the perpetrator is the guilty one. Hence, you will have the courage to act and make the right decision, so that your case will be promptly handled. [37]

Tell It to Your Closest Persons

Seek supports from your closest persons and tell them what you have experienced in details. [37]

Immediately perform medical examination at the closest medical facility, this document may be used as evidence

Skip cleaning yourself, such as taking a bath or changing clothes. Moreover, if your clothes are scattered, there are bruises, scratches, or any marks on your body, immediately perform medical examination so they can be deemed as evidence. And, request assistance from your confidant to perform medical examination and contact the nearest psychologist or counselling agency. [38]

Report and Block the Perpetrator

If you experience sexual violence online, you have the option to report and block the perpetrator or his/her social media account that is used which is considered to be suspicious and makes you feel uncomfortable and intimidated. [36]

Visit the Nearest Service Center

You may submit a report to Komnas Perempuan's office and in every city/regency, there are Integrated Women Empowerment Service Centers (P2TP2A). [37]



Report it to Online Services

If you experience sexual violence online, you may report what you have experienced to organization such as SAFEnet through KBGO's reporting channel at awaskbgo.id/layanan.

Report it the Nearest Police Station

If you wish to report the sexual violence that you were experiencing to the Police, it is better to report to a Police station that is equipped with Women and Children Service Unit (PPAA Unit).^[39] As a piece of advice, don't visit Police station alone, bring witness, friend, family member, and legal counsel. This advice aims to prevent discriminative questions that often addressed by Policeman, such as "Did you feel pleasure when it happen?" ^[38]



Report it to Indonesian Ombudsman, if your sexual violence case report is neglected by the Police

Immediately report the police officer who neglects your case to Ombudsman. Bring your Resident's Identity Card (KTP) and Family Card (KK) as your credentials. If you have written proof that the report is not followed-up, bring such document. Ombudsman's headquarter is located in Kuningan, South Jakarta and Ombudsman's representative offices are spread in 34 provinces. See the location at <https://ombudsman.go.id/perwakilan/> and you may also contact Ombudsman by phone at 137 and +62-8213-73737. ^[38]

Report it to Friend of Women and Children under Ministry of Women Empowerment and Child Protection (KemenPPPA)

Asides from Police station, you may also report the sexual violence case through call centre of Friend of Women and Children under KemenPPPA, namely SAPA129 or via WhatsApp at +62-8211-129129. ^[37]

Request for protection from LPSK

Request for protection from LPSK through various media that are available, such as WhatsApp, Email, LPSK Protection Request App, LPSK's Hotline, and other channels. ^[40]



#20

Reporting Procedures to the Police

Directly visiting Police Station

a. Generally, if you experience or witness sexual violence, you may initially report such sexual violence event to the nearest Police station. There are 4 jurisdictions, namely: [\[41\]](#)

1. Headquarter of the Indonesian National Police (Mabes Polri) for all territories of the Unitary State of the Republic of Indonesia
2. Regional Police (Polda) for an area within a Province
3. Resort Police (Polres) for an area within a regency/city
4. Sectoral Police (Polsek) for an area within a sub-district

b. When visiting the Police station, you may directly go to Integrated Police Services Centre (SPKT) that provides public reporting services, assistances, as well as information. [\[42\]](#)

c. After receiving report or complaint, the Police Force's investigator must hand out a document as the receipt of report or complaint to the party who reports it. [\[42\]](#)

d. After a police report is drawn up, there will be examination against the reporter. The result of examination of the reporter will be incorporated in Police Investigation Report (BAP). This BAP will later become the basis for follow-up measures. [\[42\]](#)

e. It must be understood that, when making criminal report, no levy is collected and you may wait for no longer than 7 days until the Police Force contacts you. If there is a person who asks for payment, you may report the person in question to Profession and Safety Section (Propam) of the Indonesian National Police. [\[42\]](#)

Indonesian National Police's Call Center 110

You may make a call to 110 access number that directly connects to the information, reporting, and complaint services. You may use this 110 Call-Center service for 24 hours and free of charge. [\[42\]](#)



Sequences for 110 call-center service:

1. You dial 110 using handphone or landline
2. Operator will receive your call and ask for your identity
3. Operator will screen the type of call, whether the complaint is valid or invalid
4. If the complaint is invalid, then the call will be processed in Polda until the complaint is closed
5. If the complaint is valid, the call will be forwarded to Polres
6. Polres's operator will receive the call
7. Operator will follow-up the report by phone
8. Operator will close the complaint and will notify that the complaint will be immediately processed by the relevant Polres

Send SMS to 1717

For residents of DKI Jakarta, there is also a complaint channel via SMS to 1717 that is operated by Polda Metro Jaya. [\[42\]](#)



#21

Understand the “*Bystander Intervention*” Technique

There is an intervention technique to sexual violence which happens around us that is known as “**5D’s Bystander Intervention**”. Bystander Intervention encourages someone to **know and respond to a situation if there is a possibility of sexual violence to take place, is happening, or had happened.** [43] [44]

DIRECT

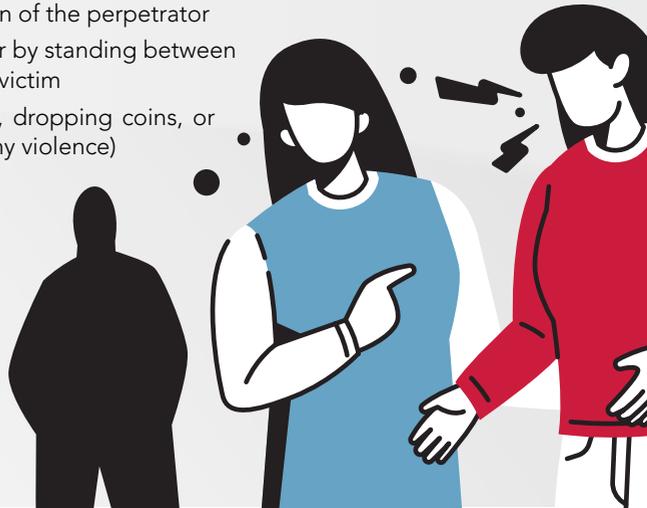
Responding directly. Before you decide to directly respond, make sure that the situation is physically safe for you and the victim. For example:

- “That is inappropriate/rude/ill-mannered!”
- “Hey, that is sexual violence/other forms of sexual violence!”
- “Leave him/her (the victim)!”

DISTRACT

This becomes a soft and creative method that aims to cancel or interrupt sexual violence that happened or experienced by the victim. Do not talk about the sexual violence act that happens, on the other hand, talk something that completely has no connection to it. For example:

- Pretending to be lost to ask for direction or time
- Pretending that you know the victims and talk to them on other subjects to distract attention of the perpetrator
- Obstructing the perpetrator by standing between the perpetrator and target/victim
- Deliberately pouring water, dropping coins, or making a ruckus (without any violence)



DELAY

Sexual violence often happens at an instant. However, it does not mean that you cannot do anything to help the victim. In this case, you may wait until the situation has finished and talk to the victim. There are several methods to do this:

- Ask the condition of the victims, whether they are fine or not and tell them that you feel sorry for the mishap that happened to the victims
- Offer to accompany victims to their destination or briefly sit together with them
- Ask what the victims need and offer help to make a report if the victims agree to make one

DOCUMENT

Document or recording will be very helpful as the evidence of event that happened to victims. However, before hitting the record button, there are several things that must be put into consideration, namely:

1. Whether there has been another person who helps the victims or not? If not, use the other techniques
2. If there has been another person who helps the victims, you may carefully record and make sure that it is safe

It must be noted that, after recording, you must ask the victims on what they wish to do with such recording after the victims feel safe or no longer harassed by the perpetrator. Do not ever upload such recording online or via social media without consent or awareness of the victims. Using victims' recording without their consents may cause victims to be more helpless and if the recording went viral, then victims will undergo revictimization and identity of the victims will be publicly known. And you will receive criminal sanctions as addressed under ITE Law.



DELEGATE

Delegate is requesting help from third party. There are several examples that may be practiced:

- Speak or cooperate with someone around you who also sees the incident
- Contacts the authority, such as Police Force or Security by using emergency number
- If sexual violence occurs at school or university campus, contact the teacher or lecturer and security or campus's service providers (for example: Hope Helps)

#22

Public education to prevent sexual violence

The importance sexual violence knowledge, as well as sexual gender-equality and sexuality education

According to the public, **there are several sectors available to seek knowledge on sexual violence. 64,1 %** of the public relatively frequent gaining, seeing, or hearing topics about sexual violence through mass media or social media. [3]

Sectors where knowledge of sexual violence is gained



(Survei Barometer Kesetaraan Gender, IJRS dan INFID, 2020)

Knowledge or education on sexual violence becomes an important factor that must be given earlier on through sexuality and reproduction health education. The aim is to prepare children with knowledge on human rights,

gender equality, encouraging children to have safe, healthy and positive friendship, increasing awareness of sensitive issues such as reproduction health, child marriage and female circumcision practices. [45] Children may also understand their body condition and body of their opposite sex, so that they may learn to protect each other, as well as preventing children from sexual violence acts. [46]



Agencies and Information Channels for Complaints on Sexual Violence

#23

If you have ever experienced sexual violence, you may also reach the following services: [47]

National-Level Ministries/Agencies	Contacts
Indonesian National Police (Investigation)	Call center: 110 SMS: 1717
Ministry of Women Empowerment and Child Protection (Complaint)	Public Complaint Division Phone: 0821-25751234 (hotline) Web: www.kemenpppa.go.id
Ministry of Social Affairs (Complaint)	Phone: 15001771 (hotline)
National Human Rights Agency of National Commission on Anti-Violence against Women (Komnas Perempuan) (Complaint)	Complaint Unit for Reference. 021-80305399 (hotline) Phone: 021-3903963, Fax: 021-3903922 (business hours) Email: mail@komnasperempuan.go.id Web: www.komnasperempuan.go.id
Indonesian Child Protection Commission (KPAI) (Complaint for cases involving children specifically)	Phone: 021-319 01556, Fax:021-390 0833 (business hours) Email: info@kpai.go.id , humas@kpai.go.id Web: www.kpai.go.id



Civil Society Organizations/Community-Based Service Providers	Contacts
Jakarta Alert Emergency Call Services (Complaint)	Call Center: 112
LBH APIK (Complaint, legal consultation and advocacy)	Phone/Fax: 021-87797289 (Business hours). WA: 081388822669 (hotline) Email: lbh.apik@gmail.com Web: www.lbhapike.org
SAPA Indonesia (Complaint, legal consultation and advocacy)	Phone: 021-5853849 Email: sapa.indo@gmail.com
Kelompok Peduli Penghapusan Tindak Kekerasan terhadap Perempuan dan Anak (KePPak Perempuan) (Complaint services, legal consultation, advocacy, and empowerment of victims)	Phone/Fax: 021-6259708 HP: 08788-8543675 Email: setkeppakperempuan@gmail.com
Yayasan Pulih (Psychosocial services)	HP: 00811-8436633 (hotline) Telp. (021) 78842580 (business hours) Web: www.yayasanpulih.org
LBH Jakarta (Complaint, legal consultation and advocacy)	Phone: 021-3145518, Fax: 021-3912377 (business hours) Email: lbhjakarta@bantuanhukum.or.id Web: www.bantuanhukum.or.id
LBH Masyarakat (Complaint, legal consultation and counselling)	Phone: 021-837 897 66, Fax: 021-837 897 67 (business hours) Email: contact@lbhmasyarakat.org Web: www.lbhmasyarakat.org
Himpunan Wanita Disabilitas Indonesia (Complaint services and counselling of victims with disability)	Telp/Fax: 021-2961 4294 Mobile Phone: 0878-89309301 Email: hwdi.info@gmail.com
Perhimpunan Keluarga Berencana Indonesia (PKBI) (Reproduction Health Services)	Phone: 021-7207372 Email: ippa@pkbi.or.id Web: www.pkbi.or.id
JALA PRT (Complaint Services and advocacy of domestic workers)	Phone: 0217971629 Email: jala_prt@yahoo.com.
Perempuan Mahardhika (Complaint services and advocacy of women as labours/workers)	Phone: 0822-1358-7565 Email: mahardhika.kita@gmail.com; mail@mahardhika.org Web: www.mahardhika.org

<p>Kelompok Perempuan untuk Keadilan Buruh (KPKB)</p> <p>(Complaint services and advocacy of women as labours/workers)</p>	<p>Mobile Phones: 0812-10005988, 0821023667977</p> <p>Email: endangrokhani16@gmail.com</p>
<p>Solidaritas Perempuan</p> <p>(Complaint services and advocacy of Indonesian migrant workers)</p>	<p>Phone: 021-79183108, 79181260, 7987976 (business hours) Fax: 021-7981479</p> <p>Email: soliper@centrin.net.id</p> <p>Web: www.solidaritasperempuan.org</p>
<p>Serikat Buruh Migran Indonesia (SBMI)</p> <p>(Complaint services and advocacy of Indonesian migrant workers)</p>	<p>Phone/Fax:021-79193879 (business hours)</p> <p>Email: sekretariat@sbmi.or.id, pengaduan@sbmi.or.id</p> <p>Web: www.sbmi.or.id</p>
<p>Migrant Care</p> <p>(Complaint services and advocacy of Indonesian migrant workers)</p>	<p>Phone/Fax: 021-27808211 (business hours)</p> <p>Email: sekretariat@migrantcare.net</p> <p>Web: www.migrantcare.net</p>
<p>Keluarga Besar Buruh Migran Indonesia (Kabarbumi)</p> <p>(Complaint services and advocacy of Indonesian migrant workers)</p>	<p>Phone/Fax: 021-22094841</p> <p>Email: kabarbumipusat@gmail.com</p>
<p>ECPAT</p> <p>(Complaint services and advocacy of children as victims of sexual exploitation)</p>	<p>Phone: 021-794 3719, Fax: 021-794 3719 (business hours)</p> <p>Email: sekretariat@ecpatindonesia.org</p> <p>Web: www.ecpatindonesia.org</p>
<p>Yayasan Parinama Astha</p> <p>(Services relating to victims of human trafficking)</p>	<p>Phone: 021- 57992162 (business hours)</p> <p>Email: info@parinama-astha.com</p> <p>Web: www.parinama-astha.com</p>
<p>Rumah Faye</p> <p>(Services relating to victims of human trafficking)</p>	<p>Phone: 021-5793 8599</p> <p>Email: info@rumahfaye.or.id</p> <p>Web: www.rumahfaye.or.id</p>
<p>Puan Amal Hayati</p> <p>(Pesantren-based complaint and psychosocial services)</p>	<p>Phone: 021-7867031, Fax: 021-7866960. 0821-27279319</p> <p>Email: puanamalhayati@gmail.com, yayasanpuanamal@yahoo.com</p> <p>Web: www.puanamalhayati.or.id</p>

HopeHelps

(Campus-based sexual violence complaint services)

HopeHelps Universitas Indonesia

- advokasi.hopehelps@gmail.com
- 082299788860

HopeHelps Institut Teknologi Bandung

- hopehelps.itb@gmail.com
- 087708896894

HopeHelps Universitas Trisakti

- advokasi.trisakti@gmail.com
- 081818187872

HopeHelps Universitas Brawijaya

- advokasi.hopehelps.ub@gmail.com
- 085158337959

HopeHelps Universitas Gadjah Mada

- 082140659810

HopeHelps Universitas Katolik Parahyangan

- advokasi.hopehelps.unpar@gmail.com
- 082116922358

HopeHelps Institut Pertanian Bogor

- advokasi.hopehelps.ipb@gmail.com
- 081414272092

HopeHelps Universitas Airlangga

- advokasi.hopehelps.unair@gmail.com
- 085161493614

HopeHelps Universitas Udayana

- advokasi.hopehelps.unud@gmail.com
- 081337982562

HopeHelps Universitas Negeri Semarang

- advokasi.hopehelps.unnes@gmail.com
- 081912880902

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