

Law Enforcement of Sexual Violence Crimes Through the Regional Technical Implementation Unit for the Protection of Women and Children in West Lombok

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Abstract

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1. INTRODUCTION

According to the 2021 Annual Report of the National Commission on Violence Against Women and Service Institutions, there were 4,660 complaints related to sexual violence, accounting for 28.8% of the total cases reported to the National Commission on Violence Against Women and Service Institutions. Overall, cases of gender-based violence have increased significantly, reaching 338,506 cases in 2021 compared to 226,062 cases in 2020.[1] In the special region of West Nusa Tenggara, 8,293 cases of violence against women were documented throughout 2021[2], a number much higher than the report of the West Nusa Tenggara Provincial Government which recorded only 1,060 cases in the same year.[2]

Sexual acts against women and children constitute a violation of human rights and a form of discrimination that must be eliminated. Indonesia has demonstrated a real commitment to addressing sexual violence by ratifying several international conventions related to the protection of women and children. Some examples of these conventions include the International Convention on the Elimination of All Forms of Discrimination Against Women, the 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; the International Convention on the Rights of the Child; and the International Convention on the Sale of Children, Child Prostitution and Child Pornography.

Sexual violence is a criminal act that has been regulated in Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence. This law is a form of protection provided by the state to everyone from criminal acts of sexual violence. Sexual violence refers to any sexual activity. In the Criminal Code (KUHP), it is called a criminal act of morality (*Crimes against morals*) which include among others, violating public morality (Articles 281, 282, 283), rape (Article 285), adultery (Article 284), indecent assault (Articles 289, 290, 292, 293 (1), 294, 295 (1)). These crimes are included in the types of sexual violence crimes regulated in the Criminal Code. In addition, the types of sexual violence crimes are also regulated in Article 4 paragraph (1) of Law Number 12 of 2012 concerning Sexual Violence Crimes, which consist of:

- a) Non-physical sexual harassment;
- b) Physical sexual abuse;
- c) Coercive contraception;
- d) Forced sterilization;
- e) Forced marriage;
- f) Sexual torture;
- g) Sexual exploitation;
- h) Slavery
- i) sexual; and
- j) Electronic-based sexual violence.

Acts of Sexual Violence Crimes other than those referred to in Article 4 paragraph (1) above, acts of sexual violence crimes also include:

- a) Rape;
- b) Obscene acts;
- c) Sexual intercourse with a child, indecent acts against a child, and/or sexual exploitation of a child;
- d) Acts that violate decency against the will of the Victim;
- e) Pornography involving children or pornography that explicitly contains violence and sexual exploitation;
- f) Forced prostitution;
- g) The crime of human trafficking aimed at sexual exploitation;
- h) Sexual violence within the household;
- i) The crime of money laundering where the predicate crime is a crime of sexual violence; and
- j) Other crimes that are expressly stated as Criminal Acts of Sexual Violence as regulated in the provisions of laws and regulations.

In addition to regulating acts categorized as sexual violence, the law also regulates law enforcement through regional technical implementation units for the protection of women and children, hereinafter abbreviated as UPTD PPA. UPTD PPA is an operational technical implementation unit in a work unit that organizes government affairs in the field of women's empowerment and child protection, which functions as an integrated service provider for women and children who experience violence, discrimination, and other problems.

The UPTD PPA is given the authority to be a place for victims to complain or report acts of sexual violence, this is regulated in Article 39 paragraph (1) which states that victims or people who know, see and/or witness events that constitute acts of sexual violence report to the technical implementing unit and regional technical implementing unit in the social sector, Community-Based Service Provider Institutions and/or the police, both at the location where the victim is located and at the location where the crime occurred.

Article 76 paragraph (3) regulates more fully regarding the role of the UPTD PPA in Handling, Protecting, and Recovering Victims. Where the duties of the UPTD PPA are, receiving reports or outreach to Victims; providing information about Victims' Rights; facilitating the provision of health services; facilitating the provision of psychological strengthening services; facilitating the provision of psychosocial services, social rehabilitation, social empowerment, and social reintegration; providing legal services; identifying economic empowerment needs; identifying temporary shelter needs for Victims and Victims' Families that need to be met immediately; facilitating the needs of Victims with Disabilities; and cooperating in fulfilling Victims' Rights with other institutions; and monitoring the fulfillment of Victims' Rights by law enforcement officers during the judicial process.

The guarantee of the right to handle it is evenly distributed according to the law where the provincial and district / city governments are required to form a UPTD PPA which organizes the Handling, Protection, and Recovery of Victims, Victims' Families, and / or Witnesses. Based on the description above, this study focuses on the implementation of the UPTD PPA as one of the institutions given the mandate in enforcing the law related to criminal acts of sexual violence. Based on this background, the formulation of the problem of this study is How is the mechanism for enforcing the law on criminal acts of sexual violence through the UPTD PPA West Lombok and what are the obstacles in the process of enforcing the law on criminal acts of sexual violence through the UPTD PPA.

2. RESEARCH METHOD

The type of research that will be used is empirical legal research. This research was conducted by conducting direct observation to study and analyze the implementation of law enforcement for sexual violence crimes through the UPTD PPA in West Lombok. This research will use the case approach and conceptual approach. [3] The case approach is intended to study the background of cases that occur in efforts to overcome them and the conceptual approach to study and analyze the mechanisms and procedures for law enforcement carried out by the UPTD PPA as a system for handling criminal acts. The types of data used in this study are [4]:

- a. Primary data, namely data in the form of interview results with the Management of the UPTD PPA institution and several local residents.
- b. Secondary data, namely data obtained by an organization or individual from another party who has previously collected and processed it.

3. RESEARCH RESULTS AND DISCUSSION

3.1. Law Enforcement Mechanism for Sexual Violence Crimes Through UPTD PPA West Lombok

UPTD PPA is part of law enforcement based on services. According to Fandy Tjiptono, a service is considered superior if the service fulfills four main elements, namely speed, accuracy, friendliness and comfort. [5] These four components are an integrated service unit. To achieve this level, each service must have certain skills, including a good and neat appearance, being friendly, showing work enthusiasm and an attitude of always being ready to serve, being calm in working, being able to communicate well, being able to understand sign language (*gesture*) customers, and have the ability to deal with customer complaints professionally. The characteristics of service as a basis for providing good service are:[5]

- a) Services are intangible in nature, services are very much the opposite of finished goods.
- b) Service actually consists of real actions and is an influence that is social in nature.

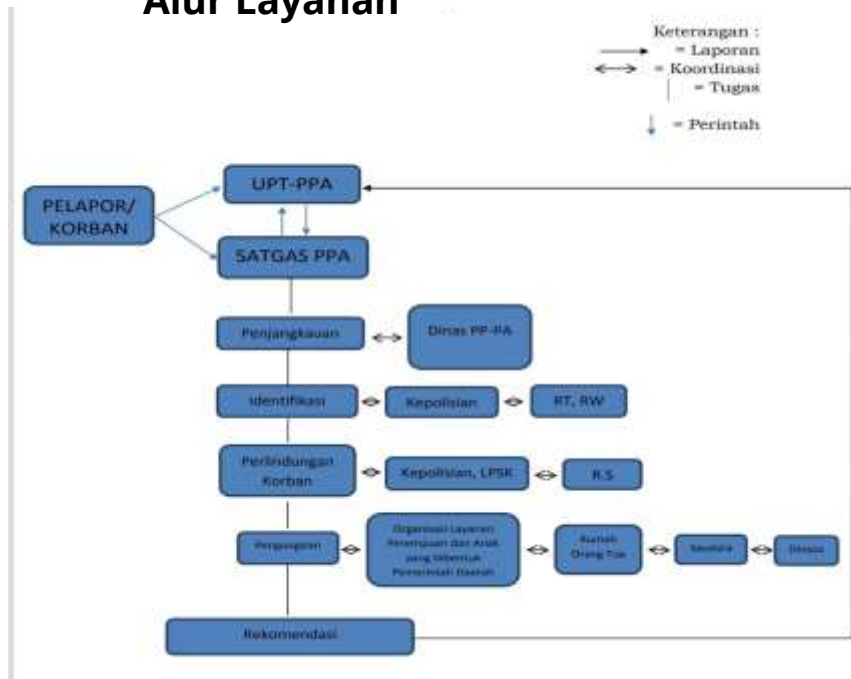
- c)The production and consumption of services cannot be separated in real terms, because they generally occur simultaneously and in the same place.

To support good service, a mechanism is needed that becomes a workflow or fixed procedure in the service process. The term mechanism has various meanings that can be explained in four main senses [5]. First, the mechanism is understood as the view that the interaction between parts in a system or unit, unintentionally, can produce activities or functions that are in line with certain goals. Second, the mechanism is also interpreted as a theory that states that all phenomena can be explained through the working principles that are usually applied to machines, without involving intelligence as the cause. Third, the mechanism refers to the theory that assumes that all events in nature are physical and can be explained through changes in matter or the movement of substances. Fourth, the mechanism is interpreted as an effort to provide a mechanistic explanation, namely by tracing the movement of fixed parts of a structure of objects or the universe that does not change internally. This is in line with the system theory that views an entity as a unity of interconnected parts that work together to achieve goals. [6] Furthermore, this mechanism needs to be stated concretely in the form of a Standard Operating Procedure (SOP), which functions as a standard guideline for service implementers so that the service process runs effectively, efficiently, and in accordance with the established quality standards. With the existence of SOP as a guideline or guide for a job, it can direct officers (employees) to be disciplined in working and as an evaluation tool if there is a deviation. Based on this, SOP can be categorized into several functions, including:

1. Maintaining order in the subsystem
SOP ensures that each part or element in a social system works according to its function. In this case, SOP functions as a tool to regulate so that there is no clash or overlapping of functions between parts in the system.
2. Manage input, process and output processes
In system theory, every social organization receives input, manages it in an internal process, and produces output. In this case, SOP acts as a tool in standardizing how input is processed to produce output that is consistent and in accordance with the system's objectives.
3. Facilitate coordination and control means
Since the system consists of many components, SOP becomes an instrument to coordinate Actions. So that each part indirectly acts as a means of control to avoid deviations from the main purpose of the system.
4. Maintaining system stability
SOP helps create routine and predictability in every action, which ultimately becomes a tool to strengthen the stability of the system as a whole. So that order is created and there is no difference in treatment in service.

Based on the results of interviews at the UPTD PPA office in West Lombok in handling sexual violence crimes to date, it refers to Law Number 12 of 2022 concerning sexual violence crimes, and the Regulation of the Minister of Women's Empowerment and Child Protection, including, PPPA Regulation Number 2 of 2022 concerning standards for women and children protection services, PPPA Regulation Number 11 of 2022 concerning guidelines for social protection systems and family empowerment and Technical Instructions (JUKNIS) for services for the Task Force for Handling Women and Children's Problems in the Regions (SATGAS PPA). The service flow in handling based on the PPA task force's technical instructions is contained in the following image[7]:

Alur Layanan



In practice, the service flow becomes the basis for referrals which are then divided into several stages of the law enforcement mechanism for sexual violence crimes through the UPTD PPA in West Lombok. These stages include the complaint/report stage, victim outreach stage, intervention and assistance plan stage, intervention implementation stage, monitoring and evaluation stage and case closing stage. These stages will then be described as follows:

1. **Complaint Stage** at this stage the community, either as victims or those who see, hear of criminal acts of sexual violence, can directly or indirectly complain or report the incident through the UPTD PPA. Complaints/case reports can be made by individuals or third parties directly or through communication means such as telephone, social media or other online applications, the report recipient officer will record the case details and provide a case registration number. The report will then be registered and recorded in the reporting system to ensure that the case is officially documented. After the report is received, the UPTD PPA will record the administration of the reported violence case.
2. **Victim Outreach Stage**, after reporting the next stage is victim outreach at this stage the UPTD PPA team will conduct an initial assessment to find out more about the victim's condition, threat level, while ensuring that the victim gets access to the necessary assistance. The assessment aims to reach the victim directly and provide support as needed. After assessing the victim's needs and the level of risk faced based on the results of the initial assessment, an intervention and assistance plan will be prepared by the case manager.
3. **Intervention and mentoring planning stage**, at this stage a case manager has been appointed who will be tasked with managing the entire case handling process and is responsible for leading the collection of analysis data and case mapping before starting the intervention stage. The case manager will create an intervention and mentoring plan, based on the results of the counseling session with the victim or victim's family involved in the case, this counseling session aims to understand more deeply, provide emotional support and assist clients in developing solutions or strategies related to the

core problems faced by the victim as a client so that later from the results, mentoring steps will be prepared.

4. Intervention and assistance stage, at this stage UPTD PPA can coordinate with related agencies such as hospitals, police, psychosocial institutions, counselors and legal institutions to ensure that victims receive assistance according to their needs. This intervention is a direct action designed to resolve identified problems. In the intervention, the case manager provides direct assistance in the form of social rehabilitation services or other steps tailored to the needs of the case.
5. Monitoring and Evaluation Stage, at this stage the case manager will monitor the progress of the case periodically to ensure that the actions taken provide the expected results. This monitoring stage includes routine visits, re-evaluations, and recording any changes that occur. If further problems are found, the case may require additional action or further intervention.
6. Closing Stage, this stage is the final series of all stages of handling carried out by the case manager, this stage will be carried out if all handling has been deemed complete and the desired results have been achieved both in the legal process, rehabilitation and recovery.

3.2.OBSTACLES IN THE LAW ENFORCEMENT PROCESS OF SEXUAL VIOLENCE CRIMES THROUGH UPTD PPA

In the process of law enforcement, various obstacles often arise that affect the effectiveness of its implementation. According to Lawrence M. Friedman, the effectiveness of law enforcement is influenced by three main elements, namely structure, substance, and legal culture.*(legal culture)*.^[8] Structure refers to the institutions and agencies that enforce the law, such as courts, police, and other law enforcement agencies; gaps in structure can result in weaknesses in handling cases. Substance includes the rules and legal norms themselves, where ambiguity or deficiencies in regulations can lead to diverse interpretations, potentially weakening law enforcement. Meanwhile, legal culture or community culture towards the law includes attitudes, beliefs, and values of the community towards applicable legal rules; if community culture tends to ignore and disrespect the law, then legal handling is difficult to do effectively. To make it easier, the compiler divides the three elements into two groups of obstacles. Obstacles are something that can hinder the implementation of a program. Basically, there are two possibilities for obstacles to arise, namely internal factors and external factors.^[9]

Based on the results of the interviews conducted, researchers found several obstacles in the process of handling sexual violence crimes through the UPTD PPA West Lombok. The obstacles include the following^[7]:

Internal Barriers

- a) The absence of a specific micro Standard Operating Procedure (SOP) for TPKS. This obstacle concerns irregularities and procedural uncertainty in carrying out tasks due to the absence of standard operational guidelines, which has an impact on the potential for injustice for victims and low effectiveness of handling.
- b) Lack of Human Resources (HR), inadequate HR both in quantity and quality has a direct impact on the slow handling of cases and weak recovery of victims.
- c) Limited Facilities and Infrastructure, inadequate facilities such as shelters, medical services, and rehabilitation hinder comprehensive protection for victims.

External Barriers

- a) The social stigma that considers sexual violence as a disgrace makes victims and their families reluctant to report it because they are afraid of ridicule, discrimination, or

ostracization. This fear is exacerbated by the lack of understanding that reporting sexual violence is not a shameful act, but rather an important step towards obtaining justice and protection. As a result, many cases of sexual violence go unreported, leaving perpetrators free to roam and the potential for further violence to increase. Therefore, educating the public about reporting/complaints, protection rights, and support services for many victims is essential so that the public can actively participate in prevention, reporting, and protection efforts, and support the creation of a legal culture that respects individual rights and rejects violence in all its forms.

- b) Fear of Privacy, Victims are worried that their personal information will be leaked, making them choose to close themselves off and refuse intensive assistance.
- c) The distance between the victim's domicile and the UPTD PPA office often makes it difficult to coordinate with the victim.
- d) The low level of public understanding of the role of the UPTD PPA and victims' rights is an obstacle to reporting.

4. CONCLUSION

Based on the discussion above, the law enforcement of sexual violence crimes through the UPTD PPA West Lombok will be carried out through several stages, including; Complaint Stage, Victim Outreach Stage, Intervention and Assistance Plan Stage, Intervention and Assistance Stage, Monitoring and Evaluation Stage and Case Closing Stage.

The obstacles in enforcing the law on sexual violence crimes are divided into two categories, namely internal and external, including: *First*, There is no specific micro Standard Operating Procedure (SOP) for TPKS cases. *Second*, Lack of human resources (HR), both in terms of case handling and victim recovery. *Third*, Limited facilities and infrastructure, while external obstacles include Lack of public education, both about the authority of UPTD PPA as a place to report/complain about sexual violence crimes in addition to assistance institutions and education on the importance of victim and public awareness in handling and preventing sexual violence crimes. The stigma of victims and society that considers it a disgrace and leaking of privacy makes victims reluctant to be frank/tell the truth.

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