



Legal protection for women victims of sexual violence in Makassar City

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ARTICLE INFO

Article history:

Received May 23, 2023

Revised Jun 24, 2023

Accepted Jun 30, 2023

Keywords:

Legal Protection
Sexual Violence
Victim
Woman

ABSTRACT

Research on the form and effectiveness of legal protection for women victims of sexual violence in Makassar City is urgently needed to address the prevalent issue, protect the rights and well-being of survivors, enhance access to justice, identify systemic issues, guide policy reforms, and raise awareness. This study aims to analyze (1) the form of legal protection for women victims of sexual violence in the city of Makassar and (2) the effectiveness of the form of legal protection for women victims of sexual violence in the city of Makassar. The research method used in this research is an empirical research type which is a law which is carried out by examining primary and secondary data, namely data obtained directly from the community through field studies and literature studies. The results of the study show (1) a form of legal protection for women victims of sexual violence in the city of Makassar is provided by fulfilling the victims' rights as stipulated by applicable laws and regulations. The protection in question is the right to handling, protection and recovery which is carried out as well as possible by the Technical Implementation Unit for the Protection of Women and Children in the City of Makassar and LBH APIK Sul-Sel according to the legal rules and code of ethics that have been regulated by the government and (2) Then the effectiveness of legal protection as seen from several factors, namely law enforcement factors, facilities and infrastructure, society and culture that still need improvement so that it can be even better in the future in providing protection for victims of sexual violence. Overall, This research is essential for developing comprehensive and effective legal protections that promote the safety, well-being, and justice for women survivors of sexual violence in Makassar City.

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1. INTRODUCTION

In our culture, sexual violence against women is unfortunately all too common, with victims often encountering different types of sexual assault on a daily basis. As a form of oppression, violence against women is the intentional infliction of physical, mental, or sexual harm on another person because of their gender.

Although both men and women may be victims of sexual assault, women are disproportionately affected by this kind of crime. All kinds of physical, mental, financial, social, cultural, and political harms may befall victims of sexual abuse.

There is a growing crisis of sexual assault against women in Indonesia, with the number of reported incidents rising each year. The perception that women are weaker than men, leading to arbitrary to do anything they want, including sexual abuse, is a major contributor to the rise in reported occurrences of sexual violence in Indonesia. Sexual assault may happen in a wide variety of settings, including public places, places of employment, educational institutions like high schools and colleges, and even in the home, where it is seldom reported.

Sexual assault is very harmful to the victim since it may affect the victim's physical and mental health. Most victims of sexual violence will experience physical health problems related to their reproductive systems, including the potential for those systems to never again function normally, and then there is the psychological anguish that will have an effect on the victims' mental well-being. Because he can't stop thinking about the horrible things that have occurred to him, a person suffering from excessive anxiety may develop thoughts of self-harm or even suicide.

It is common to blame women's clothing when a sexual assault occurs, as some victims of sexual violence wear clothes that are open and can provoke perpetrators. Other causes of sexual violence include the perpetrator's high passions, the victim's easy conquest, and the perpetrator's high power in the environment where the victim is located. However, in the actual world, victims of sexual abuse are not limited to women who are clad only in revealing clothing.

Annual records of sources of information from the ministry of women's empowerment and child protection of the Republic of Indonesia, also known as SIMFONI PPA, which records cases of sexual violence against women for the past 5 years, show that there were as many as 18,141 cases in 2018, a decrease to 17,132 cases in 2019, and a rise to as many as 20,021 cases in 2020, indicating that sexual violence against women is an emergency situation. domestically, the number of cases of COVID-19 has climbed dramatically from 0 to 21,753 in 2021, and further by 25 in 2022. The number of reported cases of COVID-19 has decreased to 052 this year, from a high of 7,310 in January to currently May of 2023. (SYMPHONY-PPA, nd).

From the data above, it is clear that sexual assaults against adult women have been on the rise for many years, and that this trend persisted even during the COVID 19 pandemic, when most people stayed indoors for their daily activities. This trend reversed course in 2019, and it is expected to continue in 2020, but it is expected to increase again in 2021 and 2022. The aforementioned tally is based on information collected from all of Indonesia's provinces.

Articles 285, 286, 287, 288, 289, 290, 291, 292, 294 and 295 of Law Number 1 of 1946 concerning Criminal Law Regulations, or commonly called the Criminal Code, Article 5 Letter c and Article 46 of Law Number 23 of 2004 Concerning the Elimination of Domestic Violence, Article 76 Letter d, Article 76 Letter e, and Article 83 of Law Number 35 of 2014 Amending Law Number 23 of 2002 Concerning Child Protection, all of which address sexual violence, outline the

In response to the fight of Komnas Perempuan and all Indonesian women for an end to sexual assault, the government of Indonesia passed Law Number 12 of 2022 concerning Crimes of Sexual assault, also known as the TPKS Law. Since this law regulates in full all forms of criminal acts of sexual violence, including victim protection, victim recovery, the judicial process, and what has thus far received little attention, namely regarding the rights of victims, it was enacted to optimize the prevention and handling of cases of sexual violence.

In addition, the TPKS Law regulates ten (10) additional crimes as crimes of sexual violence that have been regulated in other laws and regulations, including rape, obscenity, sexual intercourse with children, and/or sexual exploitation of children, acts violating decency that are contrary to the will of the victim, pornography involving children or pornography that explicitly contains sexual violence and exploitation, forced prostitution, criminal acts obscene to religious sensibilities, and criminal acts ob The underlying offense here is a sexual assault. The TPKS Law addresses a wide range of sexual assault, but the victims here reported just the most prevalent forms—sexual harassment and rape—hence the study's narrow emphasis.

Because the number of sexual violence cases has increased dramatically, it is clear that there is still work to be done to improve how sexual violence cases are handled, particularly to

identify the root causes of the alarming rise in sexual violence. Sometimes, while dealing with incidents of sexual assault, only the perpetrator's punishment is considered, rather than the victim's wellbeing as well. Law enforcement has made significant efforts, including prosecuting those responsible with the maximum punishments possible. Nonetheless, the emphasis on punishing the offender means that the victim's safety is not a top priority. This is one of the reasons why sexual assault is on the rise.

The effects of sexual assault extend beyond the physical to the victim's psychological well-being. As a result of the perpetrator's intimidation, the victim was too afraid to come forward about the sexual violence they had endured, and the victim's immediate surroundings were not conducive to reporting, either because the victim was blamed for not believing what had happened or because the perpetrator threatened physical harm. DL, a 25-year-old Makassar woman, is the victim of one of the most recent incidences of sexual assault to be reported in the city.

The author's investigation into the UPTD PPA (Technical Implementation Unit for the Protection of Women and Children) in Makassar on November 23, 2022 revealed the following initial chronology: DL and the parents of her friends presented themselves at the Regional Technical Implementation Unit for the Protection of Women and Children in Makassar City with physical signs of abuse, including a swollen face and watery eyes. DL provided a timeline of the abuse she endured after an initial assessment was conducted by the Technical Implementation Unit for the Protection of Women and Children in the City of Makassar. DL had been subjected to physical and sexual abuse for quite some time, beginning when he was a middle schooler. DL's biological father subjected her to sexual assault, and the criminal threat was increased to one-third of the necessary term. At first, the victim simply faced harassment. The victim had to be patient for so long since he did not have the fortitude to disclose the crime until he was threatened by the man who turned out to be his own biological father. Not only is he a victim of sexual assault, but so is DL's younger sister. However, this was hidden due to the fact that DL's sister is now married and the mother of a family.

The Protection of Women and Children concluded that the victim's mental state was considerably disturbed because of her incessant sobbing after conducting an evaluation. A psychologist was available for urgent service at the Regional Technical Implementation Unit for the Protection of Women and Children. The victim's expression eventually relaxed into a grin. A police report was filed after the victim was brought to the Makassar Polrestabes by the Protection of Women and Children; after the letter was completed, DL was transferred to Bhayangkara Hospital for an autopsy; finally, the perpetrator was apprehended, brought to trial, and given a ruling by the judge.

After what happened to DL, it is clear that many instances of sexual violence against women can be traced back to the victims' lack of a sense of security and the intense pressure of fear they feel, which leads them to keep their experiences of abuse to themselves rather than reporting them to the authorities. Moreover, the perpetrator was someone the victim had counted on to safeguard his reputation. Of fact, this kind of thing happens all the time, and even worse, there are instances of sexual assault that are settled amicably, with the offender paying the victim a sum of money or getting married to her as restitution.

As a result, many victims of sexual assault choose not to speak out about what they've been through, giving their abusers greater leeway to continue harassing them. Therefore, it is essential to provide safeguards to victims of sexual abuse in order to prevent the aforementioned problems. For the victim to feel protected and for the offender to be deterred from repeating the same act, protection and assurances must be provided not only during the court procedure but also after it has concluded.

After reading this, the author understands how important it is to find out how women who have experienced sexual abuse in the city of Makassar will be protected by official organizations with the mandate to do so. the study "Legal Protection for Women Victims of Sexual Violence in Makassar City" seeks to answer the question, "Is the protection function provided to victims of sexual violence operating effectively or not?" by applying the theory presented in Chapter II to the specific question of what guarantees will be given to victims in light of the rules enacted in the current laws and regulations.

Several previous studies have discussed legal protections and sexual violence. For example, a study by Emiliana Bernadina Rahail that discusses the legal protection of victims of rape and to find out what efforts can be made to provide legal protection to victims of rape in Merauke Regency. The thesis only discusses rape victims while this study discusses physical and non-physical sexual abuse and rape. In addition, the thesis took the location of research and data on rape cases in Merauke while this study took data from South Sulawesi, especially the city of Makassar (Rahail, 2013).

In addition, research by Fenita Dhea Ningsrum Sari which discusses the principles of feminist legal theory contained in the National Criminal Law related to the protection of women victims of sexual violence and the effectiveness of legal protection against women victims of sexual violence in Indonesia, while in this study the authors aim to determine the form of legal protection provided to victims of sexual violence as contained in (Ningsrum Sari, 2021).

Based on the aforementioned context, the research question in this study is as follows: (1) What kind of legal protection is there for women victims of sexual abuse in the city of Makassar? When it comes to sexual assault, how well do the laws of Makassar protect female victims?

Research on legal protection for women victims of sexual violence in Makassar City can have several important implications: Overall, research on legal protection for women victims of sexual violence in Makassar City has the potential to bring about positive change by informing policy reforms, improving access to justice, strengthening institutional responses, empowering survivors, driving social and cultural change, and fostering collaboration among stakeholders. These implications can contribute to a more effective and comprehensive legal framework that better protects the rights and well-being of women victims of sexual violence.

2. RESEARCH METHOD

Empirical legal study is the methodology used here. Empirical research is often seen as a distinct subfield of legal scholarship from normative research. Despite often engaging in normative legal inquiry. Empirical research on law as a symptom or phenomena encompasses the vast majority of studies conducted in the social sciences. Empirical legal research, as defined by Soerjono Soekanto and Sri Mamudji, is the study of law based on an examination of primary data, or data collected from members of the general population. Empirical studies like these examine the relationship between law and other social sciences across a variety of study topics (Irwansyah, 2020).

Participants included the Directors and Staff of the Legal Aid Institute of the Indonesian Women's Association for Justice (LBH APIK) in South Sulawesi, as well as the Heads of the Regional Technical Implementation Unit for the Protection of Women and Children in Makassar City. Primary and secondary data collected in the field are utilized in the study. Besides relying on secondary sources, this study's authors conducted in-depth interviews with legal advocates from the Indonesian Women's Association Legal Aid Institute for Justice (LBH APIK) in South Sulawesi and the Regional Technical Implementation Unit for the Protection of Women and Children in the City of Makassar. Sexual assault statistics from the last four years, with a focus on adult women who have suffered sexual assault, are examples of secondary data. The data in this study was analyzed using qualitative methods, specifically a descriptive analysis of the results of data analysis of the laws governing the legal protection of women victims of sexual violence in the city of Makassar, and then the results of the interviews and the data obtained were connected to each other to get general conclusions.

3. RESULTS AND DISCUSSIONS

Forms of Legal Protection Provided to Women Victims of Sexual Violence in Makassar City

Sexual violence is a term that refers to deviant behavior or sexual relations that deviate, harm the victim, damage the peace in society. The existence of sexual violence that occurs then the suffering for the victim has become a serious consequence that requires attention (Mas Aryani, 2006). In Article 1 of Law Number 12 of 2022 on sexual violence crimes, the definition of sexual violence crimes is all acts that meet the elements of criminal acts as stipulated in this law and other acts of sexual violence as stipulated in the law to the extent specified in this law.

Sexual violence also makes victims and their families experience various forms of suffering, because of threats, restrictions, exclusion/exclusion, deprivation of rights and social, political and economic distinctions, such as stigma and blame by society and family, not accepted by family, expelled and ostracized by the community environment, expelled from school or place of Education, fired from political office, termination of employment relationship (layoffs) without, complicated in obtaining documents of residence, not obtaining various social guarantees, depending economically on the family and the closest people, losing their inheritance rights, not getting medical and psychological services because they are considered guilty parties (Surayda, 2017).

One form of sexual assault is sexual harassment. Although the definition of sexual harassment is not contained in the law that regulates sexual violence, harassment can be defined as a behavior or attention carried out by someone who is sexually unwanted and unwanted by that person and results in disturbing the recipient of the harassment. Sexual harassment includes, but is not limited to sexual pay if desired, coercion to perform sexual activities, derogatory statements about sexual orientation or sexuality, requests to perform sexual acts that the perpetrator likes, in the form of a speech or behavior that has a sexual connotation all of these can be classified as acts of sexual harassment (Alpian, 2022).

Sexual harassment behavior is a reprehensible act that can be measured by a violation of rules or norms that are rooted in socio-cultural values as a system of conduct and guidelines for the actions of citizens, which can concern religious, moral and legal norms (Paradias & Soponyono, 2022).

Law enforcement aims to achieve the goals of the law itself. Therefore, through law enforcement, it is hoped that the purpose of the law can be achieved so that it can function properly (Setiadi & Kristian, 2017). One way to achieve the goals of criminal law is to impose a sentence on someone who has committed a crime. And the crime itself is basically a suffering or misery that the state deliberately imposes on them or someone who has committed a crime (Sofyan & Azisa, 2016). Legal protection is a human right as a legal subject, which is given to guarantee the dignity and the sense of justice of the citizens. In the context of legal protection for a reporter, it means that this right is given in the context of an ongoing legal process (Hutajulu & Semendawi, 2017).

The development of concern for victims of crime cannot be separated from the development of the crime itself, while the development of crime is also influenced by the development of society. In this connection, Susanto writes that the face of crime is influenced by the form of society, meaning that an industrial society will have a different face of crime than an agrarian society. (Prasetyo, 2011a). In the context of criminal acts, the victim is basically the party most harmed, even though so far the orientation of Indonesian Criminal Law has been more offender oriented, namely that the perpetrator of the crime is the main focus of criminal law. (Yustiningsih, 2020)

Protection given to victims or witnesses can be given at the stage of investigation, investigation, prosecution and or examination in court, on the basis of initiatives from law enforcement officials, security forces and or from requests submitted by victims (Yanus et al., 2020). The definition of victims according to Muladi is people who both individually and collectively have suffered losses, including physical or mental, emotional, economic losses, or substantial disruption, of their fundamental rights, through an act or commission that violates criminal law in each State, including abuse of power (Kobandaha, 2017)

According to Satjipto Rahardjo, the purpose of the law is to provide an individual the authority to look out for his own best interests. It was also said that providing protection (protection) to the community is one of the qualities and the goal of law. There must be a level of legal clarity to ensure the safety of the public (Masnun, 2018)

Furthermore, legal protection for the people is a preventative and oppressive government activity, as argued by Phillipus M. Hadjon. Both preventative law and repressive law have the same goal: to reduce the likelihood of legal conflicts by guiding government officials to exercise caution while using discretionary powers (Good & Son, 2020)

Those who suffer physical harm, emotional distress, or financial loss as a result of criminal activity are entitled to protection under Article 1 Point 3 of Law of the Republic of Indonesia Number

31 of 2014 Concerning Amendments to Law Number 13 of 2006 Concerning Protection of Witnesses and Victims. Article 1 Number 18 of the Law of the Republic of Indonesia Number 12 of 2022 relating to Crimes of Sexual Violence defines victims as those who suffer bodily harm, emotional distress, financial hardship, or social exclusion as a direct consequence of sexual violence. When a crime happens, it causes harm to the victims physically, emotionally, and financially. However, criminals are afforded much more legal protection than victims. In the justice system, victims are often the ones who are overlooked. There can be no celebration if the victim is also a participant. In the legal system, victims do not have a voice in the defense of their rights. The victim's ability to bring charges is curtailed by the state, which then commissions the public prosecutor to do so. The prosecution has an obligation to look out for the victim's best interests once the victim waives his or her right to a criminal trial (Yulia, 2016)

Based on Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims in Chapter II in Articles 5 to Article 10. Concerning the rights of Witnesses and Victims, all of these rights must be granted and received by victims. One of the rights that must be given is that victims of crime have the right to get protection for their personal safety, their families and their property and also to be free from threats, because this kind of protection is the main protection that victims need. If necessary, the victim is even placed in a location that is kept secret from anyone to ensure that the victim really feels safe, (Masania, 2015).

The victims of crime to whom this case refers are those who have been the targets of sexual assault, which is unfortunately all too widespread in Indonesian culture. A person and/or their reproductive function against their will and/or in circumstances where they are unable to give informed consent for any number of reasons, including but not limited to imbalances in power and/or gender, can have serious negative effects on a person's physical and mental health as well as their financial, social, cultural, and political standing. All acts that meet the elements of a crime as regulated in this Law and other acts of sexual violence as regulated in this Law as long as it is determined in this Law constitute sexual violence according to Article 1 point 1 of the Law of the Republic of Indonesia Number 12 of 2022 concerning Crimes of Sexual Violence.

Victims of sexual violence in Indonesia are afforded protection under two laws: the Law of the Republic of Indonesia No. 31 of 2014 on Amendments to Law No. 13 of 2006 on the Protection of Witnesses and Victims and the Law of the Republic of Indonesia No. 12 of 2022 on Violent Crimes. Many nations, including those with a common law legal system and those with a civil law legal system, prohibit sexual violence and have rules in place to protect victims.

Based on the decision of the Constitutional Court Number 65 / PUUVIII/2010 on the Criminal Procedure Code material test, it states that the definition of a witness also includes a person who can provide information in the context of investigation, prosecution, and Justice of a criminal offense that he does not always hear himself, he sees himself and he experiences himself, but also everyone who has knowledge directly related to the occurrence of a criminal offense, must be heard as a witness for the sake of justice and balance investigators dealing with suspects/defendants (Yanto, 2020)

The development of attention to the victims of crime cannot be separated from the development of crime itself, while the development of crime is also influenced by the development of society. In this connection, Susanto wrote that the face of crime is influenced by the form of society, meaning that industrial societies will have a different face of crime than agrarian societies (Prasetyo, 2011b). In the context of criminal acts, the victim is basically the most disadvantaged party, whereas so far the orientation of Indonesian criminal law is more offender oriented, namely the perpetrators of crimes is the main focus of criminal law (Widowaty, 2011).

According to the results of the online search, there are 47 laws and regulations in 32 different nations that address sexual assault. A total of 32 nations have ratified CEDAW (the Convention on the Elimination of All Forms of Discrimination Against Women), however several have done so with reservations. Although sexual violence is defined and categorized differently in each nation, the phrase itself lacks a precise definition (Son, 2015).

The PPA SYMPHONY, a yearly record of sources of information from the Ministry of Women's Empowerment and Child Protection of the Republic of Indonesia, shows that sexual assault is a serious problem in Indonesia. In 2018, there were 18,141 reported occurrences of

sexual assault against women; this number decreased to 17,132 in 2019. In 2020, there was another spike, this time to the tune of 17,575 cases by year's end; the corona virus, or what is known as (COVID 19), entered Indonesia on March 2, 2020, and spread through all forms of activity typically undertaken while not at home; in 2021, where COVID 19 was still active, there was a sharp increase to the tune of 21,753 cases; in 2022, it is expected to rise by 25.052 cases; COVID 19 is fading away (SYMPHONY-PPA, nd).

The cases cited above provide evidence of the widespread nature of sexual violence in Indonesia; this prevalence is likely attributable in part to the lack of legal protection afforded to sexual assault victims, who often choose to keep their experiences private out of shame. There is a lack of safety due of the stress, and the offender often makes threats. But in Indonesia, activists working to ensure women's access to justice, such as the Komnas Perempuan (national commission against violence against women), are still fighting for women's rights by drafting legislation that will eventually become Law Number 12 of 2022 concerning the elimination of violent crimes against women. On April 12, 2022, sexual violence was formally legalized, and as a result, this legislation provides full protection and rights to victims of sexual assault.

With the passage of Law No. 12 of 2022 on the Suppression of Sexual Offenses, it is intended that sexual assaults across Indonesia, and particularly in each province, would decrease. Although sexual assault is on the rise throughout Indonesia, this research focuses on the province of South Sulawesi and its capital city of Makassar.

The high number of reported cases of sexual violence against women in Makassar indicates that the issue has not been handled properly; sexual violence is still rampant, and the numbers reported each year likely do not account for the full scope of the problem. Many cases of sexual assault go unreported and others are quietly settled, particularly when the abuser is a member of the victim's own family. Because of the victim's and her family's fear of reporting sexual assault to authorities, many people in rural areas and the hinterlands choose to marry their abusers instead of seeking help. Even though they are legally bound by marriage, will this prevent domestic violence or sexual assault? If this occurs, the perpetrator will have more freedom to do whatever he wants with the victim, as she will be under his control and living in the same environment as him. Therefore, there needs to be a greater focus on and stricter enforcement of protections for victims of sexual abuse. spread mostly through online social networks.

If we take a step back and look at the issue of sexual violence against women in Makassar through the lens of the theory of legal protection, we see that providing victims with legal certainty, protecting the interests of victims by providing security during the protection process up to prosecution and punishment of perpetrators, is essential to ensuring that victims receive the full measure of protection they are due. The data on sexual violence, which rises every year, shows that the protection of victims of sexual violence against women in the city of Makassar has not been maximized, despite the enactment of numerous laws and regulations intended to do so. As stated in Article 67 Paragraph (1) of Law Number 12 of 2022 Concerning Crimes of Sexual assault, the author will also explain in detail the various types of protection afforded to victims of sexual assault.

a. Right to Handling

Handling victims of sexual violence is a mandatory thing that must be done by law enforcement officials in terms of providing protection for women victims of sexual violence, there are many treatments provided by women's protection organizations/organizations, but the author will describe one by one the rights of victims to treatment contained in Article 68 of Law Number 12 of 2022 concerning the Crime of Sexual Violence which is stated as follows: a) Right to Information on All Processes and Results of Handling, Protection and Recovery, b) The Right to Obtain Handling Results Documents, c) Right to Legal Services, d) The Right to Psychological Reinforcement, e) The right to health services includes examination, action and medical treatment, f) Right to Services and Facilities According to Victim's Special Needs, g) Right to Elimination of Sexual Content for Cases of Sexual Violence with Electronic Media.

b. Right to Protection

Places of refuge, objects (actions, etc.), and so on all contribute to the protection that is being discussed here. Protection, as used in KBBI, refers to both the means and the action of shielding. Whereas, in common use, to "protect" anything implies to safeguard it against harm, whether that item be an interest, an object, or a commodity. Another definition of protection is the provision of safety for the vulnerable. Therefore, the term "legal protection" refers to the government's attempts to ensure that its people's rights are not infringed upon, and that those who do so face appropriate repercussions in line with the law (Handoko & Rohmah, 2023).

The provision of protection referred to in terms of fulfilling the rights of victims regarding protection as stipulated in Article 69 of Law Number 12 of 2023 concerning Crimes of Sexual Violence which will be described one by one as follows: a) Provision of Information Regarding Rights and Protection Facilities, b) Provision of Access to Information on Implementation of Protection, c) Protection from Threats or Violence by Actors and Other Parties and the Recurrence of Violence, d) Protection of Identity Confidentiality, e) Protection from the Attitudes and Behaviors of Law Enforcement Officials That Degrade Victims, f) Protection From Job Loss, Job Transfer, Education Or Access To Politics, g) Protection of Victims and/or Reporters from Criminal Charges or Civil Lawsuits for Reported Sexual Violence Crimes.

c. Right to Remedy

Recovery is "the process, method, or act of restoring," as defined by the Big Indonesian Dictionary (KBBI). All efforts are undertaken to repair the victim's physical, mental, spiritual, and social situations, as required by Article 1 number 19 of Law Number 12 of 2022 about Crimes of Sexual Violence. In situations of sexual abuse, helping victims heal in an environment where they feel secure and supported should always come first. What follows is an explanation of the victim's right to redress, as set out in Paragraph 1 of Article 70 of Law Number 12 of 2022 Concerning Crimes of Sexual Violence. Medical Rehab: a) Mental and Social Rehabilitation, b) Social Empowerment, c) Restitution and/or compensation, d) Social reintegration

The Effectiveness of Legal Protection for Women Victims of Sexual Violence in Makassar City

According to Sondang P. Siagian, efficiency is the use of resources, facilities, and infrastructure in an amount that is purposefully decided ahead to generate a number of products for the services of the activities it does. Whether or whether the intended results are accomplished is a measure of efficiency. Effectiveness increases when the gap between actual and desired outcomes closes (Marzufri & Handayani, 2022)

The theory of legal effectiveness according to Soerjono Soekanto is that whether a law is effective or not is determined by 5 (five) factors, namely (Soekanto, 2014): a) The legal factor itself (law), b) Law enforcement factors, namely the parties that make up and apply the law, c) Factors of facilities or facilities that support law enforcement, d) Community factors, namely the environment where the law applies or is applied, e) Cultural factors, namely as a result of work, creativity and feelings that are felt in human initiative in social life.

According to Hans Kelsen, the efficiency of the law depends on two factors: whether or not individuals take steps to avoid the punishments promised by legal standards, and whether or not such sanctions are really enforced when the circumstances are satisfied. This is according to (Martiono, 2020). The success of legal regulations in protecting women from sexual violence highlights the ideals, hopes, and teleological framework that are expected to guide victims to the protection they deserve and the rights to which they are entitled. victims of sexual abuse and may live safely in society and thrive in their relationships. However, there are two main schools of thought when it comes to evaluating the efficacy of law in society: the effectiveness of limiting legislation, on the one hand, and the effectiveness of comprehensive law, on the other.

According to CG Howard and RS Munnerns, the dimensions of a law's efficiency in society can only be recognized and studied in the form of positive legal goods like statutes and rules. The concept of CG Howard and RS Munnerns can be seen as a restrictive study of the efficacy of law

because it limits the meaning and understanding of law to statutory regulations. While sexual violence is a crime that must be taken into account by the government, especially by law enforcement officials, it is more difficult to uncover than other forms of violence. This is because the evolving morals of society is frequently linked to acts of violence or sexual harassment. As a culture, we come to see sexual aggression against women (including rape) as shameful since women are often held in high esteem as paragons of virtue.

Therefore, males who abuse women sexually see no problem with their actions and are prone to repeat them. This kind of behavior must end immediately. Victims need to have the strength to speak out instead of remaining quiet. The state must also provide aid to victims and their families to help them heal. The perpetrators of sexual assault ought to receive punishments that are proportional to their crimes. Unlike now, when sexual assaulters are still at large. The government can do more to protect victims of sexual violence, and Law Number 12 of 2022 is one step in the right direction.

Taking into account the three components of the legal system—the idea of law policy, the structure of the law, and the legal culture—it can be concluded that the current system is not successful in protecting victims of sexual abuse. If a policy exists but it turns out that implementation or the structure of the law is not moving, the law enforcers are unprofessional, and the policy doesn't work properly, then there is an imbalance between the three legal systems. All right, let's get it fixed.

Based on the findings of a collaborative interview with Ms. Rosmiati Sain, SH, director of LBH APIK SulSel, has said that, as detailed above:

"As far as LBH APIK has observed, there is already a policy that has been implemented and we are waiting for the policy, if the implementation is not optimal, it doesn't matter because the TPKS Law is still relatively new, while the Criminal Code does not provide maximum protection for victims. LBH Apik already has a policy, but in terms of law enforcement, the apparatus is not fully on the side of the victims, so the implementation is not optimal here, therefore LBH APIK continues to monitor the implementation of existing policies. Meanwhile, in addition to existing laws, there are also internal rules in law enforcement institutions, for example, how do women deal with the law, how do judges treat these women, does this also run optimally".

Several variables, including the laws themselves, law enforcement, facilities and infrastructure, community issues, and cultural factors, all contribute to the success of legal protection for women victims of sexual abuse in Makassar City. However, the authors of this research will examine the impact of community characteristics, infrastructure, and culture in the ways that will be described below.

a. Law enforcement factor

Law enforcement agencies are responsible for addressing a wide range of societal problems, including sexual assault. Judges, prosecutors, attorneys, and police officers all have a responsibility to follow the law in a fair manner while dealing with sexual abuse victims. There is a set of professional standards by which every cop must abide. Guidelines that serve as a guide for conduct are necessary for the whole breadth of the judiciary, including judges, prosecutors, legal aid organizations, and the police, to carry out their tasks.

Unfortunately, not all law enforcement officials in Makassar are trustworthy when it comes to enforcing the law against those responsible for sexual violence against women, so we cannot say that the city does an adequate job of protecting victims of this crime. If this is done correctly, then no one who commits sexual violence will ever again be able to live freely in the community without fear of repercussions from the law. However, it is not uncommon for law enforcement officials to take actions that demean victims and even blame victims for what happened to them, claiming that victims provided opportunities for perpetrators to commit sexual violence.

The following is based on the findings of a group interview with Mrs. Rosmiati Sain, SH in her capacity as director of LBH APIK Sul-Sel.

"Law enforcement has not run optimally so for example there are policies that must be enforced, then when talking about effectiveness when viewed from law enforcement plus external people actually have to make what is already effective not to mention law enforcement

officials as law enforcers here, there are many people outside such as community shops, religious shops, there are all kinds of things that work for prevention efforts. for example there are people or institutions that work for psychosocial recovery efforts such as rehabilitation efforts, social services, psychological institutions, counselors or other institutions that can work to recover victims, all of which will help the effectiveness of this situation”.

Community Factors

Due in part to the attitudes of many individuals who accept sexual violence as part of daily life, society presents a barrier to the effective implementation of protections for victims of sexual violence. Catcalling or using disparaging and sexually charged remarks in it, then flashing off one's genitalia, taking a woman's breasts, or touching areas of a woman's body without receiving it are all examples of sexual aggression that have become commonplace. agreement.

Ineffective protection of women from sexual abuse in Makassar is caused by the widespread belief that such incidents are commonplace and should not be reported. When victims of sexual abuse seek help from the community, they often find that they are shunned and treated as outcasts because of the way the society as a whole reacts to the situation. Because of this, victims of sexual assault may feel uncomfortable coming forward. This complicates efforts to safeguard victims of sexual assault.

Mr. Muslimin, in his capacity as director of the UPTD PPA in Makassar, said, per the findings of a joint interview: *"Victims should get support from the community, when they intervene directly, namely the assessment of the case to see what causes sexual violence are reluctant to report. Apart from that, the UPTD PPA Makassar wants to know how the social support the victim gets. Is it in the family, friends or environment, whether in college, public places, or the work environment. The UPTD PPA assessed it up to that stage so that it can be seen in a reasonable competence because the victim is in an unequal relationship, it is natural because the environmental situation is supportive, for example the community environment is ignorant of it or it is considered normal. Because of that, government intervention is not only for victims, but families must also be advocated so that it can be considered by the government.*

Facility and Infrastructure Factors

The greatest possible safety for victims of sexual abuse requires a number of variables to come together, including facilities and infrastructure. Administrative facilities have actually received assistance from international institutions that cooperate with UPTD PPA, because UPTD PPA also takes care of refugees from abroad for all non-discriminatory services so even if they are foreign nationals, if they experience any kind of discrimination, they can come to UPTD PPA Makassar for help. Based on the results of a joint interview with Mr. Muslimin as the head of the UPTD PPA Makassar City, he stated that: *"The number of staff at UPTD PPA is still lacking but they can handle so many shirts because of the collaboration between UPTD PPA and legal aid organizations, namely PERADI, LBH APIK, PERADI have placed young advocates for internships at UPTD PPA. Regarding the source of funds for UPTD PPA Makassar, there are funds from the center, namely special non-physical allocation funds for handling the protection of women and children, after which these funds are used for allowances for companion friends at UPTD PPA such as transport money, travel consumption money during the trial process or home assistance the hospital and the police even though it's not balanced with the case. Because and financial assistance from the center ideally only handle dozens of cases while the UPTD PPA has handled hundreds of cases."*

Legal representation for victims of violence at LBH APIK Sul-Sel was also provided free of charge. While statistics show that victims come from the middle class and below, they are nonetheless required to create a certificate of incapacity that is almost identical to the one required by LBH-LBH, which was approved by the ministry of law and human rights, and by LKBH Unhas and UMI. must provide proof of subdistrict-issued certificate of disability before receiving free service. LBH APIK personnel also need transportation costs throughout the mentorship time; however, if the victim feels sufficient, they may pay for the LBH APIK subsidy.

Cultural Factors

The patriarchal culture in Indonesian society is not only a major contributor to the rise in reported occurrences of sexual assault, but it also undermines the effectiveness of initiatives to protect victims, such as those undertaken by UPTD PPA Makassar and LBH APIK Sul-Sel. Abuse of power relations through cultural patriarchy in society, education, and politics, which devalues women because men are assumed to be in a superior position, has become ingrained as a habit in modern society, putting women in a subordinate position and blaming the victim for everything that is done solely on the grounds that the victim is a woman. Because of this dominance, sexual aggression against women is seen as acceptable. Based on the results of a joint interview with Mrs. Rosmiati Sain, SH as the director of LBH APIK Sul-Sel stated that: *“The influence of culture or habits that have developed in society, for example, trivializing cases of sexual violence because it is considered a normal thing to happen, then with time it will disappear by itself. So getting used to the unusual or the unusual becomes a habit. Because this is what causes certain sexual violence to be left alone and then normalized into the culture of society”*.

The conclusion is that patriarchal society will become a cultural notion in which males who are deemed to be in a better position will be carried on from generation to generation, with women always ending up as the victims of this tradition. Patriarchal cultures have a tight association with sexual violence because of the way in which the victim is viewed: as something that can be used or abused at whim. Since of the abuser's position of power, alternative cases are often handled via mediation, which does not include the law and does not entail restorative justice since it is handled in a family setting without the involvement of law enforcers. Then, with regards to the blame-the-victim mentality that surrounds sexual assault,

4. CONCLUSION

The author deduces various things from the foregoing debate. First, in Makassar, women who have been the victims of sexual abuse are afforded the protections outlined in Articles 5 and 6 of Law No. 31 of 2014 on Amendments to Law No. 13 of 2006 on Protection of Witnesses and Victims. Furthermore, it is governed in further detail by Articles 67, 68, 69, and 70 of Law 12 of 2022 about Crimes of Sexual Violence. Right to handling, protection, and restoration is what's at stake here, and it's something that UPTD PPA Makassar and LBH APIK Sulawesi Selatan do as best as they can within the bounds of the law and their own code of ethics. There has been no determination of success in Makassar regarding the implementation of legal protections for women who have been victims of sexual violence because the three components of the legal system—the concept of law policy, the structure of law, and the legal culture or culture—each play an important role and must work in harmony with one another. However, in practice, legal safeguards cannot be implemented as smoothly as hoped. This occurs because there are several aspects of protecting victims of sexual violence—law enforcement, facilities and infrastructure, society and culture—that still have room for development. Overall, research on legal protection for women victims of sexual violence in Makassar City can contribute to a deeper understanding of the challenges faced by survivors and the legal system. It can inform policy reforms, enhance access to justice, improve support services, and empower women to assert their rights and seek redress. Ultimately, this research can play a significant role in promoting gender equality, combating sexual violence, and creating a safer and more just society.

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