



# CRIMINAL LIABILITY OF PERPETRATORS OF RAPE BASED ON THE LAW ON SEXUAL VIOLENCE

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## Abstract :

This study aims to analyze the criminal liability of perpetrators of rape based on Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, with a case study of the Serang District Court Decision Number 492/Pid. Sus/2024/PN SRG. This study uses a normative juridical method with a case study approach to analyze court decisions. Data were obtained from the official documents of the Serang District Court decision and Law Number 12 of 2022. The study's results show that the defendant was found legally and convincingly guilty of rape, as stipulated in Article 6 Letter c of Law Number 12 of 2022. The judge sentenced the defendant to nine months' imprisonment and a fine of IDR 10,000,000.00, or a subsidiary two months' imprisonment. The judge's considerations took into account the element of justice by assessing aggravating and mitigating factors. This study focused on examining the basis of judges' considerations in imposing sentences and their relevance to the principle of victim protection. This study contributes to the development of criminal law, particularly in understanding the application of the principle of criminal responsibility in sexual violence. These findings are expected to be useful for legal practitioners, academics, and law enforcement agencies in strengthening the protection of sexual violence victims. The novelty of this study lies in its analysis of the application of one form of Sexual Violence Crime in Article 6, Letter c of Law Number 12 of 2022.

**Keywords:** *Criminal liability, sexual violence crimes, rape.*

## 1. Introduction

Sexual violence refers to all forms of sexual abuse targeting women, involving physical or non-physical actions, and may occur with or without any prior relationship between the offender and victim. The growing number of reported incidents, especially rape against women, highlights the severity and widespread nature of this problem within the community (Martha, 2023). Rape is an act of forcing or having sexual intercourse with someone without any form of consent from the victim. The crime of rape also violates moral norms and human rights, which greatly degrades women (Aditya et. al., 2020). In Indonesia, most rape victims are women. The effects of rape on victims can be profoundly damaging, affecting both their minds and bodies. Law Number 12 of 2022 on Sexual Violence Crimes (the TPKS Law) outlines measures to prevent various forms of sexual violence and provisions for victim assistance, protection, and recovery. It also establishes mechanisms for cooperation between national and local authorities, along with international partners, to ensure that efforts to prevent sexual violence and support victims are implemented effectively in the country.

One example is a rape case in the Serang District Court committed by a man against a woman he had just met, with the criminal case number 492/Pid. Sus/2024/PN SRG. The defendant, Rifky Rizaldhika A. Pratama, took the victim to a rented room under the pretext of going out to play with her. The defendant asked the victim's parents for permission for the same reason. Inside the rented room, the defendant forced the victim into a bedroom, kissed her, removed her clothes, and forced her to engage in sexual intercourse. The victim attempted to defend herself; however, the defendant was physically stronger. In addition, the defendant committed other sexual acts that caused the victim pain and bleeding. This was proven by the results of a medical examination, Visum Et Repertum Number: VER/34/II/2024/RS. Bhayangkara dated 21 February 2024. On the way home, the defendant repeatedly said in a threatening tone, 'Be careful, do not tell your parents what happened earlier,' which made the victim feel threatened and afraid.



The judge ordered the defendant to serve nine months in prison and pay a fine of Rp10,000,000 or two months' imprisonment, even though the crime committed by the defendant involved violence and resulted in profound physical injuries and psychological distress for the victim, as evidenced by the medical examination results. Article 6 Letter c of Law Number 12 of 2022 on Sexual Violence Crimes provides that anyone who exploits their role, authority, trust, influence, or takes advantage of deception, situational pressures, vulnerability, unequal power relations, or a person's dependence, and then compels or deceives that person into engaging in sexual intercourse or other indecent conduct, either with the offender or with another individual, may face a prison sentence of up to 12 years and a fine that can reach 300 million rupiah.

Someone who violates the law is subject to accountability for their actions to ensure clarity and certainty in the legal system. According to criminal law, criminal liability is personal; thus, it is only imposed on the perpetrator of the criminal offence (Sumirat & Limantara, 2025). Criminal liability cannot be transferred to another person. Criminal liability is an action to determine whether a criminal act is guilty or not for the actions committed. Criminal responsibility arises when an individual engages in conduct that violates the law. Criminal liability also serves to impose sanctions and deterrent effects on perpetrators of criminal acts (Rusli et al., 2023). Judgment No. 492/Pid. Sus/2024/PN SRG is interesting to examine because, although the defendant received a nine-month prison term and a fine of IDR 10,000,000, or a subsidiary 2 months' imprisonment, it did not provide further protection for the victim, and the criminal act involved violence and caused severe physical and psychological suffering to the victim. Criminal liability for the perpetrator did not include efforts to rehabilitate the victim or the perpetrator, raising the question of whether criminal liability in the verdict fulfilled the principles of restorative justice for both the victim and the perpetrator.

Based on the above description, cases of sexual violence, particularly rape, present serious challenges for law enforcement in Indonesia. Although our country upholds human rights and has comprehensive legislation, in the case of the Law on Sexual Violence Crimes, the way the law is enforced in practice is sometimes not in line with the justice that should be served. For this reason, the researcher is motivated to carry out further study under the title: "Criminal Responsibility Of Rape Perpetrators Based on The Law on Sexual Violence Crimes."

## **2. Literature Review and Hypothesis Development**

### ***2.1. Criminal Judgment***

A judgment is the actual product of the court (jurisdiction contentiosa), which always contains an order from the court to the losing party to do something, act in a certain way, relinquish something, or punish something (Rasyid, 2019). A court ruling refers to a declaration delivered by a judge acting in an official capacity during a legal proceeding to conclude or settle a dispute between the involved parties (Sugeng, 2011). Similarly, a judge's decision is an official pronouncement made in court by a judge who holds the authority of the state, intended to bring an end to or resolve the conflict between the litigating parties (Nasir, 2005).

Criminal judgments are part of the judicial power that specifically adjudicates cases involving criminal acts, namely violations of criminal law, as stipulated in the Criminal Code or other specific criminal laws. A criminal verdict is a tangible manifestation of judicial power in deciding criminal cases and must be declared explicitly in open court in the interests of justice and legal certainty (Harahap, 2005). A criminal verdict contains an assessment of the facts and evidence and establishes whether the defendant is guilty and specifies the form of criminal punishment to be applied. This is confirmed in Article 1, point 11 of the Criminal Procedure Code, which states that a court decision is a statement made by a judge in an open court hearing, which may take the form of a sentence or acquittal from all legal charges in accordance with the procedures set out in this law.

### ***2.2. Crime Offence of Rape***



The term rape originates from the Latin word *rapere*, which refers to the act of seizing, carrying off, stealing, or using force (Sengan et al., 2024). Rape is a manifestation of sexual violence that involves forcing someone to engage in sexual intercourse. The majority of rape victims are women. Rape is a criminal act involving sexual activity that occurs when one person compels another to participate in sexual intercourse against their will, either through violence or other forms of coercion. Rape is a crime directed at a woman (regardless of age), where the victim experiences violence or threats of violence (without the victim's consent), and the perpetrator's intention is to engage in sexual intercourse outside of marriage through violence or threats (Gosita, 1987). The criminal act of Rape is a crime that deviates from or goes against humanity and damages human dignity and self-esteem (Astuti & Setiautami, 2025). According to Suyetno and Hariadi (2002), sexual violence is any act that takes the form of coercion or threats to engage in sexual intercourse, torture or sadistic acts, or abandoning the victim after committing the sexual act.

The criminal offence of rape is regulated in Article 285 of the Criminal Code, which reads as follows: 'Any person who, by force or threat, compels a woman who is not his wife to have sexual intercourse with him, shall be punished with a maximum imprisonment of 12 years.' Article 285 of the Criminal Code requires that sexual intercourse be with a woman who is not his wife and be accompanied by threats of violence. Rape can be defined as a form of sexual violence committed by forcing the victim to have sexual intercourse without consent through acts of violence or threats of violence. This act is generally directed at women, regardless of age, committed outside of marriage, and causes both physical and psychological suffering. Rape is a crime that violates human values and degrades the dignity of the victim. It is often accompanied by sadistic acts or torture, which further exacerbate the impact on the victim.

### **2.3. Law Number 12 of 2022 concerning Sexual Violence Crimes**

Law Number 12 of 2022 concerning Sexual Violence Crimes (TPKS Law) serves as a new legal basis that broadens the concept of victim protection and reinforces perpetrator accountability (Aghani, 2025). The implementation of Law Number 12 of 2022 concerning Sexual Violence Crimes, known as the TPKS Law, is intended to offer greater protection to victims of sexual violence and encompasses several forms of abuse that were previously overlooked (Pratama et al., 2023). This law is also designed to simplify the legal process for victims, reduce the social stigma often experienced by victims, and impose stricter sanctions on perpetrators (Aditya et al., 2024). The Law on Sexual Violence Crimes not only emphasizes the importance of preventing and addressing sexual violence as a form of state responsibility through law enforcement agencies but also encourages the emergence of a broader social movement. This movement aims to open up the widest possible access to justice for victims, whether through support from family, community, or victim advocates who actively participate in the recovery process and enforcement of victims' rights (Ismaya et al., 2024).

### **2.4. Criminal Liability Theory**

Criminal liability is the basis of criminal law for requiring the existence of a criminal act, the perpetrator's guilt, and the capacity to be held accountable. Criminal liability refers to being held legally accountable for committing a criminal offense (Saleh, 1983). The application of criminal liability to perpetrators of rape in the Sexual Violence Criminal Law Act does not only focus on proving physical violence but also includes psychological, economic, and abuse of power. (Pasaribu & Seftiniara, 2025). This is in line with Moeljatno's theory of criminal liability (2008) that criminal liability does not arise solely from the commission of a criminal act; it also requires the presence of fault or a blameworthy mental state, and it is also clear in the unwritten principle of law that there is no punishment without fault (*green straf zonder schuld, ohne schuld keine strafe*).

Criminal liability for perpetrators of rape under the TPKS Law has three main characteristics: broadening the definition of sexual violence, affirming the state's responsibility in safeguarding victims, and encouraging the reform of the criminal justice system to be more gender-equitable and victim-oriented (Simangunsong et al., 2025). Referring to this opinion, it can be understood that a person or party can only be held criminally liable if a number of elements are fulfilled, namely the existence of a perpetrator of a criminal act, whether an individual or a legal entity, the existence of an act committed



in the form of active or passive action, the presence of the capacity to be held accountable, indicating that there are no valid excuses or justifications that would absolve responsibility, and the act is unlawful in accordance with the principle of legality (Maulani, 2013).

Based on the theoretical framework and literature review above, it can be hypothesized that the implementation of Law Number 12 of 2022 concerning Sexual Violence Crimes (TPKS Law) expands the concept of criminal liability for perpetrators of rape, which encompasses not only physical violence but also extends to psychological harm, economic violence, and the abuse of power. In addition, the regulation and application of the principle of fault (*geen straf zonder schuld*) in the Law on Sexual Violence Crimes is also getting stronger, as is the process of determining the criminal liability of perpetrators, which is becoming more just.

### 3. Methodology

This study uses a normative juridical method with a case study approach to analyze court decisions. According to Soekanto (2001), a normative juridical approach involves legal research that relies on the analysis of secondary data or reference materials. This was achieved by searching relevant regulations and literature pertaining to the research topic. This study used primary and secondary data. Primary legal materials consist of data comprising legislation, jurisprudence, or court decisions, namely Law No. 12 of 2022 concerning Sexual Violence Crimes and interviews with judges at the Serang District Court. Secondary legal materials are used to explain primary legal materials. The data used in this study are copies of Serang District Court Decision Number 429/Pid. Sus/2024/PN SRG. The data analysis will be conveyed in clear, detailed, and methodically structured sentences and interpreted to arrive at a conclusion. The data obtained, both primary and secondary, will be analyzed using qualitative methods to explain the problems encountered and their solutions. Moreover, the findings from the data analysis will clearly and accurately describe the answers to these issues.

### 4. Results and Discussion

#### 4.1 Criminal Liability of Rapists Based on the Law on Sexual Violence Crimes

Sexual violence is any act that takes the form of coercion or threats to engage in sexual intercourse, torture or sadistic acts, and abandoning the victim after committing a sexual act (Suyetno and Hariadi, 2002). Rape is one form of sexual violence. The criminal act of rape is an attempt by a man to satisfy his sexual desire towards a woman in a manner that is considered immoral and illegal. (Mahardika & Pratama, 2020). Rape is an act in which a person, through violence or threats of violence, forces a woman to have sexual intercourse outside of marriage with him (Lamintang & Samosir, 1983). The criminal act of rape is not limited to sexual intercourse but includes all forms of assault involving the genitals that are carried out by the perpetrator against the victim through violence and coercion.

The criminal offence of rape is regulated in Article 285 of the Criminal Code, which reads as follows: "Any person who, by force or threat, compels a woman who is not his wife to have sexual intercourse with him, shall be punished with a maximum imprisonment of twelve years". Article 285 of the Criminal Code requires that engaging in sexual intercourse with a woman other than his wife, along with the use of threats of violence. In addition, the criminal act of rape is regulated by Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS Law). In this law, rape is not only understood as physically forced sexual intercourse, but also as an act that includes coercion in the form of abuse of trust, power imbalance, and psychological manipulation of the victim. This broadens the understanding that was previously limited to the element of physical violence, as contained in Article 285 of the Criminal Code.

Article 285 of the Criminal Code contains elements to prove the existence or absence of the crime of rape, which are as follows:

1. The use of violence or threats of violence  
The use of unlawful physical force or strength, such as hitting with the hands or with any weapon, kicking, or punching, until the person is unconscious or helpless.
2. Forcing a woman



The existence of threats of violence that force a woman who is not his wife to have sexual intercourse with the perpetrator.

3. Having sexual intercourse outside of marriage with her (the perpetrator)

This refers to the union of male and female genitals that is commonly performed to conceive a child, whereby the male genitalia must enter the female genitalia, resulting in the release of semen with a woman who is not his wife (Chazawi 2005).

Law Number 12 of 2022 concerning Sexual Violence Crimes defines rape not only as physically forced intercourse but also as acts that include coercion in the form of abuse of trust, power imbalance, and psychological manipulation of the victim. This broadens the previous understanding, which was limited to physical violence, as stipulated in Article 285 of the Criminal Code. Articles 6 (b) and (c) of Law Number 12 of 2022 concerning Sexual Violence Crimes stipulate the following:

1. This subparagraph defines physical sexual acts directed at the victim's body, sexual desires, and/or reproductive organs without their consent as constituting sexual violence.
2. Subparagraph c states that sexual acts committed by abusing trust, vulnerability, inequality, deception, or manipulation to force someone to perform or allow indecent acts or sexual intercourse are classified as sexual violence.

A person who commits a criminal offence must be held accountable for their actions. A person who is deemed capable of being held accountable is one who:

1. Capable of determining their intention, will, and plan (*Vornemen*) for the action to be taken.
2. Aware or conscious that their actions are considered inappropriate by society
3. They are aware of the meaning, significance, and nature of their actions, whether good or bad (Agustanti, 2018).

Criminal liability is personal in nature; therefore, it can only be imposed on the perpetrator who committed the act. This principle is in line with the principle of *geen straf zonder schuld* (no punishment without guilt), as stated by Moeljatno, who emphasizes that punishment must be imposed if there is a criminal act and a culpable fault. Thus, the application of criminal liability to perpetrators of rape under the Sexual Violence Criminal Act emphasizes two main points.

1. The proof of the element of violence is expanded in the Sexual Violence Criminal Act, going beyond the narrow definition in the Criminal Code, and
2. The imposition of criminal sanctions is in line with the objectives of criminal punishment, namely deterrence, victim recovery, and protection of the community from acts of sexual violence.

#### **4.2. Analysis of Criminal Liability of Perpetrators in Decision Number 492/Pid.Sus/2024/PN SRG**

Serang District Court Decision No. 492/Pid. Sus/2024/PN SRG is an example of a case in which the application of provisions regarding the criminal act of rape shows a discrepancy between the severity of the act and the punishment imposed on the perpetrator. Based on the facts of the trial, the defendant forcibly had sexual intercourse with the victim by forcing the victim into a room, removing the victim's clothes, penetrating the victim, and performing other sexual acts that caused the victim to suffer physical injuries and bleeding, as evidenced by the medical examination.

Based on Decision Number 492/Pid.Sus/2024/PN SRG, the Panel of Judges at the Serang District Court has found the Defendant legally and convincingly guilty of committing the criminal act of "Abusing position, authority, trust, or influence arising from deception or circumstances, or exploiting the vulnerability, inequality, or dependence of another person, forcing or misleading that person to engage in or permit sexual intercourse with them." This criminal act is regulated by Article 6 Letter c of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence. This verdict shows that the defendant's criminal liability is based on the fulfilment of two main elements of the offence, namely the element of 'Every Person' and the element of the qualification of sexual violence.

The element of 'Every Person' is fulfilled because the Defendant, as a legal subject (human being/*natuurlijke peson*), is capable of being held accountable for his actions, and no extenuating or justifying circumstances have been found. Meanwhile, the essence of responsibility lies in the fulfilment



of the qualifying elements of the act, which are alternative in nature. The Panel of Judges chose to prove the element of ‘taking advantage of a person's vulnerability, inequality or dependence, forcing them to engage in or allow sexual intercourse with them.’ In imposing the sentence, the Panel of Judges sentenced the defendant to 9 (nine) months' imprisonment and a fine of Rp. 10,000,000.00 (ten million rupiah), with a subsidiary penalty of 1 (one) month's imprisonment. This sentence is lighter than the Public Prosecutor's demand (1 year of imprisonment and the same fine). The aggravating factors were that the defendant's actions were contrary to the values of God and humanity and caused trauma and disruption to the security/peace of mind of the victim and her family.

The dominant mitigating factors were the defendant's confession and remorse, the defendant's young age (student), and the peace agreement between the defendant's family and the victim's family, followed by compensation/restitution in the amount of Rp. 50,000,000.00. The Panel of Judges corrected the use of the term ‘restitution’ in the peace agreement because the provision of money was not based on a final and binding court decision or ruling, but still considered it as a mitigating factor because it was considered to be a restoration of social relations. This lower sentence indicates that restorative justice considerations (peace and compensation) played a significant role in this decision, even though the proven criminal act was sexual violence with severe physical and psychological impacts. An analysis of the verdict shows that the judge's considerations were dominated by factors that mitigated the defendant's punishment, while the physical and psychological suffering of the victim and the element of violence were not adequately considered. This indicates that the criminal liability applied does not yet reflect the paradigm of the TPKS Law, which places the victim as the main subject of protection.

#### ***4.3. The Suitability of the Elements of the Crime of Rape with the Legal Facts in the Verdict***

To determine whether the defendant's actions constitute rape, it is necessary to compare the elements of Article 285 of the Criminal Code and Article 6 letters b–c of the TPKS Law with the facts of the trial.

1. Elements of Violence or Threat of Violence The facts of the trial show that the defendant
  - a. forced the victim into a room
  - b. restrained the victim's body
  - c. kissed and removed the victim's clothes
  - d. penetrated the victim even though she resisted
  - e. and made threats after the incident

These elements are fulfilled from the perspective of both the Criminal Code and the TPKS Law.

2. Forcing Women to Have Sexual Intercourse

There was coercion, both physical and psychological, as evidenced by the following:

- a. physical injuries and bleeding
- b. consistent statements from the victim
- c. medical examination results that corroborate these statements

The elements of forced sexual intercourse are fulfilled.

3. Sexual intercourse without the victim's consent

There was no element of consent in this study. The victim was physically vulnerable because she was forced into a room and stripped of her clothes.

4. Abuse of Trust and Power Relations (TPKS Law)

The defendant had previously asked the victim's parents for permission to ‘invite her to play’, thus constituting elements of deception and abuse of trust. This is an extension of the criminal elements in the TPKS Law that do not exist in the Criminal Code.

With all of the above elements fulfilled, the defendant should be punished under the TPKS Law, not just referring to the minimum provisions, as stated in the judge's considerations. This shows that the judges did not optimally utilize the expanded definition of sexual violence in the TPKS Law.

#### **4.4. Evaluation of the Application of Criminal Liability Principles in Court Decisions**

Moeljatno's theory of criminal responsibility requires the existence of a criminal act, culpable fault or mental attitude, the capacity to be held responsible, and proportionality between the severity of the act



and the penalty. In this case, the first three elements are clearly satisfied. However, an evaluation of the fourth element shows that the verdict does not reflect the principle of criminal responsibility.

### 1. The Imbalance Between The Severity Of The Offence And The Leniency Of The Punishment

A nine-month prison sentence is grossly disproportionate to the elements of violence, threats, physical and psychological harm to the victim, and abuse of trust. The verdict does not reflect the deterrent effect or modern purpose of punishment based on victim protection. However, Rendra, as the judge of the Serang District Court, explained that the purpose of punishment is not retribution but education, so that a person who has committed a criminal act can improve themselves and change their behavior for the better, so that in the future, they will not repeat acts that are punishable by law. The punishment to be imposed on the defendant is appropriate and commensurate with the defendant's actions; therefore, it is considered appropriate and fulfils the sense of justice.

Nikmah Rosidah, a lecturer at the Faculty of Law, University of Lampung, explained that the punishment was too lenient in deciding rape cases. Even though there is no minimum limit for judges in imposing criminal penalties, the punishment is not commensurate with the perpetrator's actions because the victim will find it difficult to regain her confidence, so the restitution provided will not be able to restore the victim's mental state to what it was before. Dona Raisa Monica, a lecturer at the Faculty of Law, University of Lampung, explained that in the Law on Sexual Violence Crimes, there is no minimum limit in handing down a verdict. Judges have the freedom to decide on the punishment, and they also consider witnesses, evidence, and evidence tools, as well as forgiveness from the victim. The defendant is also responsible for paying compensation. The author agrees with Mrs Dona Raisa Monica that law enforcement is progressive; it is not about the length of the sentence, but even if the sentence is short, it will have a deterrent effect on the perpetrator, and it is this deterrent effect that determines the character of the perpetrator.

### 2. No Recovery Efforts for Victims

The principle of recovery and restitution for victims is regulated in Article 30, Paragraph (1), which states that 'Victims of Sexual Violence Crimes are entitled to Restitution and Recovery services.' The panel of judges noted that there was a settlement between the defendant's family and the victim, including the payment of compensation amounting to Rp50,000,000.00. Although this was considered a mitigating factor, the judge corrected that the payment was not restitution because it was not determined by the court itself. This became a point of contention because the Sexual Violence Criminal Law gives victims the right to restitution, which is compensation charged to the perpetrator based on a final and binding court decision. The Panel of Judges still imposed a fine of IDR 10, 000, 000.00 (ten million rupiah) on the Defendant. This is important to ensure the victim's recovery.

The Sexual Violence Criminal Law emphasizes the victim's right to legal protection, psychological counselling, and guaranteed recovery. The verdict did not mention any measures for the protection or recovery of the victim, thereby neglecting victimological aspects. The aspect of victim recovery in the form of psychological and medical services, as well as long-term protection, does not appear to be explicitly stated in the Serang District Court Decision No. 492/Pid. Sus/2024/PN SRG. This aspect falls under the authority of the Public Prosecutor as dominus litis, that is, the controller of criminal cases in the prosecution process. Therefore, the Public Prosecutor should issue orders for the recovery of victims through psychological, medical, and long-term protection services. Dona Raisa Monica, a lecturer at the Faculty of Law, University of Lampung, explained that the restitution provided by the defendant was the defendant's responsibility to the victim and was one of the mitigating factors considered by the judge.

### 3. Failure to maximise the provisions of the Criminal Act on Sexual Violence

Although the Sexual Violence Criminal Law provides broader and more stringent punishment instruments, judges do not use its provisions as their main basis for consideration. This results in criminal liability that is not in accordance with the Sexual Violence Criminal Law, which is oriented towards the interests of victims. Decision No. 492/Pid. In Sus/2024/PN SR,G the panel of judges imposed a prison sentence of 9 months and a fine of IDR 10,000,000, subsidiarily 2 months'



imprisonment. This decision did not include provisions regarding restrictions on the perpetrator's movements, such as prohibitions on approaching or communicating with the victim or the obligation for the perpetrator to undergo a rehabilitation programme. However, the defendant has been detained in a state detention center since the investigation began on May 25, 2024. Thus, although the verdict confirmed the perpetrator's criminal responsibility, the aspect of long-term protection for the victim through restrictions on the perpetrator's movements has not been fulfilled. This has the potential to pose a risk to the victim, such as the possibility of meeting the perpetrator again or being directly or indirectly intimidated. However, the defendant's detention during the investigation constitutes a restriction on the perpetrator's movements. This indicates that the verdict fulfils the principle of victim protection as mandated by the Sexual Violence Criminal Act.

## **5. Conclusion**

### **5.1 Conclusion**

This study concludes that the criminal liability imposed on perpetrators of rape under Law Number 12 of 2022 concerning Sexual Violence Crimes has undergone significant conceptual expansion, particularly in recognizing forms of coercion that go beyond physical violence, including psychological pressure, abuse of trust, inequality, and vulnerability. In Decision No. 492/Pid. In Sus/2024/PN SRG, the court found the defendant legally and convincingly guilty under Article 6 letter c of the TPKS Law, as the defendant exploited the victim's vulnerability and used coercive acts to engage in sexual intercourse. However, the punishment of 9 months of imprisonment and a fine of Rp10,000,000,-did not reflect the proportionality between the severity of the act and the harm suffered by the victim. Although restorative considerations such as apology, restitution, and the defendant's age influenced the judges' decisions, the verdicts did not fully integrate the spirit of victim protection mandated by the TPKS Law. Therefore, the objective of analyzing criminal liability has been achieved, showing that the judge acknowledged the expanded definition of rape under the TPKS Law, but its implementation remains inconsistent with the broader aims of victim-centered justice.

### **5.2 Limitation**

This study had several limitations. First, the analysis relies heavily on a single court decision, which restricts the generalizability of the findings regarding the application of the TPKS Law across various jurisdictions in Indonesia. Second, access to detailed internal judicial considerations, such as deliberation notes and psychological examination results, was limited, which may have affected the depth of the analysis of the judges' reasoning. Third, this study focuses primarily on normative legal aspects and does not include empirical data on victim recovery processes or the long-term impact of the decision on the victim and community. These limitations suggest that the conclusions drawn may not fully capture the variations in legal practices related to sexual violence cases nationwide.

### **5.3 Suggestion**

Based on the findings and limitations of this study, several recommendations are proposed. First, judges and prosecutors should maximize the provisions of the TPKS Law, particularly those relating to victim protection, restitution, and long-term recovery, ensuring that court decisions align with the law's victim-centered paradigm. Second, it is recommended that sentencing guidelines specific to sexual violence cases be formulated to minimize disparities and ensure proportional punishments that reflect the gravity of the offence. Third, future research should incorporate empirical and comparative studies across multiple court decisions to provide a broader understanding of the national implementation of the TPKS Law. Finally, law enforcement agencies should strengthen their collaboration with psychological, medical, and social service institutions to ensure comprehensive recovery for victims of sexual violence, as mandated by the TPKS Law.

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