

SEXUAL VIOLENCE LAW

On 9 May 2022, the Government and the House of Representatives of the Republic of Indonesia has passed the Law of the Republic of Indonesia No. 12 of 2022 regarding the Sexual Violence Crime (the “**Sexual Violence Law**”), which came into effect on the same date. Please note that upon the enactment of the Sexual Violence Law, any ongoing cases of sexual violence crimes that are still at investigation, prosecution, or court examination in court level will still be examined based on the prevailing laws and regulations regulating such offenses prior to the enactment of the Sexual Violence Law.

Sexual Violence Law was issued with the aims of (i) preventing all forms of sexual violence, (ii) treating, protecting, and reviving the victims; (iii) enforcing the law and rehabilitating the perpetrators; (iv) establishing sexual-violence-free environment; and (v) ensuring non-recurrences of sexual violence.

The following is a brief description of the new provisions of sexual violence crime regulated under the Sexual Violence Law:

1. Scope of Sexual Violence Crime

The Sexual Violence Law stipulates that sexual violence crime comprises of physical and/or nonphysical sexual harassments, forced contraception, sterilizations, and/or marriages, sexual abuses, exploitations, and/or slaveries, and electronic-based sexual violence.

In addition, sexual violence crime also include:

- a. Rapes;
- b. Obscene acts;
- c. Sexual intercourse, obscene act, and/or sexual exploitation against underage (individuals under 18 (eighteen) years old, including unborn child);
- d. Decency violence act that is contrary to the will of the victim;
- e. Underage pornography or pornography explicitly containing sexual violence and exploitations;
- f. Forced prostitution;
- g. Human trafficking crime for sexual exploitation purposes;
- h. Domestic sexual violence;
- i. Money laundering crime from sexual violence crime; and
- j. Other acts expressly stipulated as sexual violence crime regulated under the prevailing laws and regulations.



2. Criminal Provisions

Sexual Violence Law stipulates the following criminal sanctions:

| No. | Crime | Maximum Sanction (Imprisonment and/or Fine) |
|-----|--|---|
| 1 | Non-physical sexual harassment | 9 (nine) months and/or Rp10,000,000 (ten million Rupiahs) |
| 2 | Physical sexual harassment | 12 (twelve) years and/or Rp300,000,000 (three hundred million Rupiahs) |
| 3 | Forced contraception | 5 (five) years and/or Rp50,000,000 (fifty million Rupiahs) |
| 4 | Forced sterilization or marriage | 9 (nine) years and/or Rp200,000,000 (two hundred million Rupiahs) |
| 6 | Sexual abuse | 12 (twelve) years and/or Rp300,000,000 (three hundred million Rupiahs) |
| 7 | Sexual exploitation or slavery | 15 (fifteen) years and/or Rp1,000,000,000 (one billion Rupiahs) |
| 9 | Electronic-based sexual violence | 4 (four) years and/or Rp200,000,000 (two hundred million Rupiahs) |
| 10 | Electronic-based sexual violence to extort, threaten, force, mislead, and/or deceive | 6 (six) years and/or Rp300,000,000 (three hundred million Rupiahs) |

3. Additional Sanctions

Sexual Violence Law sets out the following additional sanctions:

- a. Restitution (for sexual violence crime that is punishable by imprisonment of 4 years or more), that is a compensation payment which charged to the perpetrator for material and/or immaterial losses suffered by the victim or his/her heirs;
- b. Revocation of child custody or guardianship;
- c. Publication of the perpetrator's identity;
- d. Confiscation of profit and/or property gained from sexual violence crime;
- e. Social and medical rehabilitation (including psychiatric rehabilitation) for the perpetrator; and/or
- f. Additional 1/3 (one third) of the criminal sanction as listed in the table in section 2 letter a above, in the event that the sexual violence crime is, among others:



- i. Intrafamilial-related;
- ii. committed by health/medical workers, educators or educational workers, or other professionals who are mandated to carry out treatment, protection, and recovery;
- iii. committed by employees, management, or officers against individuals who are trusted to be taken care of;
- iv. committed by public officers, employers, superiors, or management against individuals employed by or working for them;
- v. committed more than once or against more than 1 (one) individuals;
- vi. committed by 2 (two) individuals or more in a group;
- vii. committed against underage, disabled, expectant woman, non-conscious or helpless individuals, individuals who are in emergency, danger/conflict situation, disaster, or war;
- viii. committed through electronic platforms; and/or
- ix. causing the victim to suffer from severe injury, severe psychological effects, infectious diseases, cessation and/or damage to reproductive function, and/or death.

4. Sanctions against Corporations

Corporations (legal entity and/or non-legal entity) who commit sexual violence crime shall be sanctioned with a fine of at least Rp5,000,000,000 (five billion Rupiahs) and maximum Rp15,000,000,000 (fifteen billion Rupiahs), which can be imposed to the corporation itself and/or its management, instructors, controllers, beneficial owners.

In addition, corporation also can be imposed with additional sanction as follows:

- a. Confiscation of profit and/or property gained from sexual violence crime;
- b. Revocation of certain licenses;
- c. Publication of court decision;
- d. Permanent prohibition from carrying out certain actions;
- e. Suspension of all or part of the corporation's activities;
- f. Closure of all or part of the corporation's premises; and/or
- g. Dissolution of the corporation.

This client alert is intended to provide a brief overview only on several provisions and may not cover all provisions under the Sexual Violence Law, thus, cannot be deemed as a legal advice. Please do not hesitate to contact us if you need a more detailed discussion, advice, and/or have specific questions.



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