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## WITHDRAWAL OF REPORTS BY SURVIVORS OF SEXUAL VIOLENCE CASE STUDY: IN THE CENTRAL KALIMANTAN POLDA

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### ABSTRACT

Sexual violence remains a pressing concern in Indonesia, with thousands of cases reported annually, yet only a fraction proceed to trial due to the withdrawal of reports by victims. This study investigates the factors that influence survivors of sexual violence to withdraw their legal complaints, and the subsequent impact on the legal process, particularly within the jurisdiction of the Central Kalimantan Regional Police. Employing an empirical juridical research method, this study collects data through in-depth interviews with survivors, police officers, and representatives from victim support institutions. The findings reveal that social stigma, fear of retaliation, distrust in the legal system, and insufficient legal or psychological support often lead victims to abandon legal proceedings. Despite the legal framework provided by Law No. 12 of 2022 on Criminal Sexual Violence, procedural barriers such as evidentiary requirements and inconsistent application of victim protection laws persist. The research underscores the need for a stronger integration of legal support mechanisms, survivor-focused policies, and community education to ensure justice. These findings contribute to understanding the real-world limitations of the TPKS Law's implementation and call for systemic reforms to support victims more effectively.

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**KEYWORDS** *Euthanasia, Legal Regulation, Medical Ethics*

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## INTRODUCTION

Sexual violence is any act that degrades, insults, harasses, and/or attacks a person's body and/or reproductive function, due to unequal power and/or gender relations, which results in physical and/or physical suffering, including that which disrupts a person's reproductive health and is coercion (Permendikbudristek 30 of 2021, Article 1 (paragraph 1)). Before the TPKS Law was passed there were many cases related to sexual violence according to the Central Statistics Agency (BPS) report, during the 2016-2020 period Every year there are at least 5,200 cases of crimes against decency. The BPS defines these decency crimes as rape and obscenity (Armstrong et al., 2018; Bovill & Podpadec, 2023; Bows et al., 2024; Gretgrix & Farmer, 2023; Jeffrey, 2024; Nordås & Cohen, 2021).

In 2020, Indonesia recorded the highest number of morality-related crimes, reaching 6,872 cases. After a decade of advocacy, the long-awaited TPKS Bill was officially enacted into law on April 12, 2022, during a plenary session of the DPR RI, marking a crucial step toward combating sexual violence in the country. The TPKS Law defines nine categories of sexual violence in Article 4, paragraph 1, including physical and non-physical sexual harassment, electronic-based harassment, sexual torture, contraceptive coercion, forced sterilization, sexual exploitation, sexual coercion (including forced and child marriage), and sexual slavery, aiming to provide comprehensive legal protection and justice for victims (Heriyanti et al., 2023; Hertini et al., 2022; Leonardo et al., 2023; Probilla et al., 2021; Risa, 2022).

Apart from the nine types of criminal acts of sexual violence mentioned in Paragraph (1), there are 10 other types of sexual violence listed in Article (4) Paragraph 2, namely rape, obscene acts, sexual intercourse with children, obscene acts against children, and/or sexual exploitation. against children, and acts of violation of morality that go against the will of the victim (Alpian, 2022; Deassy J.A. Hehanussa, 2019; Marzuki & Siroj, 2023; Mohsi, 2020; Nurisman, 2022). Apart from that, pornography involving children or pornography that explicitly contains sexual violence and exploitation, forced prostitution, criminal acts of human trafficking aimed at sexual exploitation, as well as sexual violence in the domestic sphere.

The data on cases of sexual violence in Indonesia as of January 1 2024 to date is 2,777 cases, 597 male victims, 2,434 female victims (SIMFONI-PPA). Provincial Office of Women's Empowerment, Child Protection, Population Control and Family Planning (DP3APPKB) Central Kalimantan recorded 294 cases of sexual violence against women and children that occurred throughout 2023. The total is not small, as many as The 294 cases of sexual violence include 84 cases in West Kotawaringin district, 34 cases in Kotim, 45 cases in Kapuas, 21 cases in Barsel, 13 cases in Barut, 6 cases in Bartim, 4 cases in Gumas, 15 cases in Katingan, 7 cases in Mura, 16 cases in Pulpis, Sukamara had 12 cases, and Palangka Raya City had 34 cases. Meanwhile, the victims themselves were recorded at 308 people. Of that number, there were 258 women and 50 men.

Director of General Criminal Investigation (Disreskrim) of the Central Kalimantan Regional Police, Police Commissioner Faisal F Napitupulu, said that

there were 66 cases of sexual intercourse, 21 cases of sexual abuse from January to July 2022, there were 99 cases that had been successfully uncovered by the police.

The phenomenon of criminal cases of sexual violence reported to the Central Kalimantan Regional Police in the last three years is:

**Table 1. Number of Violence Against Women in 2022 – 2024 in  
Tengah Kalimantan Regional Police**

Year	Domestic violence cases	TPKS case
Year 22	4 Cases	1 Case
Year 2023	5 Cases	2 Cases
Year 2024	9 Cases	7 Cases

*Source: Ibda Faujiah S.E., M.M.*

Case Background: Based on Police Report Number: LP/B/233/XI/2023/SPKT/POLDA CENTRAL KALIMANTAN dated 18 November 2023 at 16.10 WIT, located at the police office mentioned above, on the day of the signing of the letter of receipt of the report by M (Reporter), 22 years old student status has reported the alleged crime of rape under Law Number 1 of 1946 concerning the Criminal Code as intended in Article 285, which occurred in one of the places in the PALANGKA RAYA CITY area, CENTRAL KALIMANTAN, on Saturday 18 November 2023 at 01.00 WIT, with the reported name WS, on Saturday 18 November 2023 at 01.00 WIT, reported contacted the reporter to see the location and asked the reporter for a sharelock, then the reporter without arousing suspicion, he sent the sharelock. The reported party came with the excuse of wanting to get some shade and eat. The complainant refused, but the reported party insisted and immediately came to the boarding house where the reporter was. The reported party immediately sat down in the boarding house and asked for instant noodles to be made. approached and detained the complainant's body and opened the complainant's trousers. After the incident the complainant went to the toilet and contacted the witness to help the complainant. When the witness arrived, the reported party tried to go home but was blocked by the witness and the witness held onto the keys to the reported motorbike. After the incident, the witness called the local RT head and the RT head reportedly detained him. Because of this incident, the reporter felt traumatized and reported the incident to the Central Kalimantan Regional Police for follow-up.

The purpose of this research is to find out what factors cause influence the decision to withdraw charges and how it affects the legal process. The novelty of this research lies in its focused exploration of the phenomenon of report withdrawal by survivors of sexual violence within the jurisdiction of the Central Kalimantan Regional Police, a subject rarely addressed in prior studies. While previous research such as Suryandi et al. (2020) emphasized the application of criminal sanctions for sexual violence perpetrators and Akmaliah Rachman et al. (2023) explored trafficking from a legal standpoint, they did not delve into the legal and

psychological consequences of survivors retracting their reports. This study uniquely combines empirical juridical methods with direct field interviews involving survivors, police personnel, and support institutions, offering insights into how social stigma, fear, and procedural challenges affect the pursuit of justice. It further contributes to the discourse by examining the implementation gaps between the TPKS Law and police procedures, especially regarding evidentiary standards and the viability of restorative justice in these cases

## **RESEARCH METHODS**

The research carried out is empirical juridical research originating from the description of the problem in the introduction to the Withdrawal of Reports by Survivors of Sexual Violence: Case Study at the Central Kalimantan Regional Police. The empirical juridical research method is a legal research method in the field in a real sense, which examines applicable legal provisions and what has happened in people's lives. This research is descriptive in nature, that is, the author tries to describe symptoms, events and happenings that are occurring at the present time, where the researcher tries to photograph events and occurrences that are the center of attention and then describe them completely, in detail and clearly regarding the retraction of reports by survivors of sexual violence. in the jurisdiction of the Central Kalimantan Regional Police.

## **RESULT AND DISCUSSION**

The phenomenon of sexual violence in Central Kalimantan is still common because many people do not understand the existence of Law no. 12 of 2022 concerning the Crime of Sexual Violence, but with various outreach and education efforts by the police, especially Sub-Directorate IV/Renakta of the Central Kalimantan Regional Police, it can become a legal reference that can be used to implement the TPKS Law, this sexual violence often occurs, especially to women and children. , student, or even a working woman.

Reporting criminal acts of sexual violence is the same as other criminal acts, except that sometimes the reporter has minimal witnesses or involvement of people to help in the case being reported, often survivors are also afraid because of intimidation or threats from the reported person or someone ordered by the reported person, but in reality survivors/victims of sexual violence do not need to worry because the victim, the victim's family and witnesses are protected by law contained in (Article 65 paragraph (2) of the TPKS Law). Implementation of the Protection of Witnesses and Victims is carried out in accordance with Law that regulates the protection of Witnesses and Victims, unless otherwise provided by this Law. Protection for the victim's family is contained in article 71 paragraph (1c) the right to personal security and freedom from threats relating to testimony that will be, is being, or has been given;

Meanwhile, people who obstruct the process of investigating or calling in cases of sexual violence can be subject to sanctions (article 19 of the TPKS Law). This provision aims to ensure that the process of handling sexual violence runs smoothly and victims receive justice without obstacles. The TPKS Law not only

protects women, but also men who experience sexual harassment or sexual violence are also protected by the TPKS Law because many male survivors are confused about where to report when they experience sexual violence.

### **Causes of Sexual Violence Crimes**

With the many issues of sexual violence in society, there are several factors that cause criminal acts of sexual violence in the environment around us, such as the campus environment, work environment, social/community environment, such as the following:

a. Cultural Patriarchy

Patriarchal culture is a construction that is entrenched and considered correct. This concept shows the subordination of men to women to illustrate men's power over women.

b. There is a power relationship

Sexual violence often occurs because the perpetrator has higher power than the victim. For example, in the university environment between lecturers and students, and in the work environment between superiors and subordinates. Because there is an imbalance in power relations, victims do not dare to report it.

c. Victim Culture - blaming

According to Sophia Hage (DW, 17), there is a social stigma that the issue of sexual violence is a taboo issue to discuss. This is one of the reasons that when a victim dares to report the injustice they have experienced, the public blames the victim for what they experienced, such as the way the victim dresses, the way the victim speaks, and the victim's social interactions are often the driving factors for harassing behavior towards the victim himself.

Lack of Community Understanding of Sexual Harassment Behavior, the R&D Perspective Survey this time tries to map the community's understanding of sexual violence. The survey contains 15 questions based on 15 forms of sexual violence compiled by the National Commission on Violence Against Women, discussion of sexual harassment by the International Labor Organization (ILO) and the violence and harassment fact sheet by tft-earth.org. The survey was created using a quiz model with answers to "yes" and "no" questions.

The survey results above show that respondents' knowledge regarding sexual violence in general is still low. Because, very few respondents managed to answer all fifteen questions correctly. If we look at the questions, many respondents do not understand the difference between violence and sexual harassment.

Sexual violence is any sexual contact or action that is unwanted, coercive, offensive, intimidating or alienating to another person. Forced sexual intercourse, forced marriage, and husbands preventing their wives from using contraception so that their wives cannot regulate pregnancy spacing are considered sexual violence.

1. How to Implement Law no. 12 of 2022 concerning Criminal Sexual Violence in handling sexual violence cases in the Central Kalimantan Regional Police Area?

The implementation of the Sexual Violence Crime Law (TPKS Law) in Central Kalimantan, just like in other regions in Indonesia, is still experiencing several challenges. The TPKS Law, which was promulgated in 2022, brings several important changes in the handling of sexual violence cases, including the obligation for police officers to process every report of sexual violence and focus on the recovery of victims. In this TPKS Law there are 9 criminal acts of sexual violence and accommodates all laws. law before or after the issuance of Law no. 12 of 2022 concerning the Crime of Sexual Violence, there are several articles that are applied in (article 5 of the TPKS Law) Every person who commits non-physical sexual acts aimed at the body, sexual desires and/or reproductive organs with the intention of degrading a person's dignity based on sexuality and/or his decency, shall be punished for non-physical sexual harassment, with a maximum imprisonment of 9 (nine) months and/or a maximum fine Rp. 10,000,000.00 (ten million rupiah). (article 14 paragraph (1) of the TPKS Law) Every person without the right:

- a. recording and/or taking images or screenshots that are sexually charged against the will or without the consent of the person who is the object of the recording or image or screenshot;
  - b. transmitting electronic information and/or electronic documents that contain sexual content against the recipient's will, aimed at sexual desires; and/or
2. carrying out stalking and/or tracking using an electronic system against a person who is the object of electronic information/documents for sexual purposes, shall be punished for committing electronic-based sexual violence, with a maximum imprisonment of 4 (four) years and/or a maximum fine of Rp. 200 ,000,000.00 (two hundred million rupiah). In (Article 14 paragraph (2a) of the TPKS Law) in the event that the act as intended in paragraph (1) is carried out with the intention of: a. to blackmail or threaten, coerce; or b. misleading and/or deceiving a person into doing, allowing to be done, or not doing something, shall be punished with imprisonment for a maximum of 6 (six) years and/or a fine of a maximum of IDR 300,000,000.00 (three hundred million rupiah). It is an article that can be revoked or can be resolved outside of court. Apart from that, it cannot be resolved outside of court. In its implementation in the Central Kalimantan Regional Police, it has been implemented well, but there are several obstacles, namely the tpks law in article 25 paragraph (1), witness statements and / or the victim is sufficient to prove that the defendant is guilty if accompanied by 1 (one) other valid piece of evidence and the judge is convinced that a crime has indeed occurred and the defendant is guilty of committing it. However, the fact is that the police system is different in that the DOS in the Integrated Police Service Center (SPKT) requires 2 (two) witnesses, whereas the witnesses referred to in the TPKS Law are not witnesses who hear or witnesses who know directly about the incident but witnesses who know that are enough. This also sometimes becomes an obstacle when the victim wants to report, often due to a lack of evidence for proof, supporting evidence in electronic media cases because often the victim is harassed, such as being snooped on and recorded, but the victim does not have the cellphone evidence or recording. Can makes the victim doubt



whether the incident they experienced can be processed, especially for electronic forensics cases.

3. What are the legal consequences following the withdrawal of reports by survivors of sexual violence in the jurisdiction of the Central Kalimantan Regional Police?

Of the several cases that were reported to Subdit IV/Renakta of the Central Kalimantan Regional Police, there were several cases that were withdrawn and stopped due to requests from the survivors themselves because they had made peace with themselves and forgiven the perpetrator's actions and he wanted to focus on his studies and work, often It also happens that the survivor and the reported person carry out mediation outside, the reporter makes an apology or compensation, the medical costs are in accordance with the regulations, then the police will facilitate the resolution of the case which is being processed by means of restorative justice for the survivor and the perpetrator. in the case title in order to ensure that the victim's condition is not under pressure or coercion. Before the survivor sends peace information, the Renakta party will call the survivor first to be educated and whether he really withdrew his report voluntarily or was there coercion or pressure from internal parties so that it would not have legal consequences in the future and put it back in the minutes with thus ending with the title of the case and the termination of the investigation.



**Figure 1. Documentation during data collection and interviews with Mrs. Ibda Faujiah S.E., M.M. Position of Panit II Subdit IV Renakta Direskrimum Polda Central Kalimantan**

After the investigation was stopped by the police, what happened to the victim and perpetrator?

- a) After the investigation process was terminated by the police, the life of the victim/survivor of sexual violence continued as normal as usual, even though the trauma experienced still sometimes haunts the survivor of sexual violence, this did not make him despair and give up. There are several reasons why the victim withdrew his report.

1) Psychological Factors

Victims experience depression, panic attacks, anxiety, sleep disorders, self-blame, feelings of betrayal, anger and resentment towards the perpetrator, this can make the victim think that his life has ended. The victim also feels like he has lost strength, lost hope, until thoughts arise. to commit suicide.

2) Social Factors

The social impact of victims in terms of decreased achievement, not appearing to socialize, losing trust in a similar environment is something that cannot be

denied. This happens due to extraordinary stress in relationships due to gossip around you. Ultimately the victim can lose their career in that position. Therefore, caring for the surrounding environment is very important in treating victims of sexual violence. After the investigation process is stopped by the police, the perpetrator's life will continue normally and the perpetrator will not receive any punishment. There are several factors in stopping cases of sexual violence.

- 3) Termination with restorative justice which involves mediation between the perpetrator and the victim and according to the agreement of both parties not to continue the case to court, then the perpetrator is free from formal law but still has to fulfill the agreement agreed upon in mediation.
- 4) Termination of the case due to lack of evidence, if the case is stopped due to lack of evidence then the perpetrator is considered innocent according to the law. However, stigma and social impacts could occur if the public finds out about the case.
- 5) Rehabilitation or continued supervision, in some conditions the perpetrator can be recommended to undergo rehabilitation if there are indications of psychological problems. With this, the perpetrator only receives supervision and follows a rehabilitation program.

#### 4. Protection of Victims of Criminal Sexual Violence

Efforts to protect victims of sexual violence are a form of state concern for fighting for the rights of victims. As a legal state, Indonesia has obligations (duty holders) who play a role in providing protection for everyone's human rights. This role exists because of the state's responsibility to respect, protect and fulfill human rights for its citizens. One of the protection efforts taken is to take a legal approach and protection that applies to every crime victim, including victims of sexual violence, whether it occurs in the real world or in the virtual world. Referring to the Legal System theory put forward by Lawrence M. Friedman, legal protection for victims of sexual violence must be carried out comprehensively by building an adequate legal system, starting from legal substance, legal structure, to legal culture.

The focus of the discussion in the next section is how to legally protect TPKS victims through updating legal substance, strengthening legal structures, and increasing legal awareness/culture.

In criminal law, protection for victims can be guaranteed by Law No. 12 of 2022 in Indonesia regulating protection for victims of sexual violence with the aim of preventing, handling and restoring victims' rights. This law covers various forms of sexual violence & determines mechanisms for case handling, including psychological support & regulations for victims.

However, there is criticism because it is believed that this law does not fully fulfill victims' rights, especially in terms of a comprehensive regulatory mechanism. Legal protection is needed to provide a sense of conduciveness and support the recovery of victims. Article 67 of Law Number 12 of 2022 regulates the rights of victims of criminal acts of sexual violence. This article emphasizes that victims have the right to receive appropriate treatment and protection in the face of threats or further action.



This treatment includes access to health services, rehabilitation and legal assistance, while protection includes efforts to ensure the safety of victims during the legal process. This conveys a commitment to ensuring that victims' rights are protected and they receive justice.

Apart from that, all elements have the same responsibility to make efforts to prevent and protect victims of sexual violence, one of which is the role of the surrounding community in ensuring that sexual violence does not occur in the Sexual Violence Crime Law No.12 of 2022, Article 85 Community Involvement & The family enables the community to participate in the prevention, support, recovery & monitoring of crimes of sexual violence in order to create a harmonious and safe environment from crimes of sexual violence against women and children, efforts to involve the community to overcome criminal acts of sexual violence, including providing education to the community about self-defense, providing early education about sexual violence, the next step is to involve the community through community, religious and police leaders and build collaborative networks with provincial/city/regency and village governments in Central Kalimantan to increase community participation in efforts to prevent sexual violence.

## CONCLUSION

The implementation of Law Number 12 of 2022 on criminal acts of sexual violence by the Central Kalimantan Regional Police includes proactive efforts such as increasing case reporting, providing legal and psychological support, protecting victims, and collaborating with various stakeholders to create a safer environment. However, challenges persist as many cases are withdrawn or dismissed due to lack of evidence, false reports, or victims reconciling with perpetrators. Although the TPKS Law allows victims to withdraw their complaints, investigations must continue if sufficient evidence exists to uphold justice and protect societal interests. In this context, future research should examine the impact of report withdrawals on the prosecution of sexual violence cases, identifying legal, psychological, and social factors influencing such decisions, and evaluating the effectiveness of support systems and community interventions in sustaining victim engagement and strengthening the law's implementation.

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