

The Role of Law of the Republic of Indonesia Number 12 of 2022 concerning Sexual Violence Crimes in Handling Cases of Gender-Based Violence in Indonesia

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ABSTRACT

This paper examines the application of Law Number 12 of 2022 on the Crime of Sexual Violence in addressing cases of gender-based violence (GBV) within Indonesia's creative economy. Using a juridical analysis approach, the study explores the effectiveness of the law in protecting victims, prosecuting offenders, and preventing future incidents of sexual violence in a sector characterized by informal employment and unique workplace dynamics. Case studies of sexual violence incidents in the creative economy reveal challenges in reporting, barriers in legal processes, and the critical role of industry stakeholders in mitigating or enabling GBV. While the law offers comprehensive protections, including victim support and criminal sanctions, its effective implementation requires enhanced law enforcement training, workplace safety policies, and accessible reporting mechanisms. The study concludes with recommendations to strengthen the application of Law Number 12 of 2022, ensuring greater protection for creative industry workers from gender-based violence.

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1. INTRODUCTION

Gender-based violence (GBV) in Indonesia's creative economy is a critical issue that affects workplace safety, productivity, and creativity. As the sector grows, sexual violence and gender-based discrimination become more prevalent, impacting individual well-being and the industry's overall performance. Addressing these challenges requires understanding GBV's nature and implementing interventions for safer work environments. Globally, intimate partner and domestic violence are common forms, but workplace violence, including sexual

harassment, particularly affects women and LGBTQ+ individuals in the creative economy [1]. Women often experience non-physical violence like verbal abuse, while men face more physical violence, highlighting gender norms and structural inequalities [2]. GBV reduces survivors' productivity and creativity, hindering the sector's growth [1]. The COVID-19 pandemic worsened these issues, particularly for vulnerable women, calling for targeted interventions [3]. Combating GBV requires shifting social norms, reforming laws, and empowering women, but resistance from male-dominated

cultures remains a barrier [3]. Organizations must adopt transparent policies, address cyberbullying, and ensure fair processes for handling complaints [4].

The enactment of Law Number 12 of 2022 concerning the Crime of Sexual Violence in Indonesia represents a major legislative step forward in addressing sexual violence comprehensively. It provides a structured framework for legal protections, justice, and support for victims, filling a prior legal gap in the system. The law defines various forms of sexual violence, establishes mechanisms for prosecution, and mandates preventive measures, criminal sanctions, and rehabilitation services, reflecting a collaborative effort among lawmakers, civil society, and media, though it falls short of creating a fully gender-sensitive parliament [5]. The law includes a comprehensive legal framework defining multiple forms of sexual violence, including in unhealthy relationships, providing a legal basis for action [6], and offers clarity and support for victims, including protections against revenge pornography [7]. Its passage was marked by institutional collaboration, involving stakeholders like the National Commission on Violence Against Women, underscoring the importance of political will and media support [5]. However, challenges remain in implementation, as seen in other areas like human trafficking where enforcement lags despite legal frameworks [8], and there is a need for improved training among law enforcement to better handle cases of sexual violence [7].

The creative economy, while a significant driver of economic development, presents unique challenges related to gender-based violence (GBV) due to its informal nature and lack of structured protections. Law Number 12 of 2022, which addresses sexual violence, is crucial in this context, but its effectiveness in the creative economy sector requires evaluation. This law's application is essential to ensure safe and equitable work environments, particularly for women who are disproportionately affected by GBV in informal settings. Law Number 12 of 2022

provides critical legal protection against sexual violence, especially in sectors like the creative economy, where traditional workplace protections may be lacking. Its effectiveness, however, hinges on integration with existing regulations, such as Intellectual Property-Based Financing Schemes, which offer some legal safeguards for creative economy actors [9]. Women play a significant role in this sector, particularly in areas like handicrafts, where they make up a large portion of the workforce [10]. The informal nature of these sectors often leads to power imbalances and unregulated workspaces, increasing vulnerability to GBV [11]. Despite these challenges, the creative economy also offers opportunities for empowerment and gender equality, as demonstrated by local initiatives promoting women's involvement in creative businesses [11].

This paper aims to analyze the role of the Law of the Republic of Indonesia Number 12 of 2022 on the Crime of Sexual Violence in handling cases of gender-based violence within the creative economy sector. A juridical approach is employed to examine the law's effectiveness in protecting victims, prosecuting offenders, and preventing future incidents of sexual violence. The study also explores the broader implications of the law on the creative economy, particularly regarding the safety and rights of workers, gender equality, and the responsibilities of employers in fostering a safer workplace.

The importance of this research lies in the need for a deeper understanding of how legal frameworks can be applied to dynamic sectors like the creative economy, where traditional labor protections may be lacking. By analyzing case studies, legal precedents, and the implementation of the law in real-world situations, this paper seeks to offer insights into the strengths and limitations of Law Number 12 of 2022. Ultimately, the goal is to provide recommendations for enhancing the law's application in this vital sector and to contribute to the broader discourse on combating gender-based violence in Indonesia.

2. LITERATURE REVIEW

2.1 *Gender-Based Violence and Sexual Violence: Definitions and Concepts*

Gender-based violence (GBV) in Indonesia is deeply rooted in cultural, social, and economic dynamics that reinforce gender power imbalances. The prevalence of GBV, including sexual violence, is worsened by societal stigma, inadequate legal frameworks, and insufficient support services, especially in informal sectors like the creative economy, where lack of regulation leaves workers vulnerable without legal redress. Entrenched gender norms and societal structures favor male dominance, making it difficult for victims to report abuses [12][1]. Societal stigma often silences survivors, preventing them from accessing legal protection [13]. The informal nature of employment in the creative economy heightens vulnerability due to the absence of formal protections, and legal frameworks are often insufficiently enforced [2]. GBV also leads to significant psychological distress among survivors [14], with the health sector playing a key role in prevention [15]. Effective strategies to address GBV include transforming social norms, legal reforms, and empowering women through state policies, with community-based programs and healthcare interventions tailored to local contexts [12]

2.2 *Gender-Based Violence in the Workplace*

Gender-based violence (GBV) in the workplace is a pervasive issue, especially in sectors with informal labor arrangements like the creative economy, where a lack of protections worsens power imbalances and increases vulnerability. The International Labour Organization (ILO) identifies insecure employment and inadequate legal frameworks as key contributors to workplace GBV. These challenges are particularly severe in the creative economy, where freelance and project-based work leave women and marginalized groups more vulnerable to retaliation or job loss when reporting abuses. GBV is widespread across sectors, disproportionately affecting women, minority groups, and LGBTQ+ individuals [13]. Non-

physical violence like verbal abuse is more common for women, while men experience more physical violence [2]. Socio-economic, cultural, and institutional factors further fuel GBV, with employment insecurity exacerbating the issue in the creative economy [13], [16]. Gender-sensitive policies, training, and robust reporting mechanisms are essential for addressing workplace violence, with organizations increasingly adopting inclusive policies [17]. Transparency and accountability are crucial, as many women seek help outside their organizations due to mistrust in internal reporting systems [16].

2.3 *Legal Frameworks Addressing Gender-Based Violence*

The evolution of legal frameworks addressing gender-based violence (GBV) in Indonesia aligns with a broader global trend towards comprehensive protections for victims. The enactment of Law Number 12 of 2022 on the Crime of Sexual Violence represents a significant step forward, extending protections beyond domestic settings to include public spaces and workplaces. This law criminalizes a wide range of sexual violence acts, such as sexual harassment, forced marriages, and sexual slavery, while emphasizing victim protection and perpetrator rehabilitation, reflecting international mandates like CEDAW and DEVAW [12]. It mandates victim support measures, including legal assistance and protection orders, ensuring access to essential resources [18]. The law adopts a victim-centric approach, providing psychosocial support to address both immediate and long-term impacts of GBV, and includes rehabilitation programs for perpetrators to prevent recidivism [19]. Additionally, significant reforms in legal processes have been introduced to streamline reporting and prosecution, making it easier for victims to access justice, while aligning with international best practices, such as EU directives on victim rights [20]–[22]

2.4 *Gender-Based Violence in Indonesia's Creative Economy*

The creative economy in Indonesia plays a key role in employment and economic

growth, but it faces challenges related to exploitation and abuse, particularly for women and marginalized groups. The informal nature of many jobs, combined with hierarchical power structures, often leads to precarious employment conditions and a lack of legal protection, fostering environments where sexual harassment and gender-based violence (GBV) are prevalent. Although Law Number 12 of 2022 was enacted to address these issues, its effectiveness in the creative economy remains uncertain and depends on coordinated efforts from various stakeholders. Many jobs in the creative economy are informal, lacking protections and benefits, which can lead to exploitation [23], while hierarchical power structures create environments where victims fear retaliation or job loss [24]. Despite existing laws, enforcement and protection mechanisms are often inadequate, leaving workers vulnerable [25]. Law Number 12 of 2022 provides a framework to combat sexual violence, but its success requires coordinated implementation from law enforcement, employers, and industry associations [26]. Strengthening intellectual property rights could also help formalize the sector, providing more structured and safer working environments [25]. Collaboration between government and industry, alongside training and awareness programs, can enhance competitiveness, innovation, and workplace safety [23], [27].

2.5 The Role of Law Number 12 of 2022 in Addressing Gender-Based Violence

Law Number 12 of 2022 is a crucial advancement in Indonesia's legal framework against sexual violence, outlining specific mechanisms for reporting, prosecuting offenders, and providing victim support, while extending protections to all individuals, regardless of employment type, making it particularly relevant for workers in informal sectors like the creative economy. However, challenges remain in enforcing the law due to cultural stigmas, victim-blaming, and limited access to legal resources, which can hinder its effective application ([28]). Additionally, the creative economy, with its unique working

conditions and informality, may require tailored strategies for implementing the law. While research on gender-based violence in Indonesia is growing, there is a gap regarding the application of Law Number 12 of 2022 specifically in the creative economy, as much of the existing literature focuses on domestic violence or GBV in formal industries. This study aims to address this gap by conducting a juridical analysis of the law, examining its relevance and application within Indonesia's creative economy through real-world cases, legal precedents, and stakeholder perspectives, ultimately offering practical recommendations for improving enforcement and ensuring a safer working environment for all creative economy workers.

3. METHODS

3.1 Research Design

This study adopts a qualitative juridical analysis approach, combining legal research and empirical investigation. The purpose of this approach is to examine the legal framework provided by Law Number 12 of 2022 and assess its application in real-world scenarios within the creative economy. Juridical analysis is particularly suited to this research as it allows for an in-depth evaluation of legal provisions, policies, and practices in relation to gender-based violence.

Additionally, a case study method was employed to analyze specific instances of sexual violence and GBV within Indonesia's creative economy. This method facilitates a detailed exploration of how the law is applied in individual cases, allowing for a more nuanced understanding of its effectiveness. By focusing on both the legal framework and empirical case studies, the research captures the intersection between theory and practice.

3.2 Data Sources

The research draws upon two primary data sources: legal documents and empirical case studies, selected to provide a comprehensive understanding of how Law Number 12 of 2022 is applied in addressing gender-based violence (GBV) within the creative economy. The legal document

analysis focuses primarily on Law Number 12 of 2022 concerning sexual violence, reviewing its provisions, definitions, and legal mechanisms, while also considering other relevant Indonesian laws, such as Law Number 23 of 2004 on the Elimination of Domestic Violence and Law Number 13 of 2003 on Manpower, to provide a broader legal context. Additionally, government regulations and guidelines that facilitate the practical application of Law Number 12 of 2022 were also examined. To understand the law's practical application, several case studies of GBV within the creative economy were analyzed. These case studies were drawn from judicial rulings, media reports, and available victim testimonies, providing insights into the challenges encountered during legal proceedings and victim protection efforts. Court decisions highlighted how the law was applied, while media reports and interviews with stakeholders offered contextual understanding and additional perspectives on the reporting and prosecution of GBV cases.

3.3 Data Collection Methods

The data collection involved two methods: document analysis and case study collection, both designed to assess the effectiveness of Law Number 12 of 2022. Document analysis reviewed the law's text, regulations, and guidelines to identify mechanisms for prosecuting sexual violence, protecting victims, and addressing gaps in implementation, focusing on definitions, legal procedures, victim protection, sanctions, and rehabilitation. Case studies from court decisions, legal databases, and media reports examined how the law was applied in Indonesia's creative economy, analyzing the nature of incidents, legal processes, and case outcomes, with additional insights from interviews and testimonies where available.

3.4 Data Analysis

The data collected from legal documents and case studies were analyzed using qualitative content analysis, allowing for an in-depth examination of Law Number 12 of 2022 and its application in handling sexual violence and gender-based violence

(GBV). The legal document analysis focused on identifying key themes such as legal definitions of sexual violence, procedural protections for victims, law enforcement roles, and the effectiveness of criminal sanctions and rehabilitation programs. Gaps in the legal framework were also noted, particularly where implementation challenges or additional regulations might be needed. Case studies were analyzed to assess how the law was applied in real incidents within the creative economy, examining victim challenges, legal protections, the response of employers and law enforcement, and case outcomes. Cross-case analysis helped identify common themes, best practices, and areas for improvement in the application of the law.

4. RESULTS AND DISCUSSION

The results are based on the legal document analysis and case studies of sexual violence within this sector. Following the results, a discussion is provided to interpret these findings in the context of the broader legal and social landscape, as well as to offer recommendations for improving the application of the law in handling cases of GBV in the creative economy.

4.1 Legal Provisions of Law Number 12 of 2022

The analysis of Law Number 12 of 2022 reveals that the law is comprehensive in its scope and provides clear definitions and procedures for addressing sexual violence. The key provisions relevant to this study are summarized below:

Definitions of Sexual Violence: The law provides a broad and inclusive definition of sexual violence, covering acts such as sexual harassment, sexual exploitation, forced marriages, and sexual slavery. This expansive definition ensures that various forms of gender-based violence are criminalized, offering a wide scope for legal protection.

Victim Protection Mechanisms: One of the core strengths of Law Number 12 of 2022 is the range of victim protection measures it mandates. These include the right

to legal assistance, medical and psychological support, and protection from further harm during the legal process. Victims also have access to safe houses and shelters, which provide a secure environment during legal proceedings.

Criminal Sanctions and Rehabilitation: The law imposes strict criminal sanctions on perpetrators of sexual violence, including imprisonment and fines. Additionally, it emphasizes the rehabilitation of both victims and perpetrators. For victims, the law mandates long-term support services, while for offenders, it offers rehabilitation programs aimed at reducing recidivism.

Legal Procedures for Reporting and Prosecution: The law outlines a clear legal process for reporting sexual violence cases, including streamlined mechanisms for submitting complaints, obtaining evidence, and prosecuting offenders. Law enforcement agencies are required to act swiftly in processing complaints, and special provisions are made for vulnerable groups, such as women and minors.

While these legal provisions are promising, the effectiveness of their implementation in the creative economy requires further exploration, particularly given the sector's unique challenges.

4.2 Case Study Findings

The case study analysis reveals several key themes related to the application of Law Number 12 of 2022 in handling cases of gender-based violence within Indonesia's creative economy. The following are the main findings from the cases reviewed:

Challenges in Reporting Sexual Violence: One of the recurring themes across the cases is the difficulty victims face in reporting sexual violence. In the creative economy, where employment is often informal, workers may feel hesitant to come forward due to fear of losing job opportunities or facing retaliation from powerful figures within the industry. Many victims in the creative sector are freelancers or contractual workers who lack formal employment protections, making it harder for them to navigate the legal system.

Barriers in Legal Processes: Although Law Number 12 of 2022 provides a clear legal framework for handling sexual violence cases, there are still significant barriers in its implementation. In several of the cases analyzed, delays in legal proceedings were common, and victims reported feeling re-traumatized by the lengthy and often bureaucratic process of seeking justice. Furthermore, law enforcement agencies and judicial authorities sometimes lacked the necessary training or sensitivity to handle GBV cases, resulting in inadequate responses.

Role of Industry Stakeholders: Another key finding is the role of employers and industry associations in either enabling or mitigating sexual violence. In some cases, industry leaders were found to be complicit in creating hostile work environments where sexual violence was overlooked or minimized. On the other hand, in instances where industry associations took an active role in enforcing workplace safety standards and promoting gender equality, the incidence of GBV was significantly reduced.

Positive Outcomes in Legal Rulings: Despite the challenges, some positive outcomes were observed in cases where Law Number 12 of 2022 was successfully applied. In these cases, perpetrators were held accountable, and victims received both legal justice and access to support services. The law's provisions for victim compensation and rehabilitation were especially effective in helping victims rebuild their lives after the trauma of sexual violence.

DISCUSSION

The findings from the legal analysis and case studies highlight both the strengths and limitations of Law Number 12 of 2022 in addressing sexual violence within Indonesia's creative economy. The discussion below interprets these results and offers insights into how the law can be more effectively implemented.

One of the major strengths of Law Number 12 of 2022 is its comprehensive and victim-centered approach. By offering a broad definition of sexual violence and including mechanisms for victim protection, the law

ensures that a wide range of GBV cases can be prosecuted. The provisions for legal assistance, medical and psychological support, and victim compensation are particularly important for ensuring that victims receive the help they need throughout the legal process.

In cases where the law was effectively implemented, it provided a clear path to justice for victims and helped to hold perpetrators accountable. The inclusion of rehabilitation programs for both victims and offenders reflect a progressive approach to reducing recidivism and addressing the root causes of gender-based violence. Furthermore, the law's application across all sectors, including the creative economy, ensures that informal workers are not excluded from legal protections.

Despite the strengths of Law Number 12 of 2022, its implementation within the creative economy has faced significant challenges. The informal nature of the sector, characterized by freelance work and project-based employment, creates a complex environment where legal protections are often difficult to enforce. Workers in the creative economy may lack access to formal employment contracts, making it harder for them to seek legal recourse in cases of sexual violence.

Moreover, the case study analysis revealed that law enforcement agencies and judicial authorities are not always well-equipped to handle GBV cases, especially in industries like the creative economy where traditional employment structures are less prevalent. This highlights the need for specialized training and capacity-building for those responsible for implementing the law, particularly in dealing with the unique challenges of the creative sector.

Another challenge is the stigma and social pressures that prevent victims from reporting incidents of sexual violence. In the creative economy, where reputation and personal networks play a crucial role in career success, victims may be reluctant to come forward for fear of damaging their professional relationships. This underscores

the need for greater awareness and advocacy around the rights of workers in the creative economy, as well as the importance of creating safer reporting mechanisms.

The role of industry stakeholders, including employers and industry associations, is critical in addressing GBV within the creative economy. In cases where industry leaders were proactive in enforcing workplace safety standards, the incidence of sexual violence was reduced, and victims felt more supported in reporting abuses. This highlights the potential for collaboration between the government and industry associations to create safer work environments through the implementation of workplace policies that align with the provisions of Law Number 12 of 2022.

Employers in the creative economy should be encouraged to adopt gender-sensitive workplace policies and establish clear protocols for handling GBV cases. This includes providing training for managers and staff on sexual harassment prevention, ensuring access to safe reporting mechanisms, and fostering a culture of accountability. Industry associations can play a key role in disseminating best practices and setting industry-wide standards for workplace safety.

RECOMMENDATIONS

Based on the findings and discussion, the following recommendations are proposed to improve the application of Law Number 12 of 2022 in handling cases of gender-based violence in Indonesia's creative economy:

- a. There is a need for specialized training programs for law enforcement officers and judicial authorities on handling sexual violence cases, particularly in informal sectors like the creative economy. This training should focus on gender sensitivity, trauma-informed practices, and the specific challenges faced by victims in the creative sector.
- b. The government should expand access to victim support services, including legal aid, counseling, and

- safe housing, to ensure that victims in the creative economy have the resources they need to pursue justice. These services should be made more accessible to freelance and informal workers who may not have traditional employment protections.
- c. Industry associations and employers in the creative economy should be encouraged to adopt and enforce gender-sensitive workplace policies that prevent sexual violence and support victims. This can be achieved through public awareness campaigns, training programs, and the establishment of clear reporting protocols.
 - d. There is a need for more confidential and accessible reporting mechanisms for victims of sexual violence in the creative economy. The government and industry stakeholders should work together to establish reporting platforms that protect the anonymity of victims and reduce the fear of retaliation.
 - e. The government should establish monitoring and evaluation mechanisms to assess the effectiveness of Law Number 12 of 2022 in different sectors, including the creative economy. Regular reviews of the law's implementation can help identify gaps and areas for improvement, ensuring that the legal

framework remains responsive to the needs of victims.

5. CONCLUSION

Law Number 12 of 2022 on the Crime of Sexual Violence provides an essential legal framework for addressing gender-based violence in Indonesia, including in the creative economy. The law's comprehensive approach, which includes detailed definitions of sexual violence, victim protection mechanisms, and criminal sanctions, offers a robust legal tool to combat GBV. However, the informal and often unregulated nature of the creative economy poses significant challenges for the law's effective implementation. Barriers such as difficulties in reporting, lengthy legal processes, and insufficient law enforcement training hinder the achievement of justice for many victims.

Furthermore, the role of industry stakeholders is critical in either fostering safe environments or perpetuating conditions conducive to GBV. By adopting stronger workplace safety policies, promoting gender equality, and providing accessible reporting mechanisms, the creative economy can become a safer space for all workers. Enhanced training for law enforcement, industry-wide collaborations, and continuous monitoring of the law's implementation are necessary to ensure that Law Number 12 of 2022 fulfills its potential in protecting vulnerable individuals in the creative sector.

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