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Law Enforcement Against Perpetrators Of Physical Sexual Violence Against People With Mental Disorders (ODGJ)

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Abstract. The crime of physical sexual violence against individuals with mental disorders is a serious human rights violation and requires strict law enforcement. This study examines Decision Number 657/Pid.B/2024/PN Tjk, in which the defendant was found guilty under Article 285 of the Criminal Code and sentenced to eight years in prison and a fine of Rp 2,000. This study aims to analyze how law enforcement is carried out against perpetrators of sexual violence targeting people with mental disorders and to identify factors that hinder this process. Using a normative and empirical juridical approach, data were collected through a literature review and interviews with investigators, judges, and legal scholars, then analyzed qualitatively. The findings indicate that although law enforcement has been carried out in accordance with the Criminal Code, weaknesses still remain, especially at the execution stage, which focuses more on punishment than on victim recovery. In addition, this study identifies challenges related to legal substance, law enforcement capacity, infrastructure, and socio-cultural attitudes. In conclusion, synchronization between the Criminal Code and Law Number 12 of 2022 concerning Crimes of Sexual Violence is crucial to ensure justice, with an emphasis on victim restitution, rehabilitation, and strengthening inter-institutional coordination.

Keywords: *Law Enforcement; Sexual Violence; People with Mental Disorders; Criminal Justice; Victim Protection.*

INTRODUCTION

Indonesia, as a nation founded on the protection of human rights, recognizes that the dignity and well-being of every citizen must be upheld without discrimination, including for people with mental disorders. The nation's initial commitment to mental health legislation was evident through the enactment of the Mental Health Law of 1966, which made Indonesia one of the few countries in Asia at the time with a specific law governing psychiatric welfare. However, in 1992 this law was repealed and merged into the Health Law, resulting in a significant reduction in articles regulating mental health. For decades, legal attention to mental health remained minimal until the re-enactment of Law No. 18 of 2014 concerning Mental Health, which reaffirmed the State's responsibility to ensure the protection, rehabilitation, and respect for individuals with mental disorders (Suprayitna, 2014). The World Health Organization (WHO, 2014) defines sexual violence as any act committed for sexual gratification or any act directed against another person's sexuality through coercion, regardless of the perpetrator's relationship with the victim. Similarly, UNICEF (2018) conceptualizes sexual violence as any act involving coercion, persuasion, or commercial use of a person in sexual activity. These definitions emphasize that sexual violence involves not only physical acts but also psychological and social

coercion. In Indonesia, the concept of sexual harassment, often understood as unwanted and degrading sexual behavior, has long been debated and remains a serious issue in various social contexts. The enactment of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) marks a significant milestone in the Indonesian legal system. This law provides a more comprehensive framework for addressing sexual violence, particularly in Articles 4 and 5, which define non-physical sexual harassment and stipulate a prison sentence of up to nine months or a fine of up to ten million rupiah (R. Monica, Dona, Husin, & Saputra, 2023). This law serves as a formal and moral foundation for victim protection and ensures legal certainty for the community.

However, despite these developments, law enforcement of sexual violence, particularly that involving people with mental disorders (ODGJ), remains challenging. Non-physical and physical sexual violence against victims of mental disorders (ODGJ) often goes unreported or unresolved due to various barriers. Lack of evidence is a major barrier, as such acts typically occur in isolated or private settings. Victims' psychological vulnerability also contributes to underreporting, as many are unable to provide consistent or legally valid statements due to their mental health. Furthermore, social stigma and the tendency for communities to resolve issues privately through family mediation further undermine victims' access to justice. These barriers result in limited perpetrator accountability and the continued marginalization of victims with mental disabilities (Paradias & Soponyono, 2022). Legally, Indonesian criminal law already criminalizes acts of sexual violence. Article 285 of the Criminal Code (KUHP) stipulates a maximum sentence of twelve years for rape, Article 286 imposes a prison sentence of up to nine years for sexual intercourse with an unconscious or helpless woman, and Article 289 stipulates a sentence of nine years for forced indecency. However, these provisions are largely perpetrator-centered and fail to prioritize the recovery and rehabilitation of victims (Lamintang, 2018). The enactment of Law No. 12 of 2022 is intended to fill this gap, as seen in Article 70, which guarantees victims' rights to medical, psychosocial, and economic recovery, and Article 15(1)(h), which increases penalties if the victim is disabled. Despite these legal guarantees, their practical implementation remains weak, particularly at the law enforcement stage (Saraswati, 2019). Several cases in Bandar Lampung illustrate this shortcoming. One notable example involved a 38-year-old woman with a mental illness who was sexually assaulted by a 66-year-old man, identified as Malianto. While the act was serious, the case relied primarily on eyewitness accounts, as the victim was unable to provide a coherent statement. The perpetrator was charged under Article 289 of the Criminal Code and Article 6 of Law No. 12 of 2022, which carries a maximum sentence of nine years in prison (Dwi Pranyanto, 2024). In another incident, a woman with a mental illness was assaulted near the Durian Monument in Bandar Lampung, and a video of the assault circulated widely on social media. Despite clear visual evidence, law enforcement failed to identify and arrest the suspects. Local police acknowledged the need for better interagency cooperation to ensure the prosecution of the perpetrators and the victim's psychological recovery (Vitorio, 2022). These cases demonstrate that Indonesia's current criminal justice system remains fragmented in addressing crimes involving vulnerable individuals. The lack of integrated coordination between the police, social services, and mental health workers results in gaps in prevention and law enforcement. In principle, the Social Services Agency and the Public Order Agency (Satpol PP) should collaborate with law enforcement agencies to provide holistic support mechanisms, including victim identification, psychosocial rehabilitation, and environmental monitoring to reduce the risk of re-victimization. However, this collaboration is often reactive rather than preventative, limiting its effectiveness (Anggraeni & Damayanti, 2022). Statistically, the high incidence of sexual violence underscores the systemic nature of this problem. In 2021, over 10,000 cases of sexual violence were recorded nationwide, and in 2023, Lampung Province alone documented 781 incidents, reflecting a continuing trend of gender-based violence (Vitorio, 2022). Although the majority of

victims are women without mental disorders, cases involving people with mental disorders highlight their greater vulnerability due to the intersection of gender, mental disability, and social exclusion. The absence of specific procedural protections such as mandatory psychological assessments, expert testimony, and witness protection further exacerbates this inequality in access to justice. In this context, the purpose of this study is to analyze the law enforcement process carried out by the Indonesian police against perpetrators of physical sexual violence against people with mental disorders (ODGJ) and to identify the legal, institutional, and sociocultural factors that hinder this process. This study also seeks to evaluate the degree to which current law enforcement practices align with the provisions of Law No. 12 of 2022 and the Criminal Code (KUHP), while exploring their implications for the protection of vulnerable victims. To achieve these objectives, this study employs a normative-juridical and empirical approach. The normative aspect includes a review of relevant laws and regulations, jurisprudence, and doctrines, while the empirical component includes interviews with police investigators, judges, and legal scholars from the University of Lampung. The collected data are analyzed qualitatively to capture the normative ideals and practical realities of law enforcement in cases of sexual violence against people with mental disorders (ODGJ). Ultimately, this study aims to contribute to strengthening Indonesia's criminal justice system by proposing a more integrated, victim-centered, and disability-inclusive law enforcement framework. The findings are expected to provide insights for improving inter-agency coordination, enhancing law enforcement capacity through specialized training, and ensuring that victims receive not only legal protection but also medical, psychological, and social recovery as mandated by national and international human rights standards.

LITERATURE REVIEW

Review of Criminal Law Enforcement

1) Definition and Function of Law Enforcement

Law enforcement is a concrete effort to ensure that legal norms operate as effective guides for behavior in society and the state (Rahman & Tomayahu, 2020). Law functions as a man-made normative system designed to regulate behavior, secure institutional power, and guarantee legal certainty (Yuhelson, 2017). In this sense, enforcement is not merely the application of rules; it is the realization of justice that is perceived by the public (Rahman & Tomayahu, 2020). Proper enforcement requires adherence to procedures (formal justice) and outcomes that uphold substantive justice, thereby maintaining the legitimacy of the legal order. Beyond sanctions, enforcement also includes preventative efforts that foster legal awareness, protect human rights, and maintain social order. Failure often arises from misalignment between values (e.g., justice vs. utility; freedom vs. responsibility), which then gives rise to inconsistent norms and confusing practices that undermine public trust (Kelik Pramudya et al., 2010; Soekanto, 2014).

2) Stages of Criminal Law Enforcement

1. The criminal justice response takes place through three interrelated stages (Barda Nawawi Arief, 2001):
2. Formulation (legislative policy): the establishment of abstract norms that calibrate justice and utility to current and foreseeable conditions.
3. Implementation (judicial and pre-trial practice): the police through the courts interpret and apply criminal law while adhering to proportionality and due process.
4. Execution (penal administration): the concrete application of punishment; the stage most likely to neglect victim recovery if the institution is not victim-centered.
5. Conceptually, law enforcement aligns values into rules and, ultimately, into concrete decisions that create and maintain social peace (Nyoman Putra Jaya, 2008). In

Indonesia, law enforcement practices still tend to equate it with the implementation of court decisions, a narrow view that risks neglecting victims' rights.

Review of Sexual Violence as a Criminal Act Concept and Classification

Sexual violence encompasses unwanted and harmful sexual behavior, both physical and non-physical (McDonald & Charles, as cited in Marpaung, 2004). Sexual violence includes offensive comments, coercive advances, forced contact, and broader patterns of verbal or gestural dominance that demean dignity (Marpaung, 2004; Rahmah & Pabpu, 2015). Its consequences are profound and long-term, both physical, psychological, and social, thus requiring measures of protection, prevention, recovery, and state empowerment (Ferdiansyah et al., 2025; Monica, Dona, Husin, & Saputra, 2023).

Indonesian legal framework

The Criminal Code mandates classic offenses: rape (Article 285, maximum sentence of 12 years), sexual intercourse with an unconscious/defenseless woman (Article 286, maximum sentence of 9 years), and forced indecent assault (Article 289, maximum sentence of 9 years). More recent reforms (the TPKS Law) expand the definition, victims' rights, and sanctions, including the recognition of electronic evidence and non-physical violence (Monica et al., 2023). The Draft Law on the Elimination of Sexual Violence further addresses disability-related aggravation (e.g., heavier penalties if the victim is disabled). Despite a strong normative framework, practice remains uneven, particularly for victims with mental disabilities.

People with Mental Disorders (ODGJ): Concept and Vulnerability

1) Definition and scope

Disability law defines persons with disabilities as those with long-term intellectual, mental, or sensory limitations that, in interaction with barriers, limit equal participation (Hardjanti, 2016). The medical/psychological literature frames mental disorders as clinically significant behavioral or psychological syndromes with biological, social, or psychological etiologies that impair functioning (Sulaswati, 2005; Nurhikmah & Rahman, 2020). The preferred term ODGJ in legal and social contexts avoids stigmatizing labels and emphasizes dignity (Wardhana & Yunanto, 2023).

2) Types and Causes

A broad heuristic distinguishes between organic disorders (neurological/biochemical in origin) and functional disorders (maladaptive responses to stressors) with multifactorial causes: environmental stress, psychoactive substances, certain medications, hereditary susceptibility, and organic disease (e.g., endocrine imbalance, vitamin deficiency) (Rinawati & Alimansur, 2016). This complexity is legally important because it shapes the capacity to testify, consent, and withstand intimidation.

Structural Factors Influencing Law Enforcement

Progressive legal thought treats all institutions that exercise “judicial power” (in the broad sense of law enforcement authority) as law enforcement actors whose primary mandate is public service (Barda Nawawi Arief, 2008). Following Soerjono Soekanto’s classic model, there are five factors that condition effective law enforcement (Soekanto, 2014):

- Legal substance (statutes): the tension between abstract justice and procedural certainty can result in rigid or contradictory rules; the drafting of rules that are purposeful and not contradictory is crucial.
- Law enforcement agencies: capacity, ethics, and coordination across police, prosecutors, and courts must make justice visible and felt.

- Facilities and resources: trained personnel, organization, equipment, and funding are prerequisites for credible enforcement.
- Society: norms, beliefs, and legal awareness influence reporting, cooperation, and compliance.
- Culture: when written laws conflict with local values or informal settlements, formal law enforcement may be resisted, especially in cases of sexual violence which are often “resolved” within the family.
- For victims of mental disorders (ODGJ), these factors are interrelated: barriers to proof, uneven use of expert testimony, limited psychosocial services, and the use of informal resolutions undermine prevention and recovery efforts for victims, even when laws (e.g., Mental Health Law No. 18/2014; Disability Law No. 8/2016; TPKS Law) mandate protection, accessibility, and enhanced recovery.

How This Literature Review Is Structured (Purpose, Scope, and Synthesis)

In accordance with best practice guidelines on literature reviews (Leedy & Ormrod, 2005; Perry et al., 2003), this review:

- Objective: to “re-examine” previous research to justify the research objectives and formulate proposals regarding law enforcement in cases involving victims of mental disorders.
- Scope & Search: integrates Indonesian laws and policy instruments (KUHP; Law No. 12/2022; Law No. 18/2014; Law No. 8/2016; Permendikbud No. 30/2021) with scholarly texts and articles on criminal law, sexual violence, disability, and law enforcement practices.
- Selection & Management: prioritizes works that define key constructs, map stages of law enforcement, and analyze institutional barriers; sources are organized by theme (substance, institutions, resources, society, culture; victim typology; evidentiary issues).
- Synthesis Approach: rather than providing a summary, this review reorganizes the findings around explanatory mechanisms (how and why law enforcement fails victims of mental disorders) and contradictions (comprehensive victim rights in the TPKS Law vs. perpetrator-centered practices under the Criminal Code).

METHOD

This study uses a normative and empirical juridical approach to examine how the police enforce criminal law against perpetrators of physical sexual violence against people with mental disorders (ODGJ). The normative juridical method includes legal analysis, legal doctrine, and legislation relevant to the research topic, including the Criminal Code (KUHP), Law Number 12 of 2022 concerning Sexual Violence, Law Number 18 of 2014 concerning Mental Health, Law Number 8 of 2016 concerning Persons with Disabilities, and Law Number 2 of 2002 concerning the Indonesian National Police. Meanwhile, the empirical juridical method is applied through field research to observe how the law is implemented in practice and identify obstacles faced by law enforcement agencies.

Primary data were obtained through semi-structured interviews with three key informants: an investigator from the Women and Children Protection Unit (PPA) of the Bandar Lampung Police, a judge from the Tanjung Karang District Court, and a criminal law academic from the University of Lampung. All data was processed through several stages: identification, to ensure completeness and accuracy; classification, to group data based on relevance and type; and systematization, to organize findings according to research objectives. The analysis used qualitative descriptive techniques supported by doctrinal legal interpretation.

RESULTS

Law Enforcement Against Perpetrators of Physical Sexual Violence Against People with Mental Disorders in Decision Number 657/ Pid.B /2024/PN Tjk

Based on the theories explained previously, law enforcement against perpetrators of sexual violence against persons with psychosocial disabilities in Decision No. 657/Pid.B/2024/PN Tjk in this study is positioned at the implementation stage, which includes the investigation process by the police, prosecution by the public prosecutor, and sentencing or verdict by the court. Enforcement of criminal law against perpetrators of physical sexual violence against persons with psychosocial disabilities and women with mental disabilities is a responsibility that involves the synergistic work of law enforcement officers. The police play a crucial initial role in the law enforcement process. As the spearhead of the criminal justice system, they are tasked with conducting preliminary and thorough inquiries to uncover the legal facts of the case. This process includes gathering evidence, identifying the perpetrator, and preparing case files for submission to the prosecutor's office for subsequent court proceedings. Furthermore, the professionalism and thoroughness of police officers in carrying out their duties are crucial to ensuring the smooth and fair course of subsequent legal proceedings. Law enforcement against the crime of physical sexual violence against people with psychosocial disabilities, as regulated in Decision No. 657/Pid.B/2024/PN Tjk, is regulated in Article 289 of the Criminal Code (KUHP). The article states, "Anyone who has sexual intercourse with a woman outside of marriage, while he knows that the woman is in an unconscious or helpless state, is threatened with a maximum prison sentence of nine years." In cases of sexual violence against people with psychosocial disabilities, these acts include rape and violence, even though the perpetrator is aware that the victim has mental retardation (a woman with a mental disability). Based on Article 1 paragraph (10) of Law Number 2 of 2002, an investigator is a police official who is authorized by law to conduct investigations. Meanwhile, an assistant investigator, based on Article 1 paragraph (12), is a police official appointed by the Chief of the Republic of Indonesia National Police based on certain rank requirements and is given certain authority to carry out investigative duties as regulated by law. role , the police are responsible for receiving complaints from the public, conducting inquiries and investigations, and then submitting case files to the public prosecutor for trial. In cases of physical sexual violence against persons with psychosocial disabilities, the police act from the initial stage by receiving reports, collecting evidence, and examining witnesses and victims, taking into account the victim's specific circumstances.

The case is then transferred to the prosecutor's office, where prosecutors, acting under a warrant from the Chief Prosecutor, begin their duties. The public prosecutor's responsibility begins at the investigation stage, marked by the issuance of a P-16. The police then submit the case files to the public prosecutor for formal and material examination of the alleged articles of indictment. If the formal and material requirements are met, the prosecutor's office issues a P-21, accompanied by the handover of the suspect and evidence, marking the transfer of responsibility from the police to the prosecutor's office. The case is then transferred to the court for the evidentiary process in court. At this stage, the prosecutor's role is crucial in proving the articles of indictment so that the judge can render a fair verdict. In practice, police in various regions, including Bandar Lampung City, are ready to receive and follow up on reports of criminal acts, especially physical sexual violence against people with psychosocial disabilities, as a form of commitment to providing legal protection. An incident of physical sexual violence against a person with psychosocial disabilities occurred in Bandar Lampung City as reflected in Decision Number 657/ Pid.B /2024/PN Tjk with the perpetrator MALIANTO, 66 years old. Law enforcement by the Public Prosecutor may involve a single-count indictment under Article 285 of the Criminal Code ("anyone who by force or threat of force forces a woman to have sexual intercourse with him outside of marriage is guilty of rape"). The prosecutor is also the sole

executor authorized to enforce a decision with permanent legal force (in kracht) to ensure legal certainty. The prosecutor also functions as the state's attorney under Law No. 16 of 2004 in conjunction with Law No. 11 of 2021 concerning the Prosecutor's Office. In cases of sexual violence against persons with psychosocial disabilities, prosecutors generally demand a prison sentence by referring to Law No. 12 of 2022 concerning Sexual Violence (the TPKS Law) and the provisions of the Criminal Code. For example, rape can be prosecuted under Article 285 of the Criminal Code, while indecent acts can be prosecuted under Articles 289 and 290 of the Criminal Code.

The legal basis is adjusted according to the type of act, modus operandi, and the level of violation of the victim's rights. The victim's vulnerability provides an additional basis for formulating more favorable charges and upholding the perpetrator's accountability. Prosecutors consider aggravating and mitigating factors. Aggravating factors include the gravity of the act, mens rea, the psychological and social impact on the victim, and the impact on public order. Mitigating factors may include the defendant's cooperation, remorse, or objectively relevant circumstances. These considerations determine the severity of the sentence demanded. In the adjudication, the panel of judges considered the components of physical sexual violence, which is defined as forced sexual physical contact against the victim, in this case a person with a psychosocial disability.

This act is unlawful because it violates bodily autonomy and dignity. Based on the facts of the trial, specifically the incident on Saturday, April 20, 2024 at around 08.30 WIB on Jalan Pensiunan, the panel of judges found that the Defendant pressed the Victim against the wall, lifted the Victim's skirt, lowered the Victim's underwear and his own pants to his knees, and inserted his penis into the Victim's vagina while hugging the Victim. According to Agus Windana, to ensure justice for victims of sexual violence against people with psychosocial disabilities or people with disabilities with the capacity to testify, the judge must consider the conditions of the defendant, victim, and witnesses. The verdict must be based on at least two valid pieces of evidence, which guarantee the belief that the crime occurred and that the defendant is the perpetrator, so that the verdict reflects justice and legal certainty. According to Agus Windana, law enforcement by the District Court includes three main stages, namely formulation, application, and execution.

1. Formulation Stage
2. Application Stage
3. Execution Stage

Decisions in cases of sexual violence against persons with psychosocial disabilities play a crucial role in achieving dignified justice. Through careful and comprehensive consideration, judges are expected to render decisions that reflect justice for both victims and defendants. In cases involving vulnerable victims, decisions not only resolve disputes but also educate the public about the importance of protecting persons with psychosocial disabilities in the legal process, thereby upholding trust in the integrity of the judiciary. Based on psychological examinations and counseling conducted by the Lampung Province UPTD PPA on the victim, the results indicated that the victim lacked the ability to understand and assess the situation and determine an appropriate solution. After the incident, the victim did not understand the consequences of casual sexual activity and was unable to avoid or seek help during and after the incident. Therefore, the panel considered that the victim, because she was not a normal person/had special needs, was unable to express her refusal to have sexual relations with the Defendant, and the Defendant took advantage of the victim's abnormal condition; thus, the Defendant's actions met the requirements of coercion, and the elements of forced sexual intercourse were met. Law enforcement must pay attention to three aspects in the formulation, application and implementation of criminal justice.

Factors that Hinder Law Enforcement against Perpetrators of Physical Sexual Violence against People with Mental Disorders

The main obstacle relates to the legal aspect itself. Jefri revealed that in practice, the applicable criminal law sometimes contains loopholes that can be exploited by perpetrators of criminal acts or become obstacles in the evidentiary process in court. One of the main causes of this legal loophole is the lack of specific legal norms to regulate certain situations, such as cases of physical sexual violence committed against women with mental disorders. The Law on Criminal Acts of Sexual Violence is a legal reform effort to prevent and address all forms of sexual violence, protect, and rehabilitate victims of sexual violence. This legal reform aims to prevent all forms of sexual violence, provide treatment, protection, and recovery for victims, enforce the law and rehabilitate perpetrators, create an environment free from sexual violence, and ensure the non-recurrence of sexual violence. This law is expected to provide clearer legal certainty for victims, perpetrators, and law enforcement officials, so that each party understands their rights and obligations in the prevention and handling of sexual violence. The Law on Criminal Acts of Sexual Violence provides protection for victims of sexual violence. To obtain treatment, protection, and recovery, of course, sexual violence that occurs must be disclosed and reported. One of the main challenges in police law enforcement against perpetrators of sexual violence against people with mental disorders is the lack of knowledge of the perpetrator's identity or whereabouts, thus complicating law enforcement. While police continue to search, in practice, perpetrators who realize they are being sought often choose to hide or flee to other areas.

This demonstrates that law enforcement against sexual violence relies not only on evidence but is also greatly influenced by the effectiveness of the search for the perpetrator and public cooperation in providing information. The biggest obstacle lies in efforts to locate and apprehend perpetrators who flee or conceal their whereabouts. This is exacerbated by limited supporting equipment, especially if the perpetrator is no longer using electronic devices that can be detected or tracked. Furthermore, other factors that hinder the law enforcement process include a lack of direct witnesses, incomplete technical evidence at the crime scene (TKP), and low public participation in providing information. These obstacles cause the legal process to continue, but it has not yet reached a final resolution because the perpetrator has not been apprehended. Another factor hindering the professionalism of law enforcement officers is the high workload faced by law enforcement officers. Investigators often have to handle various types of criminal cases simultaneously, ranging from theft to more complex cases, such as murder.

This situation has the potential to reduce investigators' focus and attention on investigating certain cases that require specialized handling, one of which is cases of physical sexual violence against individuals with mental disorders. This lack of focus can negatively impact the quality and accuracy of the investigation process, necessitating more effective workload management efforts to ensure each case is resolved properly. Jefri explained that the large number of cases that must be handled in a short time can reduce the quality of investigators' work, especially in documenting evidence and preparing the Investigation Report (BAP). Small errors in preparing the BAP, such as inconsistent chronology, errors in recording witness statements, or failure to include important evidence, can open loopholes for perpetrators to escape punishment in court. Furthermore, inaccuracies in the administrative process can also harm victims, especially in sensitive cases such as sexual violence. Therefore, a continuous work evaluation system is needed to ensure that each stage of the investigation is carried out carefully and in accordance with standard operating procedures. In carrying out these duties, officers find that the need for support facilities is often disproportionate to the complexity of the cases they face. In cases of physical sexual violence against people with mental disorders (ODGJ), handling requires special sensitivity and an appropriate approach to

victims in vulnerable situations. Speed and accuracy in gathering evidence are crucial to ensuring justice for victims. However, this is often hampered by limited tools, technology, and trained human resources to handle victims with mental disorders. As a result, the investigation process is less than optimal, and perpetrators of sexual violence become increasingly difficult to prosecute. Legal protection for victims of sexual violence in Indonesia remains a serious challenge because the existing law enforcement system has not fully met the public's expectations of justice.

This is evident in the lack of public trust in law enforcement officials, where victims often feel neglected and their rights are less guaranteed. In this context, efforts to provide maximum protection to victims of sexual violence must be prioritized, especially since one of the basic principles of human rights is to provide special attention to victims. The situation becomes more complex when the victim is a person with a mental disorder (ODGJ), who often experiences physical sexual violence but whose testimony is often ignored or doubted, so that legal protection for them must be strengthened specifically and comprehensively. According to Jefri, the main obstacle from societal factors is a lack of legal awareness. Many people do not understand their obligation to provide honest information or testimony during the investigation process. Some of them fear threats or intimidation from certain parties, making them reluctant to testify in court. This is in accordance with Article 184 paragraph (1) of the Criminal Procedure Code (KUHAP), which states that witness testimony is one of the valid pieces of evidence. The absence or unavailability of witnesses can hinder the evidentiary process in a case. In cases of physical sexual violence against people with mental disorders, the victim is often perceived as incapable of providing clear testimony or as being looked down upon by society. This stigma can create bias in investigations and affect the credibility of witnesses and victims in the eyes of investigators and the court.

DISCUSSION

Law Enforcement Against Perpetrators of Physical Sexual Violence Against People with Mental Disorders in Decision Number 657/ Pid.B /2024/PN Tjk

Law enforcement and social legal awareness are inseparable from the role of law enforcement officers, whose duty is to uphold legal norms and rules. When law enforcement officers carry out their duties properly, law enforcement will be carried out in accordance with the goals of justice. Law is a set of specific rules that regulate human behavior in society, nation, and state; these rules are binding and provide certainty, justice, and protection for every individual. According to Jimly Asshiddiqie, law enforcement is an effort to ensure that legal norms are truly upheld and implemented, serving as guidelines for legal behavior and interactions in society and the state. Conceptually, law enforcement involves aligning the values contained in clear rules with concrete actions, with the aim of creating, maintaining, and preserving social order.

To ensure the law remains in effect, if necessary, law enforcement officers can use legitimate coercion. In cases of physical sexual violence involving victims with psychosocial disabilities, law enforcement requires more than simply applying positive norms; it demands procedural sensitivity and reasonable accommodations to ensure fair evidence is presented without compromising victim protection. Jimly's framework of aligning norms and concrete actions implies that the law should not stop at text; it should be experienced as protection, redress, and prevention. Similarly, Barda's three stages highlight that quality depends on consistency at every level: how the rules are formulated, how they are applied, and how decisions are executed. At the formulation level, the dual reference between the Criminal Code (KUHP) and the TPKS Law is central. The KUHP defines core offenses (e.g., rape and indecent acts), while the TPKS Law expands the definition, guarantees victims' rights, and establishes remedies. The ideal policy is integration, not substitution: the elements of offenses and evidence

are based on the KUHP, with victim protection, accommodation, and comprehensive remedies promoted by the TPKS Law, thus uniting legal certainty (KUHP) and substantive justice (TPKS Law) in decisions.

Factors that Hinder Law Enforcement against Perpetrators of Physical Sexual Violence against People with Mental Disorders

According to Soerjono, Soekanto, law enforcement also involves factors that can hinder the process, namely:

1. **The Legal Factor Itself (Legislation)**, Law enforcement in the field often presents a dilemma between legal certainty and justice. This occurs because the concept of justice is abstract, while legal certainty is a normatively established procedure. Legislation must be drafted clearly, firmly, and unambiguously so that it is easily understood and implemented by the public and law enforcement officials. If the legislation contains legal gaps, overlaps, or is irrelevant to social conditions, the law enforcement process will be hampered. Therefore, the quality of legislation is one of the main determinants of the success of law enforcement.
2. **Law Enforcement Officials**. Law enforcement officials play a crucial role in upholding justice in society; those directly and indirectly involved in law enforcement include the police, prosecutors, courts, advocates, and correctional institutions. Obstacles often arise when law enforcement officials lack competence, are not neutral, or even abuse their authority. Furthermore, inadequate numbers of officers or inconsistent attitudes in enforcing the law can also undermine public trust in the legal system.
3. **Facilities and Infrastructure**, Law enforcement requires adequate facilities and infrastructure. This includes the technology, budget, infrastructure, and human resources required for the legal process. For example, a lack of adequate evidence, unavailable investigative facilities, or limited personnel can hamper effective law enforcement. Without adequate support, even if the law and law enforcement officers are sound, law enforcement remains difficult to implement optimally.
4. **Community Factors**, The community, both as objects and subjects of law, plays a crucial role in supporting the success of law enforcement. Legal awareness, education level, and compliance with regulations significantly influence the legal process. If the community is apathetic or does not understand the applicable regulations, law enforcement will be ineffective. Conversely, the community actively providing information or reporting violations can assist law enforcement officers in carrying out their duties.
5. **Cultural Factors**, Indonesian culture is the primary foundation for the application of customary law. Written laws, such as statutory regulations, ideally reflect the values underlying customary law. In law enforcement practice, the more aligned the laws and regulations are with the community's culture, the easier they are to implement. Conversely, if laws and regulations are inconsistent with or contradict the community's culture, their implementation and enforcement will face numerous obstacles.

CONCLUSION

The conclusions of this study are as follows: Analysis of Law Enforcement Against Perpetrators of Physical Sexual Violence Committed Against People with Mental Disorders (ODGJ) in Decision Number 657/Pid.B/2024/PN Tjk was carried out through the stages of the criminal justice system. At the formulation stage, the legal basis is regulated in Articles 285 and 286 of the Criminal Code (KUHP); however, adjustments are still needed to implement Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS), especially Article 70, which guarantees the victim's right to receive recovery, and Article 15 paragraph (1) letter (h), which increases the penalty if the victim is a person with a disability. At the application stage, law enforcement officers, investigators, public prosecutors, and judges have carried out

their duties according to their respective authorities, but there are still challenges, including the lack of electronic evidence and limited community participation, resulting in less than optimal quality of evidence. At the execution stage, the prison sentence against the defendant has been carried out in accordance with Decision Number 657/Pid.B/2024/PN Tjk, however, aspects of victim recovery such as restitution, rehabilitation, and social support have not been fully implemented.

Factors hindering law enforcement, as reflected in Decision Number 657/Pid.B/2024/PN Tjk, can be examined from several perspectives. From a substantive legal perspective, the Criminal Code (KUHP) is still more frequently applied than Law Number 12 of 2022 concerning Sexual Violence Crimes (UU TPKS), resulting in suboptimal victim protection. From a law enforcement perspective, the police face limitations in gathering evidence and low public participation; public prosecutors face difficulties due to inconsistencies in victim testimony; and judges must involve experts due to the victim's psychological condition. From a facility and infrastructure perspective, technological support and specialized services for victims are still minimal. From a societal perspective, low legal awareness and fear of reporting reduce support for victims. Meanwhile, from a cultural perspective, the tendency to resolve cases through family or informal channels often ignores the victim's sense of justice.

LIMITATIONS

The limited availability of primary legal documents such as complete case files, forensic reports, and detailed police records also limits this analysis, requiring it to rely solely on judicial summaries and expert interviews, which may overlook nuanced procedural details. The study's qualitative, descriptive design further limits its ability to measure quantitative impacts, such as how law enforcement training affects case outcomes or the prevalence of restitution decisions under Law No. 12 of 2022 concerning Sexual Violence (the TPKS Law). These challenges are compounded, particularly because the regulatory environment surrounding the implementation of the TPKS Law is still in transition.

The absence of final implementing regulations and ongoing institutional adjustments may impact the long-term relevance of this study's findings. Furthermore, this study did not conduct a longitudinal evaluation of post-verdict implementation, including the realization of restitution, rehabilitation, or monitoring of victims and perpetrators, thus limiting a deeper understanding of how justice functions after a verdict is rendered. Therefore, future research should adopt a multi-case, mixed-methods approach that integrates doctrinal legal analysis with empirical observation across multiple regions. Longitudinal and comparative studies are crucial to assess the effectiveness of specialized law enforcement training, the use of digital evidence systems, and interagency coordination in improving protection for victims of mental illness. Through this approach, future studies can contribute to the development of a more comprehensive, disability-inclusive, and victim-centered justice system in Indonesia.

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