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Legal Protection for Victims of Sexual Violence in the Military Environment Through the Military Justice System

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Abstract: This study examines the reporting mechanism and legal protection for TNI members who are victims of sexual violence in the military environment, and evaluates the extent to which military law has been responsive and accommodating to the case of Lieutenant AAP against seven private soldiers. Using normative legal research methods with a statutory, case, and conceptual approach, as well as descriptive qualitative data analysis, this study found that TNI members who are victims of sexual violence have several reporting channels, namely to their direct superiors/unit commanders, Provost/Military Police (POM), and the Internal Supervisory Agency (TNI Inspectorate/Forces). In terms of legal protection, Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) and the Military Criminal Code (KUHPM) are the main comprehensive legal umbrellas. The KUHPM, both directly and through references to the general Criminal Code, provides a strong criminal basis. This study concludes that military law in Indonesia is fundamentally quite responsive and accommodating to handling sexual violence, in terms of the completeness of its regulatory instruments. There are multiple sanctions from the Criminal Code, the Military Disciplinary Law, and the Soldier's Code of Ethics.

Keywords: Sexual Violence, Military Law, Victim Protection, Military Justice.

INTRODUCTION

In the development civilization humans, various problem social will always present along increasing interaction social between humans, nations and countries. various problem social events that occur arise No happen in a way suddenly but is series cause and effect touch between various factor trigger including social strata which are of a nature vertical or horizontally from various field life including economics, politics, race, culture, religion, and various field life others. (Rr. Dijan Widijowati, 2023) One of them problem social issues that arise and can said one of problem that is violence sexual.

Issue violence sexual has become problem serious to get global attention, across various sector life, including institutions military. Environment military, with its hierarchical, disciplinary, and often dominated by culture patriarchy, creating complexity alone in

handling case abuse sexual. Although military own vital role in guard state sovereignty and security, cases abuse sexual activity that occurs in it No only damage integrity individual victims, but also can eroding morals and professionalism institutions That Alone.

In a way general, violence sexual is actions that are degrading, insulting, or attack dignity and honor somebody because of sexual motives, which can in the form of speech, touch, or action others. In the environment military, phenomenon This often happen in context relation power between superiors and subordinates, or even between fellow soldiers, which is aggravated with existence dependence structural and potential threat to career if the victim dares report. This is make victims often is at in vulnerable position, facing obstacle psychological, social, and structural for look for justice.

Indonesia, as a country of law, has framework the laws that govern action criminal abuse sexual. However, for TNI members, handling case criminal, including abuse sexual, regulated by the system justice military that has different characteristics and mechanisms with system justice general. Law Number 31 of 1997 concerning Justice Military become base law the main one who regulates competence, jurisdiction, and procedures in justice military. In addition, various TNI internal regulations, such as the Code of Ethics Military and Regulations Discipline Soldiers, also participated play a role in handling case this.

Example case abuse sexual harassment in the TNI environment, namely on September 22, 2023, the public surprised with case suspicion abuse sexual activity committed by a person TNI AD officer, First Lieutenant AAP, against seven soldier the privates under him. This case become highlight because occurred in the TNI environment, which during this considered as institutions that uphold tall moral values and discipline. (Kompasiana, 2025)

There is regulations governing, practices handling case abuse sexual in the environment military still often become spotlight and raise questions. Some issue important things that are often appear includes: through the Criminal Code and the TPKS Law and other laws military often cause ambiguity in determination jurisdiction and application articles, especially if the victim is inhabitant civil or perpetrator is retired military.

System justice the military in Indonesia has role central in uphold environmental law military, including in handling case abuse sexual. However, the effectiveness of system This in give protection comprehensive law for victims of harassment sexual Still become questions. Some frequent issues appear related system justice military covering potential the existence of institutional bias, lack of gender sensitivity in handling cases, as well as the lack of legal processes transparent or eat long time.

In -depth research about protection law against victims of harassment sexual in the environment military through system justice military

Based on background the background that has been described, becomes important for a number of formulation problem, namely: how mechanism reporting and protection law for TNI members who are victims of violence sexual in the environment military? and what law military Already Enough responsive and accommodating towards victims of violence sexual?

METHOD

Type of research used in writing task end this is Normative Legal Research, because in study This material library used as material main, namely material primary law consisting of from basic norms, provisions or regulation basics and regulations legislation. Research This use a number of approach that is approach legislation (Statue Approach), Case Approach, Legal Approach Conceptual (Conceptual Approach) Successful data and information collected in study analyzed with the " method qualitative in a way Descriptive " which means described in form words and connect them in a way systematic For interesting conclusion in answer problem.

RESULTS AND DISCUSSION

Mechanism Reporting and Legal Protection for TNI Members Who Are Victims of Violence Sexuality in the Environment Military

Alleged case abuse sexual assault committed by Lieutenant AAP against seven soldier enlisted on September 22, 2023 to become reminder bitter that violence sexual can happens anywhere, including in the environment the military that should be uphold tall discipline and honor.

1. Mechanism Reporting Cases of Violence Sexuality in the TNI Environment

   TNI members who were victims of violence sexual own a number of track For report the incident that they natural. The following is explanation from writer about various track reporting that can considered

   a. Superior Direct or Commander Unit

      Initial and most common route for the victim is report incident to superior direct or commander unit they. This is step first thing is important.

      1) Role of the Boss : Boss own not quite enough answer big in respond report this. They must :
         a) Respond with Serious: Taking every report with serious and not underestimate him.
         b) Guard Confidentiality: Ensure victim's identity and information remain awake its confidentiality For protect victims from potential stigma or impact negative.
         c) Continue Report: Coming soon continue report to the unit or authorized agency For handling more further, such as Provost/ Military Police or Internal Supervisory Board.
      2) Importance Trust : Success track it really depends on the level victim's trust in superior They. Supportive and non- supportive environment Judging is very important so that the victim feels safe For speak.

   b. Provost or Military Police (POM)

      Every The TNI (Army, Navy, Air Force) have Provost or Military Police (POM) units whose duties are uphold discipline and law in the environment military. This is track enforcement law main For case violence sexual.

      1) POM Duties : (Debby Nauli Rafeyfa Simanjuntak, 2024)
         a) Investigation: Conducting investigation beginning For gather evidence and information related incident.
         b) Investigation: Continuing to stage formal investigation if found Enough proof For follow up case.
         c) Enforcement: Processing case in accordance with law military and applicable laws, including arrest and detention If required.
      2) Legal Process: Report violence sexual will followed up by POM through a legal process which includes inspection witness, collection proof forensics (if relevant), and interviews with the victim and unexpected perpetrator. Results of the investigation This will determine whether case to be continued to court military.

   c. Internal Supervisory Agency (Inspector General of the Indonesian National Armed Forces/ Inspector General of the Indonesian National Armed Forces)

      Inspectorate General of the Indonesian National Armed Forces (Itjen TNI) or Inspectorate Generals in each branch (Admiralty General, Air Force General, Air Force General) can also accept reports and conduct related internal audits violations, including violence sexual.

1) Role of Inspector General: Inspector General functioning as mechanism internal supervision for ensure that all procedures and regulations within the TNI environment are complied with. (Wikipedia,2025)
2) Focus: Although No in a way direct handle the investigation process law such as POM, Inspectorate General can:
   a) Accept Report : Received report from the victim or other parties regarding suspicion violence sexual.
   b) Conducting Audits: Conducting internal audits to evaluate response unit to reports, compliance to procedures, and potential existence weakness a system that allows occurrence violence sexual.
   c) Give Recommendation : Give recommendation to TNI leadership for repair system, procedure, or action internal discipline.

2. Protection for TNI Members Victims of Violence Sexual

Protection law is protection will dignity and honor, as well as confession to rights basic human owned by the subject law based on provision law from arbitrariness. (Philipus M. Hadjon,2007) Violence sexual is A action abuse sexual to somebody without existence agreement from the parties concerned. Violence sexual can happen in various forms, including test action sexual, invitation For do action sexual, and threats action sexual. (Nafilatul Ain,2022)

Protection law for TNI members who were victims of violence sexual is aspect important in create environment safe and free military from violence. Protection This No only focus on enforcement perpetrators, but also on recovery and guarantees security for the victims. (Rizal Fa'jrin Maulana,2025) Following is explanation about various aspect protection law.

a. Legal Umbrella that Protects Victims

There are some regulation legislation that becomes runway protection law for TNI members who are victims of violence sexual :

1) Constitution Action Criminal Violence Sexual (TPKS Law)

Constitution Number 12 of 2022 concerning Action Criminal Violence Sexual (TPKS Law) is umbrella a very important law. Although this law more focus on society civil, its substance can implemented and become references in handling case violence sexual in the environment military. The TPKS Law regulates various form violence sexual, including :

   a) Abuse Sexual Non-physical : Such as whistles, speech, or gestures nuanced sexual.
   b) Abuse Sexual Physical : Touch or action physique others of a nature sexual.
   c) Coercion Contraception and Sterilization.
   d) Coercion Marriage.
   e) Torture Sexual.
   f) Slavery Sexual.
   g) Exploitation Sexual.
   h) Rape.
   i) Indecency

The existence of the TPKS Law strengthens framework law for ensnare perpetrator violence sexual activity anywhere, including in the community military, although with adjustment jurisdiction.

2) Criminal Code Military (Criminal Code)

Criminal Code Military (KUHPM) is laws that specifically specific arrange action criminal and sanctions for member military. Action criminal violence sexual acts committed by members military will tried in the

environment justice military, according to with the Criminal Code. The Criminal Code can become base For demand violation related disciplines with violence sexual, besides demands criminal general. This is ensure that soldiers who do action criminal will processed in accordance with rule military in force. (Nur Azmi Aziz, Frans Simangunsong,2024)

3) Witness and Victim Protection

Constitution Number 31 of 2014 concerning Changes to the Law Number 13 of 2006 concerning Protection of Witnesses and Victims (Witness and Victim Protection Law) provides framework comprehensive protection for victims, including :

a) Help Medical : Treatment medical quick after incident.
b) Help Psychological : Counseling and therapy For overcoming trauma.
c) Aid : Assistance by an advisor law.

Witness and Victim Protection Agency (LPSK) has vital role in give protection physical and psychological for victims and witnesses. LPSK can provide House safe, protection physical, mentoring psychological, and restitution (replacement) loss) for the victim. The existence of LPSK becomes hope big for victims in the environment military For get independent protection.

b. Form Protection Addition

Besides umbrellas the law above, there is a number of form protection important others that must be given to the victim:

1) Protection from Discrimination and Revenge

The victim must protected from all form discrimination, isolation, or action reply feud from perpetrator or other parties who try cover case. Environment military must ensure that the victim did not made difficult in career or assignment they after report case. This is very important For minimize impact negative in life professional and personal victims.

2) Rehabilitation and Recovery

Protection law No only stop at action perpetrators, but also includes rehabilitation and recovery for the victims. This can in the form of :

a) Support Psychological : Counseling and therapy sustainable For help victims process trauma.
b) Help For Adapting : Facilitating victims to return adapt with environment work and normal life.

The goal is ensure the victim does not only get justice, but also support full For restore self in a way physical and mental.

Military Law Already Enough Responsive and Accommodating Towards Victims of Violence Sexual

In the case of suspicion abuse sexual assault committed by Lieutenant AAP against seven soldier the enlisted personnel under him on September 22, 2023, there are a number of violation the law according to which writer charged, good based on the Criminal Code Military (KUHPM) and possibility violation discipline military and code ethics.

1. Violation Violence Sexual Based on the Criminal Code Military (Criminal Code)

Violence sexual in the environment military is violation serious eroding integrity institutions and damage the morale of soldiers. To take action firm perpetrators, the TNI has runway strong law, namely the Criminal Code Military (KUHPM). Articles in the Criminal Code, and in a number of case combined with the general Criminal Code (KUHP), providing base for prosecution and sentencing perpetrator violence sexual among military. (Wahyu Pratama Febriandini,2021)

A number of chapter important in the Criminal Code which is often implemented in case violence sexual, along with the explanation :

a. Article 281 of the Criminal Code concerning Indecent Acts
   This article become most common basis For ensnare action immoral or actions obscene acts pervert here interpreted as demeaning actions dignity decency someone. This is Can covers various form action, start from touch physical that is not desired, speech or signal tone sexual, up to other actions that give rise to discomfort and damage honor sexual victim. Important For noted that If actions obscene This done with element violence or threat violence, threats the punishment Can become more heavy, open road for implementation other articles that are more Serious.
b. Article 289 of the Criminal Code concerning Indecent Acts with Violence or Threat Violence
   This article in a way specific highlight actions obscene accompanied by with element coercion or threat. In the context of military, elements relation power becomes very crucial. A superiors, such as officers who have superior position to soldier privates, in a way inherent own relation great power. Pressure hierarchy, fear will sanctions disciplinary, or threat to career military can interpreted as a form of " threat " or " pressure " that makes the victim unable to empowered For refuse. Situation This in a way significant can aggravate punishment for the perpetrator, because action obscene the No Again just immoral, but also involves coercion will.
c. Article 290 of the Criminal Code concerning Obscene Acts Against Helpless People
   This article implemented if the victim is considered No empowered Because various factors, including rank, position, or condition psychological consequence pressure hierarchy. In the environment military, soldier with a rank far below his boss is very likely is at in the position in which they are feel No empowered For reject order or action his superiors, even when action That violating moral norms. Powerlessness This No only physical, but also psychological, where the victim may Afraid For oppose or report Because possible consequences happen in system hierarchical military.
d. Article 292 of the Criminal Code concerning Obscene acts of the same sex in the environment Military
   This article in a way explicit arrange actions obscene acts committed fellow type gender and occurs in the environment military. Although the Criminal Code does not always in a way explicit mention type the victim's genitals in articles general violence sexual, article 292 show attention special to issue violence sexual fellow the type that can occurs in an environment dominated by one type gender and have characteristics special like military. Implementation chapter This confirm that every form actions obscene, regardless from orientation sexual perpetrator or victim, will prosecuted firm.
e. Article 103 KUHPM jo. Article 285 of the Criminal Code concerning Rape (if proven There is element coercion connection sexual)
   Although Lots case beginning Possible reported as " harassment " sexual ", in the process of investigation, if proven There is element coercion connection sexual, then perpetrator can ensnared with chapter rape. The Criminal Code, through Article 103 of the Criminal Code, provides authority For referring to the general provisions of the Criminal Code For action criminal offenses that are not arranged in a way specifically in the Criminal Code. Article 285 of the Criminal Code regulates about rape own threat far- reaching punishment more heavy, reflecting the weight violation

this. Implementation chapter This underline commitment For take action firm every form crime sexual, including rape, in the environment military.

f. Article 103 KUHPM jo. Article 335 of the Criminal Code concerning Unpleasant Acts / Coercion

In addition to the above articles, if There is element coercion or threats that cause the victim to commit something that is not desired (for example, obeying will perpetrator without existence touch physique directly), then Article 103 of the Criminal Code in conjunction with Article 335 of the Criminal Code can become base demands. Article 335 of the Criminal Code regulates about actions No pleasant or coercion that causes somebody do or No do something that should be No done or done. This article can implemented For ensnare possible actions No involving touch physique in a way directly, but cause pressure psychological and coercive significant will towards the victim.

2. Violation Discipline Military

Beside action regulated criminal law in the Criminal Code Military (KUHPM), members the military is also bound by discipline strict military, regulated by law Number 25 of 2014 concerning Disciplinary Law Military. Violation discipline, even though No always in the form of action criminal, can impact serious about stability, professionalism, and image institutions military. Cases of violence sexual, as suspected carried out by Lieutenant AAP, no only enter in category action criminal, but also constitutes violation discipline heavy military. (Aldy Mirozul,2024)

Violation discipline military covers various action or negligence to the contrary with oath soldiers, rules officialdom and ethics military. Some points important related violation discipline relevant military with case like violence sexual includes : (Salmanita Shalsabella Pramudita and Iwan Triadi,2023)

a. Disobedience Order Official duties

A soldier tied to a chain command and must obey every order official duties. Orders official duties No only limited to tasks operational, but also includes order For guard honor self, honor colleagues, and honor institutions. Behavior abuse sexual clear contradictory with order official duties For guard environment professional and ethical work, and protect dignity every member military. This action in a way direct violate principle compliance and integrity that become foundation discipline military.

b. Do Contradictory Acts with Moral and Religious Norms

Military as institutions enforcer state sovereignty also upholds tall moral and ethical values. Harassment sexual is very contradictory action with moral and religious norms believed in by society, including in the local environment military. Violations This damage the morale of soldiers, tarnish values noble and upheld high, and create environment that is not Healthy for all over members. Disciplinary Law Military in a way firm forbid immoral acts that can damage image and integrity soldier.

c. Do Actions that can cause harm Discipline Military

Discipline military is foundation for the strength and effectiveness of the TNI. Every destructive actions discipline will have a domino effect on performance, solidarity, and trust within the institutions. Behavior Lieutenant AAP is clear damage discipline, morals, and ethos Work other soldiers. Violence sexual create fear, discomfort, and distrust among colleagues soldiers, who in the end can bother readiness operational. More far, case like This harm good name TNI institution in the eyes of public, lowering trust public to apparatus state security.

d. Abuse Authority / Position

One of violation the most serious discipline is abuse authority or position. As a officer, Lieutenant AAP has authority and power to soldier non-commissioned officers under him. Authority This given For objective lead, guide, and coordinate assignment, not For interest personal or action detrimental. Doing abuse sexual in context This is abuse serious authority and is betrayal to trust given to him. Relationship unequal power making the victim vulnerable and unable to empowered, so that violation This become more heavy.

3. Violation of the Code of Ethics Soldier

Apart from being prosecuted under the Criminal Code Military (KUHPM) and the Disciplinary Law Act Military, a TNI soldiers are also bound by the Code of Ethics TNI soldiers. Code of ethics This is moral and professional guidelines that govern behavior every member military, upholding tall values honor, integrity, and professionalism. Violations to code ethics this, like case violence sexual, no only is action illegal and indisciplined, but also treason to values noble character that becomes one's identity soldier. (Naomi Margaretha Ghokmaria Sirait,2024)

Code of Ethics soldier is not just rule written, but reflection from soul and spirit devotion. Violation towards him will damage credibility individuals and institutions in a way as a whole. In the context of case abuse sexually by First Lieutenant AAP, according to writer a number of aspect main from violation code ethics includes :

a. Abuse Sexual as a Highly Unethical Act

Code of Ethics soldier demand every member For behave praiseworthy and respectful fellow. Harassment sexual is very inappropriate action ethical and demeaning dignity other soldiers. This is a violation principle base each other respect and create environment that is not safe. A soldier expected become protector and role model, not perpetrator moral crime. This action smear image positive that should be carried by each TNI members.

b. Contrary to with Oath Soldiers and the Seven Commandments

Every TNI soldiers say Oath The soldier inside contained promise loyalty, obedience, and capability For operate task with full not quite enough answer. More far, Sapta Marga is seven promise TNI soldiers who became guidelines life and behavior they. One of them points important in Sapta Marga is "We are soldiers" The Indonesian National Army is loyal and obedient citizens of the Republic of Indonesia to Pancasila and the 1945 Constitution." In addition, Sapta Marga also emphasizes importance morality and ethics.

Acts of harassment sexual fundamentally contradictory with Spirit Oath Soldiers and Sapta Marga. This shows failure in guard honor self and institutions, as well as violate values leadership and morality that should be attached to a person officer.

c. Demeaning Dignity Another Soldier

Environment the military is very important solidarity and mutual respect believe. Harassment sexual No only harm victims in a physical and psychological, but also degrading dignity other soldiers and destroy unit cohesion. This is can create atmosphere work that is not conducive, triggers fear, and reduces Spirit struggle. Integrity all over team threatened when There is a members who violate code ethical and destructive connection professional.

4. Weighting Punishment

In the system law criminal law, including in the environment military, there are factors certain things that can become ballast punishment. (Hukum Online.com,2025) Factors This result in the sentence imposed to perpetrator become more heavy from threat minimum sentence or even average. In the case of violence alleged sexual carried

out by Lieutenant AAP against soldier privates, according to writer there are two factors ballast very significant main : relationship power and number of victims

a. Relations and Abuse Authority

This is factor the most important ballast. The status of Lieutenant AAP as superiors and officers who carry out abuse to subordinates (soldiers) non-commissioned officer) is factor very significant ballast. In the structure military, there are a clear and firm hierarchy. A officer own position, authority and far authority more tall compared to soldier the privates below him.

1) Strengthen Element Coercion : Relationship power This in a way inherent create imbalance strength. The victim, in matter This soldier private, located in very vulnerable position. They Possible feel No empowered For refuse, fear will consequence to career military they are afraid will sanctions disciplinary, or even Afraid will revenge. Fear this, although No always in the form of threat physique directly, can interpreted as form coercion or pressure psychological factors that make the victim unable to capable give free and voluntary consent. The law views that consent given below pressure relation power is not valid consent.
2) Abuse Authority : Position and authority given to officer For objective leading, coaching, and supervising, as well guard discipline and professionalism. When a officer use authority or his position For do action crime, especially violence sexual, that is form abuse serious authority. This betrays trust institutions and destroy foundation healthy hierarchy. Abuse authority This No only violation criminal, but also violations discipline and code fatal ethics.

Writer have an opinion the sentence imposed possibility big will more heavy than If actions the done by fellow soldier without relation power. Enforcer law and courts military will consider how vulnerability the victim's position is below pressure hierarchy.

b. Number of Victims

Weighting factors next is the number of victims reached seven people. In many jurisdiction, including law crime in Indonesia, the number of victims is large often become aggravating factors punishment.

1) Crime Pattern : The number of victims indicates existence pattern or trend behavior predatory, not just incident single. This indicates that perpetrator in a way systematic or repeatedly do crime, which shows level greater danger tall for public or environment.
2) Wider Impact : More many victims mean impact damage psychological, emotional, and even more physical wide in the environment military. This also damages morale and trust. in a way collective among soldier.

From the description on writer analyze that see framework available laws, both the Criminal Code, the Law Discipline Military, and Code of Ethics Soldier, law military it seems Already Enough responsive and accommodating towards victims of violence sexual from aspect device the regulations. There are articles specific related actions obscene, act obscene with violence / against people empowered, even until potential noose rape referring to the Criminal Code, shows effort law For take action perpetrator. In addition, there is sanctions discipline and code ethics add layer protection and enforcement.

CONCLUSION

1. Cases of violence sexual in the environment military, as happened seven soldier Private by Lieutenant AAP, showing that incident heartbreaking This can happen even in institutions that uphold tall discipline and honor. Mechanism reporting for TNI members who are victims of violence sexual has available through various paths, including superior direct / commander units, Provost/ Military Police (POM), and Internal Supervisory Agency (Inspector General of the Indonesian National Armed Forces/Army). Each track This own role specific, starting from handling serious and guarded start confidentiality by superiors, until investigation, inquiry and enforcement law by POM, as well as internal audits and recommendations repair system by the Inspectorate General. In addition to the mechanism reporting, protection law for the victim is aspect crucial. Indonesia has umbrella laws that can applied, namely Constitution Number 12 of 2022 concerning Action Criminal Violence Sexual (TPKS Law) which regulates various form violence sexual, as well as the Criminal Code Military (KUHPM) which became base prosecution crime in the environment justice military.
2. Based on analysis against the Criminal Code Military (KUHPM), Law Number 25 of 2014 concerning Disciplinary Law Military, and Code of Ethics TNI soldiers, can concluded that law the military in Indonesia is fundamentally already Enough responsive and accommodating to handling case violence sexual. Cases such as those involving Lieutenant AAP shows that there is framework comprehensive law For ensnare perpetrators. In addition, violations discipline military based on Law Number 25 of 2014 and violation of the Code of Ethics TNI soldiers provide layer sanctions addition for perpetrator. Act violence sexual clear contradictory with order officialdom, moral and religious norms, detrimental discipline military, and is abuse authority / position. This action is also fundamentally violating Oath Soldiers and Sapta Marga, as well as demeaning dignity another soldier.

Suggestion

1. Need done more socialization intensive and comprehensive about mechanism reporting and rights protection for all over TNI members, starting from lowest level until leadership.
2. Need existence training more special deep for all over ranks enforcer law military (including Military Police and Auditors) Military) regarding understanding deep about trauma of victims of violence sexual, technique gender -sensitive investigations, and implementation articles relevant criminal law in a way maximum, including articles weighting punishment.

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