

A Comparisons of How Indonesian Law and Texas Law Address Criminal Responsibility for Sexual Violence Offenders

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Abstract. *This study compares how criminal liability for sexual offenses is addressed in Indonesia and Texas through a normative analysis. Indonesia has shifted from its Dutch colonial legal background toward a victim-focused approach under Law No. 12 of 2022 (UU TPKS), which covers both non-physical and psychological abuse. In contrast, Texas relies on common law principles that stress consent, categorize offenses as felonies, and require offender registration. The research shows that Indonesia emphasizes restorative justice and uses wider definitions, while Texas prioritizes public safety with strict monitoring after convictions. These differences reflect distinct legal philosophies for dealing with sexual violence.*

Keywords: *Comparative Law; Criminal Liability; Sexual Violence.*

1. Introduction

Indonesia, the world’s fourth most populous country with a population exceeding 250 million (Badan Pusat Statistik RI, 2025; Ditjen Dukcapil, 2025), is confronting major demographic challenges that have led to pronounced social inequalities and an increase in crime, especially sexual offenses. The National Commission on Violence Against Women (Komnas Perempuan) plays a central role in recording these incidents, gathering data from sources like religious courts and service organizations. Its 2023 report documented 4,374 cases of domestic and sexual violence—a noticeable rise compared to previous years—with sexual violence making up the majority at 2,363 cases (Komnas Perempuan RI, 2024). These acts of violence occur in both private and public settings, reflecting a widespread problem influenced by both economic and non-economic factors. Although the government has introduced various legal measures to protect victims and pursue justice—including Law No. 12 of 2022 on Sexual Violence Crimes and Law No. 23 of 2004 on Eliminating Domestic Violence, and sexual violence rates remain high,

showing that current policies have yet to deliver a significant preventive effect (Nurisman, 2022, pp. 190–191).

Sexual crimes represent significant violations of human rights with profound physical, psychological, and social impacts on victims worldwide. Understanding legal accountability for these offenses benefits from a comparative analysis between Indonesia's civil law system, shaped by Dutch legal traditions, and the United States' common law system, which relies on judicial precedent.

While an exhaustive review of U.S. law is outside the scope of this discussion, Texas serves as a pertinent case study due to its higher incidence of sexual crimes and specific statutory definitions. Texas legislation classifies sexual offenses and prescribes corresponding penalties, providing a clear point of comparison with Indonesian law. This focused approach enables a thorough evaluation of how differing legal systems address the definition and prosecution of sexual crimes, offering insight into the relative effectiveness of these frameworks.

This research undertakes a comparative analysis of the legal frameworks governing Indonesia and the state of Texas. In the United States, the judiciary—particularly the Supreme Court—has significantly influenced legal responses to domestic and sexual violence through adjudication of numerous cases over several decades. Nonetheless, enduring patterns of violence and systemic barriers persist, reflecting issues similarly encountered in Indonesia. By comparing the Indonesian legal system with that of Texas, this study seeks to elucidate distinct approaches to criminal liability and victim protection. The examination encompasses not only statutory variations but also the broader ramifications of these legal systems on accountability and deterrence, especially given the substantial number of registered sex offenders in Texas and the rising incidence of violence in both contexts.

2. Research Methods

This study employs a normative juridical research method, specifically utilizing a doctrinal legal approach. This framework facilitates a comprehensive analysis of the law as a set of codified regulations ("law in books") and as normative principles governing human conduct. To achieve a robust analysis, the study integrates two primary methodological approaches: the statute approach and the comparative approach. The statute approach examines the prevailing legislative frameworks regarding sexual offenses, specifically analysing Indonesia's Law on Sexual Violence Crimes (UU TPKS) and the Criminal Code, juxtaposed against the United States' legal framework, with a specific focus on the Texas Penal Code and the federal Sex Offender Registration and Notification Act (SORNA). Concurrently, the comparative approach is applied using Kamba's theoretical framework, which proceeds through three distinct phases: the descriptive phase, the identification phase, and the explanatory phase. This tripartite process allows for the articulation of legal norms across both jurisdictions, the discernment of similarities

and differences, and the elucidation of the fundamental legal reasoning behind these variations.

This study is based solely on secondary data, which is organized into three distinct categories of legal materials: primary legal sources (binding statutes and regulations), secondary legal sources (authoritative books, scholarly articles, and research reports), and tertiary legal sources (legal dictionaries and encyclopaedia's). Data collection was accomplished through a systematic literature review of pertinent academic publications, legislative texts, and online resources related to sexual offense regulation. The gathered data underwent qualitative analysis employing content analysis techniques to identify and interpret principal themes within the legal documentation. The findings are presented descriptively, systematically addressing the research questions to offer a clear and thorough understanding of the discussed legal issues.

3. Results and Discussion

This study compares sexual violence laws in Indonesia, which is influenced by Civil Law, customary (*adat*) law, and Islamic law, with Texas, USA, which operates under Common Law. Indonesia's TPKS Law and New Criminal Code adopt a more victim-centred approach but still criminalise adultery as a matter of public morality. Texas, conversely, emphasizes severe penalties and strict offender control through lifetime registration, civil commitment, and incarceration. The focus of this paper is to analyse the definitions of offenses, criminal liability, standards of proof, and offender management in both jurisdictions, utilizing legal sources, academic studies, and socio-political data

3.1. How are criminal laws regarding sexual violence offences regulated in Indonesia and Texas

The regulation of sexual violence in Indonesia is governed by a hierarchical and complementary framework of legal instruments. Tabel bellows are figure out compassion of sexual harassment between Texas dan Indonesia laws:

Feature / Aspect	Indonesia (UU TPKS & New KUHP)	Texas (Texas Penal Code)
Legal Tradition	Legal Pluralism & Hybridity: A mix of national law, religious (Islamic), and customary (<i>Adat</i>) norms. Currently transitioning from the colonial code to modern <i>lex specialise</i> statutes.	Common Law: Statutes are codified in the Penal Code, but judicial interpretation plays a major role. Characterized by a "tough on crime" philosophy with high statutory maximums.
Structure of Offenses	<ul style="list-style-type: none"> - Context-Based: Categorizes crimes by specific context or method (e.g., Forced Contraception, Forced Marriage, Electronic-Based). - UU TPKS: 9 distinct core offenses. 	<ul style="list-style-type: none"> - Act & Aggravation-Based: Categorizes crimes by the nature of the act (penetration vs. contact) and aggravating factors (weapon use, injury, age). - Key Statutes: Sexual Assault, Aggravated Sexual Assault, Indecency with a Child.

	- New KUHP: Covers foundational crimes like rape.	
Adultery	<ul style="list-style-type: none"> - Criminalized (Moral Grounds): Under New KUHP Art 411, consensual sex outside marriage is a crime (Max 1 year prison). - <i>Limitation</i>: Complaint-based only (must be reported by spouse, parent, or child). 	Decriminalized: The text notes that Indonesia's criminalization of consensual moral offenses "diverges sharply" from Texas, implying adultery is not a criminal offense in Texas.
Marital Rape	Theoretically Criminalized: <ul style="list-style-type: none"> - UU PKDRT (2004): First to criminalize it. - New KUHP (Art 479): Removed the "outside marriage" qualifier, generally covering it. - Cultural resistance remains high; often requires specific Domestic Violence law application. 	Criminalized: Covered under Sexual Assault 22.011). <ul style="list-style-type: none"> - Defined as penetration without consent. - No spousal immunity mentioned; consent is negated by force, threats, or coercion regardless of marital status.
Consent Standard	Abuse of Power & Violence: Focuses on the presence of violence, threats, or "abuse of power/vulnerability" (e.g., in Sexual Exploitation or Forced Contraception).	Negation of Consent: Consent is legally negated if the actor uses force/coercion, threatens force, or if the victim is unconscious, mentally disabled, or physically unable to resist.
Age of Consent	Ambiguous: Often cited as 15 or 18 depending on the specific statute applied. Marriage age is set at 19.	Strict Age Limits: <ul style="list-style-type: none"> - Under 17: Protected against "Indecency with a Child." - Under 14: Triggers "Aggravated Sexual Assault" (1st Degree Felony).
"Romeo & Juliet" Defence	None: Indonesia lacks a specific statutory "close-in-age" exemption.	Available: Affirmative defence (21.11(b)). <ul style="list-style-type: none"> - Criteria: Actor is 3 years older than the victim, and victim is 14 years old. - Effect: Prevents felony conviction for peer experimentation.

The legal framework regarding criminal acts of sexual violence in Indonesia is specifically regulated under Law No. 12/2023 (UU TPKS), the Criminal Code (KUHP), and the modern criminal law of the New Criminal Code (Law No. 1/2023). Meanwhile, in Texas, it is regulated by the Texas Penal Code Title 5 and CCP Ch. 62. The UU TPKS regulates 9 types of sexual violence, including (UU TPKS, 2022, Pasal 4–13:

1. Non-Physical Sexual Harassment (Article 5): This provision includes categories of non-physical violence such as comments, gestures, or sexual behaviours directed at a person's body, sexuality, or reproductive organs with the intent to degrade their dignity. This is to address the rampant issue of "catcalling" and verbal harassment which was previously legally ambiguous. It is punishable by imprisonment of up to 9 months and/or a fine of up to IDR 10,000,000.

2. Physical Sexual Harassment (Article 6). This offense can be subject to imprisonment of 4 years or 12 years and/or fines varying between IDR 50,000,000 to IDR 300,000,000, depending on the severity and intent.
3. Forced Contraception (Article 8). This is punishable by imprisonment and/or a fine of up to IDR 200,000,000.
4. Forced Sterilization (Article 9). Coercion resulting in the permanent loss of reproductive function. Penalty can be Imprisonment up to 9 years and/or a fine of up to IDR 200,000,000.
5. Forced Marriage (Article 10). This provision targets cultural practices where victims (often of rape) are forced to marry their perpetrators to "cover the shame," or forced child marriages. It criminalizes the act of forcing a marriage upon oneself or another. Penalty can be Imprisonment up to 9 years and/or a fine of up to IDR 200,000,000.
6. Sexual Torture (Article 11) means specific to officials or those acting in an official capacity who use sexual violence for intimidation, extracting confessions, or punishment. This aligns with international human rights standards against torture. Penalty can be Imprisonment up to 12 years and/or a fine of up to IDR 300,000,000.
7. Sexual Exploitation (Article 12) includes Using violence, threats, or abuse of power/vulnerability to exploit a person's sexual organs for economic or sexual gratification. This covers scenarios often linked to trafficking or prostitution where consent is manufactured through debt bondage or dependency. Penalty can be Imprisonment up to 15 years and/or a fine of up to IDR 1,000,000,000 (1 billion).
8. Sexual Slavery (Article 13) means Placing a person under control and rendering them powerless for sexual exploitation. Penalty can be Imprisonment up to 15 years and/or a fine of up to IDR 1,000,000,000.
9. Electronic-Based Sexual Violence (Article 14): This critical modern addition criminalizes: Recording/capturing sexual content without consent; Transmitting sexual content (e.g., unsolicited "dick pics" or revenge porn). Stalking/tracking for sexual purposes. The penalty may include imprisonment of up to 4 years, which can be increased to 6 years if extortion or deception is involved, and/or fines of up to IDR 300,000,000.

The Law No. 12 of 2022 concerning Sexual Violence Crimes (TPKS Law), Indonesia has seen a notable evolution in its sexual violence legislation (Kurniawan, 2023, p. 24). The TPKS Law offers a more expansive and holistic definition, encompassing not only physical manifestations of sexual violence but also non-physical forms, including verbal harassment, catcalling, and various acts of psychological violence (Adiputra et al., 2022, p. 31; Musfirah & Sapira, 2025, p. 26).

Moreover, Law No. 23 of 2004 on the Elimination of Domestic Violence (PKDRT Law) provides targeted protections against sexual violence within domestic settings, including the recognition of marital rape as a prosecutable offense

(Radja, 2025, p. 40) 35 of 2014, which amends Law No. 23 of 2002 regarding Child Protection, establishes multiple layers of safeguarding for children who are victims of sexual violence, stipulating more severe penalties, ranging from a minimum of five years to a maximum of fifteen years in prison, with an additional one-third increase in sentence when the perpetrator is a parent, guardian, caregiver, educator, or teaching staff (Simanjuntak & Tampubolon, 2023, p. 199).

Before TPKS Law, the provisions of the old Criminal Code (KUHP), which remain in effect, address sexual violence offenses in Chapter XIV, focusing on crimes against morality, specifically within Articles 285 to 298 (Santoso & Satria, 2023, p. 60; Radja, 2025, p. 8). Additionally, Article 289 addresses molestation or sexual harassment executed through violence or threats, which compel an individual to either participate in or permit indecent acts to occur, with a maximum penalty of nine years' imprisonment (Laia, 2024, p. 5). This traditional legal framework highlights the necessity of proving violence or threats as a critical element in every case.

Different to Indonesia, Texas operates under a Common Law system where statutes are codified in the Texas Penal Code, but judicial interpretation plays a significant role. The state's approach to sexual violence is characterized by a "tough on crime" philosophy, utilizing high statutory maximums, mandatory minimums, and an extensive post-conviction control apparatus designed to incapacitate offenders indefinitely.

Sexual offenses are primarily found in Title 5 (Offenses Against the Person), specifically Chapter 21 (Sexual Offenses) and Chapter 22 (Assaultive Offenses). Unlike Indonesia's focus on specific contexts (e.g., forced contraception), Texas law categorizes crimes based on the nature of the act (penetration vs. contact), the age of the victim, and the presence of aggravating factors (Hollander, 2003, pp. 311, 315).

Sexual Assault (§ 22.021) is defined as the intentional or knowing penetration of another person's anus, sexual organ, or mouth without consent. Consent is invalid if force, threats, coercion are used, or if the victim is unconscious, unable to resist, or has a mental condition preventing understanding. The offense is a 2nd Degree Felony, punishable by 2–20 years in prison and up to a \$10,000 fine.

While aggravated sexual assault (§ 22.021), It applies if a sexual assault is committed and is the most severe sexual offense statute and includes. The actor causes serious bodily injury or attempts to cause death, and actor uses or exhibits a deadly weapon. The victim is younger than 14 years of age, and is an elderly or disabled individual (Davis et al., 2020, p. 422). Penalty may be linked to 1st *Degree Felony* (5 to 99 years or Life imprisonment). Mandatory minimums apply is 25 years minimum if the victim is under 6, or under 14 with serious injury (Ruiz, 2025, p. 709).

Texas law takes a stringent approach to crimes involving minors, particularly offenses against children. Under Section 21.11 (Indecency with a child), engaging in sexual contact—defined as touching of intimate parts—with a child under the age of 17, or exposing one's genitals to a child with the intent to arouse or gratify, is strictly prohibited (Texas Penal Code § 22.021, 2023). Offenses are classified as a second-degree felony for contact and a third-degree felony for exposure.

Section 21.02 (*Continuous sexual abuse of young child*) addresses situations where habitual offenders cannot be prosecuted based on specific dates, which often occurs in intra-familial abuse cases (Oberman, 2000, p. 719). This statute applies when an individual perpetrates two or more acts of sexual abuse against a child younger than 14 over a minimum period of 30 days. The evidentiary standard requires the jury to determine only that a pattern of abuse occurred, without agreement on specific dates. Penalties include classification as a first-degree felony, with a mandatory minimum sentence of 25 years without eligibility for parole until at least half the sentence has been served, or 30 years, whichever is less.

Other sexual offenses encompass indecent assault, invasive visual recording, and online solicitation. Indecent assault (22.012) refers to non-consensual touching of another person's breast, anus, or genitals, or the exposure or transmission of bodily fluids. This offense is classified as a Class A misdemeanor (Seamone, 2013, p. 523). Invasive visual recording is governed by section (21.15) and, much like electronic violence laws in Indonesia, covers actions such as "upskirting" or recording individuals in private spaces without their consent. It is considered a State Jail Felony. Online solicitation of a minor (33.021) involves using the internet to solicit sexual activity from a minor and is treated as a 3rd Degree Felony.

Texas law acknowledges that not all sexual activity involving minors is predatory. Section 21.11(b) provides an affirmative defence, commonly called the "Romeo and Juliet" law. This defence applies if the person involved is no more than three years older than the minor, the minor is at least 14 years old, and—if proven—it can prevent conviction for charges like Indecency with a Child or Sexual Assault. The goal of this provision is to address consensual relationships between adolescents close in age.

Unlike Indonesia, there isn't a clearly defined "close-in-age" exemption in the law. While the legal marriage age is 19, the age of consent for sexual activity is unclear, sometimes listed as 15 or 18 depending on the specific law, which leads to inconsistent enforcement. By contrast, Texas has straightforward rules—a clear three-year age difference guideline—that protect peer relationships from being treated as felonies.

3.2. What form does criminal liability for perpetrators of sexual offences take under the legal systems of Indonesia and Texas?

The regulation of criminal liability for sexual offences in both Indonesia and Texas reflects unique legal traditions and developing policy approaches. Despite these differences, both systems increasingly focus on enhancing victim protection and clearly defining the substantive components of sexual offences. The following table highlights both their similarities and differences, including:

Element of Crime / Structure	Indonesia (UU TPKS & KUHP)	Texas (Penal Code & CCP)
Individual Accountability ("Parties to Crime")	Graded Participation (Deelneming): <ul style="list-style-type: none"> - Distinguishes between the perpetrator (pledger) and the accomplice (medeplichtige). - Accomplices typically receive a sentence reduction of one-third from the maximum. - Efficacy: Offers nuance, but UU TPKS allows sentence aggravation for organized groups. 	"Law of Parties" (Broad Liability): <ul style="list-style-type: none"> - A person acting with intent to assist/encourage is criminally responsible for the conduct of another. - No distinction in penalty grading; a lookout in a gang rape is liable to the same degree as the penetrator. - Efficacy: High prosecutorial reach; all parties are "principals."
Corporate Criminal Liability	Recognized Subject of Law: <ul style="list-style-type: none"> - Corporations can be prosecuted under UU TPKS (Art 18) and New KUHP. - Penalties: Fines (min. IDR 50 million), restitution, asset freezing, permit revocation, or dissolution. - Target: Organized exploitation (e.g., trafficking syndicates disguised as agencies). 	Virtually Non-Existent: <ul style="list-style-type: none"> - Sexual offenses generally prosecuted against natural persons. - Remedy: Corporate negligence (e.g., hotels facilitating trafficking) is handled via civil tort litigation for damages, not criminal prosecution of the entity.
Definition of Consent	Sociological / Abuse of Power: <ul style="list-style-type: none"> - Moves away from "violence" to "abuse of position/authority" or exploiting inequality (Art 6). - Efficacy: Recognizes power dynamics (e.g., boss/employee) can vitiate consent without physical force. 	Negation of Consent: <ul style="list-style-type: none"> - Consent is absent if force, threats, fraud, or incapacity are present. - Efficacy: No explicit "affirmative consent" ("Yes means Yes"); state must prove consent was negated. "Constructive force" is interpreted broadly by courts.
Evidentiary Standards	Victim + One Evidence: <ul style="list-style-type: none"> - Replaces the old Onus Testis Nullus Testis rule. - Victim testimony + one valid evidence (e.g., psych assessment/Visum) is sufficient for conviction. - Efficacy: Lowers the barrier for prosecuting private crimes. 	Victim Testimony + Jury: <ul style="list-style-type: none"> - Beyond a reasonable doubt" standard. - Uncorroborated victim testimony is sufficient for conviction if the victim is a minor, elderly, disabled, or reports within one year. - Efficacy: Relies on jury assessment of credibility.
Restitution & Compensation	Direct Restitution:	State Compensation Fund:

	<ul style="list-style-type: none"> - Court mandates offender pays restitution for medical costs/suffering. - If unpaid, the State "Victim Assistance Fund" covers it (though operationalization is early/complex). 	<ul style="list-style-type: none"> - Crime Victims' Compensation (CVC) program reimburses victims using offender fees/costs. - Functions as a state-managed buffer rather than direct extraction from the offender as punishment.
Settlement & Restorative Justice	Prohibited: <ul style="list-style-type: none"> - Article 23 explicit bans settling sexual violence cases outside court. - Goal: Stops cultural practices (damai) where victims are forced to marry perpetrators or accept money to avoid shame. 	Plea Bargaining: <ul style="list-style-type: none"> - While formal restorative justice is rare, plea deals are common. - Effect: Charges reduced (e.g., Aggravated to Sexual Assault) for guilty pleas, avoiding trial but settling without public airing of facts.
Post-Conviction Control	Specific Penalty & Rehabilitation: <ul style="list-style-type: none"> - Chemical Castration: Available for recidivist child abusers (2 years post-prison), though implementation is slowed by medical resistance. - No Registry: Focus is on reintegration; liability generally ends upon release. 	Indefinite Risk Management: <ul style="list-style-type: none"> - Registry: Public Sex Offender Registry (up to lifetime for Tier 3). - Civil Commitment: Indefinite confinement for "Sexually Violent Predators" after prison sentence ends. - Efficacy: Total incapacitation vs. "preventative detention" concerns.

Criminal liability for sexual harassment in Texas is categorized primarily as individual liability and "parties to the crime" under Texas law. The state applies an expansive doctrine known as the Law of Parties (Texas Penal Code § 7.02). According to this statute, a person may be held criminally responsible for an offense committed by another if, with intent to promote or assist in the commission of the offense, they solicit, encourage, direct, aid, or attempt to aid the other individual. For example, in cases involving multiple perpetrators, such as a gang rape, an individual who restrains the victim or acts as a lookout can be held equally liable for Aggravated Sexual Assault as the individual who physically commits the act. Texas law does not differentiate between "principals" and "accessories" regarding penalty severity; all involved parties are considered principals.

While Indonesia (Deelneming) on Criminal Code (Article 55 KUHP), it recognizes varying degrees of participation: Pleger: The perpetrator, Doenpleger: The one who causes the act to be done (using an innocent agent), Medepleger: Those who participate jointly (co-perpetrators), Uitlokker: The instigator/provocateur, dan Medeplichtige: The accomplice (accessory).

Unlike Texas, Indonesian law often distinguishes the quantum of punishment for accomplices (typically reducing the maximum sentence by one-third for those who

merely assist, per Article 57 KUHP). However, UU TPKS allows for sentence aggravation for organized groups.

Corporate Criminal Liability

While striking divergence exists regarding the liability of legal entities, Indonesia: Under UU TPKS (Article 18) and the New KUHP (Articles 45-50), corporations can be subjects of criminal law. This is a progressive feature designed to combat organized sexual exploitation (e.g., prostitution rings, trafficking syndicates disguised as recruitment agencies).

Sanctions: If a corporation is liable, it faces Primary Penalty: Fines (minimum IDR 50 million to billions); Additional Penalties: Restitution payments to victims, revocation of business permits, freezing of assets, closure of the business, or dissolution of the corporation Vicarious Liability: The corporation is liable if the crime is committed by personnel acting within the scope of the corporation's business or for its benefit.

In Texas, it Generally, sexual offenses in Texas are prosecuted against natural persons. While corporations can be criminally liable for certain offenses under Texas Penal Code § 7.22, prosecutions for sexual assault against a corporation are virtually non-existent. Instead, corporate negligence facilitating sexual violence (e.g., a hotel ignoring trafficking) is handled through civil tort litigation (lawsuits for damages) rather than criminal prosecution of the entity itself.

The core of sexual violence liability is the absence of consent, but the definition varies. In Texas, the Penal Code defines lack of consent via negation. Consent is absent if force, threats, or fraud are used, or if the victim is incapacitated (Oberman, 2000, p. 733). Texas does not explicitly codify "affirmative consent" ("Yes means Yes") in the criminal statutes. The burden is on the state to prove that consent was negated by one of the statutory conditions. Constructive Force: It is not enough for a victim to simply say "no" if no force or threat is present; however, courts have interpreted "force" broadly. Yet, the statutory emphasis remains on the actor's conduct (force/threat) rather than the victim's internal state.

While in Indonesia, on UU TPKS, it introduces a more nuanced, sociological definition of non-consent. Abuse of Power: Article 6 explicitly criminalizes sexual acts resulting from the "abuse of position, authority, or trust," or exploiting "vulnerability or inequality." This moves closer to a substantive equality model. It recognizes that "consent" given by an employee to a boss, or a student to a teacher, may be vitiated by power dynamics even without physical force. Paradigm Shift: This moves Indonesian law away from the colonial requirement of "violence or threat of violence" (Article 285 KUHP) toward a model where the exploitation of inequality itself establishes liability.

Procedural Systems and Evidentiary Standards

The trajectory from arrest to conviction underscores the procedural complexities characteristic of each legal system. In Indonesia, the Criminal Procedure Code (KUHAP) incorporates the *Onus Testis Nullus Testis* principle, whereby the testimony of a single witness is deemed insufficient for conviction (Pradina, 2021, p. 132). Therefore, securing a conviction necessitates at least two forms of admissible evidence, such as a combination of victim testimony with a forensic report or an additional witness statement. This requirement presents significant challenges in prosecuting cases of sexual violence, which are frequently committed in private settings without third-party witnesses. Furthermore, instances of domestic sexual violence are classified as relative complaint offenses, requiring a formal report or complaint from the victim or another concerned party before legal proceedings can commence (Purnamasari & Widoyoko, 2025, p. 67).

Moreover, movement Reform under UU TPKS (Article 25), and the new law revolutionizes this standard. It declares that the testimony of the victim, coupled with one other valid piece of evidence, is sufficient to secure a conviction. Crucially, UU TPKS expands "valid evidence" to include psychological assessment letters (*Visum et repertum psichiatrum*), electronic evidence, and documents detailing the victim's trauma. This significantly lowers the prosecutorial barrier (Herisasono, Efendi, & Kharisma, 2023, p. 295).

The reform introduced by Article 25 of UU TPKS establishes that a victim's testimony, combined with one additional valid piece of evidence, is sufficient to secure a conviction (Undang-Undang No. 12 Tahun 2022, Pasal 25 says that a statement from a witness or victim can be used to prove the defendant is guilty, provided it is backed up by one other piece of legal evidence and convinces the judge. The defendant's family is allowed to give testimony under oath without the defendant's permission. If the victim is the only witness available, their testimony can be strengthened by statements from other relevant people, connected witnesses, or an expert who provides an official letter or supporting evidence). The scope of admissible evidence has been expanded to include psychological assessment reports (*Visum et Repertum Psichiatrum*), electronic records, and documents detailing the victim's trauma (Herlina, 2025, p. 45). These changes facilitate prosecutors in substantiating their cases more effectively.

While in Texas the phares Texas (Beyond a Reasonable Doubt). Texas requires the jury to find guilt "beyond a reasonable doubt," the highest standard in law ("Reasonable Doubt," 1995, pp. 1956–1957). However, regarding witness numbers, Texas is more flexible. Under Texas Code of Criminal Procedure Art. 38.07, a conviction for sexual assault is supportable on the **uncorroborated testimony of the victim** alone if the victim is a child (<18), elderly, or disabled. For adult victims, uncorroborated testimony is sufficient if the offense was reported within one year. Unlike Indonesia's panel of judges, Texas relies on a jury of 12

peers. The credibility of the single witness (victim) is the deciding factor. For UU TPKS strongly focuses on Restitution, It requires a mandatory assessment where investigators must determine both the financial and non-financial losses suffered by victims—such as medical expenses and emotional distress (Undang-Undang No. 12 Tahun 2022, Article 30–37 establishes the right of victims of sexual violence to receive restitution and recovery services, including compensation for material losses, suffering, and medical expenses. Law enforcement authorities are obligated to inform victims and the Witness and Victim Protection Agency (LPSK) of these rights). The court is obliged to order the perpetrator to pay restitution, but if the perpetrator cannot afford it or lacks sufficient assets, the law requires the state to compensate the victim using a Victim Assistance Fund (*Dana Bantuan Korban*). Currently, the procedures for this fund are complicated and still being developed for practical use (Abdillah & Setyorini, 2025, p. 168).

While restitution can be ordered as part of a sentence (Texas Code of Criminal Procedure Art. 42.037), the primary mechanism for victim aid is the Crime Victims' Compensation (CVC) program, and *State Fund* that is a fund administered by the Attorney General, financed by court costs and fees from offenders (Paxton, 2025). It reimburses victims for medical bills, counselling, and lost wages. Unlike Indonesia's restitution model which seeks to extract payment directly from the offender as part of the punishment, Texas creates a state-managed insurance-like buffer (Hollander, 2003, p. 320).

In Indonesia, UU TPKS clearly **forbids** resolving sexual violence cases outside the court system (Undang-Undang No. 12 Tahun 2022, Pasal 23). The *Reason is that* provision addresses the widespread cultural practice of *damai* (peaceful settlement), which is often led by village elders or even police, pressuring victims to accept money or marry the perpetrator to prevent shame (Mazumah, 2024, p. 11319). The law states that sexual violence is a crime against the state and cannot be privately "forgiven."

Although Texas does not formally implement "restorative justice" practices for violent sexual offences, its legal system places significant emphasis on ***plea bargaining***. Prosecutors commonly negotiate with defence counsel to reduce charges—such as from aggravated sexual assault to sexual assault—in exchange for a guilty plea. This process enables resolution of cases without proceeding to trial and limits public disclosure of case details; however, victims are typically entitled to notification regarding these proceedings (Conway, 2024, p. 1454).

The divergence between the two systems is most pronounced in what happens *after* a conviction both in Texas and Indonesia. Texas uses a "risk management" approach that typically incorporates a three-part system for handling post-conviction matters. In general, Indonesia does not have liability generally ends upon release, with one major exception.

In the context of Indefinite Control Architecture in Texas, offenses such as Aggravated Sexual Assault or Continuous Sexual Abuse generally result in a Tier 3 classification. Individuals classified under this tier are subject to residency restrictions, such as prohibitions against living near schools or parks, and may also encounter limitations regarding employment opportunities. Texas maintains a public, tiered sex offender registry in accordance with Chapter 62 of the Texas Code of Criminal Procedure: Tier 1 (Low Risk- Registration for 10 years; verification annually); Tier 2 (Moderate Risk- Registration for 20 years; verification every 6 months, and Tier 3 (High Risk- Lifetime Registration; verification every 90 days. Offenses like aggravated sexual assault or continuous sexual abuse typically result in tier 3 status (Bowen et al., 2016, p. 100).

Civil commitment of sexually violent predators (Chapter 841). Texas employs a controversial mechanism known as Civil Commitment, codified in Chapter 841 of the Health and Safety Code. This allows the state to maintain control over "Sexually Violent Predators" (SVPs) *after* they have completed their prison sentences.

The state must prove the person is a "repeat sexually violent offender" and suffers from a "behavioural abnormality" (a congenital or acquired condition affecting emotional/volitional capacity) that makes. Unlike criminal trials, this is a *civil* proceeding. The burden of proof is "beyond a reasonable doubt," but the outcome is civil confinement, not criminal imprisonment.

Originally designed as an outpatient treatment model, the program has evolved into total confinement. Most SVPs are housed in the Texas Civil Commitment Center in Littlefield, a secure facility that functions similarly to a prison. Commitment has no fixed end date. Release requires a judicial finding that the person is no longer likely to reoffend—a standard that is statistically rare to meet. Critics and legal scholars argue this functions as "preventative detention" or "double jeopardy," though US courts have upheld it as a regulatory, non-punitive measure for public safety.

Indonesia does not operate a public registry of sex offenders or have a system for civil commitment. Typically, legal responsibility ends once an individual is released—except in certain cases. Following a series of severe child sexual abuse incidents, Indonesia enacted Law No. 17 of 2016, which introduced chemical castration (*kebiri kimia*) and permitted the use of electronic monitoring devices (Pakpahan & Harahap, 2021, p. 159).

This measure constitutes an *additional criminal penalty* determined by a judge during sentencing, rather than a civil regulatory action. It is specifically targeted at repeat offenders of child sexual violence. The protocol involves the administration of anti-androgen drugs to suppress libido for up to two years following completion of the prison term. However, implementation has been slow, primarily due to ethical objections from the Indonesian Medical Association (IDI), which has

declined participation in the execution of this punishment (Pakpahan & Harahap, 2021, p. 160).

Besides, Under UU TPKS, the focus is on the *rehabilitation* of the offender during incarceration (Article 3). The correctional system aims for reintegration (*pemasyarakatan*). (Pakpahan & Harahap, 2021, p. 161) Once the sentence is served, the individual is free. The state does not maintain a lifetime surveillance apparatus comparable to the Texas registry.

4. Conclusion

Indonesia is transitioning from a colonial, morality-based system to a modern, victim-centered framework under the UU TPKS (Law No. 12/2022) and the New Criminal Code (KUHP) (Statutory & Context-Based). The law now categorizes offenses based on specific contexts—such as forced marriage, forced contraception, and electronic sexual violence—rather than just the physical act itself. Crucially, the definition of non-consent has shifted from requiring "violence" to recognizing the "abuse of power or vulnerability," reflecting a sociological approach to justice. Operating under a Common Law system, Texas regulates sexual violence through Title 5 of the Texas Penal Code, characterized by a "tough on crime" philosophy (Codified & Act-Based): . Offenses are strictly categorized by the nature of the act (e.g., penetration vs. contact) and aggravating factors like weapon use or the victim's age. Unlike Indonesia's context-based approach, Texas defines non-consent via negation—requiring proof of force, threats, or incapacity—and maintains distinct defenses like the "Romeo and Juliet" law for consensual peer relationships, which Indonesia lacks. Liability is established using a lowered evidentiary standard where victim testimony supported by one other valid evidence (e.g., a psychological report) is sufficient for conviction. The system emphasizes **restitution**, mandating offenders pay for the victim's recovery, and allows for **corporate criminal liability** in cases of organized exploitation. Post-conviction liability typically ends upon release, with the exception of chemical castration for recidivist child abusers, though its implementation remains. Texas utilizes a broad "Law of Parties," holding accomplices equally liable as principal perpetrators without sentence reduction. The distinguishing feature of Texas liability is its **indefinite post-conviction control**. Offenders face lifetime consequences through a public **Sex Offender Registry** and potential **Civil Commitment**, which allows the state to confine "sexually violent predators" in secure facilities even after their prison sentences are served—a mechanism absent in Indonesian law.

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