

A Criminological Review of Sadomasochistic Sexual Deviant Behavior Resulting in Disability and Serious Injury

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Abstract. *Sadomasochistic sexual deviance is a phenomenon that has attracted attention in criminology studies because it can lead to criminal acts that result in serious disabilities and injuries to victims. Sadomasochistic practices involving physical violence have the potential to have serious impacts on the safety and health of victims, necessitating in-depth study from a criminological perspective to understand the causal factors, perpetrator characteristics, and mitigation efforts. This study aims to analyze the criminogenic factors that lead to sadomasochistic sexual deviance that results in serious disabilities and injuries, and to examine mitigation efforts that can be implemented to protect victims. The research method used is a normative juridical approach with a legislative approach, a conceptual approach, and a case approach. The data used is secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials, which were analyzed qualitatively. The analysis was conducted by reviewing criminological theories, applicable criminal law provisions, as well as various decisions and literature related to violence in sadomasochistic practices. The research results indicate that sadomasochistic behavior resulting in disability and serious injury is influenced by various factors, including psychological factors, social environment, traumatic experiences, weak social control, and the influence of media and developments in information technology that facilitate access to sexually violent content. From a criminological perspective, this behavior can be explained through social control theory, social learning theory, and differential association theory, which suggest that deviant behavior is formed through social interaction and the internalization of deviant values. Addressing this behavior requires a penal approach through firm law enforcement and a non-penal approach through sexual education, psychological rehabilitation, strengthening moral values, and increasing the role of the family and community in social supervision.*

Keywords: *Criminal; Criminology; Deviance; Sadomasochism; Sexual.*

1. Introduction

Turmoil dynamics that occur in society now this experience very rapid development, things this pushed with existence current rapid digital and information developments. this also encourages development behaviors that occur in the current society faced, one of the among them is about sexual. conventional society consider that discussion about sexual considered as something taboo for discussed moment this, with consider that talk about sex is something things that are not polite for discussed. however with existence development current information and technology this paradigm public gradually start changed, when this public start aware how importance regarding sexual education and responding to it issues sexual other things that happened in society.

Behavior sexual is behavior behavior driven by desire sexual, good with against type and fellow types, forms behavior in demand This Can various, starting from from each other Like between against type, behavior in demand dating, kissing until intercourse. ¹The word sexuality the word has the same root as "sex" which refers to encouragement or desire sexual someone. Sexuality is Power pull strong between men and women, pushing they For each other approaching Good in context friendship and connection intimate. In other words, lust become driver main in sexuality, playing role key in form connection between men and women, both in aspect social and connection sexual.² Behavior in demand sexual This is generally what happens in society, but on the other hand there is deviant things in sexual this. deviation This arise due to existence orientation object from sexual that is not normal, Orientation sexual describe method somebody navigate pattern interest different romantic, sexual, and emotional with man other, women, or combination men and women.

estimated that connection psychiatry with concept base deviation sexual has result in occurrence movement between two opposing views contradictory: deviation as categorized abnormalities as disease, or deviations of a nature normal biological. As examples, various choice sexual, desire and behavior has patented (and also *de-pathologized*) in effort for differentiate mental disorders (often labeled deviant, deviant and *paraphilic*) from what has been considered as immoral activities, not ethical or illegal. ³, From the explanation the can concluded that reason occurrence deviation sexual This that is caused by the presence of

¹ Diah Suci Haryani, Wahyuningsih, Kayat Haryani. (2015). "The Role of Parents in Relation to Premarital Sexual Behavior of Adolescents at SMKN 1 Sedayu", *Indonesian Journal of Nursing and Midwifery*, 3(3), September, p.142.

² Ismail Ali, et.al. (2023). "Legal Implications of Sexual Deviance on Same- Sex", *LEGAL: Journal of Law*, 2(2), November, p. 71.

³ Ethel Quayle. (2020). "Online Sexual Deviance, Pornography and Child Sexual Exploitation Material", *Journal Forens Psychiatr Psychol Crime*, 4(14), June, p. 252.

mental disorders or A disease and also has a nature biological or pure from the person's desire.

Sexual Perversion or also usual known with irregularities sexual covers behavior sexual or fantasies directed sexual for can reach orgasm through relation connection sex heterosexual with type same sex or with type same sex or with colleagues who have not adults and things the contradictory with norms of behavior in demand sexual in society.⁴ in general, people who experience deviation sexual hide behavior they and not want to admit it. they reject confess behavior deviant sexuality from social, moral and religious norms because concern will emergence rejection and discrimination from environment. problems very sensitive sexual, good both morally and normative, will influential against good name somebody.⁵ behavior deviation this make the person who experiences it close self from public until environment social result in they difficult for known its existence.

According to Mustafa explain limitation crime and behavior deviate in criminology in a way clear seen that something behavior will categorized as something crime or deviation behavior is limitation according to perception society and not limitation law (criminal).⁶ If reviewed from aspect criminology, behavior deviate can seen as form deviant actions from the limitations that have been determined by social norms and that valid in something culture that has There is previously.

The scholars criminologists (Sutherland, Cressey, 1974; Tarf, England Jr., 1964; Manheim, 1965; Reckless, 1973; Johnson, 1968; Haskell Yablonsky, 1972; Gibbons, 1977; Quinney, 1975; Glaser 1974; and Fox, 1976) agree that which is object study criminology is crime; criminal; behavior in demand deviant; perpetrator deviation; crime victim; reaction social to behavior in demand evil and mischievous in demand deviant, good is formal reaction, namely working institutions system justice criminal, as well as informal reactions from inhabitant public to perpetrator crime and victims of crime in something incident crime.⁷ If you look at it from explanation mentioned so sadomasochism including into criminal acts This due to their deviant actions and can harming people around him if they perform the action with trick the victim into agreeing follow his desire.

⁴ Nabila Layalia Septiasari, Ajeng Nova Dumpratiwi. (2022). "Sexual Deviations of Voyeurism and Masturbation in Clients at Hospital X", *Epigram (e-Journal)*, 1(19), April, p. 15.

⁵ Husnin Nahry Yarza, Maesaroh, Eka Kartikawati. (2019). "Knowledge of Adolescent Reproductive Health in Preventing Sexual Deviance", *Sarwahita: Journal of Community Service*, 1(16), July, p. 76.

⁶ Neri Widya Ramailis. (2017). "Homosexuality: A Portrait of Deviant Sexual Behavior in the Perspective of Criminology, Islam and Malay Culture", *Journal of the Other Side of Realita*, 2(2), December, p. 5.

⁷ Andini L Tamara, Winarno Budyatmojo. (2016). "Criminological Study of Sexual Harassment Perpetrated by Women Against Men", *Recidive: Journal of Criminal Law and Crime Prevention*, 3(5), December, p. 315.

Interpretation of crime often connected with actions oppose law (against legal norms) criminal), which means that something actions new can viewed as something crime or action criminal, if has formulated in law. In the concept law criminal, view thus known as form embodiment principles legality. Principle of legality in draft law Indonesian criminal law is foundation or basic pillar in its validity law criminal law. This principle in a way explicit mentioned in formulation of Article 1 of the Criminal Code, which states: "No one actions may punished, but rather on strength provision criminal in existing laws previously than deeds That".⁸

Deviation sexual this can also detrimental and can even causing casualties in every his actions, one of from deviation sexual This is Sadism, is behavior cruel, ferocious or roughly, in a way psychology sadomasochism is satisfaction sexual acquired with hurt or hurt by someone you love in a way physical or spiritual. Sadomasochism understanding other is form mental disorders that cause the sufferer get satisfaction moment hurt or hurt other parties.⁹ Sadomasochism has two meanings namely sadism and masochism. Sadism is forms deviation sexual with get satisfaction through torture given to his partner. Meanwhile masochism is forms satisfaction sexual with accepted violence sexual abuse he received.¹⁰ Deviation sexual This can interpreted as resulting mental disorders the sufferer experience satisfaction in a way sexual if commit an act of harm or hurt moment perform sexual acts.

Phenomenon behavior sadomasochism that appears in relation marriage in practice No seldom culminating in a resolution through track civil law, in particular in form lawsuit divorce in religious courts. This is reflected in a number of decisions, such as Decision Number 305/ PDT.G /2018/ PA.BATG, Decision Number 298/ PDT.G /2019/ PA.CKR, and Decision Number 29/ REV.G /2019/ PA.TGT. In the third case said, the party wife submit lawsuit divorced with reason existence perceived treatment as form torture in connection sexual activity during marriage.

If you look closely more in, problem main in practice the No solely lies in the form his behavior, but rather on his absence or his defects consent from one of the parties. Relations sexual in marriage in essence still requires existence free, conscious, and unintentional willingness pressure. when one of the party feel forced, intimidated, or no own room for state rejection, then relation the has shift from realm legitimate private going to form problematic relationships, even potential become violence. If the ethics of *consent* No present in a way real, then all form justification on base connection husband wife become No relevant. Condition this is what it is in the end encourage the victim to end connection

⁸ Tengku Mabar Ali, Suhaidi, Mustamam. (2019). "Overcoming LGBT Sexual Deviance from a Criminal Policy Perspective", *METADATA Scientific Journal*, 3(1), September, p. 211.

⁹ Inna Fauziatal Ngazizah, Maria Ulfa Fatmawati. (2020). " Sadomasochism in Indonesia: A Human Rights and Criminal Law Perspective", *Tawazun: Journal of Sharia Economic Law*, 2(3), September, p. 173.

¹⁰ Ibid.

marriage as form protection self, even though without accompanied with effort enforcement law criminal to perpetrator.

Behavior sadomasochism This is something things that are not common and of course matter This happen in society, in general behavior the done by people have own partner or who has married wife, of course just behavior the No justified, because all form Violence, torture, or persecution has criminalized as actions regulated criminal law in the Criminal Code, the Law Number 23 of 2004 concerning Deletion Domestic Violence, and the Law Number 12 of 2022 concerning Action Criminal Sexual Violence. from matter the so behavior sadomasochism including into the action crimes that have been arranged in the Constitution the.

2. Research Methods

Study This use type study law normative, which studies / researches ingredients law. Research law like That does not using study field research because what is being *researched* is ingredients law so that can it is said as *library based, focusing on reading and analysis of the primary and secondary materials*. If so, then more appropriate used term study knowledge law as can be found in literature law in the Netherlands the term "study" is the same with dutch term *bedrijven or beoefening* which can found in by jhh bruggink who wrote; *het bedrijven van de rechtswetenschap*. or, deep work january gijssels and mark van hoecke; *wetenschaps beoefening and de beoefening van de rechtstheorie*.¹¹ research method this use approach concept (*conceptual approach*), namely something approach with understand elements existing abstract in natural thought.¹² approach the used for examine problem in the form of issues laws that develop among academics as study in development knowledge law. in an effort to explain the phenomenon of crime, which is its primary research object, criminology has produced a number of criminological theories. meanwhile, in order to obtain valid and reliable data that can be used to form theories, criminology has also developed research methodologies designed to enable scientific criminological research to capture valid or reliable criminological data.¹³ study this will take studies conceptual development - focused related issues with law with method analyze the data obtained with method library research as research of a nature study law conceptually, in general material the law that will collected is material law that originates from from regulation legislation, materials law literature such as books, journals, essays, works scientific and materials law from various correct

¹¹ Johnny Ibrahim. (2006). *Normative Legal Research Theory & Methodology*, Malang: Banyumedia Publishing, p. 46.

¹² Jonaedi Efendi, Prasetijo Rijadi. (2016). *Normative and Empirical Legal Research Methods*, Jakarta: KENCANA, p. 316.

¹³ Muhammad Mustofa. (2013). *Method Study Criminology*, Jakarta: KENCANA, p. 1.

information media, as well as if possible later will requested opinion to expert For strengthen references and also used as material law in study This.

3. Results and Discussion

3.1. A Criminological Review of Sadomasochistic Behavior

Behavior sadomasochism is one of the form deviation sexual up to moment This Still cause debate in society. Some groups look at sadomasochism as form expression sexual acts committed on base the agreement of the parties involved. Society in general Still look at practice the as contradictory behavior with moral norms Because involving element violence, suffering, domination, and humiliation in activity sexual.¹⁴

Development technology information and globalization has cause various form behavior previous sexual considered closed become more easy accessible to the public. Through the internet, social media, online forums, and other digital platforms, information about practice sadomasochism can obtained in a way wide so that enlarge opportunity individual for know, learn, even practice behavior the.¹⁵ condition this show that sadomasochism no again become a phenomenon that only found in group certain, but rather has become part from dynamics sexuality modern society life social, practice sadomasochism generally done in interpersonal relationships involving relation dominance and submission. relationship the can realized through action symbolic, game role play, use control psychological, as well as action physical pain against one of them parties. Although part practice done on base agreement, existence element violence still cause concern Because potential cause impact negative to health physical and psychological individuals involved.

Change pattern interaction social also influences method public understand behavior sadomasochism. The emergence communities certain ones that introduce the concept of BDSM (*Bondage, Discipline, Dominance, Submission, Sadism, and Masochism*) causes part individual start see practice the as part from preference sexual.¹⁶ Reception to practice the No ongoing in a way evenly Because Stills there is religious values, social norms, and legal norms that view use violence in connection sexual as actions that are not can justified.

Behavior sadomasochism can understood as part from change pattern behavior sexual society influenced by modernization, the development of digital media, and shifts mark social.¹⁷ Change the causing the boundary between behavior sexual

¹⁴ Ica Fauziah Harahap. (2023). *Reproductive Health*. Bandung: Media Sains Indonesia, p. 97.

¹⁵ Burhan Bungin. (2022). *Sociology of Communication: Theories, Paradigms, and Discourses of Communication Technology in Society*. Jakarta: Kencana, p. 317.

¹⁶ Dede Oetomo. (2020). *Giving Voice to the Mute*. Yogyakarta: Galang Press, p. 176.

¹⁷ Alo Liliweri. (2021). *Intercultural Communication*. Jakarta: Kencana, p. 241.

which is considered reasonable and behavior sexual which is considered deviate become the more complex determined in a way social.

There things that become runway criminology for can know sadomasochism is an action that can categorized as a criminal act due to that is there is consequence from his actions. the *differential association theory* introduced by edwin h. sutherland, a person can learn behavior criminal with through *association* (social interaction) that is carried out with those who violate the norms in public including legal norms. the process of studying that covering technique crime, motive/ drive crime, the right time for do deeds antisocial.

Based on Survey data Internet Penetration and Behavior Indonesian Internet users, the majority public using the internet for communication and networking social (19.9%), entertainment (19.7%), and search information and news (19.6%). The high internet usage in aspect social and entertainment show that digital space has become means main formation interaction social and distribution information. In perspective criminology, conditions can become influencing factors formation behavior deviate through the learning process social. Individual can get information about practice sexual certain, including sadomasochism, through digital media and online communities.

Interaction social become influential things in determine pattern think, a person in general understand that connection sexual done without coercion and without dangerous violence couple. With existence interaction social issues that occur in digitalization pattern interaction the develop become very broad moreover Again Phenomenon the the more easy found since the development of pornographic sites, social media, community forums sexual, group conversation closed. digital media can functioning as means association modern social, learning process behavior deviate No Again must done in a way face face, but can happen through digital space.

No	Elements of Association Theory	Differential	Findings in Sadomasochism	Behavior Analysis
1	Behavior deviate inherited	studied, not	Perpetrator sadomasochism No born with trend do violence sexual, but know practice the through experience, environment, and digital media	Show that sadomasochism formed through the learning process social as explained by Sutherland
2	Behavior studied through interaction with other people		The existence of BDSM communities, online forums, social media groups, and relationships social interaction that discusses practice sadomasochism	Interaction the become means of transferring knowledge, experience and values that support behavior sadomasochism
3	Individual learn deviation	technique do	Perpetrator learn method do domination, tying up,	Perpetrator No only learn concepts, but also techniques

		beating, strangulation, and form violence sexual other	implementation behavior sadomasochism
4	Individual studying motives and justifications to behavior	Perpetrator consider actions taken as part from satisfaction sexual or form expression sexual that can accepted	There is a rationalization process that makes perpetrator consider violence in connection sexual as something natural
5	Somebody do deviation if more Lots accept supporting definitions than those who refuse	Influence communities, digital media, and groups certain cause perpetrator more Lots accept a validating view sadomasochism	Group norms more dominant compared to prevailing social norms in public general
6	Intensity interaction influence level reception behavior	The more often individual access BDSM content or interact with supportive community practice said, the more big his tendency for practice behavior the	Show existence connection between frequency exposure and formation behavior sadomasochism
7	Behavior deviate can develop become violation law	Practice sadomasochism that gives rise to wound heavy, disabled permanent, or suffering physique towards the victim	The behavior that was initially studied as preference sexual develop become actions that have consequence criminal

This theory show that trend do action sadomasochistic No appear in a way natural, but rather influenced by interactions with environment that provides knowledge, experience, as well justification to use violence in connection sexual. The more strong influence supportive environment behavior said, the more big possibility individual accept and practice it in life real.

Social control theory is A the theory used in learn control behavior in demand human beings. according to theory *social control*, every individual in something public own trend for become good or become evil. this theory close relation with behavior crimes that are influenced by variables that are sociological like environment around individual. a person's character become good or wicked depending on the conditions the surrounding environment individual this theory explain that individual can do something deviation or action crime due to weakness or disappearance controls that are around individual in the context ¹⁸of sadomasochism, weakness control social can cause individual more free develop behavior deviant sexuality without consider the impact caused to himself or other people.

This theory relevant Because behavior that contains element violence, domination, and suffering physique in connection sexual in essence contradictory

¹⁸ Romli Atmasasmita. (2021). *Narcotics Trade and Illicit Trafficking: A Criminological Review*. Depok: RajaGrafindo Persada, p. 150.

with living moral norms in Indonesian society. However, the behavior the still can develop when control social as it should be functioning limit behavior individual experience weakening.

Thinking regarding social control develop through various contribution theoretically, one of them from Travis Hirschi who introduced draft bond social (*social bond*). Hirschi put forward that strength bond social somebody to public become factor determinant in prevent behavior deviate. Bond social the consists of on four element main, namely *attachment*, *commitment*, *involvement*, and *belief*. Fourth element This Work in a way simultaneous in form behavior individual.¹⁹:

No	Elements of Social Bond	Hirschi's Theory Concept	Findings in Behavior Sadomasochism
1	Attachment	Connection emotional individual with family, partner, society and environment social functioning as controller behavior	Perpetrator more prioritize fulfillment desire sexual compared to safety and conditions victim's physical condition
2	Commitment	Individuals who have commitment towards the future will avoid risky behavior cause consequence law and social	Perpetrator still do potential actions cause wound heavy although know risks that can occur arise
3	Involvement	Involvement in activity positive reduce chance do behavior deviate	Perpetrator more Lots involved in activities, communities, or consumption supporting content behavior sexual deviate
4	Belief (Belief)	Trust towards legal, religious and moral norms become base compliance individual	Perpetrator consider use violence in connection sexual as something that can accepted
5	Weak Social Bond	The more weak bond social someone, the more big possibility do deviation	Practice sadomasochism develop until cause wound heavy and disabled permanent
6	Criminological Impact	Control social functioning prevent emergence behavior deviate	The victim experienced wound heavy, trauma, even disabled permanent consequence action perpetrator

Fourth element bond social determine individual in do interaction social, weaknesses against one of them element just can open opportunity occurrence deviation like case in point deviation sexual sadomasochism moreover Again with the development of the digitalization process that encourages individual For access source various information its variety, which encourages expansion preferences held by individuals said, even though matter the is good thing if used in a way wise, on the other hand there is This weakening seen from preferences made by most circles young from all available options read Still become the

¹⁹Hasdin. (2026). *Criminal Policy*. Bone: Alinea Indonesia, p. 132.

preferred format main online news in all group age, including child young. However proportion child younger choose watch online news (32%) far more tall compared to group 55+ (25%). Almost three from four child young people (73%) watch news videos short every week, compared to 60% in the control group. old. Many of these videos in the form of a vertical format popularized by TikTok and Instagram Reels which is now start adopted by mainstream media such as The Economist, New York Times, and CNN through a dedicated video tab in the app they. For children young look for the topics they interested as form consolation self they.²⁰

Statista data for 2024 shows that Indonesia occupies ranking both worlds in amount visit to the Pornhub site with a total of around 765.4 million visit during January 2024. The height number the show that access Indonesian society towards content pornography still very big although in a way normative pornography contradictory with religious values, morality and a vibrant culture in society. Travis Hirschi's *Social Control Theory Perspective*, the phenomenon the can understood as indication weakening control social origin from family, religion, and environment social. When supervision family, religious norms, and control social public No walk in a way effective, individual tend more easy accept and practice contradictory behavior with moral norms and legal norms. This theory can used explain Why practice sadomasochism more easy thrive in an environment that has level supervision low social.

3.2. Decision Analysis Relevant Courts with Practice Sadomasochism

1) Decision Study Number 43/ PID.SUS /2020/PN KSN

Decision Number 43/ PID.SUS /2020/PN KSN facts revealed at trial show existence practice connection sexual acts committed with violence, insults, coercion, and acts that cause suffering physique and psychic against the victim. The case This started when defendant go home to House in condition drunk and then call his wife with insulting words. After the victim approached, the defendant spit on and hit the victim, then pull the victim to room for do connection sexual in a way forced. in a relationship sexual said, the defendant suffocating victim's neck, hitting victim's waist, kicking the victim's legs, spitting tool the victim's genitals, even try tear victim's genitals using his hand. the victim felt threatened finally fight and run away self to house neighbor for save self. Based on results *Visum et Repertum* Number 440/423/TU/UPTD- KEC.SMNI /III/2020, the victim experienced wound consequence violence object blunt on the part head, waist right, and thigh

²⁰ Binus Higher Education," Social-First Generation: How Young People Read the World Today", accessed on May 31, 2026, <https://binus.ac.id/binus-digital/2026/04/13/generasi-social-first-bagaimana-anak-muda-membaca-dunia-hari-ini/>.

right. In addition, the victim experienced wound abrasions on the neck and mouth as well as feel Sick moment swallow food during almost One Sunday.

2) Analysis Criminology to Behavior Sadomasochistic

If reviewed from perspective criminology, behavior defendant show very close characteristics with draft *sexual sadism* or *sadism sexual*. Sadism sexual is condition when somebody get satisfaction sexual through action hurt, degrade, or control partner in a way physique and psychological.

Case This there is a number of indicators that show existence element sadistic, namely:

- a) Violence physique done before connection sexual ongoing.
- b) Connection sexual done with coercion.
- c) Perpetrator still continue activity sexual even though the victim showed rejection.
- d) Perpetrator do actions that are demeaning dignity of the victim, such as spit on tool victim's genitals.
- e) Perpetrator try potentially damaging the victim's intimate organs cause wound Serious.

3) Legal Basis Used by Judges

- a) Article 46 of the Law Number 23 of 2004 concerning Deletion Domestic violence

The panel of judges finally state defendant proven guilty do action criminal:

"do actions violence sexual acts committed towards people who settle in scope House ladder the."

Article 46 of the Domestic Violence Law regulates:

" Everyone who does actions violence sexual as intended in Article 8 letter a shall be punished with criminal maximum imprisonment of 12 (twelve) years or a maximum fine of IDR 36,000,000.00."

The judge chose chapter This Because actions defendant No only in the form of persecution normal, but also contains element coercion connection sexual.

- b) Article 8 Letter a of the Domestic Violence Law

This article become base main in interpret violence sexual, namely:

"Coercion connection sexual acts committed towards people who settle in scope House ladder."

The panel of judges assessed that defendant has pulling the victim force to in room and forced the victim to do connection sexual with violence.

a) Explanation of Article 8 of the Domestic Violence Law

Judges in general explicit quoting understanding violence sexual as:

" every actions in the form of coercion connection sexual, coercion connection sexual with method No reasonable and/ or No liked."

Provision This own very strong relevance with sadomasochism Because in a way direct mention existence connection sexual acts committed with method No reasonable and unreasonable liked.

4) *Visum et Repertum* as a Basis for Proof

The panel of judges also used *Visum et Repertum* as tool proof letter For prove existence violence experienced by the victim. Results of the examination show existence signs violence object blunt on the head, waist right, and thigh right of the victim. The existence of visa This strengthen proof that actions taken defendant No just conflict House ladder usual, but has cause consequence real physical towards the victim.

5) Sanctions Imposed by the Judge

a. State The defendant BIMBING BIN BANJANG has proven in a way valid and convincing guilty do action criminal offense" doing actions violence sexual acts committed towards people who settle in scope House ladder said" as in indictment alternative second;

b. Drop criminal to the defendant because of That with criminal prison for 1 (one) year and 3 (months); Supreme Court of the Republic of Indonesia.

c. Determine the period of arrest and detention that has been carried out lived Defendant reduced all of it from the sentence imposed;

d. Set Defendant still detained;

e. Set goods proof in the form of: - 1 (one) pair of clothes Batik sleeved sleepwear long Confiscated For destroyed;

f. Charge to Defendant For pay cost case an amount of Rp. 5,000.00 (five thousand rupiah);

Decision Number 43/ Pid.Sus /2020/PN Ksn show that Indonesian law in essence No take issue with the term" sadomasochism" alone, but rather take issue with consequence the law that arises from behavior said. During the action taken

contain element coercion, violence, insults, or cause suffering physique and psychic towards the victim, then actions the can qualified as action criminal.

From the decision This can with drawn conclusion that practice sadomasochism is carried out without consent (*consent*) is not Again is at in realm freedom sexual private, but rather has changed become form violence sexual which causes accountability criminal. Even in connection marriage even though, the law still give protection towards the victim if happen coercion connection sexual or action sexual acts committed with method No reasonable and unreasonable liked.

3) Decision Study Number 29/ PID.B /2011/ PN.SRI

Case This started when the victim, Angelina Lewier, lived together defendant Filex Halirat who confessed as his biological father and pays for it victim education in Serui. In relation said, the defendant own dominant position because the victim is dependent to him in a way economy and social. As time goes by time, the defendant start do actions that lead to harassment sexual, such as hugging, kissing, and touching the victim's body when they traveling to a number of areas in Papua.

Behavior the Then develop become connection sexual acts committed in a way forced. The defendant repeatedly use situation when the victim is with him for do intercourse, even though the victim tried refuse and resist. Actions the No only happen one time, but repeatedly in various places, including Jayapura, Manokwari, Serui, and Waropen. In each incident, defendant use domination physical, pressure psychological, and its position as a person who takes care of the victim for forcing the victim to comply his wish.

Consequence actions the accused, the victim experienced suffering serious physical and psychological problems. The results of the examination medical show existence signs intercourse and tearing membrane virgin. The victim also had time experience later pregnancy end with miscarriage. In addition, the victim experienced trauma, fear, and mental stress due to actions taken defendant in a way repetitive in term quite a long time from 2008 until with 2010.

1) Analysis Criminology to Behavior Sadomasochistic

Number 29/ PID.B /2011/ PN.SRI show existence pattern behavior sexual that is not only contradictory with legal norms, but also deviates from social, moral, and family norms. Although the panel of judges did not in a way explicit mention actions defendant as sadomasochism, the facts revealed at trial show existence characteristics behavior sadomasochism sexual, namely trend get satisfaction sexual through domination, control, and suffering experienced by the victim.

That matter can seen from pattern action the defendant who repetitive forcing the victim to do connection sexual even though the victim showed rejection and

resistance. The defendant No stop his actions when knowing the victim feels scared, crying, or experience suffering. On the other hand, the defendant Keep going repeat his actions in various different places and times. The behavior carried out in a way repetitive the show that action sexual acts committed no solely for fulfil need biological, but rather has develop become means for show domination and control towards the victim.

2) Legal Basis Used by Judges

a) Article 46 in conjunction with Article 8 letter a in conjunction with Article 5 letter c of Law Number 23 of 2004 concerning Deletion Domestic Violence (PKDRT Law)

Article 8 letter a of the Domestic Violence Law

" Violence sexual as intended in Article 5 letter c includes coercion connection sexual acts committed towards people who settle in scope House ladder the."

Article 46 of the Domestic Violence Law

" Everyone who does actions violence sexual as intended in Article 8 letter a shall be punished with criminal maximum imprisonment of 12 (twelve) years or a maximum fine of IDR 36,000,000.00."

b) Article 45 paragraph (1) in conjunction with Article 7 of Law Number 23 of 2004 concerning Domestic Violence

Article 7 of the Domestic Violence Law

" Violence psychic as intended in Article 5 letter b is actions that result in fear, loss of confidence self, loss ability for act, feel no empowered, and/ or suffering psychic heavy on someone."

Article 45 paragraph (1) of the Domestic Violence Law

" Everyone who does actions violence psychic in scope House ladder convicted with criminal maximum imprisonment of 3 (three) years or a maximum fine of IDR 9,000,000.00."

c) Article 64 paragraph (1) of the Old Criminal Code

Article 64 paragraph (1) of the Criminal Code

"If between a number of actions, although each is crime or violations, there are the relationship such appearance so that must view as One action continue, then only implemented One rule criminal."

This article used Because actions defendant No done one time, but ongoing repeatedly since 2008 to 2010 in several place different, such as Jayapura,

Manokwari, Serui, and Waropen. Therefore the judge looked at it action the as actions continued (*voortgezette handling*).

3) Sanctions Imposed by the Judge

a) State The defendant FILEKS HALIRAT, SE alias FEKI was proven guilty in a way valid and convincing guilty do action crime of" violence" Sexual and Physical Violence Against People Within the Household In a way Continued".

b) Drop criminal to Defendant because of that That with criminal prison for 4 (four) years.

c) Determine the detention period undertaken by the Defendant reduced all of it from the penalty imposed, except time during he treated stay overnight at home Sick outside the State Prison that is not follow reduced.

d) Order that Defendant still is at in prisoners.

e) Charge to Defendant For pay cost case IDR 1,000.- (one thousand rupiah)

Decision Number 29/ Pid.B /2011/ PN.Sri is behavior sexual intercourse containing element domination, coercion, and suffering of the victim are not Again is at in realm private, but rather has become problem law criminal. Decision this also shows that the boundary between behavior sexual which is still can accepted with behavior sexual which causes accountability criminal lies in the existence of *sexual consent*, balance the relationship between the parties, and the consequences that arise towards the victim. In the context sadomasochism, matter This strengthen argumentation that when something behavior sexual done without valid and giving rise to consent suffering physique and psychic, then behavior the No Again can justified as expression sexual personal, but rather is form violence that can requested accountability criminal.

4. Conclusion

Based on results research that has been done, can understood that sadomasochism is one of the form behavior sexual acts that cause pain, suffering, or domination as part from means forget satisfaction sexual. From the point of view view criminology, behavior the No can released from various influencing factors formation behavior a person, whether from from in self perpetrator and from environment surrounding area. Based on results research, can concluded that behavior sadomasochism is form deviation sexual formation through interaction various factors, namely factor individual, psychological, environmental social, as well as development technology and digital media. From the perspective criminology, behavior the can explained through Association Theory Differential, which shows that behavior sadomasochism studied through the process of interaction and learning social; Social Control Theory, which explains that weakness control social and moral values can push somebody do behavior

deviant; as well as the Theory of Deviant Behavior, which views sadomasochism as contradictory behavior with social norms and morality, especially when cause would heavy or disabled permanent towards the victim.

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