

Ideal Formulation for Providing Rehabilitation Measures for Perpetrators of Sexual Violence Based on Justice Values

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Abstract. *Sexual violence constitutes a serious criminal act that violates human dignity, bodily integrity, personal security, and the constitutional right of every citizen to protection from degrading treatment. This research aims to analyze the regulation of rehabilitation measures for perpetrators of sexual violence and formulate an ideal justice-based model for its implementation in Indonesian criminal law. This research uses normative legal research with a descriptive-analytical specification, relying on secondary legal materials analyzed qualitatively through statutes, legal doctrines, theories, and relevant scholarly sources. The findings show that Law Number 12 of 2022 on Sexual Violence Crimes has recognized medical and social rehabilitation as legal measures for perpetrators, but its regulation remains general and lacks detailed standards. The current regulation has not clearly defined the requirements, procedures, implementing institutions, supervision mechanisms, assessment standards, and success indicators for rehabilitation. Rehabilitation should not be understood as leniency for perpetrators, but as a corrective legal measure aimed at behavioral reform, prevention of recidivism, and protection of victims and society. A justice-based rehabilitation model requires mandatory expert assessment involving psychologists, psychiatrists, social workers, correctional officers, and health professionals before rehabilitation is ordered by the court. The ideal formulation should distinguish between child and adult perpetrators, classify rehabilitation based on risk levels and offender needs, and ensure that rehabilitation does not eliminate criminal punishment, restitution, victim recovery, or community protection.*

Keywords: *Criminal; Justice; Law; Sexual; Violence.*

1. Introduction

The 1945 Constitution of the Republic of Indonesia provides a constitutional basis for the state to protect every citizen from all forms of violence, including sexual violence. Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that every person has the right to protection of themselves, their

families, their honor, their dignity, and their property, and has the right to a sense of security and protection from the threat of fear to do or not do something that is a basic human right.

The country has obligation for protect every citizen of all form violence. Guarantee the related with right on protection self, honor, dignity, sense of security, as well as freedom from degrading treatment degrades human. Violence sexual be one of form action facing criminal direct with mark protection the Because his actions attack body, honor, freedom and sense of security of the victim.

Criminalization in law modern criminal law This directed at coaching perpetrators. Coaching the related with awareness perpetrator to mistakes, respect towards the victims, as well as ability perpetrator for return living in the middle public after undergo criminal. Purpose This in line with idea that criminal No only means revenge, but also a means repair behavior. The perpetrator violence sexual need capable handling touch aspect personality, pattern think, control self and responsibility answer social.¹

The TPKS Law recognizes importance coaching perpetrator through arrangement rehabilitation social. Article 17 paragraph (2) letter b of the TPKS Law contains action rehabilitation social for perpetrator action criminal violence sexual. Provisions This show that handling perpetrator No stop at criminal prison, but also directed at the process of improvement behavior. Rehabilitation social can become means for give coaching, counseling, education value, control encouragement, as well as preparation the perpetrator to be able to return to public without repeat his actions.²

Rehabilitation social for perpetrator own connection with protection society. The perpetrators who have undergo criminal still need coaching to understand consequence his actions towards the victims. Guidance the can help perpetrator change pattern think, build not quite enough responsible, and control risky behavior cause action criminal re - rehabilitation social become part from effort guard security public after perpetrator finished undergo criminal.³

Arrangement rehabilitation social in the TPKS Law still need explanation more details about conditions, forms, procedures, institutions implementation, supervision, and measurement its success. The provisions Article 17 paragraph (2) letter b has mention rehabilitation social, but implementation need guidelines

¹ Muladi and Barda Nawawi Arief, *Theories and Policies Criminal Law*, Alumni, Bandung, 2010, p. 10.

² Sholehuddin, *System Sanctions in Criminal Law: Basic Ideas of the Double Track System and Its Implementation*, RajaGrafindo Persada, Jakarta, 2004, p. 31.

³Ni Nyoman Ayu Trisna Aryanti and Made Sugi Hartono, " Settings Rehabilitation for Perpetrator Violence Sexual in Perspective Constitution Number 12 of 2022 concerning Action Criminal Violence Sexuality ", *Al-Zayn: Journal Knowledge Social & Legal*, Vol. 4, No. 1, 2026.

that can used by investigators, prosecutors general, judge, institution correctional and institutional social. Guidelines the it is important that the provision rehabilitation social for perpetrator own base measurable and non- measurable assessment cause difference implementation in case violence sexual.⁴

Philosophically, rehabilitation reflects the principle of resocialization in modern criminal justice theory, which views rehabilitative action as part of the goal of criminal law. This goal is aimed at restoring the perpetrator to a better social life, obeying the law, and being able to respect applicable norms. ⁵Medical rehabilitation functions to improve the psychological condition and physical health of the perpetrator related to violent behavior, while social rehabilitation aims to rebuild the perpetrator's ability to interact, understand the consequences of their actions, and foster awareness of societal values and rules. ⁶The regulation of rehabilitation in the TPKS Law still requires further elaboration regarding implementation procedures, assessment standards, implementing institutions, supervision, and measures of success. This clarity is necessary so that rehabilitation for perpetrators of sexual violence can be applied in a targeted manner in Indonesian criminal justice and provide benefits for social recovery, prevention of recurrence, and community protection.

2. Research Methods

Method research used in study This is method study law normative with specification descriptive analytical. Data sources used in the form of secondary data obtained through studies library, consisting of on material primary laws such as the 1945 Constitution of the Republic of Indonesia, Law Number 1 of 2023 concerning the Criminal Code, Law Number 20 of 2025 concerning the Criminal Procedure Code, and Law Number 12 of 2022 concerning Action Criminal Violence Sexual, material law secondary in the form of books, journals, articles scientific, results research, opinion experts, and works scientific law, as well as material law tertiary in the form of dictionary law, KBBI, encyclopedia law, index regulations, directory decisions, and websites. Data collection techniques were carried out through studies document with inventory, classification, and selection material relevant libraries, whereas technique data analysis was performed in a way qualitative with grouping material law in a way systematically, then analyze it based on theories, principles, doctrines, and regulations legislation for get conclusion that answers formulation problem study.

⁴ Audera Verennestya and Vita Mahardhika, " Analysis The Void of Rehabilitation Norms Social Perpetrator Violence Sexual in Constitution Number 12 of 2022 concerning Action Criminal Violence Sexual ", *Indonesian Journal of Criminal Law*, 2026.

⁵M. Sholehuddin, *System Sanctions in Criminal Law: Basic Ideas of the Double Track System and Its Implementation*, RajaGrafindo Persada, Jakarta, 2003, p. 26.

⁶ Muladi, *Chapter Selecta System Justice Criminal Law*, Diponegoro University Publishing Agency, Semarang, 2017, p. 75.

3. Results and Discussion

3.1. Regulation Provision of Rehabilitation Actions Perpetrator Violence Sexual Not Yet Based Justice

Sexual violence is a form of crime that not only violates positive law but also violates human dignity, humanitarian values, and human rights.⁷ This crime impacts victims physically, psychologically, and socially, often resulting in long-term trauma and creating social stigma that exacerbates victims' social isolation. The effects of sexual violence also create insecurity in public and private spaces, which in turn undermines the sense of security of the wider community and harms the moral and legal order in national life. In this context, the state has a constitutional obligation to establish a legal system that is not only repressive but also provides protection, justice, and legal certainty to all citizens, including victims of sexual violence. This effort was realized through the ratification of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS), which is a normative breakthrough in the Indonesian criminal law system because it provides comprehensive and systematic regulations for various forms of sexual violence that were previously not adequately accommodated in the Criminal Code (KUHP) or other laws.⁸

The TPKS Law was formulated with the primary objective of protecting victims, clarifying the concept of sexual violence, and strengthening criminal law enforcement efforts. Furthermore, this law embodies a progressive criminal law philosophy by introducing punishment instruments that are not only punitive but also preventive and corrective. One important innovation is the regulation of rehabilitation measures for perpetrators of sexual violence as stipulated in Article 17 of the TPKS Law. This provision states that in addition to being sentenced to prison, perpetrators can be subject to rehabilitation measures that include medical and social rehabilitation under the coordination of the prosecutor's office and the supervision of the ministry in charge of social and health affairs. The rehabilitation provisions in the TPKS Law indicate a shift in the paradigm of criminal law in Indonesia, namely from an approach that solely emphasizes repressive aspects to one that also accommodates corrective and preventive dimensions. Rehabilitation in this case is no longer seen as a form of leniency for perpetrators, but as a criminal policy instrument aimed at addressing the roots of

⁷ Silaban, Helen Mutiara, and Wessy Trisna. "Legal Protection for Children as Victims of Violence" Sexual Behavior by Parents According to Positive Law in Indonesia: Study Decision Number 17/ Pid. Sus / 2021 / Pn. Wmn, Decision Number 858/ Pid. Sus/2022/ Pn. Bjm, Decision Number 155/ Pid. Sus/2021/ Pn. Byl." *UNES Law Review* 8, no. 3 (2026): pp. 896-908.

⁸ Azzahra, Salsadilla. "LEGAL PROTECTION FOR VICTIMS OF VERBAL SEXUAL HARASSMENT ON SOCIAL MEDIA: POSITIVE AND PUNITIVE LAW PERSPECTIVES." *Al-Ittihad: Jurnal Islamic Thought and Law* 11, no. 2 (2025): pp. 95-110.

deviant behavior, preventing recidivism (repetition of crimes), and restoring the perpetrator's social function responsibly.⁹

Regulations for the provision of rehabilitation for perpetrators of sexual violence are not justice-based because they lack comprehensive standards regarding the rationale, requirements, procedures, implementing agencies, oversight, and measures of rehabilitation success. Existing regulations acknowledge that perpetrators of sexual violence can be subject to rehabilitation, but they do not provide adequate guidelines for judges, prosecutors, investigators, health workers, social workers, or correctional institutions to uniformly assess rehabilitation needs. This situation leads to differences in implementation between cases.

Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence stipulates that, in addition to criminal penalties, perpetrators of sexual violence may be subject to rehabilitation. This regulation acknowledges that criminal penalties are not sufficient for handling perpetrators; corrective measures are also needed to change behavior and prevent recurrence. Problems arise because this formulation remains general and does not specify the criteria for perpetrators who can or must receive rehabilitation.

Providing rehabilitation to perpetrators of sexual violence should be considered part of community protection, victim protection, and perpetrator rehabilitation.¹⁰ Rehabilitation is not a form of leniency granted without basis, but rather a legal action that must be based on expert assessment, the perpetrator's level of risk, the type of act, psychological condition, power relations, the consequences for the victim, and the likelihood of reoffending. The lack of clear criteria makes rehabilitation potentially misunderstood as a substitute for punishment, when in fact it should be a complementary measure.

The main weakness of the regulation lies in the unclear boundaries between medical rehabilitation, psychological rehabilitation, social rehabilitation, behavioral counseling, sexual impulse control therapy, and correctional rehabilitation. This distinction is important because each form of rehabilitation has different goals, methods, implementing personnel, and timeframes. Without a clear distinction, judges' decisions may include rehabilitation without a clear direction for its implementation.

⁹ Guntara, Peter, Devi Fahwi Kurniastuti, and Nanda Puspitasari Wardoyo. " Legal Protection for Users Transportation General to Action Criminal Violence Sexual." *Synergy: Journal of Collaborative Sciences* 2, no. 1 (2026): pp. 66-80.

¹⁰ Sujasmin, S., 2025. Implementation Sanctions Chemical Castration for Perpetrator Action Criminal Violence Child Sexuality in Perspective Right Basic Human. *USM Law Review Journal*, 8 (1), pp. 544-558.

Provisions regarding the rehabilitation of perpetrators of sexual violence against children were first identified in Government Regulation Number 70 of 2020. This regulation governs the procedures for chemical castration, the installation and removal of electronic detection devices, rehabilitation, the announcement of the perpetrator's identity, funding, and supervision. These provisions demonstrate that rehabilitation is already recognized in positive law, particularly for sexual violence against children, but its provisions are still limited to a specific scope and do not address all types of sexual violence regulated in the TPKS Law.

The aspect of justice has not been met because regulations on offender rehabilitation do not fully link the interests of the offender with the victim's right to recovery. Offender rehabilitation will be just if it is directed at preventing reoffending, reducing the victim's risk of further threats, and supporting social security after the offender returns to society. Regulations that only position rehabilitation as a measure against the offender without linking it to the interests of the victim can create the impression that the victim's needs are being neglected.

3.2. Ideal Formulation of Regulation Provision of Rehabilitation Actions Perpetrator Violence Sexual Based Justice

Philosophically, rehabilitation reflects the principle of resocialization in modern criminal theory, which views corrective action as part of the general goal of criminal law, namely to restore the perpetrator to a healthier social condition and respect for legal norms. From this perspective, medical rehabilitation is aimed at improving the psychological and physical health of the perpetrator, which may be related to violent behavior, while social rehabilitation is aimed at strengthening the perpetrator's social skills and awareness of applicable social norms. However, the provisions for rehabilitation in the TPKS Law are currently normative and general, without clear technical implementation details, assessment standards, or evaluation guidelines.¹¹

Rehabilitation in the TPKS Law is positioned as part of the multilateral sanctions system in modern criminal law, namely a system that does not only rely on imprisonment or fines, but also combines them with actions (*maatregel*) oriented towards the improvement of the perpetrator. This orientation shows that the purpose of punishment is no longer solely to cause suffering to the perpetrator, but also to protect society, control the risk of recidivism, and improve the perpetrator's behavior through scientific and social mechanisms. In practice, rehabilitation functions as an instrument to address deviant behavior rooted in psychosocial factors, such as personality disorders, distorted thinking, traumatic experiences, or weak self-control of the perpetrator, so that it is not sufficient to

¹¹ Purnomo, Didik. "Contradiction and legal transformation in the shift of the correctional system from retributive to social reintegration in Indonesia." *Justice Tirtayasa: Journal Final Project* 5, no. 2 (2025): pp. 138-165.

handle it with imprisonment alone. A solely punitive approach risks not addressing the root causes that drive someone to commit sexual violence, so that after completing their sentence, the perpetrator still has a high potential to repeat their actions.

Therefore, the inclusion of rehabilitation in the TPKS Law demonstrates that the state is not merely reacting to past crimes but also attempting to manage the risk of future crimes through targeted interventions aimed at the perpetrator's mental and social well-being. In this context, rehabilitation cannot be understood as a form of leniency or tolerance for the perpetrator, but rather as part of a long-term community protection strategy.

The UK places the treatment of sexual offenders through accredited programs run within correctional institutions and probation services. *HM Prison and Probation Service* ¹² administers programs for sexual offenders through an approach that includes risk assessment, behavioral needs, danger management, and post-community reintegration. This model is crucial for Indonesia because rehabilitation is not simply defined as a decision; it must be accompanied by an official program with national standards, trained staff, work guidelines, and regular evaluations. Elements that can be adopted include the rehabilitation program accreditation system, offender risk mapping, and the working relationship between the courts, correctional institutions, community counselors, and experts.¹³

Singapore developed *Psychology-Based Correctional Programs* ¹⁴ under the *Singapore Prison Service* to help inmates review their life goals, improve their criminal mindset, manage their emotions, and develop healthy social skills. These programs demonstrate that offender rehabilitation requires a targeted psychological approach, not just general correctional counseling in correctional facilities. Indonesia can adopt a model that incorporates initial psychological assessments, individual therapy plans, and evidence-based behavioral coaching to ensure measurable changes in the rehabilitation of sexual violence offenders.

Australia, particularly New South Wales, has a program for sex offenders designed to help offenders understand the situations, feelings, and thought patterns that put them at risk of reoffending. Corrective Services NSW differentiates programs based on offender needs, so interventions are not provided uniformly to everyone. This model could be adopted by Indonesia by dividing rehabilitation

¹² Bone, Jessica, and Fay Sweeting. "Understanding the Nature and Prevalence of Sexual Misconduct in the UK Prison and Probation Service." *The Prison Journal* 105, no. 2 (2025): p. 236-260.

¹³ *Ibid*

¹⁴ Enjoy Hamzah, Nur. "Evidence-Informed Practice In Correctional Group Work In Singapore Prison Service." In *Group Work in Correctional Rehabilitation: Practitioners' Experiences in Singapore Prison Service*, p. 27-38. 2025.

programs based on low, medium, and high risk categories, the type of sexual assault, the offender's age, the relationship between the offender and the victim, and the need for supervision after serving a sentence or action.

The Netherlands and several European countries recognize the community supervision model, *Circles of Support and Accountability* ¹⁵, which involves offenders, trained volunteers, and professionals such as probation officers. This model aims to help offenders reintegrate into society while preventing reoffending through social support and supervision. Indonesia can incorporate elements of post-rehabilitation supervision while adhering to national legal principles, including community counselors, social workers, psychologists, families deemed safe, local governments, and women's and children's protection services.

The ideal formulation of regulations for providing rehabilitation for perpetrators of sexual violence in Indonesia needs to be based on the provisions of Article 17 of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, which states that in addition to criminal penalties, perpetrators can be subject to medical and social rehabilitation. This formulation provides an initial legal basis, but requires more detailed implementing regulations to ensure that rehabilitation is not simply a judge's discretion without clear guidelines. Ideal regulations need to emphasize that rehabilitation is a legal action aimed at improving the perpetrator's behavior, preventing recurrence of the crime, and protecting victims and the community.

Ideal regulations should position rehabilitation as a supplementary measure that does not eliminate criminal liability, restitution, victim recovery, and victim protection. Perpetrators undergoing rehabilitation must remain accountable for their actions through court-imposed sanctions. Rehabilitation serves to improve behavioral and psychological factors related to the crime, not as a way to diminish the seriousness of sexual violence. This balance is crucial to ensure that victims' rights are not marginalized by attention to the perpetrator.

The criteria for offenders eligible for rehabilitation must be clearly defined. These criteria include the type of crime, the offender's age, the offender's relationship to the victim, the level of violence, the impact on the victim, criminal history, the results of psychological or psychiatric examinations, the level of risk of reoffending, and the offender's willingness to participate in the program. Judges should use these criteria as the basis for their decisions so that rehabilitation is not solely based on general assessments.

The ideal formulation requires a distinction between rehabilitation for juvenile offenders and adult offenders. Juvenile offenders require educational approaches,

¹⁵ Richards, Kelly, and Bridget Weir. "The experiences of victims/survivors of sexual violence who volunteer in Circles of Support and Accountability (CoSA): an exploratory, qualitative study." *Psychiatry, Psychology and Law* 33, no. 2 (2026), p. 276-294.

foster care, family development, behavioral counseling, and social reintegration tailored to the principle of the child's best interests. Adult offenders require interventions that emphasize personal responsibility, behavioral control, understanding the impact of their actions on the victim, and compliance with prohibitions and supervision. This distinction is necessary because children and adults differ in age, maturity, and patterns of legal responsibility.

Mandatory assessments prior to imposing rehabilitation should be a key part of the regulation. Assessments are conducted by a team of experts consisting of clinical psychologists, psychiatrists, social workers, community counselors, and health workers, as needed in the case. Assessment results should include the offender's mental state, sexual behavior patterns, triggering factors, level of remorse, ability to participate in programs, risk of relapse, and recommendations for rehabilitation. Judges should use the assessment reports as a basis for their decisions, ensuring more accurate and enforceable decisions.

The forms of medical and social rehabilitation need to be explained in detail in implementing regulations. Medical rehabilitation can include psychiatric examinations, psychological therapy, psychiatric therapy, medically indicated sexual urge control, and mental health care. Social rehabilitation can include behavioral counseling, healthy relationship education, self-control training, responsibility development, social guidance, and supervision for reintegration into the community. This distinction helps authorities determine the appropriate course of action based on the offender's circumstances.

4. Conclusion

Protection law to right living child post divorce confirm that divorce only cut off connection husband wife, not delete parental obligations to child. Father remains must fulfil cost life, education, health, place stay, and needs child until mature or independent, whereas Mother still play a role in care and education. Protection the has arranged in various provision law, but implementation Still weak Because not yet there arrangement details about quantity, time, method payment, adjustment needs, supervision decision, and consequence law for negligent party. Formulation ideally, livelihood child must placed as right law clear, measurable, and able children implemented, and reflects certainty, usefulness, and justice.

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