

REPRESENTATION OF GOVERNMENT IDEOLOGY IN LAW ON SEXUAL VIOLENCE CRIMINAL ACTS NUMBER 12 OF 2022: A CRITICAL DISCOURSE ANALYSIS STUDY

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Abstrak

Teks hukum tidak hanya berfungsi sebagai perangkat normatif, tetapi juga sebagai produk diskursif yang memuat relasi kuasa dan ideologi negara. Karena itu, untuk memahami secara kritis representasi ideologi pemerintah dalam Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual (UU TPKS) dilakukan kajian wacana melalui pendekatan Analisis Wacana Kritis (AWK) model Norman Fairclough. Analisis dilakukan melalui tiga dimensi: teks, praktik wacana, dan praktik sosial budaya. Penelitian ini menggunakan metode kualitatif dengan pendekatan etnografi teks hukum. Sumber data yang digunakan terdiri atas sumber data primer yaitu Undang-Undang Tindak Pidana Kekerasan Seksual Nomor 12 Tahun 2022 dan sumber data sekunder berupa literatur yang berhubungan dengan representasi ideologi dalam wacana melalui analisis wacana kritis ala Fairclough. Pada dimensi teks, digunakan teori linguistik sistemik fungsional M.A.K. Halliday, khususnya metafungsi ideasional melalui sistem transitivitas, untuk menelaah representasi tindakan, aktor, dan peristiwa dalam pasal-pasal kunci UU TPKS. Analisis praktik wacana menyoroti proses produksi dan konsumsi teks hukum, sementara praktik sosial budaya ditelusuri melalui konteks historis, politik, dan ideologis di balik pembentukannya. Hasil penelitian menunjukkan bahwa: (1) struktur linguistik UU TPKS membingkai negara sebagai aktor pelindung dominan, sementara perempuan cenderung direpresentasikan secara pasif; (2) praktik wacana UU ini memperlihatkan tarik-menarik antara ideologi progresif masyarakat sipil dan tekanan konservatif dari aktor negara serta kelompok keagamaan; (3) konteks sosial budaya UU TPKS dipengaruhi oleh budaya patriarkal, kalkulasi politik elektoral, dan tuntutan global. Penelitian ini menegaskan pentingnya evaluasi kritis terhadap bahasa hukum dalam kebijakan publik, khususnya terkait isu kekerasan seksual dan ketimpangan gender.

Kata Kunci: analisis wacana kritis, UU TPKS, ideologi, bahasa hukum, kekuasaan

Abstract

Legal texts function not only as normative instruments but also as discursive products containing power relations and state ideology. Therefore, to critically understand the representation of government ideology in Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS), a discourse study was conducted using Norman Fairclough's Critical Discourse Analysis (AWK) approach. The analysis was conducted through three dimensions: text, discourse practices, and socio-cultural practices. This research employed a qualitative method with an ethnographic approach to legal texts. The data sources used consisted of primary data, namely Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, and secondary data sources in the form of literature related to the representation of ideology in discourse through Fairclough's critical discourse analysis. In the text dimension, M.A.K. Halliday's systemic functional linguistics theory, particularly ideational metafunctions through transitivity systems, is used to examine the representation of actions, actors, and events in key articles of the TPKS Law. The analysis of discourse practices highlights the processes of production and consumption of legal texts, while socio-cultural practices are traced through the historical, political, and ideological contexts behind their formation. The results of the study indicate that: (1) the linguistic structure of the TPKS Law frames the state as the dominant protective actor, while women tend to be represented passively; (2) the discourse practices of this law demonstrate a tug-of-war between the progressive ideology of civil society and conservative pressures from state actors and religious groups; (3) the socio-cultural context of the TPKS Law is influenced by patriarchal culture, electoral political calculations, and global demands. This study emphasizes the importance of critical evaluation of legal language in public policy, particularly regarding issues of sexual violence and gender inequality.

Keywords: critical discourse analysis, UU TPKS, ideology, legal language, power

1. INTRODUCTION

Sexual violence is one of the most serious and systemic forms of human rights violations (Noviani et al., 2018). It not only harms victims physically and psychologically, but also reflects the unequal power relations in society. According to data (Komnas Perempuan, 2023), over the past decade, more than 460,000 cases of violence against women have been recorded, with the number continuing to increase annually. This fact demonstrates that sexual violence is not a case-by-case or individual phenomenon, but rather part of a complex structural problem rooted in gender inequality, patriarchal culture, and a weak legal response.

In response to this situation, the Indonesian government's enactment of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) marks a significant milestone in national legal policy, particularly in protecting victims of sexual violence. This law expands the definition of the crime of sexual violence, establishes new forms of violence that were not previously explicitly recognized in the Criminal Code, and guarantees victims' rights, ranging from rehabilitation, legal assistance, to protection from social stigma (Fauzi et al., 2022).

This law was also born in a socio-political context fraught with pressure, ideological conflict, and resistance from various parties. The legislative dynamics in the House of Representatives (DPR), debates over moral norms, and intervention by conservative groups demonstrate that this law was not born in a vacuum, but rather the result of compromise between discursive forces operating within the state policy sphere.

Although numerous legal and policy studies have been conducted on the TPKS Law, linguistic studies of this legal text remain very limited, particularly those using a Critical Discourse Analysis (AWK) approach (Aprilia, 2023). Yet, legal texts cannot be viewed merely as technical or normative devices, but also as discursive products that shape and are shaped by power. The language in legal texts is not neutral, but is imbued with values, ideologies, and representations of power. In this

context, the AWK approach becomes crucial. Teun A. van Dijk emphasizes that discourse is always related to social structure and social cognition who speaks, to whom, in what context, and for what purpose. Through analysis of text structure, lexical choices, and the narratives constructed, we can identify how the state positions itself in the relationship between victims, perpetrators, and society (Firmansyah et al., 2024).

In the context of this research, Critical Discourse Analysis (CDA) is positioned as a highly relevant methodological instrument for uncovering the representation of government ideology hidden in the construction of legal language, particularly in the Sexual Violence Crimes Law (UU TPKS). The CDA approach, developed by Fairclough (1995), provides a three-dimensional analytical framework: text (micro-linguistic analysis of language structure), discursive practice (the process of production, distribution, and consumption of discourse), and social practice (the social, cultural, and political conditions and contexts surrounding the discourse).

In this research, the legal language in the TPKS Law is seen as an ideological tool that not only conveys legal norms but also reproduces power relations. The focus of critical linguistics is on the government's discursive practices as evident in the construction of legal language and how language structures—whether lexical, syntactic, or discursive—are used to frame social reality and reinforce state power. This research utilizes Fairclough's theory of critical discourse analysis to examine the representation of ideology embodied in the language choices and narrative structure of the legal text.

Several previous studies have examined Law No. 12 of 2022 concerning Sexual Violence Crimes (TPKS Law) from various perspectives. Mas'ud et al., (2025), for example, examined the concept of restorative justice in the TPKS Law through the perspectives of

progressive law and Islamic criminal law. The study's findings indicate that although restorative justice has been incorporated into the law, its implementation has not fully favored victims due to the potential for compromise between victims and perpetrators. Although not using a linguistic approach, this study remains relevant because it demonstrates how legal constructions carry certain ideological values that reflect the state's position in responding to sexual violence.

Meanwhile, Fauzi et al., (2022) and Aprilia (2023) employed a critical discourse analysis approach in examining online media coverage of the Draft Law on the Elimination of Sexual Violence. Using Teun A. Van Dijk's discourse analysis model, both studies demonstrate how the media construct narratives that can reinforce or challenge state policies, while simultaneously reflecting the ideological dynamics between the state and civil society. However, their studies focused more on mass media than on the legal text itself.

The legislative process of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence is inseparable from socio-political dynamics involving the active participation of various elements of society. Strong pressure emerged primarily from social movements focused on issues of gender equality, women's protection, and the enforcement of human rights. This massive public outcry created strong political momentum for the formulation of more comprehensive, progressive, and victim-friendly regulations. The formation of the TPKS Law is the result of a long and complex social process, in which the state acted not only as a policymaker but also as an actor responding to the aspirations and demands of the community (Ariani, 2019). The legislative process was also marked by various political tugs and tugs, ideological negotiations, and resistance from conservative groups, indicating that the regulation was not entirely free from compromise (Mas'ud, 2019). Therefore, it is important to further examine how government ideology is manifested in the legal language used in the TPKS Law, so that we can

identify the extent to which this law truly represents the interests of victims or whether it still reflects existing power structures. The process of formulating the TPKS Law was also marked by various complex political and ideological dynamics. The lengthy debate in the House of Representatives (DPR), the emergence of resistance from conservative groups, and the tug-of-war between factions indicate that the drafting of this law was the result of a compromise between various conflicting interests. Therefore, the final text of the TPKS Law was not entirely free from the influence of dominant ideologies developing in society and state institutions. In this regard, the text of the TPKS Law can be understood as a discursive product shaped by power relations within society. The legal language used in the law is not neutral, but rather imbued with specific values, worldviews, and ideologies. Therefore, an analysis of the TPKS Law needs to be conducted with attention to the surrounding socio-political context, in order to uncover how the construction of power and government interests are represented through the language choices within the legal text.

Text is a linguistic unit with a complete structure and meaning, functioning as a means of communication in a particular social context. Text is not simply a collection of sentences, but is bound by the principles of cohesion and coherence that form a unity of meaning. Cohesion refers to the grammatical and lexical relationships between elements in a text, while coherence relates to the logical continuity of ideas or meanings. According to Cotterrell, (2006), these two elements are essential for making a discourse understandable as a text, not just separate sentences. In a more contemporary sense, Fairclough (1995) emphasizes that text is also a product of social practices that reflect ideological values. This means that the language in a text plays a role in shaping and reproducing social structures. Therefore, analysis of a text

must examine both its linguistic aspects and its social context. Text genre refers to the grouping of texts based on their communicative purpose, rhetorical structure, and distinctive linguistic characteristics. In the systemic-functional approach, genre is the realization of a particular social structure manifested through linguistic forms. For example, news texts, descriptive texts, or legal texts each have distinct purposes and linguistic characteristics. Martin & Rose (2008) explain that genres are not fixed but can change according to social developments and the communicative needs of society. In this context, legal texts fall into the regulative genre because they aim to establish norms and rules that bind citizens.

Characteristics of legal texts include:

- 1) Use of formal language
- 2) Special terminology
- 3) Complex sentence structure

To recognize a linguistic product as a text, it is also important to understand the general characteristics that distinguish texts from other linguistic forms. In addition to the cohesion and coherence mentioned previously, other characteristics include:

- 1) Systematic structure
- 2) The presence of a central topic
- 3) Appropriateness of context or register

A systematic structure allows readers to follow the author's train of thought logically from beginning to end, while a central topic gives the text a consistent focus or theme. Appropriate register indicates that the text uses word choice and language style appropriate to the communicative situation. In legal texts, for example, the use of terms such as "defendant," "criminal," or "regulation" indicates a unique legal context and is not ideologically neutral (Afriansyah, 2017). All of these characteristics support the text's primary function as a tool for conveying information, persuading, explaining, or establishing norms, depending on the text type and its purpose (Sobur, 2018).

The selection of the TPKS Law as the object of study was also based on considerations of social

relevance and legal urgency. This law is a response to the increasing number of cases of sexual violence, which previously lacked an adequate legal basis for victim protection. Therefore, the TPKS Law is an important arena for analysis because it represents a paradigm shift in Indonesian criminal law. By analyzing this text, researchers can uncover how legal discourse frames the issue of sexual violence and how representations of perpetrators and victims are shaped. This text also contains power relations between the state and society, between the legal system and the protection needs of vulnerable groups. In the AWK approach, such matters are a primary focus because language is never considered neutral or free from ideology. Therefore, the presence of the TPKS Law as a socially and legally powerful nonfiction text makes a significant contribution to critical legal discourse research.

Discourse Analysis

Discourse is a translation of the English word "discursus"; however, discourse originates from the Latin word "discursus," meaning "running to and fro" (derived from *dis-*, from "to run" and *currere* to run). Discourse must contain two aspects: unity and coherence, to follow a proper or logical sequence. Discourse is not always written, just as speeches are not always written (Izhatullaili, 2022). A series of words or speech acts that convey a topic, presented in an orderly, systematic manner, and in a coherent whole, produced by the segmental and non-segmental aspects of language, is also called discourse.

The study of message structure in communication is known as discourse analysis. Discourse analysis is the study of the many functions (pragmatics) of language in greater detail. We use language continuously or intermittently. It is impossible for humans to interact naturally with one another without context, without the discourse connections that exist between sentences and supra-sentences

(Ayyasi, 2021).

Norman Fairclough's Critical Discourse Analysis

Critical discourse analysis is a theory or method for analyzing a text within a socio-cultural context, focusing on social practices occurring in the media (Izhatullaili, 2022). As a result, Fairclough's model is often identified as a model of social transformation. Critical discourse analysis is a critical paradigm that recognizes that media are not free and neutral. Certain groups own media, which is then used to oppress non-dominant groups (Cenderamata & Darmayanti, 2019).

According to Fairclough, discourse is a form of action in which individuals use language as a tool to act in the world, primarily as a way to represent the world or reality. Discourse involves social practices that transform knowledge, identity, and social interactions (power relations), all of which are tied to specific relationships within institutions such as law or education, systems, and classifications. This study consists of three parts: text, discourse practices, and socio-cultural practices

Fairclough's Critical Discourse Analysis (CDA) theory is used because it provides a framework for understanding how language in policy or legal texts contains particular ideologies that support state power structures. In this context, language is not simply a means of communication, but an instrument of domination and the formation of social reality. Fairclough's theory combines various disciplines, including linguistics, interpretive traditions, and sociology, to conceptualize the idea of discourse.

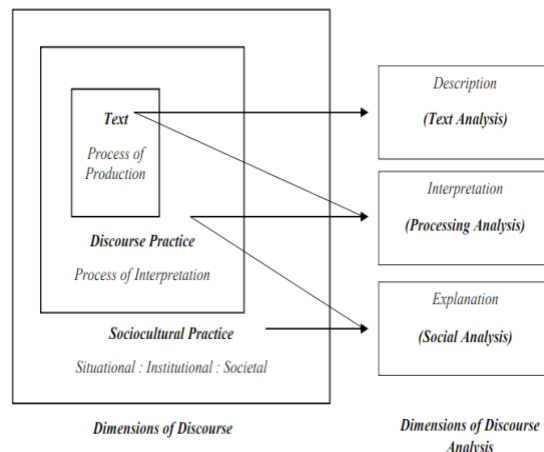


Table 2.1 Norman Fairclough's Critical Discourse Analysis

Representation

Words, images, sequences, stories, and other forms of representation are used to depict thoughts, emotions, facts, and other concepts. These representations rely on existing and culturally recognized signals and images. The process by which reality is communicated through communication, whether through words, sounds, images, or a combination of these, is called representation. In essence, representation is someone who can convey thoughts, concepts, and ideas about something through language (written, spoken, or pictorial symbols and signs). Representation can also be defined as the activity of displaying or representing something outside oneself, usually in the form of signs or symbols.

2. METHOD

The type of research used is a descriptive approach with qualitative methods. This research approach is considered appropriate because it can provide an in-depth and comprehensive picture of the reality and social phenomena that are the object of research, namely the ideological representation formulated by the Government in Law Number 12 of 2022 on the Crime of Sexual Violence, which will be analyzed using Fairclough's critical discourse analysis method. The research

method used is critical discourse analysis with a critical paradigm. Norman Fairclough's CDA (Critical Discourse Analysis) approach involves examining texts with attention to context in three main aspects: "text production," "text consumption," and sociocultural practices

In this study, data analysis used the Critical Discourse Analysis (CDA) approach as developed by Norman Fairclough. Fairclough (1995) views discourse as a social practice consisting of three dimensions: text (linguistic text), discursive practice (the production and consumption of discourse), and social practice (the broader social context). To analyze the textual dimension, this study used M.A.K. Halliday's systemic functional linguistics approach.

3. RESULT AND DISCUSSION

Transitivity Analysis

Transitivity analysis of the 584 clauses in Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) shows the dominance of material processes, with 263 clauses (45.12%). In second place are relational processes, with 227 clauses (38.93%), which explain the identity, status, classification, and attributes of legal entities such as victims, perpetrators, or types of crimes. Mental processes were found in 37 clauses (6.35%), encompassing activities such as knowing, understanding, or considering.

Table 1. transitivity

Chapter	Material	Relasional	Mental
Considerations	3 (42.86%)	3 (42.86%)	1 (14.29%)
Chapter 1	13(26.0%)	31(62.0%)	6(12.0%)
Chapter 2	58(54.72%)	44(41.51%)	3(2.83%)
Chapter 4	113(57.07%)	50(25.25%)	12(6.06%)
Chapter 5	12(25.53%)	20(42.55%)	9(19.15%)
Chapter 6	16(34.78%)	26(56.52%)	2(4.35%)
Chapter 7	14(42.42%)	19(57.58%)	0(0.0%)
Chapter 8	3(18.75%)	0(0.0%)	1(6.25%)
Chapter 9	0(0.0%)	3(100.0%)	0(0.0%)
Chapter 10	2(100.0%)	0(0.0%)	0(0.0%)
Chapter 11	4(100.0%)	0(0.0%)	0(0.0%)
Chapter 12	2(40.0%)	1(20.0%)	0(0.0%)
Explanation	14 (29.79%)	30 (63.83%)	2 (4.26%)

Total	265	227	37
Total %	45,12%	38,93%	6,35%

Furthermore, verbal processes appeared in 25 clauses (4.29%), reflecting communication actions such as conveying, reporting, and informing. This demonstrates that the TPKS Law emphasizes the importance of formal communication and the right to information in the sexual crime justice system, particularly regarding reporting and victim involvement. Behavioral processes, totaling 19 clauses (3.26%), describe psychological-physical behaviors such as reacting or responding socially. Although small in number, these processes are crucial in demonstrating how society or individuals should behave in the context of sexual violence. Chapter VIII, which regulates community participation, is the primary focus of this process. Finally, existential processes only appear in 3 clauses (0.51%), used to express the existence of something such as a service or institution. Although minor, these processes remain important in affirming the existence of essential elements in the implementation of the law. The distribution of process types in the TPKS Law reflects that the legal language is designed to be concrete (material), conceptual-structural (relational), and consider psychological and communication dimensions (mental and verbal). Behavioral and existential processes complement each other as depictions of the social and existential aspects of legal institutions. This emphasizes that the TPKS Law is not merely a passive norm, but an active and responsive legal framework to the complexity of sexual violence cases.

Discourse Practice Analysis

An analysis of the discourse practices surrounding Law of the Republic of Indonesia Number 12 of 2022 concerning Criminal Acts of Sexual Violence shows that this legal text is

the product of a complex interaction between various discursive forces in society. Through Fairclough's approach, it can be seen that this text does not stand alone as a normative document, but rather is the result of a discourse production process involving state actors, civil society, victim advocacy organizations, and the social and political dynamics that developed from the bill's deliberations to its enactment into law. In the considerations section, the state positions itself as responding to the urgent need to resolve the problem of sexual violence, which has been deemed ineffective by existing law. The narrative constructed in the considerations presents sexual violence as a serious crime against human dignity and a violation of the principles of social justice. The use of phrases such as "human dignity," "discrimination," and "comprehensive protection" demonstrates that the state is constructing a discursive identity focused on protecting victims and acknowledging their suffering.

In its definition articles, the TPKS Law frames sexual violence not merely as a violation of criminal law, but as a structural phenomenon influenced by power relations and gender inequality. Although Article 1, number 1, is legalistic and does not explicitly define the form of violence, references to other articles in the law reflect the state's discursive strategy, which seeks to legitimize the meaning of sexual violence within the text itself. Meanwhile, Article 2 demonstrates the state's value orientation: justice, reparation, non-discrimination, and victim participation as an integral part of the legal process. This demonstrates the state's incorporation of human rights and restorative justice into its legal framework.

The articles on victims' rights demonstrate that the state is beginning to adopt a more participatory and empathetic approach to victims of sexual violence. The detailed rights to treatment, protection, and reparation indicate that this legal text aligns itself with the demands of civil society groups rejecting a legal system that marginalizes victims. In practice, this discourse is the result of the articulation of discursive power between the state and social

movements that have long advocated for the recognition of victims' experiences as central to the justice system

In the sanctions articles, the state asserts its position as a firm enforcer of justice oriented toward deterrence. The types of punishments imposed demonstrate attention to complex forms of sexual violence, ranging from physical to verbal to digital. However, these sanctions are not solely repressive. Additional punishments such as restitution, rehabilitation, and the disclosure of the perpetrator's identity also demonstrate a more progressive approach in viewing sexual crimes as a social problem requiring multidimensional handling. From the overall analysis of discourse practices, it can be concluded that the TPKS Law is a legal text that not only establishes norms but also shapes and disseminates values. In this case, the state appears not merely as a regulator but also as a producer of social meaning, placing victims at the center of protection and justice. Through a combination of legality and ideology, this law becomes an arena for the articulation of a broader social discourse on justice, protection, recovery, and social control over perpetrators of sexual violence.

Socio-Cultural Analysis of TPKS Law No. 12 of 2022

The context of the situation is the social, political, and legal conditions underlying the enactment of Law of the Republic of Indonesia Number 12 of 2022 concerning Criminal Acts of Sexual Violence. In critical discourse analysis, particularly according to Norman Fairclough's model, the context of the situation serves to understand how legal texts are produced not in a vacuum, but in a dialectical relationship with the prevailing social reality at the time. In the TPKS Law, this context of the situation is largely reflected in the considerations and structure of the articles, and can be observed through the dynamics of public

discourse, civil society pressure, and weak law enforcement conditions regarding sexual violence. "This law cannot be separated from public pressure, from the cries of victims, and from the state's previous inability to address the issue of sexual violence" (Tadjoeddin, 2014). Based on a review of documents, public discourse, and the contents of the law, the author identifies two main categories of contextual situations underlying the birth of the TPKS Law: internal situations (related to the state of the legal system) and external situations (related to the social conditions of society).

Internal Situation

The absence of a comprehensive legal framework for sexual violence. Prior to the enactment of the TPKS Law, the crime of sexual violence was not adequately regulated in the Criminal Code. Many forms of sexual violence, such as verbal harassment, electronic sexual violence, and forced contraception, lack a clear legal basis. Preamble letter a states that sexual violence is a crime against human dignity and a form of discrimination that cannot be effectively addressed by applicable criminal law. This demonstrates the government's recognition of the legal vacuum as a serious problem that must be addressed. "There are many forms of sexual violence that cannot be prosecuted. For example, online sexual violence, forced contraception—these are all unknown in the Criminal Code" (Fauzi et al., 2022).

The need for a legal system that sides with victims. The legal process has often positioned victims as evidence, not legal subjects. Many victims of sexual violence experience re-victimization during the reporting and verification process. The TPKS Law aims to address this gap, as reflected in Articles 66–70, which guarantee victims' rights from the onset of sexual violence. "Until now, victims have not only had to prove the violence they experienced, but have also often been criminalized, blamed, and even asked to reconcile. We need a system that sides with them." (Aprilia, 2023).

External Situation

The rise in sexual violence and the failure to address it. Data from the National Commission on Violence Against Women and various advocacy organizations record thousands of cases of sexual violence each year that are not handled fairly. Cases like Baiq Nuril and Agni symbolize the failure of the law to protect victims. The public witnesses how victims are criminalized or forced to reconcile with their perpetrators through family means. This public pressure has led to petitions, digital campaigns, and calls for the House of Representatives (DPR) and the government to immediately pass laws that favor victims. "Victims of sexual violence feel like they're being punished twice. They're already traumatized, and then they're asked to prove it again, constantly being cornered. It's as if the state doesn't exist for them" (KPAI, 2024).

Civil society support and women's movement alliances. The enactment of the TPKS Law was the result of a long struggle by various women's organizations, NGOs, and academics, allied to the Civil Society Coalition. They actively advocated for a legal framework for sexual violence by drafting the academic text of the PKS Bill since 2016. However, political resistance led to a change in the title from "elimination" to "criminal act," which discursively reflects a compromise between the state and conservative groups. "The PKS Bill has been drafted since 2016. We—women's organizations, academics, and victims—were directly involved in drafting the academic text. But the journey was long and fraught with resistance" (Noviani et al., 2018).

Discursive tensions emerged in the public sphere. The enactment of this law did not proceed smoothly. Some parties rejected the bill, arguing that the definition of sexual violence was too broad, potentially legalizing promiscuity, and contradicting religious values. This situation created sharp polarization in society, with debates taking place not only in parliament but

also on social media, campuses, and in public spaces. In practice, this tension demonstrates how the state's narrative is shaped by ideological pressure from two poles: progressive and conservative. "If the definition of sexual violence is made too broad, it could open up space for justification of promiscuity that is inconsistent with religious values" (Firmansyah et al., 2024).

The contexts of the situation above demonstrate that the enactment of the TPKS Law represents the state's response to the need for a more humane and just legal system, as well as a recognition of the victims' suffering as a public issue that must be addressed systematically. Through this law, the state seeks to present itself as a protective institution that not only punishes perpetrators but also provides reparation for victims. Thus, the context of the TPKS Law reflects the state's ideological position, which seeks to portray itself as a protector of human rights and social justice, while remaining within the bounds of political and social compromise. The discourse on victim protection that emerges in the preamble and body of this law cannot be separated from massive and historical social pressures, as well as from legal needs that have been neglected by the conventional criminal justice system.

Institutional Context

The state is the primary institution with the legitimacy to create laws, establish norms, and regulate other institutions within the state system. Within Indonesia, various institutions, such as ministries, law enforcement agencies, victim protection agencies, non-governmental organizations, and educational and health institutions, are all institutions that functionally have their own positions. Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) provides a concrete manifestation of how the state, as the highest legal institution, establishes the roles and relationships between institutions in addressing sexual violence as a national issue. This power relationship is manifested in the form of

responsibilities borne by various state and community institutions, with direct mandates from the law to carry out prevention, handling, protection, and recovery. The structure of the TPKS Law divides authority and responsibility among implementing institutions, both administrative and functional. Articles 75, 76, 77, and 89 contain provisions assigning the Ministry of Women's Empowerment and Child Protection, the Ministry of Social Affairs, the Witness and Victim Protection Agency (LPSK), the Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA), and law enforcement agencies such as the police and prosecutors. In addition to central institutions, this law also addresses educational institutions, health services, and community organizations. Each institution is regulated to carry out specific functions within an integrated service system that focuses not only on punishing perpetrators but also on victim rehabilitation.

In terms of judicial institutions, the Indonesian criminal justice system, which has historically focused on evidence and sanctions, is now being challenged to transform into one that also considers aspects of trauma and recovery. Judges, prosecutors, and investigators are required to understand a gender-sensitive approach and refrain from re-victimizing victims. An investigator in the Women and Children Protection Unit (PPA) stated, "We can't just ask victims questions like we used to. We have training and standard operating procedures (SOPs) that prohibit traumatizing interrogations. If we don't follow them, we could be reported." This transformation can only occur if legal institutions are provided with an adequate framework, as outlined in the TPKS Law.

Although the roles of these institutions are regulated in detail, implementation challenges remain a major obstacle. Not all regions have equal capacity, human resources, and budgets.

A victim advocacy activist from a community organization stated, "In big cities, victims can immediately receive comprehensive services. But in the regions, sometimes the Technical Implementation Unit (UPTD) doesn't exist, or the police have never handled similar cases." This disparity in infrastructure and institutional capacity is an important consideration in the institutional context of the TPKS Law. The state as the main institution must ensure that all implementing institutions have the same readiness, so that the law is not only applicable at the central level but is also real in the regions.

The implementation of the TPKS Law illustrates that the state has established a legal structure that positions itself as the center of control and a liaison between various institutions to ensure comprehensive victim protection. Within this structure, the state's position is not merely that of lawmaker but also of coordinator within a legal system based on cross-institutional services. This authority is not interpreted as a form of unilateral domination, but rather as an instrument of the state's responsibility to safeguard victims' rights within complex social relations. However, the effective implementation of this law depends not only on the content of the articles but also on the consistency of institutional relations, the willingness of institutions to collaborate, and state oversight to prevent overlapping functions that could lead to further harm to victims.

Socio-Cultural Context

The Sexual Violence Crimes Law (UU TPKS) emerged from a long civil society struggle against a legal system that neglects the rights of victims of sexual violence. Patriarchal culture, stigmatization of survivors, and a tendency to blame victims have long been stumbling blocks to the upholding of justice. The legal system, which should be a safe space, often becomes an arena for further violence. Andy Yentriyani, Chair of the National Commission on Violence Against Women, stated that "This bill was fought for because victims have not received

justice. So far, the legal system has become a place where victims are re-injured" (KPAI, 2024). Victims face not only perpetrators but also bureaucracy that complicates the reporting process. Support for victims remains largely symbolic, while on the ground, treatment remains very weak and lacks a victim perspective. Activist Uli Parulian Sihombing asserted that "for too long, we have allowed perpetrators to go free while victims have been silenced by a system that prioritizes family honor over justice" (Komnas Perempuan, 2023). The voices of victims, long drowned out by moral domination and stigma, are beginning to emerge thanks to the encouragement of civil society movements and the media. The struggle to pass the TPKS Law faced fierce resistance from conservative groups who rejected the discourse of gender equality and victim protection as the main agenda. The name change from "elimination" to "criminal act" was part of a political compromise to allow the legislative process to proceed. Willy Aditya, Deputy Chairman of the Legislation Body of the Indonesian House of Representatives (DPR RI), emphasized that "the change in terminology is merely a political strategy to ensure the bill's passage. However, we have not diminished the essence of victim protection in the slightest" (KPAI, 2024). Opposition came not only from the legislature but also from some community groups who still view sexual violence as a personal disgrace, not a human rights violation. In an official forum with the government, Minister of Women's Empowerment and Child Protection I Gusti Ayu Bintang Puspayoga stated that "the TPKS Law is a form of state support after victims' voices were ignored for so long" (Komnas Perempuan, 2023). The state finally took a stand after social pressure could no longer be ignored.

Sexual violence, long considered a private issue, has begun to be exposed after survivors bravely emerged in the public sphere. Various

survivor testimonies, particularly through programs like "Mata Najwa" and independent YouTube channels, reveal how educational institutions, households, and workplaces become fertile grounds for covert sexual violence. Psychologist Kasandra Putranto stated that "victims of sexual violence are often traumatized not only by the perpetrator's actions, but also by the degrading interrogations of authorities" (Aprilia, 2023). Existing legal and cultural structures have not provided optimal protection for victims. Komnas Perempuan emphasized that "our legal system still demands that victims prove themselves worthy of protection, when in fact, protection should be a right from the outset of reporting" (Komnas Perempuan, 2023). When the state fails, civil society takes over the protective function by pushing for radical and systematic legal reform. The lack of education about the body, consent, and power relations is the root cause of sexual violence, allowing it to persist across generations. Najwa Shihab stated that "as long as we don't educate our children about consent, equal relationships, and the body, violence will continue to occur, even without the perpetrators realizing it" (Mas'ud et al., 2025). Discourse on sexuality remains taboo, limiting access to a critical understanding of bodily rights. Retno Listyarti of the Indonesian Child Protection Commission (KPAI) emphasized that "our educational curriculum must align with the principles of the TPKS Law. Protection for children is only possible if they understand their rights to their own bodies" (KPAI, 2024). Education is a crucial component in building collective awareness about the importance of respecting bodily integrity and individual autonomy. The TPKS Law marks a milestone in social transformation toward a society that supports victims and rejects impunity. Ayu Kartika Dewi, Special Staff to the President of the Republic of Indonesia, stated that "The TPKS Law is not the final destination, but rather a bridge to a comprehensive protection ecosystem. What is more important now is monitoring its implementation" (Aprilia, 2023). Victim-friendly law enforcement must be

accompanied by institutional reform, training for law enforcement officers, and participatory public oversight. Without this, the TPKS Law will remain a stagnant legal product. Change must be built comprehensively: from policies and institutions to the public's perspective on sexual violence as a serious and urgent human rights violation.

Government Ideology in TPKS Law No. 12 of 2022

The text of the Sexual Violence Crimes Law (UU TPKS) represents an ideological construction formed through the government's word choice, syntactic structure, and discourse strategies. Fairclough (1995) views ideology in the text as a form of representation that contributes to the formation, maintenance, and shifting of power relations. Ideology is not neutral, but rather reflects the social positions and particular interests of dominant actors in society. In the context of the TPKS Law, the government, as the legislator, plays a primary role in framing the legal narrative on sexual violence through a specific ideological perspective. The form of ideology found in the TPKS Law is a humanistic protectionist ideology, which departs from the assumption that sexual violence is not merely an individual act but a systemic phenomenon influenced by unequal social relations and structural inequalities. The government frames itself as an institution that not only establishes laws but also actively ensures protection, recovery, and justice for victims. This representation is seen through the use of predicates such as protect, provide, restore, and guarantee, which are always associated with subjects such as the state, government, service institutions, and law enforcement.

The modalities in the TPKS Law are dominated by strong statements such as "must" and "must," which emphasize the state's authority and commitment to ensuring the

implementation of protection. The choice of these modalities reflects the government's image as a force that is certain, unwavering, and decisive in addressing issues of sexual violence. This assertiveness not only targets perpetrators but also aims to build public trust in the government's commitment to victims, especially vulnerable groups.

Based on the overall findings, the government's ideology in the TPKS Law is represented through six main strategies:

The use of active verbs and imperative modality, which emphasizes the government's role as the primary and decisive actor in protecting victims and fulfilling its obligations. Sentence construction that positions victims as legal subjects, demonstrating recognition of their rights and the need for comprehensive services. The strategy of eliminating agency, used in the context of institutional responsibility to avoid criticism of the government. The use of inclusive terms targeting vulnerable groups, as a form of recognition of the social inequalities faced by victims. The representation of the government as a collective entity, illustrated through cross-sectoral working mechanisms and inter-institutional integration. The legitimization of protectionist ideology through the regulation of additional sanctions, which demonstrates the transformation of the government's approach to addressing sexual violence from a repressive to a restorative approach.

The representation of government ideology in the TPKS Law is not only evident in the content of the articles, but also in the form and style of language used. All of these linguistic strategies form a legal narrative that reinforces the government's image as the primary protector of victims of sexual violence and as an institution actively responsible for fighting for social justice.

Weaknesses in the TPKS Law and the Government's Ideological Response

The Sexual Violence Crime Law (UU TPKS) represents a stance in favor of victims through protectionist and humanistic discourse strategies. An analysis of the linguistic structures in the text reveals language-related weaknesses that may undermine the effectiveness of legal protection. Passive structures and nominalizations are frequently found in articles related to institutional failure in providing protection. Sentences such as “the victim does not receive assistance” or “does not obtain adequate services” demonstrate a systematic omission of the agent, which results in the obscuring of the party responsible for carrying out the duty. Sentence structures that obscure the perpetrator of the action create gaps in institutional accountability. When the identity of the actor is not explicitly stated, there is no concrete direction as to who should be held accountable when protection fails to be provided. The impact of this blurred accountability may weaken the victim's position in obtaining their rights fairly and comprehensively, particularly in the context of cross-institutional implementation involving integrated service systems. The narrative of collective responsibility becomes a discourse strategy employed by the government to mask this weakness. The government is framed as a systemic entity involving various institutions in a coordinated manner, rather than as a single institution that must be specifically highlighted. This collective representation broadens the scope of responsibility while simultaneously obscuring the primary implementing actor. Such discourse gives the impression that the system operates harmoniously, even though the reality on the ground does not always reflect a comparable level of effectiveness.

Strong modalities such as “must” and “shall” are used to reinforce the government's normative commitment. These provisions are intended to provide legal certainty, even though they are not always accompanied by the

designation of a directly responsible actor. In this context, modality functions as a discursive tool aimed at constructing the government's moral authority amid the structural accountability ambiguity that arises from passive sentences. Articles that mention victims' rights to legal, psychological, and social assistance serve to reinforce the government's empathetic image. The repeated narrative of protection explicitly shows that protection is not merely a symbolic commitment, but is constructed as a comprehensive legal structure. Such representation forms a discourse strategy that positions empathy and partiality toward victims as the government's main ideological strength. Weaknesses in the aspects of agent omission, unclear accountability, and the gap between narrative and implementation are addressed through protectionist discourse strategies, the strengthening of modality, and the portrayal of an inclusive collective role. The government's representation in the UU TPKS not only reflects normative authority but also demonstrates an effort to build an image as a moral protector actively engaged in addressing sexual violence in a systemic manner.

4. CONCLUSION

The linguistic structure in the text of the Sexual Violence Crime Law (UU TPKS) reflects the government's ideological representation through the use of active verbs, imperative sentences, and high modality expressions such as *must* and *shall*. These linguistic elements frame the government as the primary actor responsible for the protection of victims. At the same time, the use of passive forms and nominalizations in several articles indicates a strategy of agent omission, which implicitly obscures the institutional actors who should bear responsibility. This suggests that the government's ideological representation is not only normative but is also strategically shaped through linguistic structures. The discursive practices in the UU TPKS text portray a narrative of solidarity with victims and frame the government as a protective institution operating collectively. Although the UU TPKS

demonstrates a strong stance in favor of victims, the analysis also reveals weaknesses in the structural aspects of its language.

The omission of agents through passive structures and nominalizations in several articles results in blurred institutional accountability. This ambiguity carries the risk of weakening institutional responsibility, enabling the shifting of blame, and making it more difficult for victims to access actual protection. These weaknesses, indirectly, may undermine the effectiveness of the law's implementation in practice. Overall, this study concludes that the UU TPKS text represents a government ideology that is protectionist, empathetic, and inclusive. While structural weaknesses remain in the construction of responsibility, the discourse strategies employed demonstrate the government's commitment to framing its institutional role as a protector of victims and as a regulator of a more equitable justice system. This representation reflects the state's efforts to build legal legitimacy while simultaneously constructing a moral narrative that supports social change in addressing sexual violence issues in Indonesia.

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