



# **LAW ENFORCEMENT IN THE SEXUAL VIOLENCE CASE OF FORMER NGADA POLICE CHIEF BY THE NATIONAL POLICE**

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## **Abstract**

*Sexual violence is a crime that is increasingly prevalent. One of the cases that gained public attention involved the former Ngada Police Chief, FWLS, who was named a suspect in a sexual violence case involving a child. Sexual violence is often likened to an iceberg phenomenon – indicating that many more cases likely remain unreported. This article discusses the criminal penalties for perpetrators of sexual violence and the fulfillment of victims' rights through restitution. Legal proceedings against former Ngada Police Chief FWLS must be carried out comprehensively, involving both criminal sanctions and mandatory restitution to victims. The commitment of the National Police is vital to ensure that the investigation of FWLS is conducted according to legal procedures and progresses to the prosecution stage. Through its oversight function, Commission III of the DPR RI can hold working meetings with the National Police to ensure that legal proceedings against FWLS are carried out transparently and accountably, that restitution is fulfilled, and that there is coordination with the Ministry of Women's Empowerment and Child Protection (Kemen PPPA) in addressing sexual violence.*

## **Introduction**

Sexual violence is a crime that requires not only criminal sanctions against the perpetrators but also comprehensive measures to mitigate its impact on victims. The effects can be physical, psychological, and social.

The National Commission on Violence Against Women (Komnas Perempuan) recorded an increase in violence against women in 2024, with 34,682 victims, of which 15,621 were sexual violence cases (Tohari, 2024). Meanwhile, data from the Online Information System for the Protection of Women and Children (Simfoni PPA) shows that from January to June 2024, there were 7,842 cases of violence against children, with sexual violence being the most prevalent from 2019 to 2024 (Kemen PPPA, 2024).

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One case currently under public scrutiny involves the former Ngada Police Chief, AKBP Fajar Widyadharma Lukman Sumaatmaja (FWLS), who was named a suspect for sexually abusing one adult and three minors. FWLS has been formally designated a suspect by investigators (Noroyono, 2025). The case is significant because it involves children—the future of the nation—and the perpetrator is a high-ranking member of law enforcement, an institution expected to protect the public. The Speaker of the DPR RI, Puan Maharani, described the case as an iceberg phenomenon, reflecting how many similar cases remain hidden (Khalida, 2025). This article discusses the criminal penalties for perpetrators of sexual violence and the fulfillment of victims' rights through restitution.

## Criminal Penalties for Perpetrators of Sexual Violence

Sexual violence refers to sexual acts between individuals involving coercion. Sorensen defines it as non-consensual sexual behavior or activity (Mulyana, 2022, p. 119).

In the case of FWLS, the former Ngada Police Chief is charged under several provisions of the Sexual Violence Crimes Law (UU TPKS), including Article 6(c), Article 12, Article 14(1)(a) and (b), and Article 15(1)(e), (g), (j), and (l). He also faces charges under Article 45(1) in conjunction with Article 27(1) of Law No. 1 of 2024 (Second Amendment to Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law)) (Humas Polda Maluku, 2025).

UU TPKS prescribes penalties as follows: Article 6(c): Physical sexual harassment — up to 12 years in prison and/or a fine of IDR 300 million. Article 12: Sexual exploitation — up to 15 years in prison and/or a fine of IDR 1 billion. Article 14 with aggravation in Article 15: Digital-based sexual violence — up to 4 years in prison and/or a fine of IDR 200 million. ITE Law Article 45(1) in conjunction with Article 27(1): Recording and disseminating sexual violence videos — up to 6 years in prison and/or a fine of IDR 1 billion.

Referring to Article 12 of the TPKS Law on sexual exploitation, FWLS faces a maximum of 15 years in prison and/or a fine of IDR 1 billion. Additionally, considering the best interests of the child, FWLS may be charged under Article 82 of Law No. 35 of 2014 (Amendment to Law No. 23 of 2002 on Child Protection), with a minimum of 5 years and a maximum of 15 years in prison, and a fine of up to IDR 5 billion.

The National Police Chief, General Listyo Sigit Prabowo, showed strong commitment by dishonorably discharging FWLS. This decisive action received support from Commission III member Soedeson Tandra, who emphasized the importance of adhering to due process and vowed that the Commission would monitor the case until completion (Rahmawati, 2025).

## Fulfilling Victims' Rights through Restitution

The TPKS Law upholds the principle of prioritizing the best interests of victims. One key protection is the right to restitution—compensation for material and immaterial losses, payable by the perpetrator or third party, as ordered by a legally binding court decision.

In the investigation of FWLS, law enforcement should not only secure his conviction but also guarantee restitution to victims. According to Article 8 of Supreme Court Regulation No. 1 of 2022 on Restitution and Compensation Procedures, the request for restitution can be submitted by either investigators or victims. Article 31 of the TPKS Law also allows investigators to seize the perpetrator's assets—upon court approval—as collateral for restitution payments. The funds may be deposited with the court until the case reaches final legal resolution.

Addressing sexual violence requires an integrated service system, as regulated in the TPKS Law and Presidential Regulation No. 98 of 2024 on the Provision of Integrated Services for Handling, Protecting, and Recovering Victims of Sexual Violence Crimes. This involves coordination across national and regional levels.

A comprehensive approach like the pentahelix model—as proposed by Asep N. Mulyana—can improve enforcement by fostering collaboration between government, academia, businesses, media, and society. For example, businesses can support survivors through funding, education, or livelihood assistance (Mulyana, 2022, pp. 210–211).

Referring to Article 35 of the TPKS Law, if a convicted perpetrator's assets are insufficient to cover restitution, the state must compensate the remaining amount from a victim support fund. However, no technical regulation has yet been issued regarding this fund, making the pentahelix approach a viable alternative—especially when perpetrators lack financial capacity.

Victims often refrain from reporting due to the sensitive nature of the crime. Hence, reporting systems must become more inclusive and accessible. The National Police has an important role in strengthening the “Rise and Speak” campaign, which encourages victims to safely report incidents (Bidhumas Polda Metro Jaya, 2025).

Efforts must also include enhancing the capacity of the Women and Children's Service Units (UPPA) across regions, and empowering the Directorate for Crimes Against Women and Children and the Directorate for Human Trafficking at the National Police's Criminal Investigation Agency (Bareskrim) to ensure a swift, professional response.

Simultaneously, the Kemen PPPA must intensify public education and outreach to encourage victims and communities to report cases. The Simfoni PPA system should be continuously improved to provide accurate data for effective law enforcement.

## Conclusion

FWLS, former Ngada Police Chief, is suspected of committing multiple acts of sexual violence punishable under various legal frameworks, including the TPKS Law, the ITE Law, and the Child Protection Law. Law enforcement must be comprehensive – ensuring both criminal sanctions and restitution to victims.

The National Police must ensure that the investigation complies with legal procedures and that all evidence is compiled in a proper case file for prosecution.

Commission III of the DPR RI, in its oversight role, can initiate working meetings with the National Police to ensure transparent and accountable legal proceedings, fulfillment of restitution for victims, and improved coordination with Kemen PPPA in tackling sexual violence in Indonesia.

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