

Legal Aspects Regarding Perpetrators of Sexual Deviance Involving Bondage, Dominance, Sadism, and Masochism in the City of Sorong

Sa'ro Fitriani A. Rohma^{1*}, Wahab Aznul Hidayah², Rajab Lestalu³

^{1,2,3} Faculty of Law, Universitas Muhammadiyah Sorong, Indonesia

* email correspondence: piechoco140@gmail.com

Article History

Received: 31/10/2025; Reviewed: 18/11/2025; Accepted: 28/06/2026

Abstract

This study aims to determine the legal aspects of perpetrators of BDSM violence, forms of protection for victims of BDSM violence, and the application of sanctions.

The research method used is normative legal research supported by primary, secondary, and tertiary data.

The novelty of this research shows that sadomasochism is categorized as a form of abuse in the context of sexual relations, because it is done intentionally to obtain sexual satisfaction by hurting one's partner.

The results of this study show that the legal aspects of perpetrators of sexual deviance in the form of BDSM are, in fact, not specifically regulated, and there are no laws or regulations that permit such sexual deviance. Furthermore, legal protection for victims of BDSM violence must be provided, bearing in mind that everyone has the right to protection from violence and the right to be free from torture or treatment that degrades human dignity, as guaranteed in the 1945 Constitution of the Republic of Indonesia.

The conclusion of this study shows that BDSM practices that contain elements of violence and cause physical and psychological suffering can be classified as abuse and/or sexual violence under Indonesian positive law. Sadomasochism, as a form of sexual deviance, is closely related to the increase in cases of sexual violence that are actually occurring in society. The provisions of Article 351 of the Criminal Code and the Child Protection Law and related regulations provide a strong legal basis for prosecuting perpetrators, regardless of whether they are married to the victim. The Sorong District Court Decision Number 118/Pen.Pid/2022/PN Son emphasizes that the practice of sexual deviance accompanied by coercion and violence, especially against children, is a serious criminal offense that must be processed and decided based on applicable law for the protection of victims and the enforcement of justice.

Keywords: BDSM; Sexual Deviance; Sexual Violence.

Abstrak

Penelitian ini bertujuan, untuk mengetahui bagaimanakah aspek hukum terhadap pelaku kekerasan BDSM, dan Bentuk Perlindungan terhadap korban kekerasan BDSM serta penerapan sanksi.

Metode penelitian yang digunakan adalah penelitian yuridis normatif didukung dengan data primer, data sekunder dan data tersier.

Kebaruan penelitian ini menunjukkan bahwa sadomasokisme dikategorikan sebagai bentuk penganiayaan dalam konteks hubungan seksual, karena dilakukan secara sengaja untuk memperoleh kepuasan seksual dengan cara menyakiti pasangannya.

Hasil penelitian ini menunjukkan bahwa Aspek hukum terhadap pelaku penyimpangan seksual berupa BDSM, pada kenyataannya belum di atur secara khusus dan fakta hukum tidak ada satupun peraturan perundang-undangan yang memberikan izin mengenai penyimpangan seksual tersebut. Kemudian, Bentuk perlindungan hukum terhadap korban kekerasan BDSM dengan mengingat bahwa setiap orang berhak mendapatkan perlindungan dari kekerasan dan berhak untuk bebas dari penyiksaan atau perlakuan yang merendahkan derajat martabat manusia sebagaimana di jamin dalam undang-undang dasar negara republik indonesia tahun 1945.

Kesimpulan penelitian ini menunjukkan bahwa praktik BDSM yang mengandung unsur kekerasan dan menimbulkan penderitaan fisik maupun psikis dapat dikualifikasikan sebagai tindak penganiayaan dan/atau kekerasan seksual menurut hukum positif Indonesia. Sadomasokisme, sebagai bentuk penyimpangan seksual, memiliki keterkaitan erat dengan meningkatnya kasus kekerasan seksual yang nyata terjadi di masyarakat. Ketentuan Pasal 351 KUHP serta Undang-Undang Perlindungan Anak dan peraturan terkait memberikan dasar hukum yang kuat untuk menjerat pelaku, tanpa bergantung pada adanya hubungan perkawinan dengan korban. Putusan Pengadilan Negeri Sorong Nomor 118/Pen.Pid/2022/PN Son menegaskan bahwa praktik penyimpangan seksual yang disertai paksaan dan kekerasan, khususnya terhadap anak, merupakan tindak pidana serius yang harus diproses dan diputus berdasarkan hukum yang berlaku demi perlindungan korban dan penegakan keadilan.

Kata kunci: BDSM; Penyimpangan Seksual; Kekerasan Seksual.

1. INTRODUCTION

Sexual crimes are categorized as conventional crimes because they have existed since ancient times. However, over time, these crimes have begun to shift toward deviant sexual orientations, involving unconventional objects. The emergence of various forms of sexual deviance in society has raised concerns, as some of these behaviors are dangerous enough to cause physical suffering and can even lead to death.¹ This is the issue that has arisen, involving violence or sexual deviance known as BDSM.

BDSM is a form of sexual orientation classified as a deviation, in which the perpetrator has a specific fetish or inclination during sexual activity. Generally, these acts involve the use of tools such as whips, handcuffs, or ropes. In practice, the victim is usually tied at the wrists and then struck until they sustain injuries or bleed. This violence is often carried out before sexual intercourse takes place, because for perpetrators with sadistic tendencies, these actions provide satisfaction and heighten sexual arousal.

Although BDSM practices are generally carried out by mutual consent between partners,

¹ Batubara Gialdah Tapiansari Nandita Sophie, "Pertanggungjawaban Pidana Terhadap Pelaku Sadomasokisme Sebagai Perilaku Penyimpangan Seksual Dalam Perspektif Hukum Pidana," *Jurnal Hukum Samudra Keadilan* Vol. 18, N (2023): Hal.54.

these activities are still considered a form of deviant sexual behavior. They are deemed deviant because they contradict prevailing norms, particularly because they involve elements of violence, torture, or abuse. Violence, torture, and abuse have been criminalized as offenses under the Criminal Code in Article 351 and in the latest Criminal Code Law No. 1 of 2023 in Articles 155–156, Law No. 23 of 2004 on the Elimination of Domestic Violence, and Law No. 12 of 2022 on Sexual Violence Crimes. These regulations indicate that all forms of violence occurring within or outside the household are covered by the law.² Although BDSM practices have not been specifically regulated, and despite the fact that this form of violence is so extreme as it can cause psychological or mental disorders and even death this offense is classified only as a complaint-based offense, as explicitly stipulated in Articles 72 through 75 of the Criminal Code. Many BDSM cases have occurred, which is deeply regrettable because this form of violence (BDSM) has not yet been specifically regulated.

The perpetrators and victims of this particular form of sexual deviance are not limited by gender; both men and women can fall victim to this criminal offense. BDSM even has an online community. One case that occurred in Indonesia specifically in July 2023 in Sleman, Yogyakarta involved the discovery of mutilated human body parts. This began when the victim, identified by the initials RTA, and two (2) perpetrators, identified by the initials WY and RD, met through an online community on a social media platform Facebook. The community consisted of a group of people who were into extreme activities related to adult relationships or sexual violence; the police even issued a statement declaring the community to be deviant. Upon investigation, it turned out that the three had known each other for 3–4 months. The incident began when W invited RD and R to W's boarding house in Krapyak, Triharjo, Sleman. Inside the boarding house, they engaged in abnormal activities or acts of violence that resulted in the victim (R) losing her life. Panicked and wanting to cover their tracks, the two perpetrators decided to dismember the victim's body into 175 pieces and boil the body parts to destroy her fingerprints. The two perpetrators were charged under Article 340, alternatively Article 338, of the Criminal Code in conjunction with Article 55(1), Article 351(3), and Article 55(1) of the Criminal Code.

The key to BDSM activities is consent, and any act involving violence or restraint is carried out with the full consent of all parties involved. In BDSM, the roles played are those of the "dominant" Master (who holds control) and the "*submissive*" Slave (who surrenders control), as previously explained. It is important to understand that engaging in these sexual activities (BDSM) must be based on mutual agreement and consent among all parties involved, as this falls within the realm of an individual's private life. However, from a civil law perspective, this is not supported; in fact, it is prohibited in a contract or agreement because it constitutes a defect in the validity of a contract—specifically, the lack of a lawful cause, as required by Article 1320 of the Civil Code.

² Nandita Sophie, "Pertanggungjawaban Pidana Terhadap Pelaku Sadomasokisme Sebagai Perilaku Penyimpangan Seksual dalam Perspektif Hukum Pidana."

A study conducted by Lilis Dwi Aryani titled "The Mentality of BDSM (*Bondage and Discipline, Dominance and Submission, Sadism and Masochism*) Practitioners Among Male and Female College Students in Purwokerto" in 2022,³ The study states that addiction arises from a curiosity to explore sexual fantasies more deeply, leading to the practice of BDSM, which is interpreted as a form of pleasure rooted in a craving for adrenaline.

As illustrated above, BDSM is considered taboo by society and is even viewed as an unnatural or inhumane act; consequently, most victims of this form of sexual violence suffer significant physical and psychological trauma. One potential issue that may arise is domestic violence within a marriage, triggered by disappointment or dissatisfaction on the part of one partner. Additionally, this can also be caused by a sexual orientation disorder, in which the perpetrator can only heighten their sexual desire or arousal after first inflicting torture on their partner.

2. METHOD

This study employs a normative legal research design with an empirical legal approach. The legal approach examines law as a norm through the analysis of legal materials, while the empirical approach investigates the implementation of the law in the investigation of sexual misconduct cases in Sorong City. The research data sources include primary legal materials in the form of legislation (the Criminal Code, Law No. 23 of 2004 on the Elimination of Domestic Violence, and Law No. 12 of 2022 on Sexual Violence Crimes), as well as the Sorong District Court's decision No. 118/Pen.Pid/2022/PN Son regarding a sexual violence case. Secondary legal sources consist of academic literature, books on criminal law and criminal procedure, and scholarly journals. Tertiary legal sources include legal dictionaries. Data collection was conducted through field research and literature review. Field research involved in-depth interviews with key informants (the Women and Children's Protection Unit of the Sorong City Police, the Women and Children's Protection Agency, and the Sorong City District Court). Literature review was conducted by analyzing relevant legal documents, policies, and academic literature. Data analysis employed qualitative methods with a deductive approach, involving the stages of data reduction, data presentation, and drawing conclusions. The analysis process included a normative analysis to assess the alignment of practices with regulations, an empirical analysis to evaluate the effectiveness of implementation, a comparative analysis with best practices, and a synthesis to formulate recommendations. Data validity was ensured through triangulation of sources and methods, as well as member checking with key informants.

3. DISCUSSION

3.1. Legal Action Against Perpetrators of BDSM Sexual Deviance

3.1.1. As Viewed in Light of Law No. 1 of 1946 on Criminal Law

If reported, BDSM can be classified as abuse; abuse is an intentional act that causes discomfort (suffering), pain, injury, or exceeds a person's consent. Sadomasochism falls under

³ Mega Dwi Yuniartika, "Mentalitas Menerabas Penikmat Seksual BdsM (Bondage And Discipline, Dominance And Submission, Sadism And Masochism) Di Kalangan Mahasiswa/Mahasiswa Di Purwokerto," *Skripsi*, No. 8.5.2017 (2022): 2003-5.

the category of paraphilia, which is classified as a sexual preference disorder.⁴ The prevalence of sadomasochism is reflected in the high number of violence cases that occurred in Indonesia throughout 2022, totaling 17,642 cases. Of that total, 6,093 cases involved physical violence, 5,829 cases involved psychological violence, and 7,551 cases involved sexual violence.⁵ Under Indonesian positive law, there are several regulations governing criminal acts of violence, particularly those involving sexual violence, such as Article 351 of the Criminal Code (KUHP), which states: Assault is punishable by imprisonment for a maximum of two years and eight months or a fine of up to four thousand five hundred rupiah; If the act results in serious injury, the offender is punishable by imprisonment for a maximum of five years; if it results in death, the offender is punishable by imprisonment for a maximum of seven years; intentional assault is equated with intentionally causing harm to another person's health; an attempt to commit this crime is not punishable.

Acts of abuse are closely linked to the practice of sadomasochism, as they cause various types of physical injuries such as bruises, contusions, and other wounds resulting from actions like slapping, choking, or beating. This demonstrates that sadomasochism can have significant negative consequences. Therefore, sadomasochism can be categorized as a form of abuse in the context of sexual relationships, as it is intentionally carried out to obtain sexual satisfaction by harming a partner. Based on this, perpetrators of sadomasochism may be subject to criminal penalties as stipulated in Article 351 of the Criminal Code (KUHP), which governs acts of abuse against others. When viewed in terms of the type of offense, the abuse described in that article constitutes a public offense, not a complaint-based offense; thus, anyone who commits abuse including perpetrators of sadomasochism can be prosecuted, even if they are not married to the victim.⁶

Based on a discussion with First Inspector Eka Tri Lestari A, S.H., Head of the Women and Children Protection Unit (PPA) at the Sorong City Police Department, she stated that "there have indeed never been any cases of BDSM-related sexual deviance involving sexual devices, and we have never received any reports regarding such incidents; however, there have been several other cases, such as sodomy, rape, and pedophilia." According to First Inspector Eka Tri Lestari A, S.H., Head of the Women and Children Protection Unit (PPA) at the Sorong City Police Department, the factors leading perpetrators to commit sexual violence are the presence of deep-seated sexual desires on the part of the perpetrator and the opportunity to commit the abuse.⁷

According to a statement given by Mr. Petrus Ribo, S.Sos, head of the division for the protection and fulfillment of children's rights, "As for cases of deviant behavior such as BDSM

⁴ Ohoiwutun, Y. A. "Interaksi Dan Dependensi Hukum Pada Ilmu Kedokteran ." *"Ilmu Kedokteran Forensik,"* 2016.."

⁵ Kementerian Pemberdayaan Perempuan Dan Perlindungan Anak Republik Indonesia, "'Simfoni Ppa (Sistem Informasi Online Perlindungan Perempuan Dan Anak),' ." 2022, <https://Kekerasan.Kemenpppa.Go.Id/>.

⁶ Ibid

⁷ Ibu Eka Tri Lestari. A, Diwawancarai Oleh Penulis, Sorong, 25 Mei 2025.

or LGBT, we have not yet received any reports, however, according to foundations that collaborate with us such as the Papua Lestari Foundation (Yapari) the LGBT community has begun to emerge and is present in the city of Sorong, though no specific cases have been reported yet; even if such cases exist and have occurred, they have never been reported.” Mr. Petrus Ribo, S.Sos, also added, “Cases of sexual violence are on the rise due to communication platforms like the Mi-Chat app, which lack adequate safeguards, leading to an increase in sexually transmitted diseases in Sorong, particularly in cases of sexual violence”.⁸

Following a discussion with Mr. Lutfi Tomu, S.H., Deputy Chief Judge of the Sorong District Court. Mr. Lutfi stated that regarding cases of BDSM-related sexual misconduct, such as sodomy, he had previously handled a case in 2022 involving the sodomy of a 12-year-old child; that case has become final and binding (BHT) pursuant to the Sorong District Court’s decision No. 118/Pen.Pid/2022/PN Son.⁹

The case occurred in March 2022 in the city of Sorong, as per the ruling of the Sorong District Court, No. 118/Pen.Pid/2022/PN Son. The defendant, identified by the initials DS, committed the crime of same-sex sexual assault against the victim on three consecutive occasions in an empty house. The victim initially refused, even though the perpetrator threatened to hit him with a rock if he did not comply; fearing this threat, the victim eventually gave in. The perpetrator then stripped the victim naked, laid him on the ground, and touched and sucked the victim’s genitals for approximately 2 minutes until the victim ejaculated into the perpetrator’s mouth. Afterward, the perpetrator ordered the victim to do the same to him; however, when the victim refused, the perpetrator forced her by pushing her head forcefully toward his genitals until the victim’s lips touched his genitals. Then, for the second time, the perpetrator laid the victim on the ground again, turning the victim face-down, and immediately pinned the victim down from above while hugging the victim from behind; the perpetrator then pulled the victim’s head toward him and kissed the victim’s lips. The victim resisted and refused to be kissed, but the perpetrator continued to kiss the victim’s lips. Next, from behind, the perpetrator immediately inserted his penis into the victim’s anus, tearing the victim’s anus and causing the victim pain; the perpetrator then forced the victim’s hips to move up and down repeatedly for approximately 10 minutes until he ejaculated inside the victim’s anus. About 10 minutes later, the perpetrator molested the victim a third time by again ordering her to perform oral sex on him. However, upon hearing voices outside the empty house, the perpetrator, panicking, stopped his actions and immediately put his clothes back on.

Based on these events, the panel of judges’ ruling must be grounded in applicable positive law, taking into account statutory provisions, the merits of the case, as well as uncontested and acknowledged arguments, and the facts proven in court. In the judgment No. 118/Pen.Pid/2022/PN Son. the judge declared that the defendant had been proven legally and convincingly guilty of violating Article 292 of the Criminal Code in conjunction with Article

⁸ Bapak Petrus Ribo, Diwawancarai Oleh Penulis, Sorong, 27 Mei 2025.

⁹ Bapak Lutfi Tomu, Diwawancarai Oleh Penulis, Sorong, 4 Juli 2025

64(1) of the Criminal Code and Law No. 35 of 2014 Amending Law No. 23 of 2002 on Child Protection. Furthermore, the defendant was proven to have committed a criminal offense in violation of Article 76E in conjunction with Article 82(1) of Law of the Republic of Indonesia No. 35 of 2014 Amending Law of the Republic of Indonesia No. 23 of 2002 on Child Protection, as further amended by Law -Law No. 17 of 2016 on the Enactment of Government Regulation in Lieu of Law No. 1 of 2016 on the Second Amendment to Law of the Republic of Indonesia No. 23 of 2002 on Child Protection into Law in conjunction with Article 64(1) of the Criminal Code in conjunction with No. 35 of 2014 Amending Law No. 23 of 2002 on the Protection of Children.

BDSM practices cannot be viewed merely as variations in sexual relationships; rather, they must be critically analyzed from the perspectives of criminal law and the protection of human rights. Although in certain discourses BDSM is often associated with consent, in practice such acts have a strong potential to exceed the bounds of consent and cause physical and psychological suffering to the other party. This aligns with the elements of maltreatment as defined in Article 351 of the Criminal Code, namely the intentional infliction of pain, suffering, or injury to a person's body.

The connection between sadomasochism and acts of maltreatment cannot be ignored, given that such practices inherently involve inflicting physical harm on others, such as beating, choking, slapping, or other acts of violence that have the potential to cause physical injury. Indeed, even when carried out within the context of a sexual relationship, acts that demonstrably cause suffering remain legally unjustifiable. Therefore, the claim of sexual gratification or consent does not automatically negate the unlawful nature of acts that meet the elements of abuse.

Furthermore, the prevalence of cases of physical, psychological, and sexual violence in Indonesia indicates a growing trend of deviant sexual behavior that leads to violence. Data on violence throughout 2022 shows that sexual and physical violence remain serious issues that require firm action. In this context, sadomasochism has the potential to serve as a gateway to sexual violence, particularly when it involves parties in a position of weakness, inequality, or even minors.

The perspectives of law enforcement officials and relevant agencies in Sorong City also reinforce the author's argument that, although BDSM cases have not yet been widely reported, other forms of sexual deviance such as sodomy, rape, and pedophilia have clearly occurred. This indicates a high likelihood that similar practices are occurring covertly but remain undisclosed due to fear, social pressure, or the victims' lack of legal awareness. Thus, the absence of reports does not mean that criminal acts have not occurred.

The Sorong District Court's Decision No. 118/Pen.Pid/2022/PN Son serves as concrete evidence that sexual deviance accompanied by violence especially against children must be regarded as a serious criminal offense. In this case, the elements of violence, coercion, and the victim's suffering were clearly established; thus, the panel of judges was correct in rendering

its verdict based on the provisions of the Criminal Code and the Child Protection Law. This ruling reflects Indonesia's commitment under positive law to protect victims particularly children from all forms of sexual violence.

Based on the above analysis, sadomasochistic practices that cause physical or psychological suffering should be classified as acts of abuse and/or sexual violence under Indonesian criminal law. Therefore, perpetrators of BDSM should not be granted legal exemptions but should be held criminally liable to ensure the protection of victims and to uphold the values of law, morality, and justice in society.

3.1.2. As Provided for in Law No. 23 of 2004 on the Elimination of Domestic Violence

Sexual violence is generally closely linked to violence against women. Broadly speaking, sexual violence encompasses all forms of assault that target a person's sexuality whether male or female and are committed under duress or coercion. In the context of domestic violence, the majority of victims are women particularly wives with the perpetrators typically being their husbands. However, there are also cases in which men are the victims, or in which violence is committed against other family members who occupy a subordinate position within the household structure.¹⁰ Sadomasochistic behavior within the domestic sphere has been documented in various court rulings. One example is Ruling No. 32/Pid.B/2019/PN.Btm, in which the defendant, identified by the initial D, was found to have engaged in sexual intercourse with his wife, identified by the initial S, accompanied by acts of violence. The violence occurred before his wife was ultimately found dead.¹¹

In addition to being regulated in the Criminal Code, perpetrators of sexual misconduct within the family are also regulated under Law No. 23 of 2004 and may be charged under the following articles: a) Article 5: No person shall commit acts of violence within the domestic context against family members, including: a. physical violence; b. psychological violence; c. sexual violence; or d. domestic neglect; b) Article 8: Sexual violence as defined in Article 5(c) includes: a. forcing an individual living within the household to engage in sexual intercourse; b. forcing a household member to engage in sexual intercourse with another person for commercial and/or specific purposes; c) Article 46: Any person who commits an act of sexual violence as provided for in Article 8(a) shall be subject to a maximum prison term of 12 (twelve) years or a fine of up to Rp 36,000,000.00 (thirty-six million rupiah); d) Article 47: Any person who forces a person living in their household to engage in sexual intercourse as stipulated in Article 8(b) shall be subject to imprisonment for a minimum of 4 (four) years and a maximum of 15 (fifteen) years, or a fine of not less than Rp 12,000,000.00 (twelve million rupiah) and not

¹⁰ George Mayor, "Delik Aduan Terhadap Perkara Kekerasan Seksual Dalam Rumah Tangga1," *Acta Universitatis Agriculturae Et Silviculturae Mendelianae Brunensis* 53, No. 9 (2015): 1689–99, <http://Publications.Lib.Chalmers.Se/Records/Fulltext/245180/245180.Pdf%0ahttps://Hdl.Handle.Net/20.500.12380/245180%0ahttp://Dx.Doi.Org/10.1016/J.Jsames.2011.03.003%0ahttps://Doi.Org/10.1016/J.Gr.2017.08.001%0ahttp://Dx.Doi.Org/10.1016/J.Precamres.2014.12>.

¹¹ Sophie Nandita And Gialdah Tapiansari Batubara, "Pertanggungjawaban Pidana Terhadap Pelaku Sadomasokisme Sebagai Perilaku Penyimpangan Seksual Dalam Perspektif Hukum Pidana," *Jurnal Hukum Samudra Keadilan* 18, No. 1 (2023): 53–67, <https://doi.org/10.33059/Jhsk.V18i1.6468>.

more than Rp 300,000,000.00 (three hundred million rupiah); e) Article 48: In the event that the acts described in Articles 46 and 47 result in the victim suffering permanent injuries, impairment of cognitive function or mental health for a continuous period of at least 4 (four) weeks or a non-consecutive period of 1 (one) year, a miscarriage or the death of a fetus in utero, or the dysfunction of reproductive organs, the perpetrator shall be subject to imprisonment for a term of at least 5 (five) years and up to 20 (twenty) years, or a fine of at least Rp 25,000,000.00 (twenty-five million rupiah) and up to Rp 500,000,000.00 (five hundred million rupiah); f) Article 53: Sexual violence offenses as defined in Article 46 committed by a husband against his wife or vice versa are offenses that require a complaint from the aggrieved party.

Cases involving BDSM or sadomasochistic behavior within a marriage generally result in legal proceedings in the form of divorce lawsuits. This can be seen in a number of court decisions, including Decision No. 305/Pdt.G/2018/PA.Batg, Decision No. 298/Pdt.G/2019/PA.Ckr, and Decision No. 29/Pdt.G/2019/PA.Tgt. In all three cases, the wife filed for divorce because she felt she had been harmed as a result of the violence or abuse she experienced during sexual intercourse with her husband.¹²

The forms of violence defined in the Domestic Violence Act are not limited to physical and psychological violence but also include sexual violence. BDSM activities carried out by the perpetrator against the victim legally fall under the three categories of violence as outlined in the Domestic Violence Act: physical injuries resulting from hitting, scratching, slapping, choking, or kicking which cause bruises or contusions constitute physical violence; Furthermore, such behavior impacts a person's psychological well-being, leading to feelings of fear, stress, low self-esteem, helplessness, and depression. Sexual violence occurs when the perpetrator engages in abnormal acts during sexual intercourse, including torture or abuse through choking, slapping, or hitting.

Sexual violence within the domestic sphere cannot be separated from unequal power dynamics, particularly with regard to women, who are often socially and structurally placed in a subordinate position. Although sexual violence can be experienced by anyone, empirical evidence shows that women especially wives are the group most vulnerable to becoming victims. In this context, sadomasochistic practices within a marital relationship cannot simply be regarded as private sexual activities if they involve elements of coercion, violence, or physical and psychological suffering.

The practice of BDSM within a household has, in essence, the strong potential to violate the provisions of Law No. 23 of 2004 on the Elimination of Domestic Violence. This is because such acts often constitute physical, psychological, and sexual violence as defined in Articles 5 and 8 of that law. Violence committed under the pretext of fulfilling sexual needs remains unjustifiable if it causes injury, suffering, or psychological distress to a partner, especially when

¹² Sophie Nandita And Gialdah Tapiansari Batubara.

carried out without free and equal consent.

As demonstrated by Judgment No. 32/Pid.B/2019/PN.Btm, sexual behavior accompanied by violence within a marriage can lead to serious legal consequences, including the loss of the victim's life. This ruling demonstrates that the state, through its law enforcement agencies, does not view domestic sexual violence as merely a private matter, but rather as a criminal offense that threatens human safety and dignity. Furthermore, the rise in divorce cases resulting from sadomasochistic practices, as reflected in Judgment No. 305/Pdt.G/2018/PA. Batg, Judgment No. 298/Pdt.G/2019/PA.Ckr, and Judgment No. 29/Pdt.G/2019/PA.Tgt, indicates that such practices have serious consequences for the integrity of the family unit. In the author's view, the fact that the wife feels wronged, oppressed, and tormented—both physically and psychologically is a strong indicator that these practices are not carried out on the basis of an equal agreement but rather within a situation of an unequal power dynamic. Based on this analysis, the author asserts that sadomasochistic practices within a household that involve elements of violence cannot be justified on the grounds of marital status or implied consent.

3.1.3. As Provided for in Law No. 12 of 2022 on Sexual Violence Crimes

The emergence of various deviations in sexual behavior one of which is sadomasochism has become a major concern. This behavior is characterized by the attainment of sexual satisfaction or pleasure through unconventional means, namely by inflicting or receiving acts of torture that cause suffering to oneself or others. This condition indicates that sadomasochistic behavior can have negative consequences in the form of physical, psychological, or sexual suffering due to the accompanying element of violence.

Sadomasochistic activities are generally carried out with the consent of both parties. However, the existence of such consent does not automatically negate the unlawful nature of these acts. This is because the perpetrator consciously and intentionally commits acts that they know will cause suffering whether physical or sexual to the person who is the object of the violence.

Law No. 12 of 2022 on Sexual Violence Crimes provides more specific provisions regarding sexual violence resulting from sexual deviance, Pursuant to Article 1, paragraph 1, "Sexual Violence Crimes" are defined as "any act that fulfills the elements of a criminal offense as stipulated in this Act and other acts of sexual violence as stipulated in other laws, to the extent specified in this Act." Sexual deviance is regulated in Article 4, paragraph 1 (f) and paragraph 2 (d) and (h).

Law No. 39 of 1999 on Human Rights, specifically in Article 45, affirms that women's rights are an inseparable part of human rights. Thus, all rights inherent to women must be protected, respected, and guaranteed. No party has the right to disregard, restrict, or violate the human rights possessed by women.¹³ Sexual violence within the household can occur as a

¹³ Marcheyla Sumera, "Perbuatan Kekerasan/Pelecehan Seksual Terhadap Perempuan," *Lex Et Societatis* 1, No. 2 (2013): 39–49.

result of forcing sexual intercourse upon individuals living in that household. In addition, this violence also includes forcing a family member to engage in sexual intercourse with another person for commercial gain and/or specific purposes. In general, sexual violence encompasses various forms of acts, including: forcing sexual intercourse; forcing sexual intercourse in an unnatural and/or unwanted manner; and forcing sexual intercourse with another person for commercial or other purposes. Women who are victims of sexual violence or harassment are entitled to legal protection as provided for in Law No. 23 of 2004 on the Elimination of Domestic Violence (PKDRT), as well as in the Criminal Code (KUHP). One relevant provision is Article 285 of the KUHP, which addresses the criminal offense of rape a particularly severe form of sexual violence that constitutes a serious violation of women's human rights as well as Law No. 31 of 2014 Amending Law No. 13 of 2006, specifically Articles 5, 8, and 9, which outline the rights of women who are victims.

Sadomasochistic practices are generally carried out based on mutual consent between both parties. Although there is an agreement to engage in these activities, this does not negate the unlawful nature of sadomasochism. Perpetrators of sadomasochism intentionally commit these acts and are aware of the consequences, which can cause physical and sexual suffering to the individuals involved. When viewed in terms of the resulting impact, sadomasochistic behavior not only causes physical and sexual suffering to the victim but also has the potential to cause psychological distress. These psychological effects can include stress, trauma, and excessive fear stemming from the feeling of having been involved in behavior considered deviant. These psychological disorders generally arise when coercion occurs on the part of one individual in this case, the passive or masochistic partner who feels unable to tolerate the forms of torture inflicted by the active (sadistic) partner during the sexual activity.¹⁴ Sadomasochistic practices essentially involve acts of violence that cause pain to a partner, which are inconsistent with established principles, rules, and norms. Any form of violence is considered a violation of norms and human dignity, and therefore must be addressed through legal action as provided for by law.

Although there is mutual consent between the perpetrator (sadist) and the victim (masochist), this does not negate the unlawful nature of the act. A person engaged in this behavior is aware that acts of sadomasochism can occur repeatedly, driven by sexual fantasies or urges, or through behaviors that can arouse sexual desire associated with causing physical and psychological harm.

3.2. Forms of Protection for Victims of BDSM Sexual Abuse

The protection that the government and society can provide involves taking preventive measures and raising awareness about sexual deviance, one of which is by providing sex education from an early age or at least during school years to help children understand the

¹⁴ Qonita Nada Sakinah, "Praktik Sadomasokisme Pada Masyarakat Muslim Perspektif Hak Asasi Manusia' Skripsi, Fakultas Syariah Institut Agama Islam Negeri," N.D., Hlm. 84.

correct theories of sexuality. The sex education in question involves providing the following insights: first, explaining the differences between the sexes, particularly biological aspects such as body structure and their respective functions; second, teaching appropriate behavior and how to interact with members of the opposite sex as well as same-sex peers; third, clarifying which body parts or areas are permissible and which are not permissible to touch; fourth, providing an understanding of the forms of sexual deviance and the consequences if such deviance occurs; fifth, providing an understanding of the differences between sexual deviance, sexual violence, and sexual harassment and distinguishing them from non-offensive behaviors; sixth, fostering the courage to report feelings of insecurity or discomfort to teachers or parents, thereby preventing children from becoming either “victims” or “perpetrators” of sexual deviance.¹⁵

According to First Lieutenant Eka Tri Lestari A., S.H., efforts to prevent sexual violence include: raising awareness and vigilance; providing education and fostering public understanding; maintaining personal hygiene of intimate body parts; teaching about personal boundaries; teaching how to refuse unwanted physical contact; teaching children to be open with their parents, teaching them to be wary of suspicious people, teaching them not to place complete trust in people they have just met, teaching them to avoid sexually suggestive conversations, and teaching them to be brave and assertive.¹⁶ Article 66 of Law No. 12 of 2022 on Sexual Violence Crimes specifically addresses the rights to which victims are entitled. Victims have the right to recovery, protection, and assistance from the moment a sexual violence crime occurs. One way the state fulfills its obligation to ensure victims’ rights is by providing restitution and/or compensation, as stipulated in Article 70 of Law No. 12 of 2022 on Sexual Violence Crimes.¹⁷ In protection and prevention efforts, each has its own role, including the following:

The government plays an active role in preventing sexual violence and abuse. The government has implemented protection policies and provided guarantees of rehabilitation for both victims and perpetrators. Mr. Petrus Ribo, S.Sos, believes that the form of protection provided involves “conducting annual prevention outreach through joint awareness campaigns in children’s communities, and for children requiring special protection, we invite child advocacy stakeholders such as in cases related to HIV/AIDS, where we collaborate with the Sorong City AIDS Prevention Commission (KPA) to provide HIV/AIDS awareness sessions. Additionally, we conduct prevention outreach through broadcasts on RRI (Radio Republik Indonesia) and television broadcasts on CWM in Sorong City. We also carry out prevention efforts through the mass media and hold awareness-raising meetings. Furthermore, we collaborate with the Sorong Sehati Foundation and the Papua Lestari Foundation to conduct

¹⁵ Achmad Anwar Abidin, “Perilaku Penyimpangan Seksual Dan Upaya Pencegahannya Di Kabupaten Jombang,” *Prosiding Seminar Nasional & Temu Ilmiah Jaringan Peneliti*, 2018, 545–63, [Http://Ejurnal.Iaida.Ac.Id](http://ejournal.iainda.ac.id).

¹⁶ Ibu Eka Tri Lestari. A, Hasil Wawancara.

¹⁷ Salman Alfansuri Muhammad Et Al., “Assyari I {Jurnal} {Bimbingan} {Konseling} {Keluarga} 6 No” 6 (2024): 1448–60, <https://doi.org/10.47476/Assyari.V6i2.6506>.

awareness campaigns in schools regarding sexual violence against children and women, and we also partner with UNICEF." Mr. Petrus Ribo, S.Sos., continued by stating that "we are collaborating with Himpsi (the Association of Psychologists) to help restore the mental well-being of victims" who have experienced sexual violence.

Other forms of protection provided by the government include the enactment of Law No. 11 of 2012 on the Juvenile Justice System, Law No. 23 of 2004 on the Elimination of Domestic Violence, Law No. 35 of 2014 Amending No. 23 of 2002 on Child Protection, and Law No. 12 of 2022 on Sexual Violence Crimes. Furthermore, guarantees of protection regarding the rights of women and children are also enshrined in Law No. 39 of 1999 on Human Rights. Although many measures have been taken to prevent such incidents, it is still possible that obstacles or challenges may be encountered. Mr. Petrus Ribo, S.Sos., also noted that the obstacles or challenges encountered include situations during police accompaniment where the perpetrator cannot be brought in and ignores summonses; instances where the victim or the victim's family requests to withdraw the report; and insufficient operational funds when providing support to victims. Mr. Petrus Ribo, S.Sos., also added that another obstacle encountered during prevention outreach efforts is that the public does not listen to RRI broadcasts very often and rarely watches the CWM channel due to the prevalence of technology such as cell phones and Indihome; however, we are at least making various efforts to reduce sexual violence in the city of Sorong.

Community: The role of the Sorong community in preventing and protecting against sexual deviance and sexual violence is carried out through community institutions that play a role in monitoring and providing support to victims of sexual deviance in the form of sexual violence, namely the Sorong City Women's and Children's Empowerment Agency. The Women's and Children's Empowerment Agency has implemented various methods and activities to prevent sexual deviance, including conducting educational and awareness campaigns for the public and other institutions such as schools on issues categorized as sexual deviance, such as domestic sexual violence, and on how to provide early sex education to children. In addition to providing education, the Women's and Children's Empowerment Agency also offers support and guidance to the community. Furthermore, there is the Correctional Services Agency, commonly known as BAPAS, which focuses on individuals under correctional supervision such as inmates after they have completed their rehabilitation period in prison. BAPAS has the authority to monitor and assist these individuals during the probation period.

Family: The roles of the family and parents are essential in providing sex education to children, such as teaching them about their body parts from an early age. Here are some steps parents should take as a preventive measure:

Foster courage in children: Parents can teach their children that if they are treated badly or in an unpleasant way, they must have the courage to report it or tell their parents. Children must have the courage to refuse and report threats of abuse or acts related to violence or

sexual misconduct to people who can protect them such as parents, teachers at school, or security personnel. Also, don't forget to teach children to refuse invitations or gifts from others if they are offered something in exchange (such as items, food, or money).

Teaching about the function of private parts: This education is equally important because it helps children understand that their private parts are a private matter and should not be disclosed to others.

Building communication between parents and children: Parents are the figures a child trusts most. Parents can foster a communication relationship that is as comfortable as possible so that children feel free to discuss any problems they face. Parents can encourage their children to be open about all their activities, and they can also teach their children not to wear revealing clothing to help prevent unwanted incidents from occurring.

4. CONCLUSION

There is currently no provision in any law or legal regulation that explicitly addresses sexual deviance in the form of bondage, dominance, sadism, and masochism (BDSM). Sexual deviance is not specifically classified as a criminal offense, but rather as part of the criminal offenses of indecent acts or sexual violence. To impose criminal sanctions for such behavior as a result of unlawful acts - namely sexual violence one must refer to Law No. 12 of 2022 on Criminal Acts of Sexual Violence. There are three legal provisions that can be applied to prosecute such acts: First, Articles 292, 351(1), (2), and (3) of the Criminal Code. Second, Articles 8, 46, 47, 48, and 53 of Law No. 23 of 2004 on the Elimination of Domestic Violence. Third, Article 4, paragraph 1(f) and paragraph 2(d) and (h) of Law No. 12 of 2004 on Sexual Violence Crimes. Legal protection for women who are victims of sexual violence or harassment can be provided through Law No. 23 of 2004 on Domestic Violence and the Criminal Code, under which perpetrators of sadomasochism may be prosecuted under Article 351 of the Criminal Code for inflicting bodily harm on another person; furthermore, if the victim dies, the perpetrator may be charged under Articles 340 and 338, as well as under Law No. 31 of 2014 amending Law No. 13 of 2006 on the Protection of Witnesses and Victims, specifically Articles 5, 8, and 9, which outline the rights of women who are victims. Furthermore, guarantees of protection regarding the rights of women and children are also contained in Law No. 39 of 1999 on Human Rights and Law No. 35 of 2014 Amending Law No. 23 of 2002 on Child Protection.

REFERENSI

- Abidin, Achmad Anwar. "Perilaku Penyimpangan Seksual Dan Upaya Pencegahannya Di Kabupaten Jombang." *Prosiding Seminar Nasional & Temu Ilmiah Jaringan Peneliti*, 2018, 545–63. [Http://ejournal.iainda.ac.id](http://ejournal.iainda.ac.id).
- Hakim, Lukman. *Asas-Asas Hukum Pidana*, Deepublish. Yogyakarta: (Grup Penerbitan Cv Budi Utama), N.D.
- Hamzah, A. *Sistem Pidana Indonesia. Ilmu Hukum*. Jakarta: Pt Pradya Paramita., 1993.
- Hendrayani, Rieke. "Rancangan Undang-Undang Ketahanan Keluarga." *Hops.Id*, 2022. <https://www.hops.id/hot/pr-2945349875/waduh-mudah-tersulut-emosi-sampai-tak-sadar-lakukan-kdrt-ke-beby-prisillia-gue-waktu-itu>.

- Hiariej, Eddy O.S. *Asas Legalitas & Penemuan Hukum Dalam Hukum Pidana*. Edited By Wibi Hardani. Jakarta.: Penerbit Erlangga, 2009.
- Inna Fauzi And Maria Ulfa Fatmawati. "Sadomasokisme Di Indonesia Persepektif Ham Dan Hukum Pidana', Tawazun :'' *Journal Of Sharia Economic Law*, 2020, 3.2.
- Kementrian Pemberdayaan Perempuan Dan Perlindungan Anak Republik Indonesia. ""Simfoni Ppa (Sistem Informasi Online Perlindungan Perempuan Dan Anak),',," 2022. <https://Kekerasan.Kemennppa.Go.Id/>.
- Lesmana, Cokorda Bagus Jaya. *Buku Panduan Belajar Koas Ilmu Kedokteran*, 2017.
- Mayor, George. "Delik Aduan Terhadap Perkara Kekerasan Seksual Dalam Rumah Tangga1." *Acta Universitatis Agriculturae Et Silviculturae Mendelianae Brunensis* 53, No. 9 (2015): 1689–99. <http://Publications.Lib.Chalmers.Se/Records/Fulltext/245180/245180.Pdf%0ahttps://Hdl.Handle.Net/20.500.12380/245180%0ahttp://Dx.Doi.Org/10.1016/J.Jsames.2011.03.003%0ahttps://Doi.Org/10.1016/J.Gr.2017.08.001%0ahttp://Dx.Doi.Org/10.1016/J.Precamres.2014.12>.
- Martiasari, Andin. "Kajian Tentang Perilaku Kejahatan Dan Penyimpangan Seksual Dalam Sudut Pandang Sosiologis Dan Hukum Positif Indonesia." *Yurispruden* 2, No. 1 (2019): 103. <https://Doi.Org/10.33474/Yur.V2i1.958>.
- Mcmurray, Anne. *Community Health And Wellness: A Socioecological Approach*. Sydney;Edinburgh: Mosby/Harcourt, 2007.
- Muladi, A., & Nawawi, B. "Teori-Teori Dan Kebijakan Pidana," N.D. Nandita Muhammad, Salman Alfansuri, Arzhi Jiwantara Frizhal, Ramayanti Herni, Chatun Sri, And Arung Syuhada. "Presidential Campaign Authority In The General Election Law Esa. "Assyar I {Jurnal} {Bimbingan} {Konseling} {Keluarga} 6 No" 6 (2024): 1448–60. <https://Doi.Org/10.47476/Assyari.V6i2.6506>.
- Notoatmodjo Soekidjo. *Promosi Kesehatan Teori Aplikasi (Ilmu Perilaku)*. Jakarta: Rineka Cipta, N.D <https://Repo.Stikesibnusina.Ac.Id/Xmlui/Handle/123456789/150>.
- Ohoiwutun, Y. A. "Interaksi Dan Dependensi Hukum Pada Ilmu Kedokteran ." "*Ilmu Kedokteran Forensik*," 2016.
- Qonita Nada Sakinah. ""Praktik Sadomasokisme Pada Masyarakat Muslim Perspektif Hak Asasi Manusia' Skripsi, Fakultas Syariah Institut Agama Islam Negeri," N.D., Hlm. 84.
- Sophie Nandita, And Gialdah Tapiansari Batubara. "Pertanggungjawaban Pidana Terhadap Pelaku Sadomasokisme Sebagai Perilaku Penyimpangan Seksual Dalam Perspektif Hukum Pidana." *Jurnal Hukum Samudra Keadilan* 18, No. 1 (2023): 53–67. <https://Doi.Org/10.33059/Jhsk.V18i1.6468>.
- Sumera, Marcheyla. "Perbuatan Kekerasan/Pelecehan Seksual Terhadap Perempuan." *Lex Et Societatis* 1, No. 2 (2013): 39–49.
- Srajesh, Ravesh. "Penyimpangan Perilaku Seksual Seks Sadisme Oleh Dominance Terhadap Submisif Didalam Praktek Bondage Domination Submission Sadism Masochism (Bdsm)," 2021, 1–63.
- Usman. "Analisis Perkembangan Teori Hukum Pidana," N.D., 1–17.
- Wahyuni, Dewi. "Peran Orang Tua Dalam Pendidikan Seks Bagi Anak Untuk Mengantisipasi Lgbt." *Jurnal Ilmiah Kesejahteraan Sosial* Xiv, No. 25 (2018): 23–32.
- Yuniartika, Mega Dwi. "Mentalitas Menerabas Penikmat Seksual BdsM (Bondage And



Volume 4, Issue 2, 2026, pp. 138-153

<https://doi.org/10.33506/jlj.v4i2.5426>

Discipline, Dominance And Submission, Sadism And Masochism) Di Kalangan Mahasiswa/Mahasiswi Di Purwokerta." *Skripsi*, No. 8.5.2017 (2022): 2003–5.