



JURIDICAL ANALYSIS OF CRIMINAL SANCTIONS AGAINST PERPETRATORS OF SEXUAL VIOLENCE IN SPORTS DEVELOPMENT ENVIRONMENTS (CASE STUDY OF INDONESIAN SPORT CLIMBING ATHLETES)

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Abstract

*Sexual violence within sports development environments is a phenomenon that frequently remains concealed behind the power dynamics between coaches and athletes. The case of sexual violence affecting Indonesian sport climbing athletes serves as a vivid illustration of how vulnerable athletes — particularly young athletes — are to acts of violence committed by individuals who hold authority in the coaching process. This study aims to juridically analyze the imposition of criminal sanctions against perpetrators of sexual violence in sports development settings, with reference to the provisions of Law Number 12 of 2022 on Sexual Violence Crimes (UU TPKS), Law Number 17 of 2023 on Health, Law Number 11 of 2022 on Sports, and the Criminal Code (KUHP). The research employs a normative legal method using a case approach and a statute approach. The findings indicate that the imposition of criminal sanctions against perpetrators of sexual violence in sports settings must take into account the power imbalance as an aggravating factor, the application of UU TPKS as *lex specialis*, and the necessity of special protection mechanisms for athlete victims. This study recommends strengthening athlete protection regulations and establishing an independent oversight body within the national sports environment.*

1. INTRODUCTION

A. Background

Sports, by its very nature, should constitute a space that guarantees safety, comfort, and protection for every individual involved, including athletes undergoing development programs. In reality, however, sports development environments harbor considerable vulnerability to various forms of violence, including sexual violence. The unequal power dynamics between coaches as authority figures and athletes as those being coached create structural conditions that facilitate the abuse of authority.

Sexual violence in the world of sports is by no means a new phenomenon at the global level. International bodies such as the International Olympic Committee and various world sports federations have long recognized that athlete abuse and sexual harassment in sport constitute serious problems demanding comprehensive legal and policy frameworks.¹ At the national level, Indonesia has not been immune to similar issues. One case that drew widespread public attention was the sexual violence perpetrated against several Indonesian sport climbing athletes, in which a coach or official within the development environment allegedly committed acts of sexual violence against athletes under their supervision.²

Sport climbing is a discipline that has undergone rapid development in Indonesia, even producing internationally acclaimed achievements. The high intensity of training, the live-in arrangements commonly practiced at training centers, and the emotional and professional dependency of athletes upon their coaches create conditions that are highly susceptible to ethical and legal violations. Within this context, sexual violence may recur without being reported, as victims experience psychological pressure, threats, and fear of losing their athletic career prospects.³

¹ Aprilianda, N. (2017). Legal Protection of Child Victims of Sexual Violence Through a Restorative Justice Approach. *Arena Hukum*, 10(2), 309–334. <https://arenahukum.ub.ac.id/index.php/arena/article/view/279>

² Bettina Rulofs, *Protecting Athletes Against Sexual Violence: A Club-Based Approach from Germany*, Routledge Handbook of Athlete Welfare (London: Routledge, 2021)

³ Tanya Prewitt-White and Leslee Fisher, eds., *Examining and Mitigating Sexual Misconduct in Sport* (London: Routledge, 2022)

From a legal standpoint, Indonesia already possesses a range of legislative instruments relevant to addressing sexual violence cases, including the Criminal Code as updated through Law Number 1 of 2023, Law Number 12 of 2022 on Sexual Violence Crimes, Law Number 23 of 2002 on Child Protection as amended by Law Number 35 of 2014, and Law Number 11 of 2022 on Sports. Nevertheless, the application of these provisions within the sports development context continues to encounter numerous challenges, whether in terms of evidentiary procedures, qualification of offenses, or the imposition of sanctions that adequately deter perpetrators and deliver justice to victims.⁴

The UU TPKS, enacted in 2022, represents a significant legal breakthrough, as it marked the first time Indonesia possessed a law specifically and comprehensively regulating sexual violence crimes. This law addresses not only substantive criminal law but also encompasses victim rights, protection and recovery mechanisms, and the recognition of various forms of sexual violence that had previously not been explicitly criminalized. The relevance of UU TPKS in the context of sexual violence in sports is particularly significant given the characteristic nature of such offenses, which frequently involve power imbalances, abuse of trust, and conditions of victim dependency.⁵

Law Number 11 of 2022 on Sports also contains several provisions relating to athlete protection and the obligations of sports organizers to guarantee the safety and wellbeing of athletes throughout the development process. However, this legislation does not yet specifically and explicitly regulate enforcement mechanisms for sexual violence within the development context, resulting in a normative gap that must be addressed through legal interpretation and policy development.

⁴ Dugaan Atlet Panjat Tebing Alami Kekerasan Seksual Diusut Bareskrim
<https://share.google/6aaKMQUCdAUK2cOab>

⁵ Komisi X: Usut Tuntas Kasus Pelecehan Seksual Atlet Pelatnas Panjat Tebing - E-Media DPR RI
<https://share.google/Ax3E5O4Kjqu3dR3Q>

Based on the foregoing, it is evident that a complex and pressing legal issue demands thorough examination namely, how Indonesian criminal law, particularly UU TPKS, should be applied in imposing sanctions against perpetrators of sexual violence within sports development environments, taking the case of Indonesian sport climbing athletes as a concrete study. This research is relevant not only from a law enforcement perspective but also in the effort to drive systemic reform within the national sports environment for the comprehensive protection of athletes.

Accordingly, the research questions addressed in this study are as follows: a) How is the juridical construction of sexual violence crimes within sports development environments established under UU TPKS and related legislation? b) How are criminal sanctions imposed against perpetrators of sexual violence in the case study of Indonesian sport climbing athletes, viewed through the lens of sentencing principles and restorative justice? c) What forms of legal protection are available for athlete victims of sexual violence within sports development environments?

2. RESEARCH METHODS

This study employs a normative legal research method, which examines law as a normative system by analyzing legal principles, positive legal norms, doctrines, and relevant judicial decisions. This approach was selected because the issues under investigation are doctrinal in nature and concern the interpretation and application of legal norms in the context of a concrete case.

The research approaches adopted include: (1) the Statute Approach, involving a thorough review of all legislation relevant to sexual violence and sports development, including UU TPKS, the Criminal Code, the Sports Law, the Child Protection Law, and their implementing regulations; (2) the Case Approach, involving an examination of sexual violence cases occurring within the development environment of Indonesian sport climbing athletes as concrete analytical material; and (3) the Conceptual Approach, involving a review of relevant criminal law concepts such as power relations, criminal liability, and theories of punishment.

The sources of legal materials in this study consist of: (1) primary legal materials, comprising applicable Indonesian legislation, relevant judicial decisions, and related international legal instruments; (2) secondary legal materials, comprising legal literature, academic journals, prior research findings, and doctrines of legal scholars; and (3) tertiary legal materials, comprising legal dictionaries, encyclopedias, and other supporting reference sources.

Collection of legal materials was conducted through library research examining various relevant primary and secondary legal sources. These materials were systematically collected, classified, and analyzed.⁶

Analysis of legal materials was carried out qualitatively, employing legal interpretation techniques including grammatical, systematic, teleological, and comparative interpretation. The results of the analysis are presented in a descriptive-analytical manner to address the formulated research questions.

3. RESULT AND DISCUSSION

A. Juridical Construction of Sexual Violence Crimes in Sports Development Environments

1. Definition and Forms of Sexual Violence

Law Number 12 of 2022 on Sexual Violence Crimes defines sexual violence broadly and comprehensively as any act that demeans, humiliates, attacks, and/or otherwise targets a person's body, sexual desire, and/or reproductive function, carried out forcibly, against a person's will, which renders that person incapable of giving consent freely, owing to an imbalance of power relations and/or gender relations, and which causes or may cause physical, psychological, or sexual suffering, economic, social, cultural, and/or political harm.

⁶ Aditya, Z. F., & Winata, M. R. (2020). Reconstruction of the Paradigm of Legislation Formation. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 9(1), 1–19.
<https://rechtsvinding.bphn.go.id/ejournal/index.php/jrv/article/view/368>

UU TPKS recognizes nine forms of sexual violence crimes, including non-physical sexual harassment, physical sexual harassment, forced contraception, forced sterilization, forced marriage, sexual torture, sexual exploitation, sexual slavery, and electronic-based sexual violence. Within the context of sports development, the most relevant forms include physical and non-physical sexual harassment, sexual exploitation, and forced sexual acts carried out by leveraging the power imbalance between a coach and an athlete.⁷

Beyond UU TPKS, acts of sexual violence occurring within sports environments may also be prosecuted under Article 285 of the Criminal Code on rape, Article 289 on obscene acts, or provisions of the Child Protection Law where the victim is an athlete under the age of 18. It is important to note that UU TPKS holds the position of *lex specialis* over the Criminal Code in matters of sexual violence (*lex specialis derogat legi generali*), and its application is therefore prioritized insofar as the conduct fulfills the elements of the offense as defined therein.

2. Power Relations as a Key Element in Sports Contexts

Power relations constitute one of the central concepts introduced by UU TPKS. Article 4(2) of UU TPKS explicitly states that an unequal power relationship between the perpetrator and the victim is one element capable of reinforcing the qualification of a sexual violence crime. Within the context of sports development, this power dynamic manifests concretely in the relationship between a coach and an athlete.

A coach exercises control over nearly every aspect of an athlete's life within the development context: determining team composition, competition frequency, scholarship recommendations, national training center call-ups, and performance evaluations. The total dependency of athletes particularly young athletes in the peak phase of their development upon their coaches creates conditions in which athletes find it difficult to refuse, report, or even recognize that they are experiencing sexual violence. This phenomenon is referred to in legal psychology as grooming, a process of psychological manipulation by which a perpetrator builds trust and dependency in the victim prior to committing sexual violence.

⁷ Yetsa A. Tuakli-Wosornu et. Al., *IOC Consensus Statement: Interpersonal Violence and Safeguarding in Sport*, British Journal of Sports Medicine 59, No. 1 (2025) : 1-31, <https://doi.org/10.1136/bjsports-2024-108766>

Furthermore, the live-in or quarantine arrangements at training centers common in sport climbing development, where athletes reside together in one facility with their coaches for months at a time create isolation from the social and family networks that would ordinarily serve as natural protective systems. This situation significantly heightens athlete vulnerability to potential sexual violence while simultaneously complicating the processes of reporting and evidence-gathering.⁸

3. Criminal Provisions under the Sports Law

Law Number 11 of 2022 on Sports stipulates the obligations of sports organizers to safeguard athlete rights, including the right to legal protection and safety throughout the development process (Article 61 of the Sports Law). Although the Sports Law does not explicitly contain criminal provisions specifically addressing sexual violence, Article 88 provides for administrative sanctions against sports organizers who violate athlete protection requirements.

The absence of specific criminal provisions in the Sports Law addressing sexual violence constitutes an acknowledged normative weakness. Consequently, legal enforcement against sexual violence in sports settings must integrate UU TPKS as the most appropriate and comprehensive criminal law instrument, supplemented by the Criminal Code and the Child Protection Law as complementary frameworks.

B. Imposition of Criminal Sanctions: An Analysis of the Indonesian Sport Climbing Athlete Case

1. Case Description

⁸ Bettina Rulofs, *Protecting Athletes Against Sexual Violence: A Club-Based Approach from Germany*, Routledge Handbook of Athlete Welfare (London: Routledge, 2021)

The sexual violence case within the Indonesian sport climbing development environment drew public attention when a number of young athletes gathered the courage to come forward after years of enduring inappropriate conduct from an individual occupying an authoritative position within the development structure. These reports revealed a pattern of systematic and repeated sexual violence in which the perpetrator exploited their position of authority to commit criminal acts under the guise of coaching or physical evaluation.

This case reflects a pattern recognized in legal and psychological scholarship as institutional abuse — violence occurring within the context of an institution or organization that should provide protection, yet instead becomes the site of abuse due to weak oversight mechanisms, a culture of reluctance to report, and the dominance of hierarchical power structures.

2. Qualification of Offenses and Application of UU TPKS

In analyzing the sexual violence case against sport climbing athletes, at least several articles of UU TPKS are relevant for application. Article 6 of UU TPKS addresses the criminal offense of physical sexual harassment, carrying a maximum penalty of 12 years' imprisonment and/or a fine not exceeding IDR 300,000,000. Where such conduct is committed by a person who holds a power relationship over the victim as is the case in a coach-athlete relationship Article 15(1) of UU TPKS allows for the aggravation of the sentence by up to one-third of the principal criminal penalty.

Furthermore, where the victim is an athlete under the age of 18, aggravated penalties apply under the Child Protection Law. Article 82 of Law Number 35 of 2014 on the Amendment to the Child Protection Law prescribes a minimum sentence of 5 years and a maximum of 15 years' imprisonment, along with fines, for perpetrators of obscene acts against children. The application of these aggravated penalties is grounded in the principle of *lex specialis* and the best interests of the child.

Beyond the principal criminal penalty, UU TPKS also provides for supplementary penalties that are particularly relevant in the sports development context, including revocation of custody rights, revocation of the right to practice a profession, confiscation of profits derived from the criminal act, and the payment of restitution to victims. The supplementary penalty of revoking the right to practice as a coach is an especially appropriate instrument for preventing the perpetrator from re-engaging with vulnerable athletes in the future.

3. Sentencing Principles: Balancing Retribution, Deterrence, and Restoration

The imposition of criminal sanctions against perpetrators of sexual violence in sports settings must take an integrative approach to three dimensions of sentencing theory. First, the retributive dimension demands that perpetrators receive punishment proportionate to their conduct. In this context, the imposition of a custodial sentence proportional to the gravity of the offense and its impact on the victim is a necessity.⁹

Second, the deterrence dimension demands that the criminal sanction imposed be sufficiently severe to discourage recurrence, both on the part of the offender (specific deterrence) and among other potential offenders (general deterrence).¹⁰ Within the sports world characterized by strong hierarchies and cultures of deference the effect of general deterrence is especially significant in transforming norms and culture within the development environment.

Third, the restorative dimension demands that sentencing not be limited to punishing the offender but also address the physical, psychological, and social recovery of the victim. UU TPKS has accommodated this dimension through restitution mechanisms and victim assistance provisions. In the case of sport climbing athletes, victim recovery must encompass psychological dimensions, the continuation of their athletic careers, and the rehabilitation of the victim's dignity and reputation.

4. Factors to Be Considered by the Court in Sentencing

⁹ Mardiya, N. Q. A. (2017). Application of Chemical Castration Punishment for Perpetrators of Sexual Violence. *Jurnal Konstitusi*, 14(1), 214–233. <https://jurnalkonstitusi.mkri.id/index.php/jk/article/view/1345>

¹⁰ Jason Haynes, *Sport, Sexual Violence and the Law: A Feminist Critique and Call to Action*, *The International Sports Law Journal* 23 (2023): 178-198, <https://doi.org/10.1007/s40318-022-00230-5>

In adjudicating sexual violence cases involving athletes, judges are called upon to holistically consider a range of aggravating and mitigating factors. Aggravating factors include: the exploitation of a power imbalance by the perpetrator; the repeated nature of the abuse; the presence of threats or psychological manipulation (grooming); the serious and long-term psychological impact upon the victim; and the negative consequences for the athlete-victim's career and future prospects.

At the same time, judges must ensure that the procedural rights of victims are protected throughout the trial process, including the right to be accompanied by legal counsel, the right to testify with a protected identity, and the right not to be directly confronted by the perpetrator in circumstances that may exacerbate the victim's psychological condition. These provisions are explicitly stipulated in Articles 69 through 75 of UU TPKS.

C. Legal Protection for Athlete Victims of Sexual Violence

1. Victim Rights under UU TPKS

UU TPKS sets out in detail the rights of sexual violence victims, encompassing: the right to treatment, protection, and recovery; the right to receive information about case developments; the right to restitution from the perpetrator; the right to free legal services; the right to a protected identity; and the right to psychological and social recovery services. The fulfillment of these rights constitutes a non-derogable state obligation.

In the context of sport climbing athletes as victims, special protection is warranted given the compounded vulnerabilities they face both as victims of sexual violence and as athletes whose careers and achievements may be adversely affected by the public disclosure of the case. As such, legal protection mechanisms must also ensure the continuation of victims' athletic careers and prevent discrimination or stigmatization within the sports community.¹¹

2. Obligations of Sports Institutions

¹¹ Polri ungkap dugaan motif kasus kekerasan seksual atlet panjat tebing - ANTARA News Sulteng <https://share.google/40VKRwmzCEg7O6wDn>

Beyond the individual liability of the perpetrator, there is an institutional responsibility dimension that merits examination. The Indonesian sport climbing federation as the parent organization, along with other sports development bodies, bears legal obligations to: prevent sexual violence through effective oversight mechanisms; provide athletes with safe and trustworthy reporting channels; respond swiftly and appropriately to reports of sexual violence; and refrain from shielding or concealing the perpetrator's conduct in the name of institutional interests.¹²

Failure by institutions to fulfill these obligations may give rise to legal liability, both administratively as provided under the Sports Law, and civilly through compensation claims based on *onrechtmatige daad* (unlawful act) under Article 1365 of the Civil Code.

3. The Need for Reform of the Athlete Protection System

The analysis of the sexual violence case within Indonesian sport climbing development reveals an urgent need for systemic reform across the national sports development ecosystem. Several policy recommendations warranting attention include: the establishment of an independent athlete protection commission under the Ministry of Youth and Sports; mandatory background checks and ethics certification for all coaches and development personnel; the implementation of standardized safeguarding policies across all sporting disciplines; and legal awareness training for athletes regarding their rights and available reporting mechanisms.¹³

In addition, it is necessary to amend the Sports Law to explicitly criminalize sexual violence within the context of sports development and to clarify the sanctioning mechanisms applicable to individuals and organizations found to have committed or permitted sexual violence to occur.

4. CONCLUSION

¹² Pradityo, R. (2016). Restorative Justice in the Juvenile Justice System. *Jurnal Hukum dan Peradilan*, 5(3), 319-330.

¹³ Melanie Lang, ed. *Routledge Handbook of Athlete Welfare*, (London: Routledge, 2021)

First, sexual violence within sports development environments constitutes a criminal offense that may be prosecuted under UU TPKS as *lex specialis*, supported by the Criminal Code and the Child Protection Law. The unequal power dynamic between coaches and athletes is a key element that must be juridically recognized as a factor aggravating the offense classification and increasing the applicable criminal penalty.

Second, the imposition of criminal sanctions against perpetrators of sexual violence in the Indonesian sport climbing athlete case must take an integrative approach to retributive, deterrence, and restorative dimensions. A proportionate custodial sentence, supplemented by revocation of the right to practice as a coach and the payment of restitution to victims, constitutes the most appropriate combination of sanctions to achieve substantive justice while deterring future occurrences.

Third, legal protection for athlete victims of sexual violence cannot be resolved through criminal law enforcement alone but must be reinforced through systemic reform across the national sports development ecosystem. This encompasses regulatory strengthening, the establishment of an independent oversight body, and the cultivation of an athlete-centered safeguarding culture.

Fourth, there exists a normative gap in the Sports Law that must be urgently addressed through legislative amendment, specifically regarding criminal provisions explicitly governing sexual violence in the context of sports development. The integration of international athlete protection norms into the national legal framework is a step that can no longer be deferred.

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