

Dr. Beniharmoni Harefa: Removing Sexual Violence Bill from National Legislation Program Priority is a "Setback"

Monday, 10 August 2020 08:55 WIB



The statement was conveyed by Dr. Beniharmoni Harefa, S.H., LL.M. a lecturer of Criminal Law in UPN Veteran Jakarta within a webinar held by Student Executive Board of Faculty of Law (Thursday/6/8/2020). The Webinar mainly discussed about the Polemic of Removing Sexual Violence Bill, is it difficult or not even important? There were four speakers presented, namely Sabina Puspita (Arryman Scholar), Theresia Iswarini (Komnas Perempuan Commissioner), Lida Hendrajoni (Member of Commission VIII DPR RI), and Dr. Beniharmoni Harefa, SH, LL.M. (Lecturer of Criminal Law in UPN Veteran Jakarta).

Earlier Dr. Beni said that the sexual crime was "graviora delicta" or the most serious crime. This is due to several indicators, one of which is a crime with a very wide victimization impact and could be lasted for a long time, even a lifetime. In addition, sexual crime itself has been regulated based on international conventions, which included in special criminal procedure law.

Looking at the historical perspectives of Sexual Violence Bill, which Dr. Beni said that it is very unfortunate that the Sexual Violence Bill has been removed from the 2020 National Legislation Program Priority which is known together, it was took a long process since 2014. Aside from this current issue, Dr. Beni added there is still a chance to fight for it (Sexual Violence Bill) again in October so possibly it could be put in the 2021 priority, it looks like it will be difficult because it is like starting over again. However, this polemic could be used by researchers (academics) to expand their literature on this draft-bill because it has weaknesses with some overlap rules with the Criminal Code Bill. Dr. Beni hopes that soon this issue can be corrected very soon.

Furthermore, Dr. Beni also explained that the Sexual Violence Bill was actually able to answer the limitations of the existing laws and regulations. He said that there were several new things that had been formulated and outlined in this Sexual Violence Bill where has not been regulated since the last bill, such as from criminal acts, convictions, prevention, handling (recovery) processes, as well as proof of criminal acts of sexual violence.

On this occasion, Dr. Beni explained that there were several things that made some parties disagree. He conveyed that there had been a misperception / misconception where the Sexual Violence Bill was considered as *Pro Zina*, *Pro LGBT*, and *Pro Abortion*. However, he said that after carefully studying the Sexual Violence Bill, there was no significant correlation. In fact, he public concerns and doubts regarding this issue had been accommodated in the arrangement in this Sexual Violence Bill.

In his closing, Dr. Beni said, although it is very unfortunate that it has been issued in the 2020 National Legislation Program priority. He also suggested to youth to continue on overseeing the Sexual Violence Bill in the next October so that it could be included in the National Legislation Program 2021 priority.

The webinar went thoroughly and got many enthusiasm from the participants, the majority of the participants were students of the Faculty of Law from various universities in Indonesia, who had joined through the *Zoom Meeting*. This webinar ended with a commitment to continue to oversee the Sexual Violence Bill therefore it could be immediately re-inserted into the National Legislation Program.

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