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**Pengaturan Hukum Pidana Non-Consensual Condom Removal sebagai Tindak Pidana Kekerasan Seksual di
Indonesia: Studi Perbandingan Australia, Belanda, dan Singapura**
Cinta Ratu Bunga Permatahati, Sri Wiyanti Eddyono, S.H., LL.M.(HR), Ph.D.
**Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/**

# PENGATURAN HUKUM PIDANA *NON-CONSENSUAL CONDOM REMOVAL* SEBAGAI TINDAK PIDANA KEKERASAN SEKSUAL DI INDONESIA: STUDI PERBANDINGAN AUSTRALIA, BELANDA, DAN SINGAPURA

Cinta Ratu Bunga Permatahati[1], Sri Wiyanti Eddyono, S.H., LL.M., Ph.D[2]

## INTISARI

Penelitian ini bertujuan untuk menganalisis pengaturan hukum pidana di Australia, Belanda, dan Singapura terhadap tindak pidana *Non-Consensual Condom Removal* (NCCR). Penelitian ini juga dimaksudkan untuk menganalisis prospek pengaturan pidana NCCR yang paling ideal dan dapat diadopsi di Indonesia.

Jenis penelitian dalam penulisan hukum ini berupa penelitian normatif yang didukung dengan wawancara. Data sekunder penelitian diperoleh melalui studi literatur serta melalui hasil wawancara dengan narasumber yang kompeten untuk memperkuat analisis. Hasil penelitian selanjutnya diolah secara kualitatif untuk menelaah norma-norma hukum NCCR yang berlaku di Australia, Belanda, dan Singapura, serta mengidentifikasi unsur-unsur pidana dari negara pembanding yang dapat diterapkan ke dalam sistem hukum Indonesia.

Terdapat dua kesimpulan yang diperoleh dari penelitian ini. Pertama, ketiga negara pembanding telah mengkriminalisasi NCCR dengan model perumusan yang berbeda-beda: Australia melalui perluasan kondisi pembatal persetujuan; Belanda melalui delik pemerkosaan berbasis ketiadaan persetujuan; Singapura melalui delik pidana tersendiri berbasis penipuan. Kedua, pengaturan hukum tindak pidana kekerasan seksual di Indonesia saat ini belum dapat mengakomodasi praktik NCCR. Berkaca dari pengaturan di negara pembanding, perlu adanya perubahan paradigma tindak pidana kekerasan seksual di Indonesia agar berbasis pada ketiadaan persetujuan serta pengaturan definisi persetujuan dalam peraturan perundang-undangan. Selain itu, pengaturan hukum pidana NCCR juga memerlukan perumusan delik yang secara eksplisit mencantumkan karakteristik khusus NCCR, dengan model yang paling ideal yaitu pengaturan hukum di Australia. Langkah tersebut perlu diintegrasikan pula dengan upaya pelindungan korban dan peningkatan pengetahuan publik terkait NCCR.

**Kata Kunci:** Perbandingan Hukum, *Non-Consensual Condom Removal* (NCCR), Tindak Pidana Kekerasan Seksual

[1] Mahasiswa S1 Departemen Hukum Pidana Fakultas Hukum Universitas Gadjah Mada.
[2] Dosen Departemen Hukum Pidana Fakultas Hukum Universitas Gadjah Mada.

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# *CRIMINAL REGULATION OF NON-CONSENSUAL CONDOM REMOVAL AS A SEXUAL OFFENCE IN INDONESIA: A COMPARATIVE STUDY OF AUSTRALIA, THE NETHERLANDS, AND SINGAPORE*

Cinta Ratu Bunga Permatahati[1], Sri Wiyanti Eddyono, S.H., LL.M., Ph.D[2]

## *ABSTRACT*

*This study aims to analyse the criminal law provisions in Australia, the Netherlands and Singapore regarding the criminal offence of Non-Consensual Condom Removal (NCCR). This study also seeks to analyse the provisions regarding the criminal offence of NCCR that could be adopted in Indonesia.*

*The research methodology applied in this legal study is a normative study supplemented by interviews. Secondary research data was obtained through a literature review along with interviews with competent informants to strengthen the analysis. The research findings were subsequently analysed qualitatively to examine the legal norms regarding NCCR prevailing in those countries, and to identify criminal components from the comparative countries that could be applied within the Indonesian legal system.*

*Two conclusions have been drawn from this study. Firstly, the three countries have criminalised NCCR through different legal frameworks: Australia through the expansion of conditions where consent is vitiated; the Netherlands through a rape offence based on the lack of consent; and Singapore through a separate criminal offence based on deception. Secondly, the existing legal framework for sexual violence offences in Indonesia does not yet accommodate NCCR practices. Reflecting on the regulations in comparative countries, there is a need for a paradigm shift in the criminalisation of sexual violence in Indonesia, so that it is based on the absence of consent and includes a definition of consent within the legislation. Furthermore, the criminal law framework for NCCR also requires the formulation of offences that explicitly include the specific characteristics of NCCR, with the most ideal model of which is the legal framework in Australia. These measures need to be integrated with victim protection measures and public awareness-raising initiatives regarding NCCR.*

***Keywords*:** *Comparative Law, Non-Consensual Condom Removal (NCCR), Sexual Offence*

[1] *Undergraduate Student of Faculty of Law*, Universitas Gadjah Mada.
[2] *Lecturer of Criminal Law Department, Faculty of Law*, Universitas Gadjah Mada.