



Stealththing as a Form of Sexual Violence: Ensuring the Protection of Victims' Rights

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In today's legal landscape, discussions on sexual violence continue to evolve, with stealththing emerging as a critical issue. Stealththing refers to the act of non-consensual condom removal during sexual intercourse, violating the fundamental principles of consent and bodily autonomy. This practice is increasingly recognized as a form of sexual violence, yet many legal frameworks, including Indonesia's, have yet to explicitly criminalize it. Victims of stealththing face not only physical risks, such as sexually transmitted infections (STIs) and unwanted pregnancies, but also severe psychological trauma and social stigma. The absence of clear legal provisions contributes to underreporting and difficulties in prosecuting perpetrators, leaving victims without adequate legal recourse. This research employs a normative legal method, incorporating statutory, conceptual, comparative, and futuristic approaches to analyze how stealththing fits within Indonesia's existing sexual violence laws. It also explores how other jurisdictions have addressed this issue, particularly in recognizing stealththing as a criminal offense. The descriptive-prescriptive nature of this study allows for a detailed examination of legal gaps and the potential for reform in Indonesia's criminal law system. Through content analysis, this research finds that stealththing should be explicitly categorized as sexual violence under Indonesian law to ensure better protection for victims and uphold justice. The study further argues that legal recognition, public awareness, and preventive policies are crucial in addressing stealththing effectively. Understanding stealththing as a legal and social issue is essential to strengthening victim protection and promoting consent-based sexual relations. By integrating stealththing into Indonesia's legal discourse, the country can align its policies with global best practices and foster a justice system that upholds victims' rights.

Keywords: Stealththing, Sexual Violence, Victims' Rights, Legal Protection, Criminal Law Reform.

I. Introduction

Sexual violence is one of the forms of human rights violations that continues to increase in various parts of the world, including Indonesia.¹ The latest data from the Ministry of Women's Empowerment and Child Protection (KemenPPPA) in 2024 shows that there were 28,831 cases of violence against children, with sexual violence ranking the highest.² Of that number, 24,999 victims were girls, while 6,228 victims were boys. Additionally, a report from the National Commission on Violence Against Women (Komnas Perempuan) recorded that throughout 2024, there were 34,682 women who became victims of violence, with 15,621 of them experiencing sexual violence.³ In the education sector, sexual violence has also shown a significant increase, with 573 cases recorded throughout 2024 more than a 100% rise compared to the previous year. This data indicates that sexual violence remains a serious issue requiring greater attention in legal aspects, policy-making, and public education. Globally, cases of sexual violence continue to rise. Reports from international organizations show that harassment and sexual exploitation still occur at an alarming scale. In Australia, in July 2024, a 43-year-old man was charged with child trafficking from Indonesia for sexual exploitation, highlighting that sexual violence often occurs within transnational networks. Cases like these further emphasize that sexual violence takes various forms and modus operandi, evolving alongside social and technological changes.⁴

In recent decades, discourse on sexual violence has evolved alongside increasing awareness of human rights and victim protection. One form of sexual violence that has gained growing attention is stealththing, which refers to the non-consensual removal of a condom during sexual intercourse without the partner's knowledge. This practice constitutes a violation of the principle of consent, which is fundamental to safe and ethical sexual relations.⁵ Stealththing not only leads to physical consequences such as unwanted pregnancies and the transmission of sexually transmitted infections (STIs) but also causes deep psychological trauma for victims. Despite being increasingly recognized as a form of sexual violence in several countries, the legal status of stealththing remains a subject of debate, including in Indonesia, where it is not yet explicitly regulated or criminalized.⁶

Globally, stealththing has become a serious concern in legal, health, and human rights discussions. A pivotal study conducted by Alexandra Brodsky in 2017 in the United States played a significant role in raising awareness of this practice. In her research, Brodsky highlighted that many victims of stealththing face legal injustices, as the act is often not classified as sexual violence under existing criminal justice systems.⁷ Countries such as Germany, Switzerland, the United

¹ Luh Made Khristianti Weda Tantri, "Perlindungan Hak Asasi Manusia Bagi Korban Kekerasan Seksual Di Indonesia," *Media Iuris* 4, no. 2 (June 1, 2021): 145–72, <https://doi.org/10.20473/MI.V4I2.25066>.

² Joko Susanto, "Data Kementerian PPPA: Kekerasan Anak Capai 28.831 Kasus Pada 2024," NUonline, 2024, <https://nu.or.id/nasional/data-kementerian-pppa-kekerasan-anak-capai-28-831-kasus-pada-2024-npRIs>.

³ Singgih Wiryo, "Komnas Perempuan: 34.682 Perempuan Jadi Korban Kekerasan Sepanjang 2024," Kompas.com, 2024, <https://nasional.kompas.com/read/2024/08/13/05445101/komnas-perempuan-34682-perempuan-jadi-korban-kekerasan-sepanjang-2024>.

⁴ James Harrison, "Sydney Man, 43, Charged with Allegedly Trafficking 17-Year-Old Girl from Indonesia to Work in Brothel in Major AFP Investigation," Sky News Australia, 2024, <https://www.skynews.com.au/australia-news/crime/sydney-man-43-charged-with-allegedly-trafficking-17-year-old-girl-from-indonesia-to-work-in-brothel-in-major-afp-investigation/news-story/7f1050f31847a7e43ad6bd5fba382d2a>.

⁵ Rosie L. Latimer et al., "Non-Consensual Condom Removal, Reported by Patients at a Sexual Health Clinic in Melbourne, Australia," *PLOS ONE* 13, no. 12 (December 1, 2018): 1–5, <https://doi.org/10.1371/JOURNAL.PONE.0209779>.

⁶ Kelly Cue Davis et al., "A Scoping Review of Nonconsensual Condom Removal ('Stealththing') Research," *Trauma, Violence, & Abuse* 25, no. 1 (February 1, 2023): 215–30, <https://doi.org/10.1177/15248380221146802>.

⁷ Gianna Amore, "Remove the Condom and You Remove Consent: Why the U.S. Should Adopt Australia's Initiative as a Guide to Criminalize Stealththing," *Family Court Review* 62, no. 1 (January 1, 2024): 212–27, <https://doi.org/10.1111/FCRE.12774>.

Kingdom, Australia, and the United States have begun recognizing stealthing as a criminal offense. In California, United States, stealthing has been classified as a civil violation, allowing victims to seek compensation from perpetrators. Meanwhile, in Australia, stealthing has been criminalized in certain states, including Victoria and New South Wales, with stricter penalties. In the United Kingdom, stealthing has served as the basis for several court rulings, where perpetrators have been convicted on the grounds of sexual coercion, as victims did not consent to unprotected intercourse.

In Indonesia, the debate surrounding stealthing remains highly limited, both in academic discourse and within the criminal justice system. Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS) has been a significant milestone in protecting victims of sexual violence. However, it does not explicitly mention stealthing as a criminal offense. In practice, this act can be categorized as sexual coercion or sexual harassment, as it involves a betrayal of the consent given by a partner. Additionally, Law No. 1 of 2023 concerning the Criminal Code (KUHP) contains provisions that could potentially be interpreted to prosecute stealthing perpetrators. However, the ambiguity in definitions and the challenges of proving such cases pose significant obstacles to law enforcement.

Data on stealthing in Indonesia remains scarce due to the low rate of case reporting. Many victims hesitate to come forward due to a lack of awareness that this act constitutes a legal violation, as well as the social stigma attached to victims of sexual violence. According to reports from the National Commission on Violence Against Women (Komnas Perempuan), cases of sexual violence have been rising each year, with dating violence and domestic violence (KDRT) being the most prevalent categories.⁸ Although stealthing is not specifically mentioned, this trend indicates that many forms of sexual violence still lack adequate legal recognition. Research from several countries shows that stealthing typically occurs in romantic relationships, both within and outside of marriage, where victims often struggle to prove the perpetrator's actions due to the lack of clear physical evidence.

From a health perspective, stealthing contributes to an increased risk of HIV/AIDS and sexually transmitted infections (STIs). Reports from the World Health Organization (WHO) and the Centers for Disease Control and Prevention (CDC) indicate that non-consensual acts like stealthing play a role in the rising transmission rates of sexually transmitted diseases, particularly among vulnerable groups such as women and the LGBTQ+ community.⁹ In several countries, surveys have shown that more than 10% to 20% of women have experienced stealthing in their sexual relationships, with psychological impacts ranging from anxiety to severe depression. A study conducted by the Melbourne Sexual Health Centre in Australia found that 32% of the women interviewed had experienced stealthing, and among them, the majority suffered from deep trauma and fear of entering new relationships.

From a social and cultural perspective, stealthing is also linked to gender discrimination and the erosion of women's sexual rights. In patriarchal societies like Indonesia, women are often positioned as the submissive party in sexual relationships, making many victims feel powerless to report or take legal action against the perpetrator.¹⁰ Furthermore, the lack of education on sexual rights and reproductive justice exacerbates the situation for stealthing victims, many of

⁸ F A Lestianti and T Rahayu, "Kesejahteraan Wanita Melalui Hukum Yang Berlaku Di Indonesia," ... *Seminar Nasional Hukum, Bisnis, Sains Dan ...* 1 (2020): 223-30, <http://ojs.udb.ac.id/index.php/HUBISINTEK/article/view/1000>.

⁹ King David Dzirasah, "'Stealthing': A Silent Threat to Sexual and Reproductive Health," *SSRN Electronic Journal*, December 12, 2021, 1-6, <https://doi.org/10.2139/SSRN.3983495>.

¹⁰ Nurnaningsih Nurnaningsih, "Patriarchal Culture, Sexual Violence, and Legal Protection for Women in Indonesia," *Veteran Law Review* 6, no. SpecialIssues (April 18, 2023): 85-103, <https://doi.org/10.35586/VELREV.V6ISPECIALISSUES.5758>.

whom do not realize they have been subjected to sexual violence. Therefore, it is crucial for Indonesia to consider clearer and more explicit regulations on stealththing to provide stronger legal protection for victims.

In comparative law, several countries have taken steps to classify stealththing as a form of sexual violence or rape, offering Indonesia a legal framework to learn from. Advocacy efforts and public education are also essential in raising awareness about the dangers of stealththing and encouraging victims to report their experiences. As discussions on sexual rights and justice for victims of sexual violence continue to evolve, stealththing must become part of Indonesia's legal reform agenda. Clear legal provisions and strict policies will be the first step in ensuring that stealththing is no longer tolerated without consequences and that victims' rights are fully recognized and protected within the national legal system.

This study builds upon and expands the findings of previous research on stealththing, such as the seminal work by Alexandra Brodsky (2017), who introduced the term "rape-adjacent" and highlighted the failure of legal systems to recognize stealththing as a form of sexual violence, although her analysis did not explore comparative legal approaches across jurisdictions.¹¹ The study by Chesser and Clough-Ricci (2024) examined the criminalization of stealththing in the United Kingdom and Australia, but its scope was limited to two legal systems and lacked discussion on policy adaptation in other countries.¹² Meanwhile, the systematic review by Davis et al. (2023) provided an overview of the psychological impacts and legal challenges surrounding stealththing, yet it fell short of offering normative solutions or proposing national legal reforms.¹³ The novelty of this research lies in its comprehensive and multidimensional approach, combining normative, comparative, and futuristic analyses with the integration of legal theories including legal positivism, natural law, feminist legal theory, and victimology. It also presents concrete legal reform proposals for Indonesia, particularly the amendment of Law No. 12 of 2022 on Sexual Violence and the Indonesian Criminal Code (KUHP), to explicitly categorize stealththing as a criminal offense and ensure stronger protection for victims of sexual violence.

II. Research Problems

Stealththing, or the non-consensual removal of a condom during sexual intercourse, is increasingly recognized as a form of sexual violence with severe psychological, social, and legal implications.¹⁴ Despite its harmful effects, stealththing remains underreported and underregulated in many countries, including Indonesia. The absence of explicit legal provisions addressing stealththing has left many victims without legal recourse, raising concerns about justice, victim protection, and the necessity for legal reform. One of the primary research problems concerns the psychological and social impact on victims. Stealththing can lead to severe mental health issues, including anxiety, depression, post-traumatic stress disorder (PTSD), and trust issues in future relationships. Victims often experience deep emotional distress, feelings of betrayal, and powerlessness, which can result in long-term psychological trauma.¹⁵ Moreover, social stigma

¹¹ Alexandra Brodsky, "Rape-Adjacent: Imagining Legal Responses To Nonconsensual Condom Removal," *Columbia Journal of Gender and Law* 32, no. 2 (2017): 183–210, <https://doi.org/10.7916/D8708D06>.

¹² Brianna Chesser and Amanda Clough-Ricci, "Criminalising Stealththing: Lessons From the UK and Australia," *The Journal of Criminal Law* 88, no. 5–6 (September 26, 2024): 307–18, <https://doi.org/10.1177/00220183241274917>.

¹³ Davis et al., "A Scoping Review of Nonconsensual Condom Removal ('Stealththing') Research."

¹⁴ Alexandra Brodsky, "Rape-Adjacent: Imagining Legal Responses To Nonconsensual Condom Removal," *Columbia Journal of Gender and Law* 32, no. 2 (2017): 183–210, <https://doi.org/10.7916/D8708D06>.

¹⁵ Anna Apostolidou et al., "Prevalence of Non-Consensual Condom Removal (Stealththing) in Female Sex Work and Its Association with Perceived Discrimination in Athens, Greece," *Psychology* 14, no. 9 (September 12, 2023): 1483–96, <https://doi.org/10.4236/PSYCH.2023.149085>.

and cultural taboos in Indonesia further exacerbate the problem, making it difficult for victims to come forward or seek help. Many victims fear being blamed or judged, especially in a society where discussions about sexual violence remain highly sensitive and often misunderstood. The lack of support systems, such as victim advocacy groups, accessible mental health services, and community awareness initiatives, further isolates survivors and limits their ability to heal and recover.¹⁶ Another critical research problem relates to the legal status of stealthing and the challenges in enforcing justice. Unlike some countries that have explicitly criminalized stealthing such as Australia, where it is classified as sexual assault, or the United States, where some states allow victims to seek civil remedies Indonesia currently lacks specific legal provisions addressing stealthing as a form of sexual violence or coercion. Although Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS) provides legal protection for victims of sexual violence, it does not explicitly categorize stealthing as a crime. As a result, victims face significant legal barriers when seeking justice, as stealthing often falls into a legal gray area where initial consent was given for protected sex but not for unprotected sex an issue that Indonesian law has yet to address adequately. Law enforcement agencies may also struggle to investigate and prosecute stealthing cases due to evidentiary challenges, making it difficult to hold perpetrators accountable. The third research problem revolves around education, public awareness, and preventive measures to combat stealthing. Public understanding of stealthing in Indonesia remains very limited, with many individuals unaware that it constitutes a serious violation of consent. Comprehensive sexual education programs that emphasize informed consent, bodily autonomy, and the legal consequences of stealthing are crucial in preventing such violations. Additionally, social media and digital platforms play a significant role in shaping public discourse on sexual violence, making it essential to promote discussions about stealthing and its dangers. Preventive measures, such as public awareness campaigns, the incorporation of stealthing in legal education, and victim-centered policy reforms, are necessary to change societal perceptions and ensure better protection for survivors. Moreover, a legal framework that explicitly criminalizes stealthing would provide a stronger foundation for prosecution, ensuring that victims can access justice without legal ambiguity. By addressing these research problems, Indonesia can work toward strengthening legal protections, improving victim support systems, and increasing societal awareness about stealthing. The legal recognition of stealthing as a crime would not only ensure better access to justice for victims but also serve as a deterrent to potential offenders. Furthermore, comprehensive legal, psychological, and educational interventions are essential to fostering a legal system that prioritizes victim protection, consent, and bodily autonomy.

III. Research Methods

This research employs a normative legal research method, focusing on the statutory, conceptual, comparative, and futuristic approaches to analyze stealthing as a form of sexual violence and its legal implications in Indonesia.¹⁷ The statutory approach examines existing laws, particularly UU No. 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual (UU TPKS) and relevant provisions in Indonesia's Criminal Code (KUHP) to determine whether stealthing can be classified as a punishable offense under current legal frameworks. The conceptual approach explores the theoretical foundations of consent, bodily autonomy, and sexual violence, particularly in relation to human rights and victims' rights. It critically assesses whether

¹⁶ Yanuar Farida Wismayanti et al., "Child Sexual Abuse in Indonesia: A Systematic Review of Literature, Law and Policy," *Child Abuse & Neglect* 95 (2019): 1-5, <https://doi.org/https://doi.org/10.1016/j.chiabu.2019.104034>.

¹⁷ Zico Junius Fernando et al., "Revenge Porn: Digital Crimes and Implications for Victims," *Kosmik Hukum* 23, no. 2 (May 10, 2023): 157, <https://doi.org/10.30595/KOSMIKHUKUM.V23I2.18542>.

stealththing aligns with established definitions of sexual assault or coercion and discusses the necessity of explicit legal recognition. The comparative approach analyzes how other jurisdictions, such as the United States, the United Kingdom, Australia, and Germany, have addressed stealththing in their legal systems. By examining court rulings, statutory provisions, and policy frameworks from these countries, this study identifies best practices that Indonesia could adopt to strengthen its legal stance against stealththing. Furthermore, the futuristic approach explores potential legal reforms and policy recommendations, considering Indonesia's evolving criminal law landscape and the broader movement towards stronger victim protection and sexual violence prevention. This research is descriptive-prescriptive¹⁸, aiming to both describe the current legal gaps regarding stealththing in Indonesia and provide recommendations for future legal developments. Data collection is conducted through legal document analysis, reviewing national laws, international conventions, academic literature, and case studies on stealththing. The data is analyzed using content analysis¹⁹, identifying key themes in legal arguments, judicial interpretations, and policy debates to assess the strengths and weaknesses of existing legal protections. Through this research method, the study aims to clarify the legal status of stealththing in Indonesia, highlight the need for explicit criminalization, and propose legal and policy interventions that align with global best practices while ensuring stronger protection for victims of stealththing.

IV. Result and Discussion

1. The Psychological and Social Impact of Stealththing on Victims: Stigma, Trauma, and the Right to Recovery

Stealththing as a form of sexual violence has profound psychological effects on its victims. One of the main consequences is psychological trauma, in which victims experience fear, anxiety, and a sense of losing control over their bodies.²⁰ This trauma is similar to what is experienced by victims of sexual harassment or rape, as both involve a violation of the consent that was consciously given by the victim. Such trauma can develop into long-term anxiety disorders, where victims constantly feel on edge and fearful in social interactions, especially those involving intimate relationships. In addition to anxiety, stealththing victims are also vulnerable to developing post-traumatic stress disorder (PTSD). PTSD in stealththing victims can manifest in various forms, such as recurring nightmares, flashbacks of the incident, and intense fear when faced with situations that remind them of the event. Victims may experience panic attacks or difficulty controlling their emotions when talking about their experiences. In some cases, PTSD leads victims to withdraw from social interactions, even to the point of experiencing severe depression. Feelings of guilt, shame, and helplessness further exacerbate the victims' psychological condition, particularly when they feel that no legal system can protect them or that their environment does not understand the impact of stealththing. Another common psychological impact is difficulty in rebuilding trust in relationships. After experiencing stealththing, victims may become highly cautious or reluctant to engage in romantic and sexual relationships. They may develop an excessive fear that the act will happen again or that their partners will not respect the boundaries

¹⁸ Panca Sarjana Putra et al., "Judicial Transformation: Integration of AI Judges in Innovating Indonesia's Criminal Justice System," *Kosmik Hukum* 23, no. 3 (2023): 233–47, <https://doi.org/10.30595/kosmikhukum.v23i3.18711>.

¹⁹ Hendra Karianga and Zico Junius Fernando, "The Damage of the Shadow Economy: The Urgency of Addressing Foreign Bribery in Indonesia," *Pakistan Journal of Criminology* 16, no. 2 (April 1, 2024): 783–96, <https://doi.org/10.62271/PJC.16.2.783.796>.

²⁰ Erin E Bonar et al., "Stealththing Perpetration and Victimization: Prevalence and Correlates Among Emerging Adults," *Journal of Interpersonal Violence* 36, no. 21–22 (November 27, 2019): NP11577–92, <https://doi.org/10.1177/0886260519888519>.

they have set in sexual relationships. Some victims even choose to avoid sexual activity altogether as a form of self-protection. As a result, the impact of stealthing is not limited to the incident itself but extends into the victims' personal and social lives in the long term.²¹

Beyond the severe psychological effects, stealthing victims also face challenges from social stigma and prevailing cultural norms. In Indonesia, issues of sexual violence are still often considered taboo, especially when it involves relationships between partners or occurs in the context of consensual sexual activity.²² Many victims fear reporting their cases due to concerns about being blamed or ostracized by their surroundings. The stigma surrounding stealthing victims is often rooted in societal misconceptions about consent. Some people still believe that as long as someone has agreed to engage in sexual activity, they cannot be considered a victim of sexual violence, even if their consent was violated in cases like stealthing. The lack of public understanding regarding the boundaries of consent causes victims to often be seen as overreacting to their experiences or even accused of "playing the victim" to seek attention or personal gain. This perspective not only makes it difficult for victims to seek justice but also worsens their mental state, as they feel unsupported by those around them.

In addition to societal stigma, cultural norms that emphasize modesty and morality in sexual relationships also make it difficult for victims to openly discuss their experiences.²³ In many cases, victims choose to remain silent and conceal their experiences out of fear of being perceived as someone who "failed to protect themselves" or as "immoral." Moreover, within a legal and social system that remains predominantly patriarchal, women who fall victim to stealthing often face greater pressure than men due to the prevailing belief that they bear full responsibility for everything that happens in a sexual relationship.²⁴ These societal stigmas and social norms also contribute to the underreporting of stealthing cases, allowing this act to persist widely without clear legal consequences for perpetrators. Victims frequently experience self-blame, which further hinders them from seeking help or accessing recovery services. This situation is exacerbated by the fact that in Indonesia, psychosocial support for survivors of sexual violence remains highly limited, whether in the form of counseling services, legal assistance, or survivor support groups.

To help stealthing victims recover from trauma and social stigma, a more comprehensive approach is needed to provide accessible psychosocial support and rehabilitation services. One of the most crucial elements of victim recovery is the availability of trauma counseling that is gender-sensitive and victim-centered.²⁵ Counseling can help victims cope with trauma, regain a sense of control over their bodies, and develop strategies to manage the anxiety and fear triggered by their experience of stealthing. Beyond individual counseling, support from advocacy groups and survivor support communities is also vital. Stealthing victims often feel isolated in dealing with the impact of their experiences, making access to support groups an essential source of

²¹ Wendell Ferrari, Conceição Nogueira, and Marcos Nascimento, "Experiences of Stealthing and the Sociodemographic Profiles of Women Victims in Brazil: A National Study," *Social Sciences* 13, no. 5 (2024): 1-11, <https://doi.org/10.3390/socsci13060295>.

²² Nona Carolina et al, "Strategi Intervensi Untuk Menekan Kasus Kekerasan Seksual: Isu Dan Tren," *Jurnal Mahasiswa BK An-Nur: Berbeda, Bermakna, Mulia* 8, no. 2 (May 12, 2022): 60-65, <https://doi.org/10.31602/JMBKAN.V8I2.7098>.

²³ Mandi F Deitz et al., "Examining Cultural, Social, and Self-Related Aspects of Stigma in Relation to Sexual Assault and Trauma Symptoms," *Violence Against Women* 21, no. 5 (March 2, 2015): 598-615, <https://doi.org/10.1177/1077801215573330>.

²⁴ Erika Putri Wulandari and Hetty Krisnani, "Kecenderungan Menyalahkan Korban (Victim-Blaming) Dalam Kekerasan Seksual Terhadap Perempuan Sebagai Dampak Kekeliruan Atribusi," *Share : Social Work Journal* 10, no. 2 (2021): 187-97, <https://doi.org/10.24198/share.v10i2.31408>.

²⁵ Esperanza L Gómez-Durán and Carles Martin-Fumadó, "Nonconsensual Condom-Use Deception: An Empirically Based Conceptualization of Stealthing," *Trauma, Violence, & Abuse* 25, no. 1 (December 24, 2022): 87-101, <https://doi.org/10.1177/15248380221141731>.

solidarity and reassurance that they are not alone. Women's organizations, sexual violence survivor assistance centers, and community-based counseling services can play a crucial role in accompanying victims through psychological recovery and, if desired, seeking justice through legal channels. At the policy level, the government must strengthen access to mental health services and rehabilitation programs for victims of sexual violence, including stealthling. Currently, many victims struggle to receive assistance due to the lack of free, victim-friendly psychosocial services in Indonesia. Furthermore, professionals in the fields of healthcare and law should receive specialized training in handling stealthling cases so that they can better understand the psychological dynamics of victims and provide support that does not invalidate or dismiss their experiences.

Public education and awareness campaigns must also be intensified to eliminate the stigma against victims and change societal perceptions regarding the boundaries of consent and sexual violations, which do not always involve direct physical violence.²⁶ By increasing public awareness of stealthling as a form of sexual violence, more victims may feel safe to report their experiences and receive the support they need. From the perspective of legal positivism, pioneered by John Austin, law is seen as a set of rules derived from official authority, such as legislation established by the state.²⁷ In this context, stealthling presents a challenge because many legal systems, including Indonesia's, do not explicitly classify stealthling as a criminal offense.

In Indonesia, positive law regarding sexual violence is regulated under Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS) and certain articles in the Indonesian Criminal Code (KUHP). However, since stealthling is not explicitly mentioned in these regulations, it lacks strong legal certainty within Indonesia's legal framework. From the standpoint of legal positivism, the absence of specific regulations on stealthling makes it difficult for law enforcement officials to process such cases, even though, in substance, stealthling constitutes a violation of the principle of consent. Legal positivism emphasizes that for stealthling to be subject to criminal sanctions, there must be explicit legislation categorizing it as a criminal offense. Therefore, legal reform or amendments to the UU TPKS or KUHP are necessary to include stealthling as part of sexual violence crimes.

From the perspective of natural law theory, developed by Thomas Aquinas and John Locke, law must be based on moral values, justice, and human rights. In the context of stealthling, natural law theory asserts that even if an act is not explicitly regulated in positive law, it can still be considered unlawful if it contradicts moral principles and justice.²⁸ Stealthling violates the fundamental rights of victims to bodily autonomy and informed consent in sexual relationships. From a natural law perspective, stealthling should be recognized as a violation of human dignity and should be subject to sanctions, even if written regulations do not yet exist. In this regard, judges and law enforcement officials can apply the principles of fairness and justice to adjudicate stealthling cases based on universal principles of sexual offenses. This approach can also be used to encourage progressive jurisprudence (court rulings) in which judges begin categorizing

²⁶ Zanele Hope, Iwan Setiawan, and Nia Paramita, "Society's Perception of Marital Rape and Its Impact on the Legal Attitudes of Muslim Women," *Indonesian Journal of Islamic Law* 6, no. 1 (June 30, 2023): 34–51, <https://doi.org/10.35719/IJIL.V6I1.2017>.

²⁷ "Understanding John Austin's Legal Positivism Theory and Hans Kelsen's Pure Legal Theory | Peradaban Journal of Law and Society," accessed February 16, 2025, <https://jurnal.peradabanpublishing.com/index.php/PJLS/article/view/41>.

²⁸ Laurence D Houlgate, "Natural Law Theory BT - Philosophy, Law and the Family: A New Introduction to the Philosophy of Law," in *Philosophy, Law and the Family*, ed. Laurence D Houlgate (Cham: Springer International Publishing, 2017), 13–34, https://doi.org/10.1007/978-3-319-51121-4_2.

stealththing under sexual coercion, sexual violence, or sexual harassment, even if it is not explicitly regulated in positive law.

In critical legal theory, the law is often criticized as a tool that primarily benefits dominant groups while offering inadequate protection to more vulnerable populations, including women who frequently become victims of sexual violence. Catherine MacKinnon, in her feminist legal theory, argues that the law often fails to recognize women's experiences as victims of sexual violence, particularly in non-conventional contexts such as stealththing. Feminist legal theory highlights that patriarchal legal systems tend to disregard the experiences of sexual violence victims when there is no explicit physical force involved. Stealththing is a clear example of this phenomenon: although it undoubtedly harms victims both physically and psychologically, legal systems often fail to classify it as a form of sexual violence requiring legal intervention. From the perspectives of critical legal theory and feminist legal theory, stealththing should be categorized as a form of sexual violence, as it violates consent and exacerbates gender inequality in legal frameworks. Consequently, legal systems must accommodate victims' experiences and expand the definition of sexual violence to be more responsive to modern forms of sexual violence such as stealththing.²⁹

In victimology, victimization can be categorized into primary and secondary victimization. Primary victimization refers to the direct harm suffered by victims, whether physical, emotional, or psychological. In the context of stealththing, victims experience trauma due to a betrayal of trust, as perpetrators unilaterally disregard the consent given by victims regarding contraceptive use. This act not only causes psychological distress, such as fear, anxiety, and a loss of control over one's body, but also leads to serious health risks, including sexually transmitted infections (STIs) and unintended pregnancies. Psychological disorders frequently associated with stealththing include post-traumatic stress disorder (PTSD), depression, and social isolation, which can have long-term effects on victims' mental well-being. In many cases, victims also struggle to rebuild trust in their relationships, both in romantic partnerships and broader social interactions.

Meanwhile, secondary victimization occurs when victims face further injustice within the legal system or their social environment.³⁰ In the case of stealththing, secondary victimization can manifest in various ways, including the legal system's failure to recognize the act as sexual violence, social stigma that discourages victims from reporting the incident, and law enforcement officials' lack of sensitivity to victims' experiences. The absence of specific regulations on stealththing in Indonesia makes it difficult for victims to seek justice, as the act has not yet been explicitly classified as a criminal offense under national law. Without legal clarity, victims often face obstacles in reporting their cases, whether due to uncertainties in legal procedures or fear of social ostracization. This situation is further exacerbated by societal narratives that blame victims, particularly in cultures that maintain patriarchal perspectives on sexuality and gender-based violence. Consequently, in the context of stealththing, secondary victimization obstructs victims' access to adequate legal protection, exacerbates their trauma, and reinforces structural injustices that perpetuate impunity for perpetrators.

Additionally, according to lifestyle-exposure theory and routine activity theory, crime victims are often placed in vulnerable situations due to their lifestyles or routines.³¹ In the context

²⁹ Dinora Hernández López, "Teoría Crítica y Feminismo Jurídico: Dimensiones Antipatriarcales," *Religación* 5, no. 26 (December 22, 2020): 72–82, <https://doi.org/10.46652/RGN.V5I26.751>.

³⁰ Anna Gekoski, Joanna R Adler, and Jacqueline M Gray, "Interviewing Women Bereaved by Homicide: Reports of Secondary Victimization by The Criminal Justice System," *International Review of Victimology* 19, no. 3 (July 19, 2013): 307–29, <https://doi.org/10.1177/0269758013494136>.

³¹ Arelys Madero-Hernandez, "Lifestyle Exposure Theory of Victimization," *The Encyclopedia of Women and Crime*, August 23, 2019, 1–3, <https://doi.org/10.1002/9781118929803.EWAC0334>.

of stealththing, these theories can help explain how victims frequently find themselves in situations that make them susceptible to such acts, for instance, within dating or marital relationships where they trust their partners to respect the boundaries established in their sexual interactions. This trust can be exploited by stealththing perpetrators, who deliberately violate victims' consent without their knowledge. However, while these theories can be useful in understanding patterns of victimization in stealththing cases, they are also frequently criticized for shifting blame onto victims, implying that they are responsible for the perpetrator's actions. In stealththing cases, the application of these theories should focus on prevention rather than merely identifying factors that make victims vulnerable. Therefore, an approach based on these theories should emphasize public education on consent, legal protections, and awareness of stealththing as a form of sexual violence. By increasing societal awareness and strengthening understanding of consent boundaries, legal systems can become more responsive to victim protection and ensure that stealththing is no longer dismissed as an inconsequential offense.

2. Juridical Analysis of Stealththing in Indonesian Law and Comparison with Other Countries

In Indonesia, legal regulations related to sexual violence have evolved with the enactment of Law Number 12 of 2022 on Sexual Violence Crimes (UU TPKS). This law serves as a more comprehensive legal instrument in addressing various forms of sexual violence, including physical and non-physical sexual harassment, sexual exploitation, and forced sexual relations. However, despite the existence of a broader legal framework for victims of sexual violence, the UU TPKS does not explicitly criminalize stealththing. The provisions within the law do not specifically address the act of removing a condom without a partner's consent as a criminal offense. Similarly, under the national Criminal Code (KUHP), sexual violence offenses are generally categorized as rape, molestation, or other indecent acts. However, the definitions used in the KUHP often emphasize elements of force or threats of violence in sexual acts, making stealththing, which does not always involve physical coercion, difficult to classify under existing legal categories. This creates a legal gap where stealththing victims experience a violation of their consent but struggle to pursue legal action due to the absence of specific provisions recognizing this act as a form of sexual violence.

Nevertheless, certain provisions within the KUHP and the UU TPKS can be analogously applied to criminalize stealththing, albeit with limitations. For instance, in Law Number 12 of 2022 on Sexual Violence Crimes, stealththing may be linked to several articles, even though it is not explicitly mentioned as an independent criminal offense. One relevant provision is Article 4, Paragraph (1), Letter (c), which regulates forced contraception, defining the offense as any act of coercion involving the use or removal of contraception without a partner's consent. In the context of stealththing, the perpetrator unilaterally removes the contraceptive device without the victim's knowledge, posing serious health risks and placing the victim in an undesirable situation. Furthermore, Article 8 addresses forced contraception involving elements of deception, abuse of power, or rendering the victim in a helpless condition. Stealththing can be considered a form of sexual deception, where the victim is misled about the use of contraception during sexual intercourse, thereby depriving them of their right to give fully informed and transparent consent.

Furthermore, Article 6, Letter (c), which regulates physical sexual harassment through abuse of trust or deceit, can also serve as a legal basis for categorizing stealththing as a criminal act of sexual violence. This article states that a person who exploits trust, vulnerability, or inequality to induce a victim to engage in or allow sexual intercourse without lawful consent may be subject to criminal sanctions. In the practice of stealththing, the perpetrator deliberately deceives the victim

about the use of contraception, causing the victim to be unaware that their consent has been manipulated. This act not only harms the victim psychologically and emotionally but also poses long-term consequences such as the risk of unwanted pregnancy and the transmission of sexually transmitted infections (STIs). Therefore, stealthing can be understood as a form of deception-based sexual violence that warrants stronger legal attention.

Additionally, from a victim's rights perspective, Article 67 of this law guarantees the right to treatment, protection, and recovery for victims of sexual violence, including access to healthcare services, psychological assistance, and social rehabilitation. If stealthing were categorized as a criminal offense, victims would be entitled to the same legal protection as other victims of sexual violence. However, since stealthing is not yet explicitly regulated in Indonesian law, further steps are needed in legal reform or jurisprudence to ensure that this practice is recognized as a form of sexual violence punishable under criminal law. By adopting perspectives from feminist legal theory and critical legal studies, the legal approach should be more progressive in accommodating victims' experiences and expanding the definition of sexual violence to include modern violations such as stealthing. This would ensure that justice for victims can be realized more effectively.

In the context of the New Criminal Code (KUHP) as stipulated in Law Number 1 of 2023, although stealthing is not explicitly recognized as a criminal offense, several provisions can be linked to this act. Under the New Criminal Code (Law Number 1 of 2023), stealthing the act of removing or not using a condom without a partner's consent can be categorized as a criminal offense based on several articles related to sexual violence, indecent acts, and deception in sexual relations. One of the relevant provisions is Article 417, which regulates indecent acts committed without the victim's consent. In this context, if someone deliberately removes a condom or engages in sexual intercourse in a manner different from the initial agreement without the partner's knowledge or consent, such an act could be classified as an unauthorized indecent act. Additionally, Article 414 is also relevant, as it addresses indecent acts committed through coercion or deceit. If a perpetrator intentionally hides their intention not to use a condom and deceives the victim, this could be considered a criminal act involving elements of sexual deception. Furthermore, Article 415 provides protection for victims in a vulnerable state. If stealthing is committed against a person who is unconscious, intoxicated, or otherwise unable to give conscious consent, the act could be considered an indecent act against a defenseless person, which carries more severe criminal sanctions. In cases where stealthing leads to serious consequences, such as pregnancy, Article 463 may apply, as it regulates sexual violence offenses that result in pregnancy. This is relevant because the victim in a stealthing case has not consented to sexual intercourse that could result in an unwanted pregnancy. Additionally, if the act is accompanied by violence or threats of violence, Article 473, which governs rape, could also be used to prosecute the perpetrator.

Beyond provisions related to sexual violence and indecent acts, Article 411 on adultery may also be applicable in stealthing cases, particularly when sexual intercourse occurs outside of marriage and the victim suffers psychological or health-related consequences due to the act. If stealthing results in tangible harm to the victim, such as the transmission of a sexually transmitted infection (STI) without their consent, the offense could also be prosecuted under provisions that regulate acts endangering another person's health. Although the New Criminal Code provides a broader legal framework for protecting victims of sexual offenses, stealthing has yet to be explicitly recognized as an independent criminal offense. A progressive legal interpretation and the strengthening of regulations through implementing provisions or jurisprudence are necessary to ensure that stealthing is clearly categorized as a violation of the victim's sexual and

reproductive rights. Such legal reform is crucial for criminal law to remain responsive to evolving forms of sexual violence and to ensure that victims' rights to justice are adequately protected. However, one of the primary challenges in criminalizing stealthing in Indonesia is the legal gap in defining this act as a violation of consent. In many legal systems, including Indonesia, rape and sexual assault are generally defined by the presence of violence, threats, or coercion, whereas stealthing often occurs in situations where the victim has initially consented to sexual intercourse but not to the changed conditions imposed by the perpetrator namely, the absence of a condom as originally agreed upon.

Thus, a more modern legal approach is needed to recognize that consent is not merely about agreeing to sexual intercourse itself but also about specific conditions that have been mutually agreed upon within that encounter. Consequently, Indonesian law currently lacks a clear framework to address cases where consent was given under certain conditions but was later violated by one party.

Another major challenge in prosecuting stealthing cases is the difficulty of legal proof, particularly because this act often occurs in highly private situations that are difficult to document. Victims are often unaware that stealthing has occurred until after the sexual encounter has ended, making it difficult to provide physical evidence or witnesses to support their claims. In the criminal justice system, the burden of proof rests on the victim, who must demonstrate that they only consented to sexual intercourse with protection, not without protection. Additionally, the strong social stigma against victims of sexual violence in Indonesia presents a significant barrier. Many stealthing victims are reluctant to report the incident out of fear of being ostracized by society or perceived as "overreacting" to the issue. In some cases, law enforcement officials may lack awareness of the concept of stealthing and view it as a "private matter" between partners rather than a criminal act. The lack of understanding among law enforcement regarding the complex concept of consent further exacerbates the difficulty of handling such cases in court.

Although many countries do not yet have specific regulations on stealthing, some have taken progressive legal steps to criminalize this act. The United States, the United Kingdom, Australia, and Germany are examples of countries that have begun recognizing stealthing as a criminal offense or as a civil violation that allows victims to seek legal redress.

1. United States

The regulation of stealthing in the United States is still evolving and varies across states, with California being the first state to explicitly criminalize stealthing through Assembly Bill No. 453 (2021).³² This law stipulates that removing a condom without a partner's consent constitutes a civil violation, allowing victims to sue for damages, but does not classify stealthing as a criminal offense, meaning perpetrators cannot be subjected to criminal penalties such as imprisonment or fines. This law adds provisions to California Civil Code Section 1708.5, which governs sexual misconduct in consensual sexual relationships. While this is a significant step toward recognizing stealthing as a legal violation, many activists and legal scholars argue that it is insufficient in deterring perpetrators since it lacks criminal sanctions.³³ Meanwhile, in several other states such as New York, Wisconsin, Connecticut, and Massachusetts, stealthing has been prosecuted under existing laws, such as sexual fraud or rape by deception. Some states have attempted to classify stealthing as sexual assault if it results in harm to the victim, such

³² Dzirasah, "Stealthing': A Silent Threat to Sexual and Reproductive Health."

³³ Amore, "Remove the Condom and You Remove Consent: Why the U.S. Should Adopt Australia's Initiative as a Guide to Criminalize Stealthing."

as unintended pregnancy or sexually transmitted infections (STIs). Additionally, Illinois and Virginia have utilized laws related to fraudulent misrepresentation as a legal basis for prosecuting stealthing perpetrators, arguing that they deceived victims regarding the agreed-upon conditions of sexual intercourse. Although some stealthing cases have been brought to court, significant legal challenges remain, as many U.S. laws on rape and sexual assault still emphasize physical force or coercion. Cases such as Brooker (2017) in Wisconsin demonstrate that prosecutors attempted to charge a stealthing perpetrator under rape by deception, but the court dismissed the charges due to the lack of explicit legal provisions covering stealthing. A similar situation occurred in a 2018 stealthing case in New York, where a victim attempted to sue the perpetrator under fraudulent misrepresentation, but the court ruled that there was no sufficient legal basis to classify the act as a punishable sexual offense. Another challenge is the lack of uniform regulation, as the U.S. legal system allows each state to define rape and sexual assault differently. Additionally, many laws still base sexual crimes on the presence of coercion or physical violence, making it difficult for prosecutors to prove that stealthing meets the existing criminal elements under state penal codes. Evidentiary challenges also hinder stealthing prosecutions, as the act often occurs in conditions that are difficult to prove physically or through witnesses, along with social stigma that discourages victims from reporting such incidents. To address these issues, many activists, legal scholars, and human rights organizations are advocating for more comprehensive legal reforms, either by expanding the definition of consent in criminal law or by drafting specific legislation recognizing stealthing as a criminal sexual offense. California has paved the way for the legal acknowledgment of stealthing as a violation, but national-level regulations remain far from comprehensive. Some states have begun discussions on introducing laws that explicitly regulate stealthing, either as a civil violation or a criminal offense, with the goal of providing greater protection for victims and imposing harsher penalties on perpetrators. Such legal reforms are crucial to ensure that the U.S. legal system becomes more responsive to modern forms of sexual violence and to guarantee that victims' rights to justice are fully protected.

2. English

In the English legal system, stealthing the act of secretly removing or not using a condom without a partner's consent during sexual intercourse has been recognized as a form of rape or sexual assault in several court rulings.³⁴ Although there is no specific legislation that explicitly criminalizes stealthing, legal precedents established through significant cases provide a foundation for victims to prosecute offenders under existing rape laws.³⁵ One landmark case is *R v. McNally* (2013), where the court ruled that concealing one's gender identity could invalidate sexual consent, categorizing the act as sexual assault. Although this case did not directly address stealthing, the principle applied demonstrates that sexual consent can be deemed invalid when there is deception or an intentional alteration of conditions by the perpetrator. Furthermore, in *R v. Assange* (2011), the court ruled that if an individual consents to sexual intercourse under the condition that a condom is used, but the perpetrator intentionally violates this condition without the victim's knowledge or consent, the act can be classified as rape. This ruling reinforces the

³⁴ Brodsky, "'Rape-Adjacent': Imagining Legal Responses To Nonconsensual Condom Removal," 2017.

³⁵ Melissa Blanco, "Sex Trend or Sexual Assault?: The Dangers of 'Stealthing' and the Concept of Conditional Consent," *Penn State Law Review* 123, no. 1 (September 1, 2018): 1-6, <https://elibrary.law.psu.edu/pslr/vol123/iss1/14>.

concept that sexual consent must be informed consent, meaning it must include all conditions agreed upon by both parties. Under English criminal law, rape is defined in the Sexual Offences Act 2003 as sexual intercourse carried out without the victim's consent and with the perpetrator's awareness that the victim does not consent. With court decisions such as *R v. McNally* and *R v. Assange*, English courts have affirmed that intentionally altering conditions without the victim's consent including in cases of stealththing can meet the legal definition of rape or sexual assault.³⁶ These rulings demonstrate how the English judicial system is progressively accommodating more complex forms of sexual violence, while also providing broader legal protections for victims in sexual relationships involving manipulation or deception of consent.

3. Australia

Australia has taken significant steps to criminalize stealththing the non-consensual removal of a condom during sexual intercourse explicitly recognizing it as a form of sexual violence punishable under criminal law. Several jurisdictions, including Victoria, New South Wales (NSW), Australian Capital Territory (ACT), Tasmania, South Australia, and Queensland, have amended their laws to address this misconduct.³⁷ In Victoria, the Crimes Act 1958 was amended in August 2022 to clarify that removing, tampering with, or failing to use a condom without consent constitutes a criminal offense. Similarly, NSW implemented reforms under the Crimes Amendment (Sexual Consent Reforms) Act 2021, emphasizing that consent must be affirmative, conscious, and voluntary, and that it can be withdrawn if any agreed-upon conditions are altered without the partner's consent. Meanwhile, the ACT became the first Australian jurisdiction to criminalize stealththing in October 2021 through the Crimes (Stealththing) Amendment Act 2021, making it illegal to remove or fail to use a condom without consent.³⁸ Following this, Tasmania introduced similar legislation in June 2022, explicitly outlawing non-consensual condom removal, while South Australia enacted legal amendments in March 2023, classifying stealththing as a type of sexual assault. Most recently, in September 2024, Queensland passed legislation criminalizing stealththing as part of a broader reform of sexual violence laws. These legislative changes across multiple Australian jurisdictions demonstrate a firm commitment to strengthening protections against stealththing and ensuring that victims have a clear legal basis to hold offenders accountable.

4. Jerman

In Germany, stealththing the act of removing or not using a condom without a partner's consent during sexual intercourse has been recognized as a form of sexual violence punishable under criminal law. Although there is no specific legislation explicitly mentioning stealththing, courts have interpreted that such actions violate the principle of consent in sexual relations.³⁹ In February 2023, the German Federal Court of Justice (Bundesgerichtshof) ruled that stealththing can be prosecuted as sexual assault under

³⁶ Amanda Clough, "Conditional Consent and Purposeful Deception," *The Journal of Criminal Law* 82, no. 2 (March 12, 2018): 178-90, <https://doi.org/10.1177/0022018318761687>.

³⁷ Latimer et al., "Non-Consensual Condom Removal, Reported by Patients at a Sexual Health Clinic in Melbourne, Australia."

³⁸ Chesser and Clough-Ricci, "Criminalising Stealththing: Lessons From the UK and Australia."

³⁹ Lisa-Marie Benedikt, "Stealththing Als Straftat Gegen Die Sexuelle Selbstbestimmung?," *Journal Für Strafrecht* 8, no. 5 (2021): 493-99, <https://doi.org/10.33196/JST202105049301>.

Section 177(1) of the Strafgesetzbuch (StGB), or the German Criminal Code.⁴⁰ In this case, the defendant engaged in sexual intercourse without a condom without the knowledge or consent of the victim, despite the victim having consented only to protected sex with a condom. The court emphasized that consent given for sex with a condom does not extend to sex without a condom, and this change in conditions fundamentally altered the nature of the agreed-upon sexual act, thereby fulfilling the elements of sexual assault. Additionally, in 2018, a police officer in Germany was convicted for stealthing after secretly removing a condom during sexual intercourse, marking the first case of its kind to be prosecuted in the country. However, it is important to note that while courts have recognized stealthing as a criminal offense, Germany does not yet have a specific law explicitly criminalizing stealthing. As a result, each stealthing case must be processed based on existing legal interpretations, particularly concerning violations of consent in the context of sexual activity.

3. The Urgency of Legal Reform and Prevention Strategies for Stealthing as a Form of Sexual Violence in Indonesia

Until now, stealthing has not been explicitly recognized as a criminal offense under the Indonesian legal system. Although Law Number 12 of 2022 on Sexual Violence Crimes (UU TPKS) has provided broader protection for victims of sexual violence, this regulation does not specifically include the act of removing a condom without consent as part of a sexual offense.⁴¹ This creates a serious legal gap, where stealthing victims cannot easily report their experiences or seek justice through legal channels. Therefore, regulatory reforms that recognize stealthing as a form of sexual violence should be a priority in Indonesia's criminal law reform.

One possible step to address this issue is to amend the UU TPKS to explicitly define stealthing as a form of sexual coercion or sexual deception. As seen in some other countries, stealthing can be categorized as a violation of consent that alters the conditions of a sexual encounter previously agreed upon by the victim. With clear regulations, law enforcement officials would be better equipped to take legal action against stealthing perpetrators, and victims would receive stronger legal protection. Additionally, a revision of the National Criminal Code (KUHP) could be undertaken to clarify the legal aspects of stealthing, such as by introducing a provision on forced sexual relations through the manipulation of consent without the victim's knowledge.

Without clear legal regulations, stealthing will continue to exploit loopholes in the criminal justice system, leaving victims without a solid legal basis to hold perpetrators accountable. Legal reform should also consider evidentiary challenges in stealthing cases, as one of the main difficulties in prosecuting such cases is the lack of physical evidence to prove that the perpetrator deliberately removed the condom without the victim's consent. Therefore, in the proposed legal revisions, an evidentiary mechanism should be established, taking into account victim testimonies, communication records between the victim and the perpetrator, and psychological evaluations of the victim as part of the legal process.

Beyond regulatory updates, preventive strategies against stealthing must involve comprehensive education on consent and sexual rights. In Indonesia, sexual education remains a taboo topic, and formal school curricula do not provide clear understanding of the concept of consent. This lack of awareness leads many individuals to believe that sexual consent is simply a

⁴⁰ Andres Wißner, "Stealthing: An Alarming Trend?," *Monatsschrift Fur Kriminologie Und Strafrechtsreform* 103, no. 4 (October 1, 2020): 315–30, <https://doi.org/10.1515/MKS-2020-2050/MACHINEREADABLECITATION/RIS>.

⁴¹ Rijal Ulil Abshar, "Sexual Violence Crime Reform in Indonesia: Political and Legal Characteristics of Its Formation," *As-Siyasi* 4, no. 1 (2024): 19–32, <https://doi.org/10.24042/as-siyasi.v4i1.21172>.

matter of saying "yes" or "no", without considering the conditions agreed upon by both parties. In stealththing cases, the victim may have consented to sexual intercourse, but under specific conditions that were altered by the perpetrator, rendering the initial consent invalid.

To address this issue, consent-based sexual education should be introduced starting from adolescence. This education should cover individual rights in sexual relationships, the boundaries of consent, and the legal consequences of violating a partner's consent. Additionally, public awareness campaigns through social media, seminars, and public discussions can help increase societal understanding of stealththing as a form of sexual violence. These campaigns should target diverse societal groups, including teenagers, young couples, and academic communities, to foster a broader awareness of the importance of consent in sexual relationships.

The role of the media and civil society organizations in disseminating information about stealththing is also crucial. The media has a significant influence in shaping public opinion, so coverage of stealththing as a form of sexual violence can help change societal perceptions. Additionally, women's organizations, victim advocacy groups, and legal aid institutions can provide education to the public and offer support to victims who wish to report stealththing cases. Through these efforts, it is hoped that society will become more aware of the dangers of stealththing and more supportive of victims who experience sexual harassment based on consent violations.

In the criminal justice system, law enforcement officials, such as police officers, prosecutors, and judges, play a critical role in handling cases of sexual violence. However, one of the challenges in addressing stealththing is the lack of understanding among law enforcement officers about this act and the difficulty of proving such cases. Many victims ultimately choose not to report their cases due to concerns that their reports will not be taken seriously or will be regarded as personal matters within a sexual relationship.⁴² To overcome this challenge, specialized training is needed for law enforcement officers on handling cases of consent-based sexual violence, including stealththing. This training should include an understanding of the psychological aspects of victims, victim-friendly investigative methods, and legal procedures that can be used to handle stealththing cases more effectively. Furthermore, law enforcement officers should be provided with clear guidelines on how stealththing cases can be processed within the criminal justice system so that victims can obtain the justice they deserve.

One step that can be taken to improve the handling of stealththing cases is to implement a more victim-friendly reporting mechanism, such as providing a hotline service for sexual violence victims, access to legal assistance, and a reporting procedure that does not intimidate victims. Many victims experience trauma after experiencing stealththing, making it essential to create a safe and supportive environment for them to report the incident. Additionally, strengthening coordination between law enforcement agencies and victim service centers should also be part of a national strategy to address sexual violence.

In the context of future legal reforms, Indonesia can learn from best practices implemented in other countries in addressing stealththing as a form of sexual violence. Some countries have successfully integrated stealththing into their legal systems through various approaches, such as recognizing stealththing as a criminal offense of rape (Australia), a violation of consent (United Kingdom), or a civil violation allowing victims to seek damages (California, USA). Indonesia can adopt a more progressive legal model by combining both criminal and civil approaches to handling stealththing. In the criminal aspect, stealththing should be recognized as a form of sexual coercion based on consent violations, with penalties appropriate to other forms of sexual violence.

⁴² Gómez-Durán and Martín-Fumadó, "Nonconsensual Condom-Use Deception: An Empirically Based Conceptualization of Stealththing."

On the other hand, the civil approach can also be utilized to grant victims the right to claim compensation for the psychological and physical impacts they have suffered.

Moreover, policy-making based on data and research should be conducted to understand the prevalence of stealthing in Indonesia and how victims are affected by this act. The government can collaborate with academics, research institutions, and civil society organizations to collect data on stealthing and develop more effective prevention strategies. With data-driven policies, legal reforms can better address the needs of victims and provide optimal protection. Overall, efforts to combat stealthing in Indonesia require an integrated strategy that includes legal reform, public education, law enforcement training, and strengthening services for victims. Through this approach, stealthing can be recognized as a serious form of sexual violence, and victims can receive better legal protection.

V. Conclusion

Stealthing, the act of non-consensual condom removal during sexual intercourse, constitutes a form of sexual violence that violates the fundamental principles of consent and bodily autonomy. This practice poses serious health risks, including unwanted pregnancies and sexually transmitted infections (STIs), while also inflicting profound psychological harm on victims, such as trauma, anxiety, depression, and post-traumatic stress disorder (PTSD). Despite growing recognition of stealthing as a criminal offense in several countries, Indonesia has yet to establish explicit legal provisions addressing this issue. Indonesia's primary legal framework for addressing sexual violence, Law No. 12 of 2022 on the Crime of Sexual Violence (UU TPKS), provides crucial protection for victims but does not explicitly categorize stealthing as a criminal offense.

This legal gap hinders justice for victims, as stealthing often falls into a legal gray area where proving the violation is challenging due to the lack of physical evidence and the prevailing social stigma that discourages victims from coming forward. Comparative legal analysis reveals that several jurisdictions, including the United States, the United Kingdom, Australia, and Germany, have adopted legal measures to address stealthing. In California, for instance, stealthing is classified as a civil offense that allows victims to seek damages, while certain Australian states have criminalized it as a form of sexual assault or rape. These legal advancements provide valuable insights that Indonesia can adopt in strengthening its legal stance against stealthing. Beyond legal reforms, preventing stealthing requires comprehensive public education on the importance of informed consent in sexual relationships. Integrating consent-based sexual education into school curricula and launching awareness campaigns can help shift societal perceptions and empower individuals to recognize and report violations. Additionally, law enforcement officers and judicial authorities require specialized training to enhance their understanding of stealthing and its psychological impact on victims, ensuring that reports are taken seriously and handled with sensitivity.

To ensure justice for victims of stealthing in Indonesia, several legal and policy measures should be implemented. First, amending the UU TPKS to explicitly recognize stealthing as a form of sexual violence is essential. Second, revising Indonesia's Criminal Code (KUHP) to classify stealthing as a form of sexual coercion or fraud would provide a stronger legal basis for prosecution. Third, increasing public awareness through education and advocacy efforts can help foster a broader understanding of consent and victims' rights. Fourth, enhancing law enforcement training will ensure that officers can effectively handle stealthing cases with appropriate legal and psychological considerations. Lastly, strengthening victim support services by providing

access to legal assistance, psychosocial support, and victim-friendly reporting mechanisms is crucial for ensuring justice and recovery. By implementing these measures, Indonesia can align its legal framework with international best practices and reinforce its commitment to gender justice and human rights protection. Addressing stealththing as a serious offense within the legal system will not only provide justice for victims but also serve as a deterrent to future perpetrators, fostering a society that upholds consent and protects the rights of all individuals.

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