

## ABSTRACT

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### LEGAL PROTECTION AND INDEMNIFICATION FROM THE RISK OF TRANSMISSION OF SEXUALLY TRANSMITTED DISEASES (STD) FROM SPOUSES IN MARRIAGE

(xiv +105 pages: 4 figures, 9 tables)

This study delves into the legal dimensions surrounding sexually transmitted diseases (STDs) within marital relationships, focusing on Indonesia's regulatory framework. Employing a normative-empiric methodology that combines statutory analysis, case studies, and a comparative lens, the research unveils critical insights into the legal protections and remedies available within this context. Despite the presence of regional regulations in 26 provinces, a notable gap exists in Indonesia's national legal framework leaving individuals vulnerable to the risks of STD transmission within marriages. In contrast, countries such as Singapore, Brunei Darussalam, and Cambodia have well-established legal frameworks with stringent sanctions addressing HIV transmission including within marital unions. Examining existing Indonesian laws, including the 1945 Constitution (*UUD 1945*), Health Law (*UU Kesehatan*), Marriage Law (*UU Perkawinan*), Domestic Violence Elimination Law (*UU KDRT*), Criminal Code (*UU KUHP*) and Regulation of The Minister of Health (*Permenkes*) exposes a deficiency in offering holistic protection against STD transmission within marriages. Comparative analysis with Singapore, leveraging Infection Diseases Act 1976 which addresses individuals transmitting HIV and Women's Charter 1961 showcases a more sophisticated legal approach recognizing disease transmission as family violence. In contrast, *UU KDRT* falls short, leaving a gap in addressing STD transmission. The study also explores legal remedies, suggesting a *Perbuatan Melawan Hukum* (PMH) lawsuit inspired by the *Rossiter v. Evans* 2009 case in the United States as a potential avenue for recovery. This research serves as a clarion call for the urgent establishment of comprehensive legal frameworks in Indonesia. By pinpointing existing gaps, the study contributes significantly to the discourse on fortifying legal protections and remedies for individuals confronting the risks of STD transmission from their marital partners.

Keywords: Sexually Transmitted Diseases, remedy, legal protections, marital relationship, legal frameworks, lawsuit.

References: 163 (1980-2023)