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## LAW ENFORCEMENT AGAINST PERPETRATORS OF SEXUAL VIOLENCE CRIMES AGAINST WOMEN FROM THE PERSPECTIVE OF VICTIM PROTECTION

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### Abstract

*Sexual violence against women is one form of human rights violation that has multidimensional impacts on victims, both physically, psychologically, socially, and economically. The high rate of sexual violence indicates that the law enforcement system has not yet fully provided effective protection to victims. The presence of Law Number 12 of 2022 concerning Sexual Violence Crimes is an important milestone in the reform of Indonesia's criminal law because it comprehensively regulates the prevention, handling, protection, and recovery of victims. However, in its implementation, law enforcement against sexual violence perpetrators still faces various obstacles, both at the investigation, prosecution, and trial stages. This study aims to analyze law enforcement against perpetrators of sexual violence against women from the perspective of victim protection and to identify obstacles in its implementation. This research uses a normative juridical method with a legislative approach, a conceptual approach, and a case approach. The sources of legal materials consist of primary, secondary, and tertiary legal materials that are analyzed qualitatively. The research results show that law enforcement against perpetrators of sexual violence crimes is not yet fully oriented toward victim protection because there is still a legalistic paradigm that emphasizes punishing the perpetrator more than rehabilitating the victim. Therefore, it is necessary to strengthen the victimological perspective within the criminal justice system so that victim protection can be realized optimally.*

**Keywords:** Law Enforcement, Sexual Violence, Women, Victim Protection.

## Introduction

Indonesia, as a state of law as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, has the obligation to guarantee legal protection, legal certainty, and justice for all citizens without discrimination. (Titahelu et al., 2015) One form of legal protection that has become a serious concern in the development of national criminal law is the protection of women (Sopacua, 2023) as a group vulnerable to becoming victims of sexual violence crimes. (Djilarpoin & Adam, 2021) In the perspective of human rights, the protection of women from all forms of violence is a manifestation of respect for human dignity, bodily integrity, and individual freedom. (Sopacua, 2022)

Sexual violence is one form of crime that has complex and multidimensional impacts. Not only does sexual violence cause physical suffering, but it also results in deep psychological trauma, social disturbances, societal stigma, and even a loss of safety in daily life. In many cases, victims of sexual violence experience prolonged mental pressure such as depression, anxiety, post-traumatic stress disorder (PTSD), as well as loss of self-confidence and social relationships. This condition shows that sexual violence crimes are not merely a matter of ordinary criminal law violations, but rather a serious issue that touches on aspects of humanity and fundamental rights. (Aziz et al., 2025).

Women in social construction often find themselves in vulnerable positions due to imbalanced power relations, patriarchal culture, gender subordination, and ongoing discrimination in society. These power relations often become the dominant factor in the occurrence of sexual violence, whether in the family environment, workplace, educational institutions, or public spaces. Perpetrators often exploit their dominant positions, whether economically, in terms of rank, age, or social power, to commit sexual violence against victims. (Nita, 2021)

The phenomenon of sexual violence against women in Indonesia shows a tendency to increase both in terms of quantity and the complexity of the forms of crime. Sexual violence is no longer limited to rape or molestation, but has evolved into forms such as verbal sexual harassment, physical harassment, sexual exploitation, forced marriage, forced contraception, forced prostitution, sexual slavery, and even electronic-based sexual violence. The development of these modus operandi shows that the law must be able to adapt and respond to the evolving dynamics of crime in society.

Before the enactment of Law Number 12 of 2022 concerning Sexual Violence Crimes, regulations regarding sexual violence in the Indonesian criminal justice system were still scattered across various legislative provisions, especially in the Criminal Code (KUHP). However, the regulations were deemed inadequate because they focused more on punishing the perpetrators without giving sufficient attention to the protection and recovery of the victims. In practice, victims are often positioned merely as evidence in the proof process without receiving comprehensive protection guarantees.

The condition indicates an imbalance in the criminal justice system that is more oriented toward offender-oriented justice rather than victim-oriented justice. In the context of sexual violence crimes, law enforcement's focus on the offender often neglects the victim's needs for protection, recovery, rehabilitation, and restitution. In fact, the victim is the party who directly experiences the impact of the crime.

The enactment of Law Number 12 of 2022 concerning Sexual Violence Crimes marks an important milestone in the reform of Indonesia's criminal law, particularly in handling sexual violence cases. This law is presented as a form of the state's commitment to providing more comprehensive legal protection to victims, expanding the types of sexual violence crimes, clarifying the mechanisms of proof, and ensuring the rights of victims throughout the judicial process to the recovery stage. The TPKS Law not only emphasizes the aspect of punishing the perpetrator but also integrates a victim protection approach as an important part of the criminal justice system.

Although there have been significant normative advancements in legal regulations, the implementation of law enforcement against perpetrators of sexual violence crimes still faces various issues. In the practice of handling cases, there are still law enforcement officers who do not have a gender perspective and a victim perspective, so the legal process can actually lead to re-victimization of the victim. Victims often have to repeatedly recount their traumatic stories during the examination process, face social stigma, and frequently experience pressure to withdraw their reports.

In addition, obstacles in proving the case also pose a major challenge in the enforcement of sexual violence crimes. The characteristics of this crime, which are generally carried out in private, with few witnesses, and rely on the victim's testimony, make the process of proving it difficult. It is not uncommon for perpetrators to exploit this to evade criminal responsibility. As a result, many sexual violence cases cannot be processed optimally or end with verdicts that do not reflect a sense of justice for the victims.

Another equally important issue is the societal legal culture that still tends to blame the victim (victim blaming). (Muhammad Afgan Waliulu, 2025) In many cases, the victim becomes the object of moral judgment by society, such as their way of dressing, behavior, or relationship with the perpetrator. This culture becomes a serious obstacle in law enforcement efforts because it causes victims to be reluctant to report and choose to remain silent. As a result, many cases of sexual violence go unreported and the perpetrators remain free without legal accountability.

In the perspective of victim protection, law enforcement against perpetrators of sexual violence cannot be understood merely as a process of punishment, but must be seen as an integral effort to restore the rights of victims, provide a sense of security, ensure justice, and prevent similar violence from occurring in the future. Therefore, the criminal justice system must be built with a more humane, gender-responsive approach and oriented toward victim protection.

Based on the description, law enforcement against perpetrators of sexual violence against women has become an important legal issue to study, especially in examining the extent to which the Indonesian criminal justice system can provide effective protection to victims. This study is crucial to find a meeting point between the goals of punishment, legal certainty, and justice for victims as part of the national criminal law reform.

However, in law enforcement practice, various issues are still found, such as: the lack of victim perspective in the legal process; the low sensitivity of law enforcement officers; the weakness of victim recovery; evidentiary obstacles; social stigma against victims. The issue indicates a gap between legal norms and their implementation. Based on the description, the problem statement in this research is:

how is law enforcement against perpetrators of sexual violence against women in the Indonesian criminal justice system?

### **Purpose of Writing**

To analyze law enforcement against perpetrators of sexual violence against women.

### **Research Method**

This research uses a normative juridical method. (Sopacua et al., 2025) Research Approach is Statute Approach Researching Law No. 12 of 2022 on TPKS Criminal Code (KUHP) Criminal Procedure Code (KUHP) Witness and Victim Protection Law, Conceptual Approach

Researching: law enforcement concept victim protection concept victimology theory penology theory. And Case Approach Examining law enforcement practices in sexual violence cases.

Sources of legal materials primary legal materials, secondary legal materials, tertiary legal materials. Techniques for collecting legal materials is literature study. Analysis techniques is qualitative analysis.

### **Conceptual Framework**

The conceptual framework is a theoretical and conceptual foundation used to build a mindset in analyzing research problems. In research on law enforcement against perpetrators of sexual violence against women from the perspective of victim protection, the conceptual framework becomes important to provide a clear understanding of the main concepts used, so that the analysis conducted has a clear and systematic scientific basis.

#### **1. Concept of Law Enforcement**

Law enforcement is essentially the process of realizing legal norms into real life to achieve order, justice, and legal certainty in society. Law enforcement is not only understood as the formal application of legal rules but also as a mechanism for protecting the rights of the community against actions that contravene the law.

Conceptually, law enforcement involves three main elements, namely:

- a. Legal Certainty Legal certainty means that the law must provide clarity of norms, consistency in application, and guarantee equal treatment for everyone before the law.
- b. Justice in law enforcement means that every process of handling a case must grant rights to the aggrieved party and impose responsibility on the guilty party proportionally.
- c. Utility The law must provide social benefits to the community, including ensuring safety and preventing criminal acts. (Arief, 2005)

In the context of sexual violence crimes, law enforcement must be able to ensure protection for the victims while also imposing appropriate sanctions on the perpetrators.

#### **2. The Concept of Sexual Violence Crimes**

Sexual violence crimes are any acts that forcibly attack a person's body, sexual desire, and reproductive function, against the victim's will, and cause physical, psychological, sexual, economic, and social suffering.

Sexual violence has specific characteristics, namely:

- a. done through coercion or abuse of power;

- b. the existence of an imbalanced power relationship;
- c. causing deep trauma to the victim;
- d. often done without witnesses.

In Law Number 12 of 2022 concerning Sexual Violence Crimes, forms of sexual violence include:

- a. physical sexual harassment;
- b. non-physical sexual harassment;
- c. forced marriage;
- d. sexual exploitation; forced prostitution;
- e. sexual torture;
- f. sexual slavery.

This concept serves as the foundation for understanding the scope of law enforcement against the perpetrators.

#### **3. Concept of Victim Protection**

Victim protection is all efforts made to ensure the security, safety, rights, and recovery of victims of crime. In the perspective of modern criminal law, victims are no longer viewed merely as evidence, but as legal subjects with rights that must be protected.

Forms of victim protection include:

- a. Physical Protection from threats or intimidation by the perpetrator.
- b. Psychological Protection Trauma recovery for victims thru psychological support.
- c. Legal Protection Legal assistance during the judicial process.
- d. Restitution Compensation for the losses incurred by the perpetrator.
- e. Rehabilitation Recovery of the victim's condition both medically and socially.

In sexual violence crimes, victim protection is the main aspect that must be considered from the reporting stage to post-verdict.

### **Results and Discussion**

#### **1. Law Enforcement against Perpetrators of Sexual Violence Crimes against Women from the Perspective of Victimology**

Theory Law enforcement against perpetrators of sexual violence crimes against women is essentially not only understood as the process of applying criminal law norms to the perpetrators but must also be positioned as a mechanism for the protection and restoration of victims' rights. In the conventional criminal justice system, the orientation of law enforcement tends to place the state and the perpetrator as the main focus, while the victim is often positioned merely as evidence to prove the perpetrator's guilt. Such a paradigm indicates an imbalance in the criminal justice system, particularly in handling sexual violence cases, which have very complex impacts on the victims.

In the perspective of victimology theory, the victim is the main subject who must receive serious attention in the law enforcement process. Victimology, as a science that studies crime victims, places victims not

only as parties who suffer due to criminal acts but also as legal subjects who have rights to protection, recovery, and justice. The victimology approach becomes highly relevant in cases of sexual violence because the characteristics of this crime have multidimensional impacts that not only touch on physical aspects but also psychological, social, and even economic aspects of the victim.

Theoretically, Benjamin Mendelsohn, as one of the pioneers of victimology, explains that crime victims must be understood based on the level of suffering and their relationship with the perpetrator. (Blesch, 2020) In the context of sexual violence against women, victims are generally in a position of powerlessness due to the existence of an unbalanced power relationship. Perpetrators often use power, threats, psychological pressure, or social dominance to commit acts of sexual violence. In such conditions, the victim is in a very vulnerable position and requires maximum legal protection.

According to victimology theory, sexual violence against women should be understood not only as a violation of legal norms but also as a form of violation of human rights, bodily integrity, and women's dignity. Women as victims of sexual violence often experience multidimensional suffering, including physical, psychological, social, and economic distress. Andrew Karmen explains that the impact of victimization on crime victims often manifests as psychological trauma, fear, shame, anxiety, and even post-traumatic stress disorder (PTSD), which in many cases lasts for a long time. (Karmen, 2003)

Law enforcement against perpetrators of sexual violence must begin at the investigation stage with a victimological approach. At this stage, victims must be given a safe space to recount the events they experienced without pressure, intimidation, or stigma. In practice, many victims of sexual violence are reluctant to report because they fear not being believed, being blamed, or even facing threats from the perpetrator. The victimology perspective emphasizes that investigators must be sensitive to the psychological condition of the victim because victims generally experience deep trauma that affects their ability to provide testimony.

In victimology theory, the concept of secondary victimization is known, which refers to the additional suffering experienced by victims due to the legal process itself. In cases of sexual violence, secondary victimization often occurs when victims have to repeatedly recount their traumatic experiences to investigators, prosecutors, judges, and other parties during the evidentiary process. This situation can exacerbate the victim's trauma and hinder their psychological recovery. Therefore, law enforcement with a victimology perspective must prioritize a humane, effective, and non-repetitive examination mechanism.

Theoretically, Hans von Hentig explains that crime victims often find themselves in certain vulnerable conditions that can be exploited by perpetrators. (Hentig, 1948) In the victim typology proposed by Hans von Hentig, women are included in the vulnerable group due to biological, social, and structural factors that often weaken women's bargaining position compared to men. (Blesch, 2020) In the context of sexual violence, power relations become a dominant factor that reinforces the victimization of women.

At the prosecution stage, victimology theory demands that prosecutors not only focus on proving criminal elements and seeking punishment for the perpetrator but also pay attention to the rights of the victims, including the right to restitution, rehabilitation, and continued

protection. In many cases, prosecution often focuses solely on punishing the perpetrator without integrating the victim's need for recovery. In cases of sexual violence, justice for the victim does not only lie in the punishment of the perpetrator but also in the comprehensive recovery of the victim's condition.

In the trial stage, the victimology perspective becomes increasingly important because the courtroom often becomes an arena that has the potential to cause revictimization. Victims can experience mental pressure when they have to confront the perpetrator directly, hear the perpetrator's rebuttals, or face leading questions. In this context, judges have a strategic role in ensuring that the trial process proceeds while maintaining the dignity and psychological condition of the victim.

Victimologically, a judge's decision in sexual violence cases must reflect substantive justice, not just formal justice. Formal justice only emphasizes the fulfillment of criminal elements and legal procedures, whereas substantive justice considers the victim's suffering, social impact, psychological trauma, and the victim's need for recovery. In many cases, overly lenient sentences often create a sense of injustice for the victims because the suffering they endure is not proportional to the punishment given to the perpetrators.

Hans von Hentig in the theory of victimology also emphasizes the importance of understanding the position of victims within the social structure. (Brotto et al., 2017) In cases of sexual violence against women, gender factors become crucial because women are often socially positioned as subordinates. This condition increases the risk of sexual violence and simultaneously weakens the victim's position in the legal process. Therefore, law enforcement against perpetrators must use both gender and victimology perspectives simultaneously to create more comprehensive protection.

In the context of Law Number 12 of 2022 on Sexual Violence Crimes, a victimological approach has been accommodated through regulations regarding the rights of victims, assistance, protection, restitution, and rehabilitation. This indicates a shift in the paradigm of Indonesian criminal law from being offender-oriented to victim-oriented justice. However, the implementation challenges remain significant because the success of victim protection heavily depends on the quality of law enforcement officers in applying these norms. From a victimology perspective, the effectiveness of law enforcement against sexual violence perpetrators can be measured thru several indicators, namely: first, the ability of the legal system to provide a sense of security to the victim; second, the ability of the legal system to restore the victim's condition; third, the ability of the legal system to impose proportional punishment on the perpetrator; fourth, the ability of the legal system to prevent future occurrences of sexual violence.

Thus, law enforcement against perpetrators of sexual violence against women should not only focus on punishing the offenders but must place the victims at the center of attention within the criminal justice system. The perspective of victimology theory becomes an important instrument to ensure that the law not only punishes the perpetrator but also restores the victim, protects their dignity, and reinstates their rights as a human being who has been harmed by the crime. This approach is key to realizing a criminal justice system that is fair, humane, and responsive to the needs of victims of sexual violence.

## 2. Forms of Legal Protection for Victims of Sexual Violence Crimes

Legal protection for victims of sexual violence crimes is an integral part of the modern criminal justice system, which is no longer solely oriented toward punishing offenders (offender-oriented justice) but also toward fulfilling the rights of victims (victim-oriented justice). In the perspective of victimology, the victim is the party who directly suffers as a result of the crime, so the state is obliged to provide comprehensive protection both before, during, and after the judicial process.

Conceptually, Arif Gosita states that victim protection is all forms of efforts made to provide a sense of security, restoration of rights, and the elimination of suffering caused by crime. (Gosita, 1993) Victim protection must encompass physical, psychological, legal, and social protection, because the suffering of victims is not only material but also immaterial. In the context of sexual violence, legal protection for victims becomes increasingly important because the impact of this crime is multidimensional and long-term.

In the Indonesian legal system, protection for victims of sexual violence crimes has been normatively strengthened through Law Number 12 of 2022 on Sexual Violence Crimes, which provides more comprehensive protection guarantees compared to previous regulations. This law changes the paradigm of handling sexual violence cases from an approach focused on punishing the perpetrator to an approach that prioritizes victim protection, placing the victim as a legal subject with rights that must be fulfilled. Research by Angkasa et al. shows that the Sexual Violence Crime Law (UU TPKS) is a regulation that is highly victim-oriented because it explicitly regulates the rights of victims, the families of victims, and the mechanisms for victim recovery. (Angkasa et al., 2021)

#### a. Preventive Protection

Preventive protection is a form of legal protection aimed at preventing the occurrence of sexual violence crimes before the event happens. This protection is realized through state policies in the form of education, legal socialization, strengthening of oversight systems, and the development of a legal culture that respects women's dignity.

In the context of sexual violence, preventive protection is very important because most sexual crimes are influenced by a patriarchal culture, imbalanced power relations, and low legal awareness in society regarding consent and the integrity of women's bodies. Therefore, preventive protection must be directed toward changing the legal culture of society.

Victimologically, preventive protection is a form of primary victimization prevention, which means preventing someone from becoming a crime victim. According to Andrew Karmen, victimization prevention is an important part of the victim protection system because victims of sexual crimes often experience long-term effects that are difficult to recover from.

Forms of preventive protection include:

- 1) anti-sexual violence education;
- 2) gender equality education;
- 3) formation of a task force for the prevention of sexual violence;
- 4) institutional surveillance system;
- 5) quick complaint access

#### b. Repressive Protection

Repressive protection is legal protection provided after a crime has occurred through law enforcement mechanisms against the perpetrator. This protection is realized in the processes of investigation, prosecution, and examination in court. In the perspective of criminal law, repressive protection aims to provide legal certainty, justice, and rehabilitation for the victim. However, in cases of sexual violence, repressive protection should not stop at punishing the perpetrator, but must also take into account the condition of the victim.

According to Muladi, the modern criminal justice system must integrate the interests of victims throughout the legal process to prevent disparities in legal protection.

Forms of repressive protection include: a. Protection during the investigation process Victims have the right:

- 1) accompanied by legal counsel;
- 2) accompanied by a psychologist;
- 3) protected identity;
- 4) achieve a sense of security.

Protection during the trial process Victims are entitled to:

- 1) providing information without intimidation;
- 2) obtain a closed examination;
- 3) getting assistance.

#### c. Post-judgment protection

The victim still has the right to:

- 1) recovery;
- 2) restitution;
- 3) rehabilitation.

In practice, repressive protection often faces the problem of secondary victimization, which is additional suffering due to a legal process that is not sensitive to the victim. This phenomenon is explained in victimology studies as a form of the legal system's failure to protect victims.

### 3. Restitution Protection (Right to Restitution)

Restitution is a form of legal protection that provides compensation to victims for the losses suffered due to a crime.

Restitution includes:

- 1) economic loss;
- 2) medical expenses;
- 3) psychological recovery costs;
- 4) immaterial loss.

In the perspective of victimology, restitution is a form of state acknowledgment that the victim has suffered real losses that must be restored. Maria Novita Apriyani's research explains that restitution is a very important form of fulfilling the victim's rights because criminal law has so far focused more on punishing the perpetrator than on restoring the victim. (Apriyani, 2021)

Similarly, the research by Azizah and Simangunsong emphasizes that the right to restitution is a form of substantive legal protection that provides direct benefits to victims and is part of restorative justice. (Azizah & Simangunsong, 2024)

However, in practice, the provision of restitution still faces obstacles:

- 1) lack of understanding among the authorities;
- 2) the low economic capacity of the actors;
- 3) complicated administrative procedures

#### 4. Rehabilitative Protection

Rehabilitative protection is a form of protection that focuses on the recovery of victims, both physically, psychologically, and socially. Victims of sexual violence often experience severe trauma that requires long-term treatment. In victimology theory, victim recovery is an important part of the victim recovery process.

Rehabilitation includes:

- 1) Medical Rehabilitation: Recovery of the victim's physical condition.
- 2) Psychological Rehabilitation: Recovery from psychological trauma.
- 3) Social Rehabilitation: Recovery of the victim's social function.

According to the modern victimology approach, victim recovery is an indicator of the success of legal protection, not just the punishment of the perpetrator. The TPKS Law provides a strong legal basis for victim rehabilitation as a form of state responsibility.

#### 5. Protection of Identity and Security of Victims

Victims of sexual violence crimes often face threats, intimidation, and social stigma. Therefore, identity protection becomes a fundamental right of the victims.

This protection includes:

- a) identity confidentiality;
- b) protection from threats by perpetrators;
- c) temporary housing protection;
- d) communication protection.

In the perspective of victimology, victim security protection is a form of preventing revictimization. Revictimization is a condition when the victim experiences suffering again due to social pressure or threats from the perpetrator.

#### C. Obstacles to Law Enforcement from the Perspective of Victim Protection

Law enforcement against perpetrators of sexual violence against women is fundamentally not only aimed at upholding criminal law norms and punishing the perpetrators but also ensuring optimal protection for the victims. From a victimology perspective, the success of law enforcement is not only measured by the punishment of the perpetrators but also by the extent to which victims receive protection, recovery, justice, and a sense of security. However, in practice, law enforcement against sexual violence crimes still faces various obstacles that directly impact the effectiveness of victim protection.

According to Soerjono Soekanto, the effectiveness of law enforcement is influenced by five main factors, namely legal factors (legal substance), law enforcement apparatus (legal structure), means or facilities, society, and legal culture. (Soekanto, 2017) These five factors become important variables in examining the obstacles to law enforcement against sexual violence crimes. In the context of victim protection, these obstacles often prevent victims from obtaining justice to the fullest extent.

In the perspective of victimology, obstacles in law enforcement can lead to secondary victimization, which is the additional suffering experienced by victims due to the legal system itself. This becomes a serious issue because victims who are supposed to be protected end up facing additional pressure from the legal process.

##### 1. Legal Substance Barrier

The first obstacle in law enforcement against sexual violence crimes is the obstacle in the legal substance. Normatively, Indonesia has Law Number 12 of 2022 on Sexual Violence Crimes (UU TPKS) as a more comprehensive legal basis for addressing sexual violence. However, in its implementation, there are still several normative issues.

One of the main obstacles is the ongoing overlap in regulations between the TPKS Law, the Criminal Code, the Criminal Procedure Code, and other sectoral regulations. This disharmony of norms can lead to differences in interpretation at the level of law enforcement officials.

According to Barda Nawawi Arief, the reform of criminal law must be carried out integrally to avoid normative conflicts in its implementation. The lack of synchronization in legal norms can lead to legal uncertainty and weaken victim protection. Angkasa's research shows that although the TPKS Law is normatively very progressive in protecting victims, its implementation still requires harmonization with the existing criminal justice system.

Moreover, the restitution mechanism in the TPKS Law still faces technical obstacles because not all officials understand its implementation mechanism. However, restitution is a fundamental right of the victims.

##### 2. Legal Structure Barriers (Law Enforcement Structure)

The legal structure includes law enforcement agencies such as the police, the prosecutor's office, the courts, the Witness and Victim Protection Agency (LPSK), and other supporting institutions. In law enforcement practice, the biggest obstacle to the legal structure is the still low gender perspective and victimology perspective among law enforcement officers.

According to Muladi, the modern criminal justice system should be oriented toward balancing the interests of the perpetrator, the state, and the victim. However, reality shows that victims of sexual violence still often experience insensitive treatment. (Muladi, 1997)

For example: the victim is questioned in a cornering manner; the victim's statements are doubted; the victim is asked to prove the trauma they experienced. In the perspective of victimology, this is a form of secondary victimization.

Karina Salsabilla's research shows that one of the main obstacles to protecting victims of sexual violence is the lack of understanding among officials regarding victimology and the psychological impact on victims. In addition, the limited number of special units for handling

sexual violence in the regions makes it difficult for victims to access adequate services.(Salsabilla, 2024)

### 3. Obstacles to Proof

Proof is the most complex obstacle in sexual violence cases.

In criminal procedural law, evidence still heavily relies on formal evidence. In fact, sexual violence has the following characteristics:

- a) conducted in private;
- b) few witnesses;
- c) relying on the victim's testimony.

In many cases, victims find it difficult to prove the events they experienced.

According to Andi Hamzah, the evidentiary system in Indonesian criminal law still heavily emphasizes conventional evidence, which often complicates matters for victims of certain crimes. In the perspective of victimology, excessive reliance on formal evidence can harm the victim.

Victims without physical evidence are often considered to have weak cases. In fact, the psychological trauma of the victim can affect the consistency of the victim's testimony. Research on victim protection shows that proving the case becomes a major obstacle in sexual violence cases because the characteristics of the crime differ from conventional crimes.

### 4. Legal Culture Barriers

The legal culture of society is a major obstacle in the enforcement of laws against sexual violence. Lawrence M. Friedman explains that legal culture is the attitude, values, and perceptions of society toward the law. In the context of sexual violence, the legal culture of society is still heavily influenced by patriarchal culture. (Friedman, 1975)

Patriarchal culture gives rise to:

- a) subordination of women;
- b) victim blaming;
- c) normalization of sexual harassment.

The victim is often blamed for the incident they experienced.

For example: victim's clothing; victim's behavior; victim's relationship with the perpetrator. In the perspective of victimology, victim blaming is a form of social violence against the victim.

Recent research shows that social stigma is one of the main factors that make victims reluctant to report. As a result, many cases of sexual violence become dark number crimes (unreported crimes).

### 5. Obstacles to Supporting Facilities and Infrastructure

Effective law enforcement requires adequate supporting facilities. However, in practice, many regions do not yet have:

- a) safe house;
- b) forensic psychologist;
- c) trauma counselor;
- d) legal companion.

The limitations of these facilities result in the victims not receiving optimal protection. According to the research by Herwantono and Agus Sugiarto, one of the obstacles to the implementation of the TPKS Law is the limited infrastructure supporting victim recovery. In the perspective of victimology, victim recovery is part of justice. Without recovery facilities, legal protection becomes incomplete.

### 6. Psychological Barriers of the Victim

Victims of sexual violence generally experience very severe trauma. According to Andrew Karmen in *Crime Victims: An Introduction to Victimology*, the trauma of sexual crime victims can affect their courage to report and provide testimony.

Psychological barriers include:

- a) shame;
- b) fear;
- c) guilt;
- d) deep trauma.

In many cases, the victims choose to remain silent. This has hindered the legal process from the beginning. In the perspective of victimology, the trauma of the victim must be understood as the impact of primary victimization. Therefore, the legal approach must be trauma-informed.

Barriers to law enforcement against sexual violence crimes indicate that victim protection is not yet fully effective. These barriers are multidimensional and interconnected, ranging from legal substance, legal structure, evidence, legal culture, supporting facilities, to the psychological condition of the victim.

In the perspective of victimology, these obstacles increase the risk of secondary victimization and revictimization. Therefore, law enforcement must be reconstructed with the approach:

- a) victim-centered justice;
- b) trauma-informed justice;
- c) gender-responsive justice.

Thus, law enforcement against perpetrators of sexual violence crimes must not only be effective in punishing the offenders but also be able to ensure comprehensive protection, recovery, and justice for the victims.

## Conclusion

Law enforcement against perpetrators of sexual violence against women is not yet fully effective because it is still predominantly oriented toward punishing the perpetrators rather than protecting the victims. Legal protection for victims has been accommodated in the TPKS Law, but its implementation is not yet optimal. The main obstacles to law enforcement include legal substance, legal structure, legal culture, evidence gathering, and victim recovery.

### Recommendations:

Law enforcement agencies need to enhance the victim protection perspective in handling sexual violence cases. The state needs to strengthen the victim recovery system thru integrated services. There is a need to improve the capacity of law enforcement agencies regarding the handling of gender-based sexual violence cases and victimology.

There is a need for massive socialization regarding the TPKS Law so that the public understands the rights of victims and the mechanisms for their protection.

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