



Analysis of Criminal Law Policy on Sexual Violence and Legal Protection for Victims of Sexual Violence

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Info Articles	Abstract
<p>Article History Received: 2025-12-05 Revised: 2025-12-10 Published: 2025-12-30</p> <p>Keywords: <i>Sexual violence; legal protection; victims; Legal Policy</i></p>	<p>Sexual violence is a form of crime that has a multidimensional impact on victims, both physically, psychologically, socially, and legally. So far, the regulation of sexual violence crimes in Indonesia tends to be partial and morality-oriented, as reflected in the Criminal Code (KUHP). This condition causes protection for victims to be not optimal. The presence of Law Number 12 of 2022 concerning the Crime of Sexual Violence (TPKS Law) is an important milestone in the reform of criminal law policies that are more comprehensive and victim-perspective-oriented. This study aims to analyze criminal law policy against sexual violence crimes in Indonesia and examine the form of legal protection for victims of sexual violence from the perspective of the TPKS Law. The research method used is normative legal research with a legislative approach. Research data was obtained through literature studies by analyzing primary, secondary, and tertiary legal materials, which were then analyzed qualitatively. The results of the study show that Indonesia's criminal law policy has undergone a paradigm shift from a moral approach to a human rights-based approach through the TPKS Law as a <i>lex specialis</i>. The TPKS Law regulates various forms of sexual violence more broadly and ensures victim protection through protection, handling, and recovery mechanisms. However, the implementation of the TPKS Law still faces obstacles, especially related to incomplete implementing regulations, limited understanding of law enforcement officials, and weak coordination in the integrated criminal justice system. This study concludes that although the TPKS Law is a significant advance in the protection of victims of sexual violence, its effectiveness is highly dependent on strengthening the legal structure and culture in order to be able to realize substantive justice for victims.</p>

I. INTRODUCTION

Sexual violence is an issue that has long been the center of discussion in Indonesian society. In Indonesia itself, the word sexual harassment is familiar because almost every year cases of sexual harassment occur (Eka Sari, 2024). Sexual Violence comes from the English language, namely *Sexual Hardness* which is where the word *Hardness* means violent and unpleasant. It can be interpreted that sexual violence is an act of violence committed by a person by forcing them to have unwanted sexual contact.

Cases of sexual violence not only attack physical violence, but also attack the victim's mentality (Hasibuan & Harahap, 2022). The mental impact experienced by the victim due to sexual violence is difficult to heal compared to the physical violence he experienced, it takes a long

time for the victim to really recover from the incident he experienced. Sexual violence has the meaning of an undesirable approach to sexual behavior by one person towards another (Paradias & Soponyono, 2022).

The problem of sexual violence is a form of crime that harasses and tarnishes human dignity and should be categorized as a type of crime against humanity (*Crime Againsts Humanity*). Sexual violence in Indonesia is currently one of the crime cases that continues to increase every year. It can be seen in various media, both print media and electronic media, so many cases of sexual violence have emerged everywhere (M. Chaerul Risal, 2022).

Sexual violence is included in a form of gender-based violence (*gender-based violence*) which is defined as an act that causes physical, sexual or

psychological harm or suffering, including threats with certain acts, coercion and various deprivations of liberty (Yohan Dachi, 2024). Sexual violence is not only included in direct/physical violence, but can also be categorized as indirect violence that is culturally and structurally caused by certain stereotypes against women.

Sexual violence is an issue that has long been a topic of discussion among Indonesian society. In Indonesia itself, the word harassment means violent and unpleasant. Revealing that sexual violence is an act of violence committed by a person by forcing them to carry out desired contact.

Quoted from the official website of the National Commission on Anti-Violence Against Women, from 2001 to 2012 there were at least 35 victims of sexual violence per day, where in 2012, there were 4,336 cases of sexual violence, of which 2,920 cases occurred in the group/public realm with most cases of violence in the form of obscenity and violence. Meanwhile, cases of violence in 2013 increased to 5,629 cases, which means that there are 2 cases of violence against women every 3 hours. Often the ages of those who experience sexual violence are 13-18 years old and 25-40 years old (Haniandaresta & Izzatusholekha, 2024).

Sexual violence in Indonesia itself occurs in various circles. Starting from children, teenagers, to adults. In fact, it does not only happen to women, but also to men. Not only in various circles, this sexual violence can also occur anywhere, namely the workplace environment, public places, places to study and even in the family environment.

According to data collected by the Ministry of Women's Empowerment and Child Protection, it has been recorded that cases of sexual violence in 2020 were at 7,191 cases. Meanwhile, as of June 2021 from the online information system for the protection of women and children, cases of sexual violence in 2021 have reached 1,902 cases (Cahyani et al., 2024). Until now, sexual violence in Indonesia that has been felt by minors is still very large. This can be seen from the news both print and electronic media in Indonesia that still

provide information related to sexual violence. Cases of child sexual violence, both physical and psychological, have always been a hot topic of conversation both at the national and international levels. This is because this case has occurred since humans have been on earth. This may continue to happen in the future. Until now, there is still a lot of sexual violence in Indonesia, as can be seen from the news from both print and electronic media in Indonesia which contains so much information related to sexual violence.

The problem of sexual violence has often been heard in the ears of the Indonesian people. However, Indonesian law has not fully provided firm legal consequences for perpetrators and protection for victims. Only a few cases of sexual violence are brought to court. This is due to the fear of victims to report to the authorities due to the bad stigma by the community towards victims of sexual violence. It is not uncommon for the media to cover news about the victim's side that is the cause of sexual violence, such as the victim wearing open clothes, the victim going out at night, the victim going out alone which can make the perpetrator's lust appear.

Victims are often stigmatized by society that the victim can also 'enjoy' the sexual violence that occurs. When the victim has the courage to complain about the sexual violence that happened to her, it is not uncommon for the authorities or authorities not to respond to the complaint or instead respond to the complaint with disregard and underestimate.

Protection and attention to the interests of victims of sexual violence, both through the judicial process and through certain means of social concern, are an absolute part that needs to be considered in criminal law policies and social policies, both existing social institutions and state power institutions.

Based on these things, several problems arise, including first, how to enforce the law against sexual violence and second, how to protect the law against victims of sexual violence? Several previous studies focused on law enforcement efforts carried out by providing criminal sanctions in the form of imprisonment and/or heavier fines to perpetrators in accordance with Law Number

35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. Then another study focused on legal protection for victims of sexual crimes in a progressive legal perspective. The research that discusses efforts to overcome the crime of sexual violence against children is studied according to Indonesian criminal law.

Then the research on law enforcement and protection for cases of sexual violence has focused on the legal protection of victims of second-degree sexual abuse consisting of physical or psychological violence, retaliation, persecution of insults, people and those who support victims of violence against women. Further research focuses on the power and limitations of the law to deal with violence against women in semi-liberal regimes. Finally, there is research that focuses on providing protection for children from the crimes of sexual assault, sexual abuse and pornography, while safeguarding the interests of children at every stage of life based on the Child Protection Law. Based on several previous studies, this research will focus on the legal protection of victims of sexual violence in Indonesian criminal law as well as how to prove cases of sexual violence and the urgency of the Draft Law on the elimination of sexual violence.

The government took steps to address the limitations of the rules regarding sexual violence and saw the need for a special law that could deal further and comprehensively regarding sexual violence, which then in 2022 the House of Representatives of the Republic of Indonesia has officially passed the Draft Law on the Crime of Sexual Violence (RUU TPKS) after a very long journey since it was first proposed by the National Commission for Women in 2022. 2012. The TPKS Bill is specifically designed to deal with victim-oriented sexual violence and regulate sexual harassment more broadly. Sexual violence in its various and complex forms has not been clearly regulated in law. Thus, so far, victims of sexual violence have not fully received justice, protection, and restoration from the state.

The enforcement process is still limited and has not fully sided with the victims. The perspective of victims who are often held guilty of

the sexual violence they receive has also created a growing culture of violence, both privately and publicly.

II. RESEARCH METHODS

The research method used in this writing is normative legal research or doctrinal law research (Mahmud Marzuki, 2005). This research focuses on the study of positive legal norms that govern criminal law policies related to sexual violence and forms of legal protection for victims. The approach used is the legislative approach (*Statute approach*), by examining various relevant laws and regulations, especially Law Number 12 of 2022 concerning the Crime of Sexual Violence, the Criminal Code, and other regulations related to victim protection and the criminal justice system.

The data source used in this study is in the form of secondary legal materials obtained through literature studies. These legal materials include primary legal materials in the form of laws and regulations, secondary legal materials in the form of textbooks, scientific journals, research results, and opinions of legal experts relevant to the issue of sexual violence and victim protection, as well as tertiary legal materials in the form of legal dictionaries and legal encyclopedias as support.

Data collection techniques are carried out through literature studies by searching, inventorying, and systematically reviewing legal materials that are related to the research object. Furthermore, the data that has been collected is analyzed using qualitative data analysis techniques, namely by deciphering, interpreting, and constructing applicable legal norms and criminal law policies in order to gain a comprehensive understanding of the effectiveness of legal regulation and protection for victims of sexual violence. The results of the analysis are then presented in a descriptive-analytical manner to draw conclusions that answer the research problem.

III. RESULTS AND DISCUSSION

A. Criminal Law Policy on Sexual Violence in Indonesia

Conceptually, sexual violence is a legal and social phenomenon that has a much wider scope than the classical understanding of Indonesian criminal law (Azali & Purba, 2023). The term sexual harassment itself refers to the concept *sexual harassment* which in international law studies is understood as *Unwelcome Attention*, namely unwanted sexual attention or treatment by the victim (Hermanata et al., 2025). Legally, sexual harassment is defined as the imposition of unwanted sexual demands or the creation of an environment that is sexually nuanced and offensive. This understanding emphasizes that the essence of sexual violence is not only the presence or absence of physical violence, but rather the violation of the will, dignity, and autonomy of the victim's body (Ancient & Coal, 2022).

The National Commission on Anti-Violence against Women provides a more contextual definition by stating that sexual harassment is a sexual act, either through physical or non-physical touch, that targets the sexual organs or sexuality of the victim (Noer & Kartika, 2022). Furthermore, Komnas Perempuan identified at least fifteen forms of sexual violence, which include rape, sexual intimidation, sexual harassment, sexual exploitation, trafficking in women for sexual purposes, forced prostitution, sexual slavery, forced marriage, forced pregnancy, forced abortion, forced contraception and sterilization, sexual torture, inhumane punishment with sexual nuances, traditional practices that harm or discriminate against women, and sexual control through discriminatory rules based on morality and religion. These various forms show that sexual violence is systemic, structural, and often legitimized by power relations in society.

However, in the construction of Indonesian criminal law, the term "sexual harassment" is explicitly not recognized in the Criminal Code. Positive criminal law has so far used the terminology "obscene acts" and "crimes against morality" as a normative umbrella to regulate various acts that attack honor and decency (Pramufianto et al., 2023). These regulations are

contained in the old Criminal Code and in Law Number 1 of 2023 concerning the new Criminal Code which will take effect in 2026. Articles on morality, such as Article 281, Article 289, Article 290, and Article 296 of the old Criminal Code, basically focus on aspects of external acts and general morality, not on the victim's experience of suffering.

The change in the formulation of norms in the new Criminal Code does show the modernization of legal language and adjustments to criminal sanctions, as seen in Articles 406 to 423 of Law 1/2023. The Criminal Code has only begun to classify obscene acts more systematically, including those committed with violence, against children, in power relations, and those that cause serious injury or death. In fact, Article 423 of Law 1/2023 explicitly states that criminal acts as stipulated in Articles 414 to 422 are criminal acts of sexual violence. However, substantially, the arrangement still departs from the paradigm of decency and public order, so it does not fully reflect a victim-based approach (Pramufianto et al., 2023).

This limitation is the background for the birth of Law Number 12 of 2022 concerning the Crime of Sexual Violence as a special criminal law instrument. The TPKS Law presents a fundamental change in criminal law policy by explicitly and comprehensively defining sexual violence, and placing victims as the main subject of legal protection. In the TPKS Law, sexual harassment is qualified as a form of sexual violence which consists of non-physical sexual harassment and physical sexual harassment.

In addition to the Criminal Code and the TPKS Law, criminal law policies against sexual violence in Indonesia also cannot be separated from the role of Law Number 11 of 2008 concerning Information and Electronic Transactions and its amendments through Law Number 19 of 2016 (ITE Law). The ITE Law was not originally designed specifically to deal with sexual violence, but in law enforcement practice, this regulation is often used to ensnare digital-based sexual violence that develops along with the advancement of information technology. Phenomena such as online sexual harassment, the

dissemination of intimate content without consent (*Non-consensual intimate images*), sextortion, sexual threats through electronic media, and cyber-based sexual exploitation, make the ITE Law a relevant legal instrument in the contemporary sexual violence landscape (Rahma et al., 2025).

Article 27 paragraph (1) of the ITE Law, which prohibits the distribution, transmission, or making accessible of electronic information that has content that violates morality, has often been used in handling cases of sexual violence in the digital space (Harahap & Harahap, 2020). However, the application of this article often draws criticism because it has the potential to place the victim as a criminalized party, especially in the case of the dissemination of intimate content that is carried out without the victim's consent. In many cases, victims are actually positioned as perpetrators of moral violations because they are considered to "create" or "possess" sexually charged content, even though the victim is actually in a vulnerable position and harmed. This condition shows that the moralistic approach in the ITE Law is not always in line with the principle of protecting victims of sexual violence.

Non-physical sexual harassment is understood as sexual acts that are done without physical contact, such as sexually charged statements, gestures, or acts aimed at degrading a person's dignity and dignity based on their sexuality or decency (Effendi, 2019). Meanwhile, physical sexual harassment includes sexual acts with direct touch that can be done to degrade the dignity of the victim, place the victim under the power of the perpetrator, or be carried out through the abuse of position, authority, trust, and the exploitation of the victim's vulnerability. This regulation shows that the TPKS Law not only criminalizes acts, but also power relations and conditions of inequality that are the background for sexual violence.

From the perspective of criminal law policy, the TPKS Law is a form of paradigm shift from criminal law that is retributive and moralistic to criminal law that is oriented towards the protection of victims and the restoration of their

rights. The application of the principle of *lex specialis derogat legi generali* emphasizes that the TPKS Law is the main reference in handling cases of sexual violence, although in practice it is still possible for law enforcement officials to apply layered articles with provisions in the old Criminal Code and the new Criminal Code as long as the elements are met.

Criminal law policy on sexual violence in Indonesia is currently in an important transition phase, from a narrow and morality-oriented legal system to a more progressive, comprehensive, and victim-perspective system. The challenge ahead lies not only in the existence of legal norms, but also in the consistency of implementation, harmonization between regulations, and a paradigm shift in law enforcement officials in understanding sexual violence as a serious violation of human rights and dignity.

B. Law Enforcement and Evidentiary Problems in Sexual Violence Cases

Law enforcement in cases of sexual violence occupies a strategic and problematic position in the criminal justice system in Indonesia. The main problem that often arises is not only in the aspect of the formulation of criminal norms, but at the evidentiary stage that determines whether an event of sexual violence can be legally and convincingly proven before the court. Proof thus becomes a crucial point that determines whether justice is fulfilled or not, especially for the victim.

From the perspective of criminal procedure law, proof is regulated limitively in Article 184 of the Criminal Code which stipulates five valid evidence, namely witness statements, expert statements, letters, instructions, and defendant statements. This provision is closely tied to the negative legal evidentiary system (*negatief wettelijk bewijsstelsel*) as formulated in Article 183 of the Criminal Code, which requires the existence of at least two valid pieces of evidence accompanied by the judge's conviction. This system is basically intended to prevent arbitrary punishment, but in the context of criminal acts of sexual violence it is often a structural obstacle for victims to obtain justice.

The characteristics of sexual violence that generally occur in private spaces, without the presence of direct witnesses, cause evidence based on witness statements to be problematic (Effendi, 2019). Bases *unus testis nullus testis* which is reflected in Article 185 paragraph (2) of the Criminal Code, which emphasizes that the testimony of one witness alone is not enough to prove the guilt of the defendant, is often applied rigidly by law enforcement officials. As a result, the victim's testimony who is actually a key witness is positioned weakly, even ignored, if not supported by other witnesses outside the victim.

The Constitutional Court through Decision No. 65/PUU-VIII/2010 has actually expanded the meaning of witnesses in the Criminal Code, by emphasizing that witnesses do not always have to be people who see, hear, and experience a criminal event themselves. This decision opens up space for the recognition of *testimonium de auditu* and other parties' statements that have substantial relevance to the criminal event. However, in practice, the paradigm of law enforcement officials still tends to be positivistic-formalistic, so that the expansion of the meaning of witnesses has not been fully internalized in handling sexual violence cases.

In addition to witness statements, evidence that is often used in cases of sexual violence, especially rape and molestation, is *Visa and Repertum* (Khoirunnisa, n.d.). Doctrinally, *visum* is a letter evidence as stipulated in Article 187 letter c of the Criminal Code, as well as a manifestation of the testimony of a judicial medical expert. However, excessive dependence on *visum* also poses its own problems. It is not uncommon for *visum* to show no signs of physical violence, either because of delays in reporting, the nature of non-physical violence, or because the victim has cleaned himself up due to trauma and psychological pressure. In such conditions, law enforcement officials often conclude that there is insufficient evidence, even though the absence of physical signs does not necessarily negate the occurrence of sexual violence.

The problem of proof shows that there is a discrepancy between the characteristics of the crime of sexual violence and the construction of

proof in the Criminal Code designed for conventional crimes. The Criminal Code has historically focused more on the protection of the rights of suspects and defendants, as reflected in Articles 50 to 68 of the Criminal Code, while the protection of victims has not been the main orientation. This condition has caused victims of sexual violence to be reluctant to report, withdraw reports, or their cases to stop at the investigation and investigation stage.

The presence of Law Number 12 of 2022 concerning the Crime of Sexual Violence (TPKS Law) is a significant form of legal reform in answering this problem. The TPKS Law not only criminalizes nine forms of sexual violence comprehensively, but also makes fundamental updates in the evidentiary aspect. Article 24 of the TPKS Law explicitly expands the types of legal evidence, including evidence as stipulated in the Criminal Code, electronic information and/or electronic documents, evidence related to criminal acts, and recognition of various forms of evidence based on the victim's experience.

Then the TPKS Law recognizes the results of the examination of victims and/or witnesses at the investigation stage which are recorded electronically as part of witness testimony evidence. In addition, letter evidence was also expanded to include a certificate of a clinical psychologist or psychiatrist, medical records, results of forensic examinations, and bank account examination results. This expansion reflects a paradigm shift in proof from purely physical-based to more contextual and responsive to the reality of sexual violence.

Article 25 of the TPKS Law even provides a further breakthrough by emphasizing that the testimony of witnesses and/or victims can be considered sufficient to prove the guilt of the defendant if it is accompanied by one other piece of evidence and the judge obtains conviction. This provision substantially softens the minimum principle of proof in Article 183 of the Criminal Code, without eliminating the principle of prudence in punishment. Thus, the TPKS Law seeks to balance the interests of protecting the rights of the defendant and the fulfillment of substantive justice for victims.

However, the expansion of evidence in the TPKS Law is not necessarily free from implementation challenges. Empirically, there is still a tendency for law enforcement officials to prioritize conventional witness testimony and place other evidence, such as psychologist testimony or digital evidence, as a mere complement. In fact, it is not uncommon for the victim's statement to be considered ineligible for proof because the authorities still refer rigidly to Article 185 of the Criminal Code, without integrating special provisions in the TPKS Law as *a lex specialis*.

Other challenges relate to limited facilities and infrastructure, particularly in forensic examinations, including digital forensics and DNA examinations. In many areas, limited budgets and human resources cause potential evidence to not be processed optimally. On the other hand, the lack of public legal literacy regarding the importance of safeguarding evidence also contributes to weak evidence, because victims often delete threatening messages, clean their bodies, or throw away clothes due to fear and trauma.

In this context, the role of clinical psychologist testimony and psychological forensic examination are very important. Sexual violence does not always leave physical wounds, but it almost always has a profound psychological impact. However, challenges arise when the examination is carried out long after the incident occurred, so that the victim's psychological condition appears stable and is considered not to reflect trauma. This shows the need to increase the capacity and perspective of officials and experts in order to be able to understand the dynamics of victim trauma more comprehensively.

If viewed from the theory of law enforcement as stated by Soerjono Soekanto, the problem of proof in sexual violence cases cannot be separated from five factors of law enforcement, namely legal factors, law enforcement officials, facilities and facilities, society, and culture (Maharani et al., 2025). The TPKS Law has basically answered legal factors through substantive reform. However, its effectiveness depends heavily on reforming the legal structure and culture, including changing the

way the authorities and society view sexual violence as a crime against human dignity, not just a violation of morality.

Thus, law enforcement in sexual violence cases requires a more holistic approach and victim-perspective. Proof can no longer be understood narrowly as fulfilling the formal requirements of evidence, but as an effort to find a just and humane material truth. The TPKS Law has paved the way for a more adaptive and equitable evidentiary system, but its success is largely determined by the courage of law enforcement officials to abandon a purely legalistic approach and internalize the values of substantive justice in every stage of the criminal justice process.

C. Legal Protection for Victims of Sexual Violence in the Perspective of the TPKS Law

The enactment of Law Number 12 of 2022 concerning the Crime of Sexual Violence (TPKS Law) marks an important paradigm shift in the Indonesian criminal law system, especially in viewing victims of sexual violence. If previously criminal law was more oriented towards the perpetrator and his deeds, the TPKS Law comes with a more balanced approach by placing victims as legal subjects who have the right to protection, recovery, and substantive justice. This law was born in response to the pressure of the public and civil society who for years have demanded a special legal instrument capable of dealing with sexual violence comprehensively, not only through criminalization, but also through mechanisms for the prevention, protection, and recovery of victims.

The urgency of the TPKS Law is getting stronger when it is associated with the high rate of sexual violence in Indonesia. The Komnas Perempuan Annual Record shows that thousands of cases of sexual violence occur every year, with increasingly diverse forms, ranging from domestic violence (Maryani et al., 2020), violence in personal relationships, rape, and gender-based sexual violence in the digital space. The increase in protection requests to the Witness and Victim Protection Institution (LPSK) in the period 2022–2024 also indicates two things at once, increasing victims' awareness of their rights, but at the same

time shows that sexual violence is still a structural problem that has not been optimally handled by the legal system.

Normatively, the TPKS Law regulates victim protection in a broad and integrated manner. Articles 66 to 70 of the TPKS Law explicitly guarantee the victim's right to protection, treatment, and recovery. These rights include protection from threats and intimidation by perpetrators, confidentiality of victims' identities, access to legal assistance, health and psychological services, and the right to restitution and removal of sexually charged content in electronic media. This provision shows that victim protection is not understood solely as physical protection, but also includes the psychological, social, and economic dimensions of the victim.

Furthermore, the TPKS Law emphasizes that sexual violence is not only limited to physical acts, but also includes non-physical acts such as verbal sexual harassment, sexual exploitation, and technology-based sexual violence (Lubis, 2018). This approach is important considering the development of increasingly complex modes of sexual violence and can no longer be adequately reached by the provisions of the Criminal Code which have only focused on rape and molestation (Sitorus & Harahap, 2023). Thus, the TPKS Law functions as a *lex specialis* that closes the legal vacuum and provides a more progressive basis for protection for victims.

However, the effectiveness of legal protection in the TPKS Law cannot be separated from the issue of implementation. Empirical facts show that there is a significant gap between legal norms and practice in the field. Although the TPKS Law has mandated the preparation of seven implementing regulations within a period of two years since it was promulgated, until the end of 2024 only a small part has been successfully passed. The absence of technical rules, standard operating procedures, as well as implementation guidelines and technical instructions causes law enforcement officials to not have clear guidelines in handling cases of sexual violence based on the TPKS Law.

This condition is exacerbated by the limited understanding of law enforcement officials on the

substance and spirit of the TPKS Law. Various reports from legal aid institutions and Komnas Perempuan show that victims still often experience rejection of reports, the application of irrelevant articles, and treatment that corners and degrades the dignity of the victim. The practice of victim blaming that is still entrenched reflects that regulatory changes have not been fully followed by changes in legal culture. As a result, the legal process that should be a means of recovery has the potential to aggravate the victim's trauma.

From the perspective of victim protection, the weak implementation of the TPKS Law has a direct impact on the limited access of victims to recovery services. The limitations of victim-friendly examination facilities, the lack of professional assistants, and the non-optimal role of the Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA) in various regions show that legal protection has not been fully implemented. In many cases, victims have to deal with a system that is insensitive to their needs and psychological conditions, so that not a few victims end up choosing not to continue with the legal process.

This situation shows that legal protection for victims of sexual violence cannot only be measured by the existence of written legal norms, but must be seen from the extent to which the law is able to function operationally and provide substantive justice. The TPKS Law has provided a progressive normative framework, but without the support of adequate legal structures, competent police capacity, and a legal culture with a victim and gender perspective, the goal of protection is difficult to achieve.

Therefore, legal protection for victims of sexual violence from the perspective of the TPKS Law requires a strong synergy between regulations, institutions, and the community. The completion of implementing regulations, strengthening the capacity of law enforcement officials, optimizing the role of LPSK and UPTD PPA, and independent supervision of the implementation of the TPKS Law are the main prerequisites so that this law does not stop as a symbol of normative progress. Thus, the TPKS Law can truly carry out its function as a legal instrument that protects victims,

restores their dignity, and presents humanitarian-oriented justice.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Criminal law policy on sexual violence in Indonesia shows significant developments through a paradigm shift from a narrow moral approach to a human rights and victim protection approach. The old Criminal Code and the new Criminal Code still place sexual violence in the framework of crimes against morality with a primary focus on the act and perpetrator, so it does not fully reflect the complexity of the form of sexual violence and the needs of the victim. The presence of Law Number 12 of 2022 concerning the Crime of Sexual Violence (TPKS Law) is a *lex specialis* instrument that fills the legal void by regulating various forms of sexual violence more comprehensively, including physical and non-physical sexual harassment.

From the perspective of victim legal protection, the TPKS Law presents a more holistic approach by guaranteeing victims' rights to protection, treatment, and recovery, both before, during, and after the judicial process. This protection is in line with the theory of victim protection and the concept of an integrated criminal justice system that places victims as the main subject in criminal law enforcement. However, the implementation of the TPKS Law in the field still faces various serious obstacles, especially related to incomplete implementing regulations, limited capacity of law enforcement officials, weak coordination between agencies, and legal culture that has not fully had a victim and gender perspective.

The gap between normative regulation and law enforcement practice suggests that while the TPKS Law is an important advance in Indonesia's criminal law policy, the effectiveness of legal protection for victims of sexual violence has not been fully realized. Without the support of an adequate legal structure and legal culture, the goal of substantive justice for victims has the potential to not be optimally achieved.

B. Suggestion

The government needs to immediately complete all implementing regulations of the TPKS Law so that victim protection norms can be implemented effectively and uniformly throughout Indonesia. Law enforcement officials must be provided with ongoing training that is oriented to the victim's and gender perspectives to ensure the appropriate and non-discriminatory implementation of the TPKS Law. In addition, strengthening coordination in the integrated criminal justice system, including optimizing the role of LPSK and integrated service units in the regions, is a strategic step to ensure real protection and recovery of victims. With a strong synergy between regulations, institutions, and legal culture, the TPKS Law is expected to be able to function as an effective legal instrument in tackling sexual violence and ensuring justice for victims.

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