

The Effectiveness of Legal Protection Against Sexual Violence in Indonesia

Khaerul Ma'arif ^{1*}, Ahmad Fauzi ², Hasmaryadi ³

^{1, 2, 3} Universitas Islam Negeri Sunan Kalijaga, Yogyakarta, Indonesia.

*Corresponding Author: maarifkhaerul27@gmail.com

Article Info	Abstract
Received: 11-07-2026 Revised: 23-08-2026 Accepted: 23-08-2026 Published: 25-08-2026 Keywords: Sexual violence, Legal protection, TPKS Law, Lawrence M. Friedman, Legal system.	Sexual violence against women and children continues to be a significant issue in Indonesia despite the enactment of Law Number 12 of 2022 on Sexual Violence Crimes (UU TPKS), reflecting an ongoing discrepancy between the legal protections established by legislation and their implementation in practice. This study aims to investigate the effectiveness of legal protection for victims of sexual violence in addressing contemporary legal challenges by applying Lawrence M. Friedman's legal system theory, which emphasizes the interrelationship among legal substance, legal structure, and legal culture. The research adopts a normative-analytical method within a socio-legal approach, utilizing legislation, judicial decisions, and official institutional data as its primary sources. The findings indicate that, while UU TPKS has introduced a more comprehensive definition of sexual violence and reinforced mechanisms for victim restitution, its legal substance remains affected by normative fragmentation in relation to other regulations. Furthermore, law enforcement structures, particularly the Integrated Service Units for the Protection of Women and Children (UPTD PPA), continue to face disparities in distribution and shortages of qualified personnel, whereas patriarchal legal culture still perpetuates victim-blaming attitudes and discourages victims from reporting incidents. The study concludes that strengthening legal protection requires the integrated improvement of legal substance, legal structure, and legal culture, rather than relying solely on regulatory reform. This research contributes by offering a more comprehensive analytical framework regarding the effectiveness of the Sexual Violence Crimes Law (UU TPKS) and by providing a rationale for strengthening policies and victim protection systems that are more responsive, equitable, and oriented towards the fulfillment of victims' rights.(:).
Info Artikel	Abstrak
Kata Kunci: Kekerasan seksual, Perlindungan hukum, UU TPKS, Lawrence M. Friedman, Sistem hukum.	Kekerasan seksual terhadap perempuan dan anak masih menjadi persoalan yang serius di Indonesia meskipun Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual (UU TPKS) telah diberlakukan. Kondisi tersebut menunjukkan bahwa masih terdapat kesenjangan antara perlindungan hukum yang telah diatur secara normatif dengan pelaksanaannya dalam praktik. Penelitian ini bertujuan untuk mengkaji efektivitas perlindungan hukum bagi korban kekerasan seksual dalam menghadapi tantangan hukum kontemporer

dengan menggunakan teori sistem hukum Lawrence M. Friedman yang menitikberatkan pada hubungan antara substansi hukum, struktur hukum, dan budaya hukum. Penelitian ini menerapkan metode normatif-analitis melalui pendekatan socio-legal, dengan memanfaatkan peraturan perundang-undangan, putusan pengadilan, serta data resmi dari lembaga terkait sebagai sumber utama. Hasil penelitian memperlihatkan bahwa UU TPKS telah menghadirkan perluasan definisi kekerasan seksual secara progresif sekaligus memperkuat mekanisme restitusi bagi korban. Namun demikian, substansi pengaturannya masih menghadapi persoalan fragmentasi norma dengan berbagai regulasi lainnya. Di sisi lain, struktur penegakan hukum, terutama Unit Pelaksana Teknis Daerah Perlindungan Perempuan dan Anak (UPTD PPA), masih belum tersebar secara merata dan belum didukung oleh sumber daya manusia yang memadai. Selain itu, budaya hukum masyarakat yang masih dipengaruhi nilai-nilai patriarkis tetap mendorong praktik menyalahkan korban serta mengurangi keberanian korban untuk melaporkan peristiwa yang dialaminya. Oleh karena itu, penelitian ini menyimpulkan bahwa efektivitas perlindungan hukum hanya dapat diwujudkan melalui penguatan yang terpadu terhadap substansi hukum, struktur hukum, dan budaya hukum, bukan semata-mata melalui pembaruan regulasi secara parsial. Penelitian ini berkontribusi dalam menawarkan kerangka analisis yang lebih menyeluruh mengenai efektivitas UU TPKS serta memberikan dasar pemikiran bagi penguatan kebijakan dan sistem perlindungan korban yang lebih responsif, berkeadilan, dan berorientasi pada pemenuhan hak korban



Copyright© 2026 by Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License.

INTRODUCTION

The implementation of Law Number 12 of 2022 concerning the Crime of Sexual Violence (UU TPKS) represents a significant milestone in the history of legal protections for women and children in Indonesia, as it provides the state for the first time with a dedicated legal framework that comprehensively addresses the prevention the prevention of sexual violence, the management of cases, the protection of victims, and the recovery of victims. This moves beyond a total reliance on the Criminal Code, which has long been considered inadequate to address the diverse forms of contemporary sexual violence (Nisa & Lestari, 2026). Ideally, this law should not stand alone merely as a normative text; rather, it must operate in tandem with the strengthening of law enforcement structures, encompassing the police, prosecution, and judiciary, as well as the cultivation of a victim-oriented legal culture among the public. This aligns with Lawrence M. Friedman's legal system theory, which recognizes legal substance, legal structure, and legal culture as the three pillars that must function simultaneously for the law to be truly alive and effective within society, rather than remaining merely a text confined to paper. (Apaut & Saunoah, 2025).

Nevertheless, the reality of enforcing laws on sexual violence in Indonesia demonstrates a substantial disparity between the objectives envisioned by legislation and the circumstances encountered in practice. The 2024 National Survey on Women's Life Experiences reports that one in four women between the ages of 15 and 64 has experienced physical and sexual violence. (Biro Humas Dan Umum, Kementerian Pemberdayaan Perempuan, & Dan Perlindungan Anak., 2026). According to the 2024 National Survey on the Life Experiences of Children and Adolescents released by the Ministry of Women's Empowerment and Child Protection (PPPA), approximately

50.78 percent of children aged 13–17 have experienced violence at some stage of their lives.. The lifetime prevalence of sexual violence among boys aged 13 17 rose from 3.65 percent in 2021 to 8.34 percent in 2024. Meanwhile, the lifetime prevalence of sexual violence among girls in the same age group increased slightly from 8.43 percent in 2021 to 8.82 percent in 2024. (Kompas, 2024). This gap between actual and reported figures is also reflected in official reporting data, the Online Information System on the Protection of Women and Children recording 14,039 cases of violence as of early July 2025 (Kemenko PMK, 2025).

A similar phenomenon exists in higher education, where 77% of lecturers acknowledge the presence of sexual violence on campus; however, 63% of known cases are never reported by witnesses or victims (Umsida, 2021). These data reveal that legal-cultural factors specifically fear, stigma, and power dynamics remain primary obstacles preventing victims from accessing formal legal channels, regardless of the strength of the norms formulated by the state.

The disparity between normative expectations and the reality of law enforcement has multifaceted consequences, affecting both individual victims and the legitimacy of the legal system as a whole. For victims, low reporting rates and protracted legal proceedings often prolong psychological trauma, lead to secondary victimization, and erode trust in law enforcement institutions the very entities expected to provide protection (Maulida & Romdoni, 2024). At a structural level, the accumulation of over two and a half million recorded cases of gender-based violence documented by the National Commission on Violence Against Women (Komnas Perempuan) over the past twenty-one years indicates that this issue is systemic and recurrent. It is not merely a series of isolated incidents that can be resolved through legal approaches alone. Ultimately, this situation underscores that the effectiveness of the Law on Sexual Violence Crimes (UU TPKS) should not be assessed solely on the basis of its statutory provisions but instead requires a comprehensive analysis through Lawrence M. Friedman's legal system framework. Such an evaluation is essential to address the fundamental question of how effectively Indonesia's legal substance, structure, and culture have integrated to ensure effective protection for women and children who are victims of sexual violence in the face of the changing challenges of the contemporary legal landscape, as reflected by the Ministry of Women's Empowerment and Child Protection.

Several studies have been conducted previously, including one by Sayyidah Belqis Octariza, indicating that Indonesia has a relatively sufficient legal framework to safeguard victims of sexual violence. Nevertheless, the effectiveness of its implementation continues to be constrained by limited legal awareness, a strong patriarchal culture, limited services for victims, and suboptimal law enforcement. Accordingly, greater efforts are required to reinforce the implementation of existing regulations and improve the capacity of law enforcement personnel, and establish a protection system that is more oriented toward victims' needs to ensure their rights are effectively upheld (Octariza, 2026). Research by Hamiyah and Atmari demonstrates that Islamic law, specifically through the concept of *ta'zir*, provides a more adaptive framework for establishing proof by utilizing *qara'in* (circumstantial evidence) as a supporting tool. When integrated with the principles In line with the principles of *maqāṣid al-sharī'ah* and the objectives embodied in the Law on the Crime of Sexual Violence (UU TPKS), this approach presents a model of evidentiary practice that is more balanced, responsive, and focused on the protection of victims. (Haniyah & Atmari, 2025). Research by Icha Diana Putri et al. demonstrates that the enforcement of the Law on Sexual Violence Crimes (UU TPKS) is being carried out progressively through the strengthening of indictment structures, the imposition of heavier penalties based on power dynamics, and a more adaptive approach to evidentiary matters. Its effectiveness remains constrained by patriarchal culture, limited resources, and the mindsets of law enforcement officials. Therefore, the ruling

warrants serving as a legal precedent to foster consistency in legal the safeguarding and rehabilitation of victims of marital sexual violence (I. D. Putri dkk., 2026). A study by Parameshella Thalla et al. Identifies obstacles to law enforcement and the effects of sexual violence on victims, and the effectiveness of various approaches to handling such cases. These findings serve as the basis for recommendations to strengthen the criminal justice system by enhancing the capacity of law enforcement personnel, bolstering victim protection, and fostering social change through a victimological perspective (Paramesheila Thalia et al., 2025). Research by Elfa Murdiana and Alendra Nauval Mufti Rayhan indicates that the Law the Law on Sexual Violence Crimes (UU TPKS) has provided comprehensive provisions for the protection and recovery of victims. However, the effectiveness of its implementation remains hindered by institutional capacity and legal culture. Therefore, strengthening regulations, enhancing the competence of officials, and optimizing recovery services are essential to ensure justice for victims (Murdiana & Rayhan, 2025)

Previous studies have made significant contributions to mapping the issues surrounding the legal safeguards available to victims of sexual violence in Indonesia; however, they have largely remained confined to specific analytical dimensions rather than viewing the subject as an interconnected legal system. Research identifying the gap between the existing regulatory framework and factors such as low legal awareness, entrenched patriarchy, and limited victim services tends to present these elements in isolation, lacking a theoretical framework to explain why they repeatedly emerge as the same obstacles over time. Other studies highlighting adaptive evidentiary approaches such as the concepts of *ta'zir* and *qarā'in* within the framework of *maqāṣid al-ṣyari'ah* focus primarily on the methodological aspects of Islamic criminal law. Meanwhile, studies examining the progressive application of the Sexual Violence Crimes Law (UU TPKS) through measures like sentence enhancements based on power dynamics or victimological analyses of psychological impact generally rely on case studies of specific rulings or incidents, failing to provide a comprehensive evaluation of the law's functionality as a system. Even research explicitly concluding that the UU TPKS comprehensively accommodates victim protection and recovery despite constraints regarding institutional capacity and legal culture has yet to systematically articulate how these three elements (legal norms, institutions, and legal culture) interact to produce recurring patterns of implementation failure.

Consequently, there is a lack of research specifically evaluating the effectiveness of legal protection against sexual violence through the lens of Lawrence M. Friedman's legal system theory, a framework that allows for an integrated analysis of legal substance, law enforcement structures, and societal legal culture as a unified set of causal factors. Thus, a research gap remains regarding the extent to which these three elements of the legal system operate synergistically or mutually undermine one another in addressing contemporary legal challenges.

This study offers a novel contribution by employing Lawrence M. Friedman's legal system theory as the primary analytical lens to examine the effectiveness of legal protections for sexual violence victims in an integrated manner, contrasting with previous studies that tended to analyze cultural, institutional, or regulatory factors in isolation, lacking a unifying theoretical framework. Through this approach, the study goes beyond merely confirming earlier findings regarding the obstacles posed by patriarchal culture and institutional limitations in the implementation of the Sexual Violence Crimes Law (UU TPKS); instead, it systematically elucidates the causal relationships between these elements specifically, how weaknesses in law enforcement structures can reinforce societal legal culture resistance, and conversely, how a legal culture that fails to prioritize victims undermines the efficacy of legal norms that are otherwise progressive on paper. Another novel aspect lies in the study's effort to formulate a model for evaluating legal effectiveness that does not stop at identifying implementation barriers as is common in prior

research but rather constructs a synergistic framework for the simultaneous strengthening of legal substance, institutional structures, and the transformation of legal culture. Consequently, the study aims to provide a more holistic theoretical contribution and more actionable policy recommendations to address contemporary legal challenges concerning sexual violence in Indonesia.

Based on the identified gaps and the study's novelty, this research aims, first, to analyze the effectiveness of the legal substance regarding the protection of sexual violence victims in Indonesia, specifically Law Number 12 of 2022 concerning Sexual Violence Crimes, in addressing the complexities of sexual violence within a contemporary legal context. Second, it aims to examine the extent to which the law enforcement structure, ranging from the police and the public prosecutor's office to the judiciary, is capable of translating these legal norms into enforcement practices that are responsive and victim-protection-oriented. Third, it aims to analyze the influence of societal legal culture, including power dynamics and social resistance, on the effectiveness of implementing legal protections for victims of sexual violence. Fourth, it aims to formulate a reconstructed evaluation framework and policy recommendations based on Lawrence M. Friedman's legal system theory, in order to foster synergy among legal substance, structure, and culture, thereby ensuring that protection for sexual violence victims is realized effectively and equitably.

RESEARCH METHOD

This study employs a normative juridical method to examine the effectiveness of legal protection for victims of sexual violence in Indonesia based on the applicable legal framework. The study focuses on examining legal norms, principles, and provisions governing the prevention, handling, protection, and recovery of victims of sexual violence.

The study applies a statutory approach and a conceptual approach. The statutory approach is used to examine various legal regulations concerning sexual violence and victim protection, particularly Law Number 12 of 2022 on Sexual Violence Crimes. The conceptual approach is employed to analyze the concepts of legal protection, victims' rights, justice, and victim recovery.

This research relies on two categories of legal materials, namely primary and secondary sources. The primary materials consist of Law Number 12 of 2022 on the Crime of Sexual Violence, the Criminal Code, its accompanying implementing regulations, as well as published judicial decisions concerning sexual violence cases. Meanwhile, the secondary materials encompass academic books, journal articles, results of earlier studies, and official records issued by state institutions, including the Online Information System for the Protection of Women and Children managed by the Ministry of Women's Empowerment and Child Protection, the Annual Records compiled by the National Commission on Violence Against Women, and both the National Survey on Women's Life Experiences and the National Survey on the Life Experiences of Children and Adolescents. These secondary materials are employed to empirically assess the structure of law enforcement together with the legal culture that prevails in practice.

Data analysis in this study was conducted qualitatively using content analysis of laws and regulations, court rulings, and relevant literature, combined with a descriptive analysis of statistical data on sexual violence to identify patterns and trends over time. The collected data were classified into three categories based on the elements of Friedman's theory, namely, data regarding legal substance, law enforcement structure, and societal legal culture, and subsequently interpreted systemically to examine the relationships and interactions among these elements, thereby enabling conclusions to be drawn regarding the extent to which legal protection for victims of sexual violence has effectively addressed contemporary legal challenges.

RESULTS AND DISCUSSION

Sub The Effectiveness of the Legal Substance Regarding the Protection of Victims of Sexual Violence

The enactment of Law Number 12 of 2022 concerning the Crime of Sexual Violence should be viewed not merely as an addition of new criminal provisions, but as a paradigm shift in the very definition of sexual violence. Prior to this law, the Criminal Code recognized only two forms of sexual violence: rape and acts of obscenity (Alfanada et al., 2023). Consequently, various other forms of sexual violence emerging in society, ranging from power-based harassment to digital exploitation, lack a clear legal basis.

Comparison Table: Legal Paradigm Shift in Sexual Violence Law

Change Category	Old Penal Code (KUHP) Approach	UU TPKS No. 12/2022 (New) Approach
Number of Criminal Offenses	Only 2 main forms (Rape & Obscenity/Molestation).	9 new types of criminal offenses + complementing the Penal Code regulations.
Definition & Scope	Very narrow, focusing strictly on physical penetration and direct physical violence.	Very broad, covering physical, non-physical, psychological, and digital (electronic) violence.
Legal Orientation	Focused on proving the elements of the article (the perpetrator), often marginalizing or blaming the victim.	Focused on the protection, recovery, and rights of the victim.
Digital Violence	No specific regulation, relying only on the general articles of the IT Law (UU ITE).	Strictly regulated as Electronic-Based Sexual Violence (KSBE).
Forms of Exploitation	Did not recognize the concepts of forced contraception or forced marriage.	Criminalizes forced contraception, forced sterilization, and forced marriage.
Victim Rights	The victim was viewed merely as a witness, with minimal rights to restitution (compensation).	Guarantees Restitution, Handling, Protection, and Recovery from the very beginning of the legal process.

Under Article 4 paragraph (1) of the Sexual Violence Crimes Law (UU TPKS), sexual violence offenses are categorized into nine distinct forms, namely non-physical sexual harassment, physical sexual harassment, forced contraception, forced sterilization, forced marriage, sexual torture, sexual exploitation, sexual slavery, and electronic-based sexual violence. (Nova, 2025). Analyzed critically, this expansion of the category represents a legislative response to the failure of the old criminal law to capture the complex power dynamics underlying sexual violence situations where victims may not experience physical contact yet still endure domination, psychological pressure, and restrictions on their bodily autonomy. Conceptually, the substance of this law has shifted from a criminal law approach focused solely on proving physical contact toward an approach that recognizes sexual violence as an issue rooted in broader power relations.

While the expansion of this definition is commendable, the normative structure of Article 4 paragraph (2) of the Sexual Violence Crimes Law (UU TPKS) raises issues regarding legal system

consistency that warrant critical scrutiny. This provision stipulates that certain offenses such as rape, obscene acts, sexual intercourse with a child, pornography, and forced prostitution remain governed by regulations found in other statutes; they are merely categorized as sexual violence crimes under the UU TPKS without having their criminal elements independently redefined. Such a structure creates normative fragmentation that potentially leads to legal uncertainty, as law enforcement officials must simultaneously consult multiple legislative instruments to address a single incident of sexual violence, rather than finding definitive legal clarity within a single, comprehensive code. Furthermore, the absence of regulations covering other forms of sexual violence not explicitly included creates a potential loophole for impunity, as law enforcement officials lack a sufficiently robust normative basis to prosecute the perpetrators.

In other words, the comprehensive categorization of sexual violence in the Sexual Violence Crimes Law (UU TPKS) is not yet fully matched by a clear hierarchy and coherence of norms; consequently, despite its progressive wording, the law's substantive provisions risk losing their enforceability when confronted with gaps between regulations.

Another issue warranting in-depth analysis concerns the evidentiary mechanism, a crucial factor in determining whether a legal provision genuinely favors the victim or is merely progressive on paper. The Law on Sexual Violence Crimes (UU TPKS) expands the scope of admissible evidence beyond what was previously stipulated in the Criminal Procedure Code; this move aims to align procedural law with the nature of sexual violence, which typically occurs without witnesses other than the victim and the perpetrator. From a normative standpoint, this expansion is commendable as it acknowledges the reality that sexual violence is a "*hidden crime*," thereby necessitating evidentiary standards that differ from those applied to ordinary criminal offenses. However, expanding the definition of evidence within the statute does not automatically resolve the practical challenges of proving such cases; successful implementation ultimately hinges on the readiness of law enforcement officials to gather, evaluate, and substantiate this evidence in court. Progress regarding the substantive law of evidence represents a necessary condition but not a sufficient one for achieving justice for victims, as its effectiveness is ultimately determined by elements of the legal structure that lie beyond the scope of the norm itself.

The aspect of victim recovery within the Sexual Violence Crimes Law (UU TPKS) also demonstrates a progressive nature that requires a balanced assessment of its normative strength and implementation risks. Provisions regarding restitution and victim recovery are specifically outlined in Articles 30 through 38 of the Law, affirming the victim's right to restitution and recovery services as an integral part of the law enforcement process (Andayani et al., 2025). This provision represents a significant leap beyond the more limited compensation arrangements found in general criminal law, as the state now guarantees the psychological and medical recovery of victims going beyond the mere punishment of offenders. The law even stipulates that the state will provide compensation to victims if the assets confiscated from the offender are insufficient to cover the restitution amount determined by the court (Adri et al., 2024). Although this mechanism fundamentally relies on the assumption that the perpetrator possesses assets subject to seizure or that the state budget for compensation schemes is adequately funded and free from bureaucratic hurdles, the right to restitution, while seemingly robust in normative terms, risks becoming an illusory right if not supported by ready institutional structures and clear budgetary mechanisms.

The provision that best reflects the tension between victim protection and access to justice is the prohibition on resolving cases outside the formal judicial process. Article 23 of the Sexual Violence Crimes Law (UU TPKS) explicitly states that cases involving sexual violence crimes cannot be resolved outside the judicial process except in cases involving child offenders, as regulated by separate legislation, without offering further clarification regarding the potential use of

restorative justice approaches in case resolution (Nova & Elda, 2022). This provision can be interpreted analytically as a legislative response to long-standing practices wherein amicable settlements were frequently exploited to pressure victims into withdrawing complaints or accepting unequal terms of reconciliation with perpetrators; thus, the ban essentially serves as a normative safeguard against impunity via informal channels.

On the other hand, the rigidity of this provision also risks overlooking the diverse circumstances of victims including those who prefer a swift resolution to avoid public exposure and the prolonged social stigma associated with lengthy, open judicial proceedings (R. Muhammad dkk., 2025). The tension between formal protection via litigation and victims' actual need for swift redress reveals that legal provisions no matter how robustly drafted possess inherent structural limitations. When confronted with the diverse interests of victims on the ground, any evaluation cannot stop at a mere reading of the text; instead, it must extend to how law enforcement structures and societal culture respond in practice.

Law Enforcement Structure for Handling Sexual Violence

No matter how robustly the substance of Law Number 12 of 2022 concerning the Crime of Sexual Violence is formulated, its provisions will remain mere text on paper unless supported by an institutional structure capable of translating them into day-to-day case-handling practices (Georgia M. Winters, Elizabeth L. Jeglic, 2022). A sound system requires capable actors and vice versa; a sound system is rendered meaningless if the actors are incompetent, and the reverse holds as well. Within the framework of Lawrence M. Friedman's legal system theory, legal structure serves as the institutional framework that drives legal substance, ensuring it does not remain merely *law in the books* but truly comes alive as *law in action* (Nasrudin et al., 2025). The issue is that the progressive normative transformation within the Sexual Violence Crimes Law (UU TPKS) has not been matched by a commensurate level of institutional readiness on the ground; consequently, the gap between the legal framework and implementation capacity has become a critical point determining whether victim protection is genuinely realized or remains merely a procedural guarantee.

The Regional Technical Service Unit for Women's and Children's Protection (UPTD PPA) serves as the structural spearhead that most critically determines the speed and quality of victim handling, as it is the first point of contact for victims before cases proceed to police and judicial channels. The mandate to establish a UPTD PPA in every province and regency/city was reinforced by Presidential Regulation Number 55 of 2024, promulgated on April 22, 2024 which tasks the unit with coordinating the fulfillment of victims' rights in collaboration with other institutions to ensure integrated handling, protection, and recovery (F. Muhammad, 2025). However, the implementation of this mandate on the ground remains far from ideal, as evidenced by the existence of only 332 UPTD PPA units across various regions equivalent to approximately 60% of the national requirement with 120 regencies and cities still lacking such units (Widodo & Astuti, 2024)

That gap had not even been fully closed by the middle of the following year; as of July 2025, four provinces and 147 regencies/cities still lacked a UPTD PPA (Regional Technical Implementation Unit for the Protection of Women and Children), meaning that access to comprehensive services for victims remained uneven across Indonesia (Anggraini & Nurhaeni, 2025). When analyzed, this structural inequality implies that the rights of victims guaranteed uniformly nationwide by the Sexual Violence Crimes Law (UU TPKS) depend heavily in practice on the victims' own geographical locations; this creates a disparity in access to justice (*a justice gap*) that runs counter to the principle of equality before the law, which serves as the fundamental spirit behind the enactment of the legislation (Dilova et al., 2022).

This uneven institutional distribution is further exacerbated by issues regarding the quality of human resources within the established units; consequently, the mere existence of a structure does not automatically guarantee qualitative operational capacity. A study of UPTD PPA practices in Sidoarjo Regency, for instance, identifies human resource limitations as a primary issue, highlighting a stark gap between the ideal staffing requirements ranging from complaint intake officers, social workers, and psychologists to legal advocates and medical personnel and the actual workforce available on the ground. (Fatimah & Sukmana, 2025).

This situation reveals that the structural issue goes beyond the question of whether institutions exist; it extends to a far more fundamental inquiry: do the available institutions possess the multidisciplinary competence required to address the psychological, medical, and legal complexities inherent in every case of sexual violence? Without this combination of competencies, the UPTD PPA risks functioning merely as an administrative intake point for recording reports, rather than serving as an integrated handling hub capable of providing comprehensive support to victims from the initial report through to recovery in line with the original intent behind its establishment under the Sexual Violence Crimes Law (UU TPKS) (Rizki et al., 2026).

Structural issues extend beyond the level of the Technical Implementation Unit for the Protection of Women and Children (UPTD PPA) to the inter-agency coordination chain involving the police, the prosecutor's office, and the courts; at each bureaucratic juncture, there is a potential for new bottlenecks that could impede the speed of case handling. The design of the Law on Sexual Violence Crimes (UU TPKS) actually establishes a multi-layered protection mechanism, mandating that the police provide temporary protection for a specified period following the receipt of a report, prior to coordinating with the Witness and Victim Protection Agency (LPSK) for continued protection (Sari et al., 2026).

This reliance on a long chain of coordination inherently creates a distinct structural risk, as any delay in response at a single institutional node has the potential to undermine the effectiveness of protection at the subsequent stage regardless of how robust the normative guarantees enshrined in the law may be. This series of structural findings ultimately confirms that the failure or success of the TPKS Law cannot be judged solely by the quality of its norm formulation, but is highly determined by the readiness of the institutional infrastructure that oversees its implementation in the field (Eswari et al., 2025). The uneven distribution of UPTD PPA units, limited human resource competencies, and lengthy inter-agency coordination chains indicate that Indonesia's current law enforcement structure is still in the foundational stage, rather than functioning optimally as a responsive instrument of protection.

This immature structural condition, in turn, both shapes and is reinforced by public perceptions regarding the effectiveness of the law; consequently, structural issues are fundamentally inseparable from the element of legal culture which will be discussed in the next section given that the sluggishness of formal institutional responses often drives victims to remain silent or pursue informal resolution pathways outside the state legal system.

Public Legal Culture and Resistance to Victim Protection

No matter how robustly the substance of Law Number 12 of 2022 concerning Sexual Violence Crimes is formulated, or how well-prepared the supporting institutional structures are, both will lose their effectiveness when confronted with a legal culture that does not yet stand with victims. Within Lawrence M. Friedman's legal system theory, legal culture is the element most difficult to change because it is internal embedded in the collective values, beliefs, and customs of society. Consequently, even when norms and institutions are fully established, a victim's willingness

to access them remains determined by how the social environment interprets the act of sexual violence itself. This explains why legal reform through the Sexual Violence Crimes Law has not immediately resulted in significant changes in reporting rates; the issue is no longer the availability of legal avenues, but rather the victim's psychological and social readiness to pursue them amidst a cultural climate that tends to blame the victim rather than hold the perpetrator accountable (Anne Cossins, 2020). The phenomenon of victim-blaming stands as the most concrete manifestation of this cultural resistance, and available data indicates that this mindset is not merely the attitude of a few individuals, but a belief widely held across society (Maulia et al., 2026).

When analyzed critically, these findings refute the common assumption that resistance rooted in legal culture occurs only among groups with low levels of education; in fact, the academic environment, ideally the most rational of spaces, also contributes to producing and reproducing the very same stigma against victims. The roots of this mindset can be traced further through the concept of "*cultural legal consciousness*" which explains how patriarchal values not only influence social perceptions but also shape the way the formal legal system operates in relation to victims (Bunga et al., 2025). Within this cultural construct, the female body is viewed as the guardian of public morality; consequently, when sexual violence occurs, the victim is often perceived as having violated social norms, a situation that makes victims reluctant to report the abuse due to fears of public shaming in the courtroom, having their morality questioned, or even becoming the subject of media gossip.

The evidentiary system within Indonesian criminal procedural law places the burden of proving the element of coercion on the victim; consequently, this gender-biased legal culture persists not merely in the realm of informal social perceptions but has become internalized within the very workings of formal legal institutions (N. E. Putri & Amalia, 2026). This situation demonstrates that the relationship between legal substance, structure, and culture is bidirectional: patriarchal culture influences how officials perceive victims, while the design of procedural law which does not yet fully adopt a victim-centered perspective in turn helps perpetuate that culture of victim-blaming.

Ultimately, this resistance rooted in legal culture results in reporting rates that are far lower than the actual prevalence of sexual violence in society a disparity academically known as "*underreporting*." The National Commission on Violence Against Women's Annual Report recorded 330,097 cases of gender-based violence against women throughout 2024, an increase of approximately 14.17% from the previous year (Rakhmad Hidayatulloh Permana - detikNews, 2025). However, these official figures are believed to reflect only a fraction of the actual violence occurring, due to fear, social stigma, and victims' lack of trust in the available legal and protection systems. Ironically, the pressure to remain silent often stems from the victims' own inner circles; many families blame the victim for allegedly tarnishing the family name or violating social norms, leaving the victim increasingly isolated and deprived of emotional support from those closest to them. These findings underscore that barriers to reporting are not merely a matter of victims being unaware of their legal rights, but rather involve a far more complex social calculus, wherein victims must weigh the risks of losing family support and social standing against the decision to pursue formal legal action.

These findings underscore that the effectiveness of the Sexual Violence Crimes Law (UU TPKS) cannot be measured solely by the completeness of its provisions or the availability of institutions; rather, it must be viewed through the lens of legal culture, which determines whether victims feel safe and confident enough to utilize the legal mechanisms provided by the state (Vazriyansyah, 2025). As long as society, including law enforcement officials and the victim's immediate circle, continues to treat the victim's morality and behavior as the deciding factor in

determining the truth of a sexual violence incident, the substantive and structural strengths of the law (as outlined in the previous section) will constantly confront a wall of cultural resistance that impedes their reach to the victim.

Transforming legal culture is an indispensable element of the reform agenda regarding legal protections for victims of sexual violence; without a shift in the collective societal mindset moving from victim-blaming to holding perpetrators accountable, Friedman's three elements of the legal system will never function synergistically, and the best interests of victims will remain difficult to realize substantively amidst contemporary legal challenges.

Reconstruction of a Synergistic Model of Legal Protection Based on Lawrence M. Friedman's Legal System Theory

An analysis of the three elements of the legal system discussed previously reveals a consistent pattern: the issue of protecting victims of sexual violence in Indonesia does not stem from any single element, but rather from the failure of all three elements to function simultaneously. The progressive legal substance of the Sexual Violence Crimes Law (UU TPKS) confronts fragmented norms and uneven institutional structures (Amelya & Sukma, 2026). Meanwhile, the institutional structures being gradually established must still contend with resistance stemming from a legal culture that does not yet fully side with victims (Najla & Hermawati, 2025).

This situation underscores that a piecemeal approach improving one element while leaving the other two unaddressed will never suffice to ensure effective legal protection; within Friedman's theoretical framework, these three elements operate relationally and are mutually determinative: even the strongest norms will stagnate without institutions to implement them, and even the most robust institutions will be paralyzed without the support of a culture that believes in them. Consequently, the policy reconstruction proposed in this section shifts from a logic of isolated improvement to a logic of synergy among three elements that reinforce one another simultaneously and sustainably.

1. Regarding the dimension of legal substance, the necessary reconstruction involves more than merely adding articles or broadening definitions; it requires realigning the consistency of norms between the Sexual Violence Crimes Law (UU TPKS) and other existing yet currently fragmented regulations, particularly concerning forms of sexual violence that rely on cross-references to the Criminal Code and other sectoral laws (Jamil & Alam, 2026). Such consolidation is crucial to ensure law enforcement officials no longer face uncertainty regarding applicable norms when handling cases involving potentially overlapping regulations, while also closing legal loopholes that have historically allowed perpetrators to enjoy impunity.

Beyond norm consolidation, efforts to strengthen the substance must also focus on expediting the finalization of all implementing regulations for the UU TPKS, a process that remains incomplete as these derivative norms serve as the technical bridge between the law's general provisions and actual case handling in the field; without comprehensive implementing regulations, the progressive parent law loses its operational clarity at the level of technical implementation.

2. Regarding the institutional structure dimension, the most urgent reconstruction measure is the accelerated, equitable establishment of Regional Technical Implementation Units for the Protection of Women and Children across Indonesia, accompanied by capacity building for the personnel staffing them; this is because the challenge lies not merely in the quantitative availability of these units, but also in the readiness of their multidisciplinary competencies

(Nurhaeni et al., 2026). This structural reconstruction requires support from a more integrated inter-agency coordination mechanism involving the police, the prosecutor's office, the courts, and victim service agencies, such as through a unified digital referral system that allows each institutional node to access case progress in real-time, without requiring the victim to repeat their testimony at every different stage. (Widayanti et al., 2026). This approach is crucial for breaking the chain of multi-layered bureaucracy that has long caused delays in handling cases, while simultaneously reducing the risk of revictimization where victims are forced to repeatedly recount their traumatic experiences at each stage of a fragmented legal process.

3. On Regarding the dimension of legal culture, reconstruction requires the most complex approach because it targets changes in societal values and collective consciousness; thus, the relevant strategy is not merely the normative dissemination of information about the Sexual Violence Crimes Law (UU TPKS), but rather an intervention that addresses the root causes shaping public perspectives on power relations and women's bodies including through educational curricula that mainstream gender equality from the primary to the tertiary level. (Maharani et al., 2026).
4. This transformation of legal culture must also target law enforcement personnel themselves; as previously outlined, the victim-blaming cultural bias exists not only among the general public but has also become internalized within the operational practices of formal institutions. Consequently, victim-centered training for investigators, prosecutors, and judges is an absolute necessity to ensure that the established legal structures do not end up reproducing the very same stigma against victims seeking justice.

The crucial aspect of this model's reconstruction lies in recognizing that these three elements do not merely operate in parallel but form reciprocal relationships that either reinforce or undermine one another. Strengthening legal substance without corresponding institutional capacity results in norms that remain unimplemented; strengthening structures without transforming legal culture yields institutions that lack users, as victims remain reluctant to report; conversely, transforming legal culture without adequate substantive and structural support merely raises victim awareness without providing proper channels to address their needs. Therefore, the policy reconstruction proposed in this study emphasizes the importance of simultaneous and measurable policy planning, wherein any intervention in one element of the legal system is consistently accompanied by an evaluation of its impact on the other two, ensuring that legal reform does not proceed in a piecemeal fashion focused on a single point.

Through this synergistic model, the evaluation of legal protection effectiveness for sexual violence victims in Indonesia can shift from an approach that measures success solely by the completeness of statutory texts to one that assesses success based on the harmonious functioning of the legal system's three elements as a cohesive whole. This approach simultaneously addresses contemporary legal challenges, which demand that law no longer be viewed as a static normative product but rather as a living system that continuously adapts to social dynamics; consequently, protection for victims of sexual violence can be realized not merely as a formal guarantee on paper, but as substantive justice truly experienced by victims in real life.

Islamic Legal Objectives and Victim Protection

The theoretical framework of *maqāṣid al-sharī'ah* which places the aim of law not on formal certainty alone, but on the realization of comprehensive benefits for humans (Dahlan et al., 2026) . An orientation that is explicitly depicted in QS al-Anbiyā' [21]: 107, which emphasizes that the prophetic message was sent down as a mercy for the entire universe, not as a rigid legal-formal burden.

We did not send you (Prophet Muhammad), except as a mercy for all the worlds.

This principle is reinforced by QS al-Baqarah [2]: 185 which states that Allah desires ease, not difficulty, for humans in carrying out the sharia.

Allah intends ease for you and does not intend hardship. So fulfill the number and glorify Allah for His guidance that you may be grateful.

When these two verses are read in an integrated manner with the five categories of maqāṣid commonly formulated by scholars of Islamic jurisprudence, namely ḥifẓ al-dīn, ḥifẓ al-naḥs, ḥifẓ al-'aql, ḥifẓ al-naḥs, and ḥifẓ al-māl, it is clear that the function of law in Islamic epistemology is instrumental to human welfare, not an end in itself. This framework is important for analyzing the effectiveness of the TPKS Law in Indonesia, because it demands that every legal norm be tested not by the completeness of its formulation, but by its effectiveness in protecting the substantive interests of victims. A law that is textually comprehensive but has failed to be implemented effectively by law enforcement officials has essentially deviated from the spirit of *Rahmatan lil 'ālamīn* which is the epistemological foundation of maqāṣid itself, so that evaluation of Indonesian positive law must be carried out not at the textual level, but at the functional and structural levels.

1. Ḥifẓ al-naḥs sebagai prinsipis protection of the soul obtains a strong argumentative basis from QS al-Mā'idah [5]: 32, which asserts that whoever kills one soul without reason is justified, so it is as if he has killed the entire human being.

Therefore, we decreed for the Children of Israel that whoever kills a person, not in retaliation for killing another person or for causing corruption in the land, it is as if he has killed all mankind. But whoever saves the life of a person, it is as if he has saved the life of all mankind. Indeed, Our messengers came to them with clear proofs. Then, indeed, many of them transgressed in the land after that.

This verse is an analogy that demonstrates that the value of a life in Islamic epistemology is universal and cannot be reduced to mere personal interests. The relevance of this verse to sexual violence lies in the logic that the destructive impact of sexual violence on the victim's soul, whether in the form of chronic psychological trauma, mental health disorders, or the risk of suicide, is substantively equivalent to the threat to life's safety expressly prohibited by the verse, even though it does not necessarily result in physical death.

2. Ḥifẓ al-'ird, which textually relies on the prohibition of approaching zina in QS al-Isrā' [17]: 32

And do not approach adultery, in fact (adultery) is a cruel act and the worst way

and the threat of criminal penalties for accusations of adultery without evidence in QS an-Nūr [24]: 4,

Those who accuse (of adultery against) a good woman and they do not bring four witnesses, then beat them (the accusers) eighty times and do not accept their testimony forever. These are the wicked people.

These two verses require a very critical reading when contextualized with the reality of victimization in Indonesia, because both verses are essentially designed to protect individual honor from slander and defamation, not to impose moral responsibility on victims for the violence that befell them. The crucial point in this analysis lies in the potential for interpretive distortion when QS an-Nūr [24]: 4 on qazf, namely the prohibition of accusing adultery without four witnesses, is misused sociologically to silence victims who report sexual violence, on the pretext that reporting without strong evidence is equivalent to an accusation of adultery that can be turned against the reporter. This kind of distortion contradicts the

original intent of the verse, which is precisely designed to protect the party who is arbitrarily accused, not to protect the perpetrator of violence from legal accountability.

3. Ḥifẓ al-nasl in the framework of classical jurisprudence is generally referred to in QS an-Nisā' [4]: 9, which commands humans not to leave a weak and vulnerable generation.

وَلْيَخْشَ الَّذِينَ لَوْ تَرَكَوْا مِنْ خَلْفِهِمْ ذُرِّيَّةً ضِعَفًا خَافُوا عَلَيْهِمْ فَلْيَتَّقُوا اللَّهَ وَلْيَقُولُوا قَوْلًا سَدِيدًا

And fear (Allah) those who should leave weak offspring behind those whose (welfare) they fear. Therefore, let them fear Allah, and let them speak with the right words

This verse is a command conventionally interpreted in terms of economic and educational obligations towards offspring, but its meaning can be expanded to include the state's obligation to protect the reproductive rights of victims of sexual violence, including children born as a result of such violence, so that they do not become a generation that is psychologically and socially vulnerable due to the stigma attached to them. This expansion of meaning is analytically important because classical Islamic jurisprudence tends to focus on the aspect of preventing mixing of lines through the prohibition of zina, while it relatively does not discuss scenarios where pregnancy occurs as a result of violence against the victim's will, a legal gap that has a direct impact on contemporary debates in Indonesia regarding the rights of victims to reproductive health services after sexual violence.

This tension becomes even more complex when faced with positive criminal norms that limit access to termination of pregnancy, so that the state is faced with a dilemma between protecting the fetus's right to life and protecting the victim's right to bodily autonomy and psychological recovery. (Wibisono et al., 2026) . A dilemma that cannot be resolved simply by referring to the prohibition of adultery, but requires contextual ijtihad that takes into account the condition of the victim's darūrat as per the fiqh rule which states that emergency conditions permit prohibited things, so that ḥifẓ al-nasl should be interpreted dynamically as protection of the quality of life of the generation born, not just the maintenance of the lineage biologically-formally.

4. Masalah sebagai prinsipis induk obtain textual legitimation from kaidah fikih which states that a policy of a leader against the people must always be oriented towards benefits, sebuah kaidah yang berakar dari semangat QS al-Baqarah [2]: 220 which emphasizes the importance of mendahulukan improvement (iṣlāḥ) in every social business of society.

They ask you (O Muhammad) about orphans. Say, "It is better to do good to them." If you associate with them, they are your brothers. Allah knows the evildoers and the gooddoers. If Allah willed, He could have brought upon you hardship. Indeed, Allah is Exalted in Might, Wise.

When this principle is used as an analytical tool for the TPKS Law, it can be identified that there is a gap between the normative interests contained in the text of the law, such as regulations regarding the rights of restitution and rehabilitation of victims, and the factual interests felt by victims in the field, which are often not fulfilled due to the limited capacity of state institutions. (Meryadinata et al., 2025) . This gap emphasizes that masalah cannot be assessed solely textually-normatively, but must be measured through a mu'tabarah masalah approach that considers the reality of implementation, so that a legal policy that is textually progressive can still be categorized as mafsadah (damage) if its implementation actually creates false hopes for victims without being accompanied by guarantees of real fulfillment

of rights, a phenomenon that is clearly visible in the practice of restitution in Indonesia where many court decisions grant the right to restitution but cannot be executed due to the financial inability of the perpetrator and the absence of an adequate state bailout mechanism.

5. Prinsip *adl* obtains a strong textual basis from QS an-Nisa' [4]: 135, which orders the enforcement of justice to be consistent even though it has to be harmful to oneself, *kedua orang tua*, or *atau kerabat dekat*

You who believe, be steadfast in justice and witnesses for Allah, even if it be against yourselves or your parents or your relatives. Whether he is rich or poor, Allah is more apt to know (the good of) both. So do not follow your desires, lest you deviate (from the truth). If you distort (your words) or turn away (from being witnesses), then surely Allah is All-Seer of what you do.

A command that implicitly rejects all forms of favoritism based on kinship or social power. This verse is relevant to examining the phenomenon of impunity in cases of sexual violence in Indonesia involving perpetrators with power relations over the victims, such as in family relationships, educational institutions, or the workplace, where formal justice is often distorted by social pressure to protect the reputation of the institution or the perpetrator's family. (Suci & Yenny, 2025) .

This verse is also confirmed in QS al-Mā'idah [5]: 8 which emphasizes that hatred of a people should not cause someone to act unfairly .

You who believe, be steadfast in justice and witnesses for Allah, even if it be against yourselves or your parents or your relatives. Whether he is rich or poor, Allah is more apt to know (the good of) both. So do not follow your desires, lest you deviate (from the truth). If you distort (your words) or turn away (from being witnesses), then surely Allah is All-Seer of what you do.

A principle that, when logically reversed, asserts that closeness or sympathy for the perpetrator should not be a reason to ignore the victim's right to justice. When this principle of '*adl*' is compared with the concept of procedural justice in Indonesian criminal procedure law, a structural gap is clearly visible, because procedural justice, which demands formal equality between victims and perpetrators in the evidentiary process, ignores the fact that the power relations underlying the occurrence of sexual violence have created an unequal bargaining position from the very beginning. (Mutmainnah et al., 2022) . Therefore, authentic '*adl*' according to the *maqāṣid* framework demands affirmative treatment in the form of a procedural legal approach that takes the victim's perspective, not merely formal neutrality that actually reproduces the existing power imbalance.

6. The principle of *raf' al-ḍarar* originates from the famous hadith narrated by Ibn Mājah which states that there should be no actions that endanger oneself or endanger others (*lā ḍarara wa lā ḍirār*) (Hafiduddin et al., 2026) . A principle that serves as the foundation for all discussions of Islamic jurisprudence concerning the prevention of harm in social life. The significance of this principle lies in its preventive, rather than merely reactive, character, thus requiring the state to build a system that prevents harm before it occurs, rather than simply taking action after it has already occurred. When this principle is used to evaluate the orientation of Indonesian criminal law policy towards sexual violence, it is clear that the regulatory focus is still very dominant on the repressive aspect through the aggravation of criminal sanctions, while preventive approaches such as consent-based sexuality education in

educational institutions, training for officers to recognize the signs of sexual violence, and the development of a safe and easily accessible reporting system, still lag significantly behind in the implementation of state policy. The gap between the preventive paradigm demanded by *raf' al-ḍarar* and the repressive paradigm that dominates Indonesian criminal law policy is what can analytically explain why the increase in criminal threats in the TPKS Law does not necessarily correlate with a decrease in the number of cases of sexual violence, because the repressive approach alone does not touch the structural roots of the problem which is the main focus of the *raf' al-ḍarar* principle.

7. The protection of the victim's dignity finds its most fundamental textual justification in QS al-Isrā' [17]: 70, which emphasizes that Allah has honored all the descendants of Adam without exception .

Indeed, We have glorified Adam's children and grandchildren and We have carried them on land and in the sea. We also bestowed upon them sustenance from good things and We preferred them above the many creatures that We created with perfect advantages.

A universal declaration of human dignity that is unconditional to social status, gender, or certain conditions experienced, including the status of a victim of sexual violence. When the principle of *karāmah insāniyyah* is integrated analytically with all the principles of *maqāṣid* that have been discussed previously, namely *ḥifẓ al-nafs*, *ḥifẓ al-'ird*, *ḥifẓ al-nasl*, *maslahah*, *'adl*, and *raf' al-ḍarar*, it can be concluded that the restoration of the victim's dignity cannot be reduced to a single output of punishing the perpetrator, because dignity is essentially an existential condition inherent in the victim and demands a multidimensional recovery, including psychological, social, economic, and legal recovery simultaneously.

This integrative framework emphasizes that the effectiveness of legal protection for victims of sexual violence in Indonesia should be measured not only by the high conviction rate of perpetrators, but also by the extent to which the legal system structurally, from the prevention stage to post-trial recovery, is able to restore the dignity of victims as human beings who are inherently respected. (Amelya & Sukma, 2026) . A benchmark that demands a transformation of the Indonesian legal paradigm from an offender-centered orientation to a victim-centered orientation as a whole, not only at the textual normative level, but also at the structural and cultural levels of law enforcement itself.

above description shows that the *maqāṣid al-sharī'ah* framework cannot be positioned as merely a religious normative reference that stands apart from the Indonesian positive legal system, but rather functions as an evaluative instrument that reveals the fundamental gap between textual ideals and the reality of implementation in the protection of victims of sexual violence. The seven principles that have been analyzed, namely *ḥifẓ al-nafs*, *ḥifẓ al-'ird*, *ḥifẓ al-nasl*, *maslahah*, *'adl*, and *raf' al-ḍarar*, when read in an integrated manner and not understood partially, consistently lead to the same analytical conclusion, namely that the effectiveness of a legal product cannot be measured from the completeness of its normative formulation alone, but from the state's structural capacity in realizing these norms into substantive protection for victims. These findings confirm that the TPKS Law, although textually it has accommodated many progressive principles such as the right to restitution, rehabilitation, and a victim-centered approach, in practice still faces structural obstacles in the form of limited institutional capacity, the dominance of a repressive paradigm over a preventive one, and the persistence of interpretive bias in the legal culture of society that often places the interests of perpetrators or institutions above the interests of victim recovery. Thus, the

gap between maqāṣid as an ideal ideal and positive law as an operational instrument is not caused by the lack of an adequate philosophical basis, but by the weak translation mechanism between these philosophical values and the institutional capacity that implements them in the field.

profound implication of this integrative analysis is the need for a paradigmatic reorientation in the development of laws protecting victims of sexual violence in Indonesia, from an offender-centered approach to a victim-centered approach to comprehensive victim recovery, a shift that is in fact coherent with the spirit of maqāṣid al-sharī'ah which places human welfare as the ultimate goal of law, not punishment as an end in itself. This reorientation demands synergy between three elements at once, namely strengthening legal norms that are responsive to the needs of victims, strengthening the institutional capacity of the state to consistently execute these norms, and transforming the legal culture of society so that it no longer reproduces biases that impose moral responsibility on victims. Therefore, research on the effectiveness of legal protection for victims of sexual violence in Indonesia cannot stop at a textual evaluation of the existence of the TPKS Law alone, but must be expanded to a functional evaluation that measures the extent to which the norm actually changes the victim's life experience in real terms, a benchmark that is in line with the essence of maqāṣid al-sharī'ah as a framework of thinking that is oriented towards results (maqṣūd), not just forms (ṣūrah), so that this finding also opens up space for further research to formulate an integration model between the principles of maqāṣid and positive legal policies that are more operational and measurable.

Based on the research findings and discussion presented, it can be concluded that the effectiveness of legal protection for sexual violence victims in Indonesia cannot be measured solely by the comprehensiveness of the provisions within the Sexual Violence Crimes Law (UU TPKS); rather, it must be assessed through the alignment of the three elements of the legal system as proposed by Lawrence M. Friedman. Regarding the legal substance dimension, the UU TPKS has achieved significant progress by expanding the definition of sexual violence to encompass nine categories and establishing more comprehensive provisions for restitution and victim recovery compared to prior criminal laws; however, the substance still exhibits normative fragmentation, as certain forms of sexual violence remain subject to other legislative regulations. In terms of the legal structure dimension, law enforcement institutions, particularly the Technical Implementation Units for the Protection of Women and Children (UPTD PPA), which serve as the frontline for service delivery, continue to face disparities in geographical coverage and limitations in human resource capacity, meaning that progressive legal norms are not yet fully supported by the readiness of implementers in the field. Regarding the legal culture dimension, societal resistance manifested as victim-blaming and social stigma remains a primary obstacle deterring victims from pursuing formal legal avenues, resulting in reporting rates for sexual violence that are far lower than its actual prevalence in society.

These findings confirm that the issue of legal protection for victims of sexual violence stems from the failure of the three elements of the legal system to operate synergistically, rather than from a weakness in any single element alone. Consequently, future efforts to strengthen legal protection must be undertaken simultaneously; this entails harmonizing norms across regulations to close legal loopholes, ensuring the equitable distribution and capacity-building of law enforcement institutions across all regions, and transforming the legal culture of both the public and law enforcement officials through sustained, victim-centered education. These recommendations are intended to serve as a reference for policymakers in formulating more holistic legal reforms, ensuring that protection for victims of sexual violence does not remain merely a formal guarantee on paper but is

truly realized as substantive justice experienced by victims in real life, amidst the ever-evolving challenges of contemporary law.

REFERENCES

- Adri, N., Najemi, A., & Monita, Y. (2024). Fulfillment of the Right to Compensation for Child Victims of Sexual Violence. *Pampas: Journal Of Criminal Law*, 5(1), 62–71. <https://doi.org/10.22437/pampas.v5i1.31815>
- Alfanada, E., Hidayat, S., & Saipudin, L. (2023). The Urgency of the Law on Sexual Violence Crimes (TPKS) in Addressing Sexual Violence. *Juridische: Journal of Legal Research*, 1(1), 14–30. <https://doi.org/10.47134/ijlj.v3i2.5293>
- Amelya, S., & Sukma, W. M. (2026). Effectiveness of the Implementation of Law Number 11 of 2012 Concerning the Juvenile Criminal Justice System and the Law on Sexual Violence Crimes in Protecting Street Children Victims of Sexual Violence. *Journal of Juridische Analyse*, 5(01), 128–149. <https://doi.org/10.59525/rechtsvinding.v3i2.1237>
- Andayani, R., Chandra, T. Y., & Candra, M. (2025). The Implementation of Restitution as a Form of Legal Protection for Female Victims of Sexual Violence. *Cendekia: Journal of Research and Scientific Studies*, 2(2), 212–225. <https://doi.org/10.62335/cendekia.v2i2.929>
- Anggraini, A. P., & Nurhaeni, I. D. A. (2025). Community Governance in Handling Cases of Violence Against Women: A Study of the Rifka Annisa Women's Crisis Center. *Politika: Journal of Political Science*, 16(2), 139–158. <https://doi.org/10.14710/politika.16.2.2025.139-158>
- Anne Cossins. (2020). *Closing the Justice Gap for Adult and Child Sexual Assault: Rethinking the Adversarial Trial*. Published under the Palgrave Macmillan imprint by Springer Nature Limited. Registered office address: The Campus, 4 Crinan Street, London, N1 9XW, United Kingdom. <https://doi.org/10.1057/978-1-137-32051-3>
- Apaut, Y. C., & Saunoh, E. (2025). The Role Of Legal Philosophy In Building A Fair And Just Legal System (Examining The Legal System In Lawrence M. Friedman's Theory). *Jurnal Restorasi: Hukum Dan Politik*, 3(2), 176–187. <https://seaninstitute.or.id/bersinar/index.php/restorasi/article/view/210>
- Public Relations and General Affairs Bureau, Ministry of Women's Empowerment and Child Protection. (2026). Joint Pledge to Rise Up Against Violence: #WeRefuseToBeVictimsOrPerpetratorsOfViolence [GPR Article]. <https://www.komdigi.go.id/Berita/Artikel-Gpr/Detail/Ikrar-Bersama-Bangkit-Lawan-Kekerasan-Kami-Tidak-Mau-Menjadi-Korban-Dan-Tidak-Mau-Menjadi-Pelaku-Kekerasan>
- Bunga, R. K., Illahi, A. S., & Sitinjak, D. (2025). Patriarchal Culture and Its Implications for Legal Protection for Women in Indonesia. *Journal of Legal Studies and Civic Education*, 2(1), 80–87. <https://jurnal.globalscients.com/index.php/jkhp/article/view/753>
- Dilova, G., Syukron, M., Siregar, S. A., & Hasanah, A. N. (2022). The Role of Minangkabau Women in Family and Community in Gender Fair Development. *Jch (Jurnal Cendekia Hukum)*, 8(1), 60. <https://doi.org/10.33760/Jch.V8i1.569>
- Dahlan, MA, Wildan, M., Irfan, A., & Hidayat, MT (2026). Maqashid Al- Shari'ah as The Convergence of Universal and Islamic Human Rights : Jasser Auda's System Approach . *Malagbi Law Review*, 1 (1), 36–55. Retrieved from <https://jurnal.stainmajene.ac.id/index.php/malaju/article/view/2130>
- Eswari, R. A., Pardede, M. R., & Sanjaya, E. G. (2025). Legal Protection for Female Victims of Sexual Violence (Sexual Violence Crimes Law). *Journal of Legal Studies and Civic Education*, 2(1), 328–335. <https://doi.org/10.59581/deposisi.v4i1.6087>
- Fatimah, D., & Sukmana, H. (2025). The Role of the Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA) in Handling Domestic Violence (KDRT) in Sidoarjo Regency. *JDP (Journal of Government Dynamics)*, 8(02), 386–408. <https://doi.org/10.36341/jdp.v8i02.6463>

- Georgia M. Winters, Elizabeth L. Jeglic. (2022). Sexual Grooming: Integrating Research, Practice, Prevention, And Policy. This Springer Imprint Is Published By The Registered Company Springer Nature Switzerland Ag The Registered Company Address Is: Gewerbestrasse 11, 6330 Cham, Switzerland. <https://doi.org/10.1007/978-3-031-07222-2>
- Haniyah, H., & Atmari, A. (2025). Reformulating the Proof of Sexual Violence: A Comparison of National Law and Islamic Law. *Maqashid*, 8(1), 80–93. <https://doi.org/10.35897/Maqashid.V8i1.1974>
- Hafiduddin , M., Hasbullah, A., Munir, A., Eldavi , AZU, & Lusiawati , D. (2026). Cyber Law in the Digital Era: Reconstruction of Deepfake Crime Prevention from the Perspective of Indonesian Criminal Law and Maqāṣid Al- Syari'ah . *SEIKAT: Journal of Social, Political and Legal Sciences* , 5 (4), 1325–1336.<https://doi.org/10.55681/seikat.v5i4.3370>
- Jamil, N. C., & Alam, S. (2026). Gender Equality In Religious Court Decisions: A Study Of Alimony And The Status Of Mafqud Husbands From An Islamic Family Law Perspective. 11(1). <http://doi.org/10.33760/jch.v11i1.1325>
- Coordinating Ministry for Human Development and Cultural Affairs. (2025). Coordinating Ministry for Human Development and Cultural Affairs Promotes National Movement Against Violence Against Women and Children Through New Presidential Instruction.<https://www.kemenkopmk.go.id/kemenko-pmk-dorong-gerakan-nasional-anti-kekerasan-terhadap-perempuan-dan-anak-lewat-inpres-baru>
- Kompas. (2024). 7.6 Million Indonesian Children Experienced Violence Throughout 2023.<https://lestari.kompas.com/read/2024/10/08/090000186/7-6-juta-anak-indonesia-alami-kekerasan-sepanjang-2023>
- Maharani, R., Mas' Ud, F., Apaut, Y. C., & Wibowo, I. (2026). Mitigating Sexual Violence Through Legal Literacy Transformation: A Socio-Legal Analysis of School Environments in Kupang City. *Haumeni Journal of Education*,6(1), 97–114. <https://doi.org/10.35508/haumeni.v6i1.28257>
- Maulia, R. R., Ridwan, A., & Listyani, R. H. (2026). The Normalization of Victim Blaming Through Clothing-Based Narratives in Sexual Harassment Cases: A Radical Feminist Analysis. *Equalita: Journal of Gender and Child Studies*,8(1), 51–64. <https://doi.org/10.24235/j1psb441>
- Maulida, G., & Romdoni, M. (2024). Legal Protection for Victims of Sexual Harassment Experiencing Secondary Victimization on Social Media. *Southeast Asian Journal of Victimology*,2(1), 59. <https://doi.org/10.51825/Sajv.V2i1.25445>
- Meryadinata , GL, Kaimudin, A., & Faisol, F. (2025). Compensation and Restitution as Forms of State Protection for the Fulfillment of the Rights of Victims of Criminal Acts of Terrorism. *Dinamika* , 31 (1), 11449–11467.
- Muhammad, F. (2025). Legal Assistance by the Bima Regency UPTD PPA for Child Victims of Sexual Intercourse. *Maqasid: Journal of Islamic Legal Studies*,14(2), 71–85. <https://doi.org/10.30651/mqs.v14i2.26802>
- Muhammad, R., Sitompul, S. M., Zafarovich, T. S., & Embong, R. (2025). The Reduction Of Criminal Justice Policy In Indonesia: Justice Versus Virality. *Journal Of Human Rights, Culture And Legal System*, 5(2), 442–472. <https://doi.org/10.53955/jhcls.v5i2.637>
- Murdiana, E., & Rayhan, A. N. M. (2025). Criminal Law Reform on Sexual Violence: From the Criminal Code to Victim Justice. *Jurnal Supremasi*, 15(2), 63–82. <https://doi.org/10.35457/supremasi.v15i2.4792>
- Mutmainnah, UK, Zahra, EA, Sari, IF, & Romsan , A. (2022). Criminal Law Perspective: Power Relations Towards Sexual Violence Against Minors. *Applicable Innovation of Engineering and Science Research (AVoER)* , 14 (1), 206–215. https://www.academia.edu/150289692/Freedom_of_Speech_for_Muslim_Women_on_Social_Media
- Najla, A. N., & Hermawati, R. (2025). Socialization on Gender-Based Violence: An Ethnographic Study at the Independent Volunteer Network Foundation. *Umbara*, 10(2), 159–180. <https://doi.org/10.24198/umbara.v10i2.67492>

- Nasrudin, M., Sodikin, A., & Mujib, A. (2025). Towards an Integrated Legal Studies Department in Indonesia: Transdisciplinary Framework for Legal Higher Education. *Volksgeist: Journal of Law and Constitutional Studies*, 8(2), 363. 10.24090/volksgeist.v8i2.12985
- Nisa, A. N., & Lestari, A. A. (2026). A Gender Study on Catcalling as Non-Physical Sexual Harassment and a Violation of Women's Dignity: A Perspective Based on the Law on Sexual Violence Crimes (UU TPKS). *Sinda: Comprehensive Journal of Islamic Social Studies*, 6(1), 10–20. <https://doi.org/10.28926/sinda.v6i1.2649>
- Nova, E. (2025). Juridical Implications of Proving Sexual Violence Crimes under Law Number 12 of 2022 for the Fulfillment of Justice for Victims. *Unes Journal of Swara Justisia*, 9(1), 208–219. <https://doi.org/10.31933/vfq8k12>
- Nova, E., & Elda, E. (2022). Juridical Implications of Law Number 12 of 2022 concerning the Crime of Sexual Violence for Victims within a Gender-Just Integrated Criminal Justice System. *Unes Law Review*, 5(2), 564–579. <https://doi.org/10.31933/unesrev.v5i2.361>
- Nurhaeni, I. D. A., Sajida Sajida, & Yuliani, S. (2026). Reframing Inclusive Governance Through Equitable Leadership In Child Sexual Violence Policy: Evidence From Surakarta City, Indonesia. *Child Protection And Practice*, 9, 100314. <https://doi.org/10.1016/j.chipro.2026.100314>
- Octariza, S. B. (2026). Legal Protection for Female Victims of Gender-Based Violence: An Analysis of Domestic Violence, Sexual Violence, and Electronic-Based Sexual Violence in Indonesia. *Maliki Interdisciplinary Journal*, 4(7), 234–242. <https://urj.uin-malang.ac.id/index.php/mij/article/view/31146>
- Paramesheila Thalia, Armunanto Hutahaeen, & Djernih Sitanggang. (2025). The Effectiveness of Criminal Law in Handling Sexual Violence Cases in Indonesia. *Journal of Social and Economics Research*, 6(2), 1250–1266. <https://doi.org/10.54783/jser.v6i2.740>
- Putri, I. D., Zahra, A., Fitri, S., Lubis, R. A., & Putri, A. (2026). Analysis of Legal Effectiveness in Handling Domestic Sexual Violence: A Study of Supreme Court of the Republic of Indonesia Decision Number 2345 Kasasi/Pidana Khusus/Mataram. *Maximal Journal: Scientific Journal in the Fields of Social, Economic, Cultural, and Educational Studies*, 3(6), 86–95. <https://malaqbipublisher.com/index.php/MAKSI/article/view/1247>
- Putri, N. E., & Amalia, E. (2026). Challenges in Proving and Establishing Perpetrator Liability for Non-Physical Sexual Violence: An Analysis of Indonesian Criminal Procedural Law. *Journal of Law and Administrative Science*, 4(1), 155–177. <https://doi.org/10.33478/jlas.v4i1.55>
- Rakhmad Hidayatulloh Permana - Detiknews. (March 7, 2025). Komnas Perempuan: Gender-Based Violence Cases Rise by 14.17%. <https://news.detik.com/berita/d-7812274/komnas-perempuan-kasus-kekerasan-berbasis-gender-naik-14-17>
- Rizki, P. A. N., Fanida, E. H., & Nourmanita, N. A. (2026). Service Quality in Encouraging Reports of Sexual Violence Against Women and Children at the UPTD PPA in Sidoarjo Regency. *Jurnal Media Akademik (JMA)*, 4(5). <https://doi.org/10.62281/9d5ypz10>
- Sari, A. N. P., Widiyowati, D., & Rahmat, D. (2026). Legal Protection for Female Victims of Sexual Violence in Public Places Based on Law No. 12 of 2022. *Integrative Perspectives of Social and Science Journal*, 3(March), 1383–1396. <https://ipssj.com/index.php/ojs/article/view/1257>
- Suci, AP, & Yenny, FZ (2025). Legal Protection for Women Victims of Sexual Violence in Power Relations. *El-Faqih: Journal of Islamic Thought and Law*, 11 (02), 333–346. <http://eprints.umsb.ac.id/id/eprint/3919>
- Umsida. (2021, November 23). Many cases of sexual violence occur on campus but are concealed to protect the institution's reputation. <https://umsida.ac.id/Banyak-Kasus-Kekerasan-Seksual-Terjadi-Di-Kampus-Namun-Disembunyikan-Atas-Nama-Baik-Kampus/>
- Vazriyansyah, M. (2025). Protection of Women Against Sexual Crimes from the Perspective of Criminal Law. *Journal of Legal Studies and Civic Education*, 2(1), 97–104. <https://jurnal.globalsciences.com/index.php/jkhp/article/view/755>
- Wibisono, JS, Hutahaeen, A., & Yapri, YO (2026). The Legal Dilemma of Criminal Exceptions to Abortion for Rape Victims in the National Criminal Code: A Constitutional Rights-Based

Review of Life and Psychological Burdens After an Abortion. *Journal of Syntax Literate*, 11 (4), 3353. https://openurl.ebsco.com/EPDB%3Agcd%3A9%3A23359609/detailv2?sid=ebsco%3Aplink%3Acrawler-gcd&id=ebsco%3Agcd%3A193506166&crl=c&jrnl=25410849&link_origin=scholar.google.com

Widayanti, P. W., Azmi, F. S., Herfiawan, A. D., Noriyah, A., & Wicaksana, A. P. (2026). The Dynamics of Enacting the Law on Sexual Violence Crimes (UU TPKS): Legal-Political Contestation and the Role of Women's Advocacy. *Legacy: Journal of Law and Legislation*, 6(1), 47–74. <https://ejournal.uinsatu.ac.id/index.php/legacy/article/view/12249>

Widodo, F. L., & Astuti, R. (2024). Institutional Capacity of the Regional Technical Implementation Unit for Women and Children Protection in Handling Cases of Violence Against Women in Central Java. *Journal of Public Policy and Management Review*, 14(3), 215–228. <https://doi.org/10.14710/jppmr.v14i3.53005>