



## **Women Victims of Sexual Violence: How Does Indonesian Criminal Law Responsibility for Psychological Trauma?**

**Rhesas Shalatan\***✉ and **Mega Fitri Hertini**✉

**To cite this article:** R. Shalatan and M. F. Hertini, “Women Victims of Sexual Violence: How Does Indonesian Criminal Law Responsibility for Psychological Trauma?,” *Women, Educ. Soc. Welf.*, vol. 3, no. 2, pp. 471–493, 2026.  
<https://doi.org/10.70211/wesw.v3i2.434>



Published online: June 25, 2026



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# Women Victims of Sexual Violence: How Does Indonesian Criminal Law Responsibility for Psychological Trauma?

Rhesas Shalatan\* and Mega Fitri Hertini

Received: March 22, 2026

Revised: April 25, 2026

Accepted: June 24, 2026

Online: June 25, 2026

## Abstract

Sexual violence is a health problem affecting women and adolescents throughout the world, and the phenomenon is particularly prevalent in Indonesia. Sexual violence not only causes physical harm, but also psychological trauma that has long-term impacts on the mental, emotional, and social lives the victims. This study aims to examine psychological trauma from the perspective of Indonesian criminal law, and to analyze Indonesian criminal law responsibility toward the psychological trauma experienced by victims. This study adopts a normative-juridical research method with statute and conceptual approaches, which are then analyzed qualitatively through descriptive-analytical and prescriptive techniques with reference to Law No. 23 of 2004 on the Elimination of Domestic Violence, Law No. 31 of 2014 on the Protection of Witnesses and Victims, and Law No. 12 of 2022 on Sexual Violence Crimes. The findings show that Indonesian criminal law view psychological trauma as an inner wound like a physical injury, and therefore it must be compensated and restored. Indonesian criminal law responsibility for victims' psychological trauma is channeled through preventive, curative, restitutive, and reintegrative dimensions oriented toward victim recovery. However, its implementation still faces several obstacles, including the dominance of a retributive approach, limited access to psychological recovery services in regional areas, and lack of understanding among law enforcement officers regarding victims' trauma.

**Keywords:** Psychological Trauma; Sexual Violence; Criminal Law; Legal Responsibility.

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## INTRODUCTION

The phenomenon of sexual violence against women has become a crucial problem currently [1], even making it a health problem among women and adolescents in various parts of the world [2], [3], [4], [5]. This phenomenon is viewed as a global problem that has multidimensional impacts on the lives of the victims who experience it [2], [6], [7].

In general, sexual violence refers to various sexual acts or behaviors carried out without the consent of the victim, this includes sexual harassment, sexual coercion, unwanted touching, intimidation, and various other forms of sexual assault [8], [9], [10], [11], [12], [13], [14]. In line with this, the World Health Organization (WHO) defines sexual violence as any sexual act attempt to obtain a sexual act, or other act directed against a person's sexuality through the use of coercion, regardless of the relationship between the perpetrator and the victim, or the place where the act occurs [6], [15]. Research conducted by Crowley [16] expands the scope of this definition by stating that sexual violence not only occurs through physical contact, but can also manifest in the form of non-physical interactions, verbal coercion, intimidation, and various other acts that place the victim in a condition that is not desired by the victim.

The high scale of this problem can be seen from data released by WHO, which show that approximately 6% of women >15 years have experienced sexual violence committed by a perpetrator who was not their partner at least once in their lifetime [15], [17], [18]. Although this percentage illustrates the high prevalence of sexual violence at the global level, the actual number is estimated to be much higher because there are still many cases that are not reported. This condition is influenced by the fact that most countries still do not have effective legislation in overcoming violence against women, the lack of optimal resources, and strong law enforcement mechanisms to combat such sexual violence [19].

This global problem is also reflected in the Indonesian context. This can be seen from national data showing that violence against women, including sexual violence—remains a serious problem and requires continuous attention from both the state and society. Data released by the National Commission on Violence Against Women (Komnas Perempuan) show that the volume of cases of violence against women remains at a high level and demonstrates a tendency to increase in recent years.

The data in the table below (Table 1) reveals a trend that cannot be ignored. Overall, the number of cases of violence against women rose from 338,496 in 2021 to a peak of 376,529 cases in 2025—an absolute increase of 38,033 cases, or 11,24%, over five years. Even more alarming is the rate of growth in sexual violence, which far exceeds that of other categories of violence, rising from 4,660 (28.82%) cases in 2021 to 24,472 (40.61%) cases in 2025—an increase of more than fivefold over the same period. Proportionally, the contribution of sexual violence to the total number of cases has risen sharply from 28.82% to 40.61%. This indicates that sexual violence has now become the most dominant form of violence against women in Indonesia. At the same time, there has been a significant shift in the profile of victims, from the 25–40 age group, which dominated in 2021, to the 18–24 age group in 2022–2025. This shift indicates that young adult women are now the group most vulnerable to and affected by the risk of sexual violence. The development of the volume of cases of violence against women in Indonesia in 2021 – 2025 can be seen in Table 1.

**Table 1.** Number of Cases of Violence Against Women in Indonesia

No.	Years	Number of Cases	Sexual Violence	Psychological Violence	Physical Violence	Age Range of the Most Common Victims
1.	2021	338.496	4.660	4.754	4.818	25 – 40
	Percentage		(28,82%)	(29,41%)	(9,79%)	
2.	2022	339.782	6.330	5.137	6.784	18 – 24
	Percentage		(29,72%)	(24,12%)	(31,86%)	
3.	2023	289.111	4.441	5.428	3.921	18 – 24
	Percentage		(29,11%)	(35,58%)	(25,70%)	
4.	2024	330.097	20.471	15.139	15.044	18 – 24
	Percentage		(36,43%)	(26,94%)	(26,78%)	
5.	2025	376.529	24.472	15.727	14.126	18 – 24
	Percentage		(40,61%)	(26,08%)	(23,44%)	

*Source: National Commission on Violence Against Women, 2021 – 2025*

However, the high rate of sexual violence cannot be appreciated solely in terms of the number of cases. Behind every incident of sexual violence, there are various consequences that must be borne and endured by the victim—whether in the form of physical, social, or psychological harm. Among these, psychological trauma constitutes one of the most impactful consequences because it has long-term effects on the victim’s mental condition, emotional condition, and quality of life [12], [15]. Research conducted by Valencia and Rosa-Gómez [18] shows that, compared to other forms of trauma, sexual violence has a consistently higher association with the emergence of severe psychological trauma symptoms among women. This is further reinforced by research conducted by Jackson et al. [20], which shows that approximately 70% of women experience trauma as a result of violence, compared to 30% of men. These findings indicate that women constitute a group that is structurally more vulnerable and bears heavier impacts than men.

From a psychological perspective, trauma responses emerge as a result of an individual’s process of adjustment to the traumatic experience encountered by the individual [21], whereas from a clinical perspective, this condition often develops into post-traumatic stress disorder (PTSD) and severe depression that affect the victim’s ability to carry out the daily activities [15]. In victims of sexual violence, PTSD is often characterized by various clinical manifestations, such as re-experiencing the traumatic event, avoiding stimuli that remind them of the trauma, withdrawing from internal and external stimuli related to the trauma, experiencing cognitive changes, and mood disturbances [22]. These impacts do not stand alone, but are interconnected and worsen the victim’s condition over a prolonged period if they are not addressed through optimal intervention.

The impact of psychological trauma is not only experienced in terms of the victim’s mental health, but also extends to various other dimensions of life. In the relational sphere, trauma resulting from sexual violence is associated with difficulties in building and

maintaining long-term interpersonal relationships—such as romantic relationship [23]. Research conducted by Schnittker [24] shows that many women victims of sexual violence experience a progressive decline in the quality of their interpersonal relationships over time. This complexity is further exacerbated by the reality that sexual violence occurring in Indonesian is predominantly perpetrated by individuals who are close to and known by the victim [25], [26], [27], [28]. As a result, victims not only bear the burden of psychological trauma, but also face social, economic, and emotional dependence on the perpetrator [26]. In the social sphere, victims also frequently encounter stigma and victim blaming, which remain deeply rooted in Indonesian society [25], [29]. This is what causes the impact of sexual violence not to stop with the victim alone, but also to affect the victim's social sphere, thereby necessitating an effective response from the state.

The necessity for women to be free from acts of sexual violence constitutes part of human rights [25]. In the national context, this necessity obtains a strong constitutional foundation through Article 28G paragraph (2) of the 1945 Constitution, which declares that every person has the right to be free from torture or treatment that degrades human dignity [30]. This demonstrates that the state is obligated to provide protection against all forms of treatment that degrade human dignity. Within this framework, sexual violence cannot be viewed merely as a violation of social norms, but as a violation of human rights that is contrary to the rule of law principles embraced by Indonesia [31].

As an implementation of the constitutional mandate, Indonesian has established a legal framework specifically directed toward victims of sexual violence. This framework is founded upon Law No. 23 of 2004 on the Elimination of Domestic Violence (UU PKDRT), Law No. 31 of 2014 on the Protection of Witnesses and Victims (UU PSK), and Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS). These three regulations form a complementary system of protection. Law No. 23 of 2004 on the Elimination of Domestic Violence serves as the initial foundation by affirming that sexual violence within the domestic sphere constitutes a criminal offense rather than a private matter [32]. Subsequently, Law No. 31 of 2014 on the Protection of Witnesses and Victims extends the scope of protection to witnesses and victims within criminal justice process. Furthermore, Law No. 12 of 2022 on Sexual Violence Crimes marks an important development in Indonesia's legal reform by regulating various forms of sexual violence in a more comprehensive manner [33], including non-physical sexual harassment, physical sexual harassment, forced contraception, forced sterilization, forced marriage, sexual torture, sexual exploitation, sexual slavery, and technology-facilitated sexual violence.

Although Indonesian has enacted legal instruments that guarantee the protection of women, the reality on the ground indicates that this phenomenon occurs extensively across various aspects of life [34]. In practice, the protection of victims of sexual violence in relation to psychological trauma continues to face various challenges. *First*, psychological trauma does not leave physical traces that can be easily identified through medical examinations, making its proof in judicial proceedings often more complex than that of physical harm. *Second*, the availability of competent forensic psychological services and psychosocial support remains uneven, particularly in remote areas, resulting in victims' right to obtain psychological rehabilitation often not being fulfilled optimally.

Previous research on sexual violence in Indonesia has provided important groundwork for this paper, although the scope of the discussion differs, leaving a gap that this paper aims

to fill. *First*, the study by Saefudin et al. [35] in an article titled “Tindak Pidana Kekerasan Seksual dan Perlindungan Hukum Bagi Korban Kekerasan Seksual di Indonesia” shows that victims of sexual violence have the right to treatment, protection, and recovery from the moment the crime of sexual violence occurs. *Second*, the study by Silmi et al. [36] in an article titled “Legal Protection for Victims of Sexual Violence and the Rights of Victims” shows that victims' rights include assistance, compensation, restitution, temporary protection, the right not to attend court, and the right to treatment, protection, and recovery. *Third*, the study by Rosida et al. [37] in an article entitled “Perlindungan Hukum Terhadap Perempuan dari Kekerasan Seksual dan Pelecehan Seksual di Tempat Kerja” shows that Minister of Manpower Decree Number 88 of 2023 has provided a more operational legal protection framework through the obligation to form a PPKS Task Force which includes preventive, repressive, and rehabilitative functions.

Departing from the three previous studies, the author concludes that prior research has provided a strong foundation in the field of legal protection for victims of sexual violence. However, these studies primarily focus on legal protection for victims in general, while research specifically examining criminal responsibility under Indonesian law for the psychological trauma experienced by victims of sexual violence, through an in-depth analysis of the PKDRT Law, the PSK Law, and the TPKS Law, remains very limited. Therefore, through this article, the author seeks to fill this gap by formulating two main issues: (1) how does Indonesian criminal law perceive psychological trauma? and (2) what forms of criminal responsibility under Indonesian law apply to the psychological trauma experienced by women victims of sexual violence?

## METHODS

### *Research Approach*

This article applies a normative-juridical research method, a legal research approach that focuses on the examination of legal norms and relevant scholarly literature [38]. According to Peter Mahmud Marzuki, normative legal research is a process of identifying legal principles, rules, and doctrines in order to address legal issues under study, thereby producing prescriptive theories, concepts, or arguments that can be applied to resolve the legal problems examined [39]. This method is appropriate for the object of this study, as it focuses on the normative construction of criminal responsibility under Indonesian law for the psychological trauma experienced by women victims of sexual violence.

This study adopts two approaches. *First*, statute approach is employed to directly examine the provisions contained in Law No. 23 of 2004 on The Elimination of Domestic Violence (UU PKDRT), Law No. 31 of 2014 on the Protection of Witnesses and Victims (UU PSK), and Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS), which related to psychological trauma and criminal responsibility for acts of sexual violence. *Second*, the conceptual approach is used to analyze key concepts such as psychological trauma, non-material losses, restitution, and reintegration—with reference to criminal law doctrines and psychological findings relevant to this study.

### Data Source

The sources of materials adopted in this article consist of two types, namely primary legal materials and secondary legal materials. The primary legal materials include statutory regulations related to Indonesian criminal law responsibility for the psychological trauma of victims of sexual violence. Meanwhile, the secondary legal materials comprise scholarly articles, books, official government websites, and other relevant literature. All materials are systematically collected through library research techniques in order to gather relevant sources used to address the issues examined in this article.

For this study, the secondary data used are based on considerations of strict and selective academic literature standards. The national journal literature in this study all originates from publications indexed in SINTA (S1 – S4). Furthermore, international journal applied in this study all originate from publications indexed in SCOPUS (Q1 – Q3). All publications applied in this study range from 2021 – 2026, considering that psychological trauma is matter that is only slightly discussed in legal literature. Nevertheless, several scientific literature works published before 2021 that have relevance to the issue of this study will continue to be used.

**Table 2.** The Secondary Legal Materials

Journal Type	Number	Study Area	Index and Total (n = 52)	
National Journal	25	Criminal Law Responsibility, Psychological Trauma, and Sexual Violence Against Women	S1	5 Paper
			S2	13 Paper
			S3	5 Paper
			S4	2 Paper
International Journal	27		Q1	21 Paper
			Q2	4 Paper
			Q3	2 Paper

### Analysis Techniques

This study adopts a qualitative material analysis technique through descriptive-analytical and prescriptive approaches. Descriptive-analytical analysis is used to identify and systematically interpret the norms contained in Law No. 23 of 2004 (UU PKDRT), Law No. 31 of 2014 (UU PSK), and Law No. 12 of 2022 (UU TPKS). Considering that this study evaluates the extent to which these norms can be applied as a form of legal responsibility for the psychological trauma suffered by victims, the analysis in this study is conducted through prescriptive analysis.

## RESULTS AND DISCUSSION

### *Psychological Trauma from the Perspective of Indonesian Criminal Law*

To date, sexual violence remains one of the most prevalent forms of human rights violations across the globe [19]. According to global data, approximately one in three women—or nearly 736 million people—have experienced physical or sexual violence, whether perpetrated by an intimate partner or a non-partner. This reflects a trend that has remained relatively unchanged over the past decade [40]. Findings by Benjet et al. [41], who examined patterns of trauma exposure using data from 125,718 adult respondents across 24 countries, indicate that two of

the five primary dimensions of trauma are linked to sexual violence—specifically, sexual violence experienced during childhood and in adulthood. In many cases of sexual violence, the incident can be associated with an event or occurrence that has a profound traumatic impact on the victim. Numerous studies indicate a strong link between gender-based violence and an increased risk of post-traumatic stress disorder (PTSD), a mental health condition that arises as a response to extremely traumatic experiences. According to data from the World Mental Health Survey covering 27 countries, approximately 42.7% of PTSD cases are linked to experiences of gender-based violence [42]. Furthermore, sexual violence is generally first experienced by women at a young age, particularly between the ages of 15 and 24, and in many cases continues into their mid-twenties [43], [44].

In the status *quo*, psychological trauma is no longer seen as a minor or neglected problem, but is instead declared a serious disorder that has the potential to cause long-term negative impacts on victims [45]. In criminal law, the recognition of trauma is not new but has evolved alongside scientific understanding of psychology and human rights [46]. Criminal law, aimed at upholding justice and protecting society, has begun to integrate psychological aspects into the definition of crime, the evidentiary process, and the determination of punishment. This is reflected in several national and international laws, where psychological trauma is no longer considered a secondary element but rather as substantive evidence that strengthens criminal cases [47].

In the development of positive law in Indonesia, recognition of psychological trauma as a form of loss that has legal consequences has actually existed in the circle of domestic violence. The initial basis for the legal recognition of psychological trauma in Indonesian positive law can be traced to Law No. 23 of 2004 (UU PKDRT), which provides a strong legal basis for the recognition and treatment of psychological trauma as a form of immaterial loss experienced by victims of domestic violence [48]. The uniqueness of the Domestic Violence Law (UU PKDRT) lies in its criminal construction, where this law does not merely place psychological violence as a side effect of a criminal act, but rather categorizes it as a form of crime in its own right [49]. With this construction, psychological trauma is not only seen as a consequence (*gevolg*) arising from another criminal act, but also as the core of the crime (*bestanddeel*) which, if legally proven, has sufficiently fulfilled the elements of criminal responsibility independently.

Article 7 paragraph (1) of the Domestic Violence Law (UU PKDRT) explicitly states that psychological violence is “*an act that results in fear, loss of self-confidence, loss of ability to act, feelings of helplessness, and/or severe psychological suffering in a person.*” The formulation of this article details the concrete manifestations of psychological suffering that span the cognitive dimension (loss of ability to act), the affective dimension (feelings of fear and severe psychological suffering), and the conative dimension (loss of self-confidence and feelings of helplessness). This enumerative approach implicitly acknowledges that psychological trauma is a multidimensional structure that cannot be reduced to a single manifestation. Substantially, psychological violence predominantly works through a mechanism of pressure on the inner or mental state, which then results in the emergence of persistent fear, decreased self-confidence, reduced capacity to act independently, and the emergence of feelings of helplessness which in clinical psychology is called learned helplessness [50]. Based on these consequences, the UU PKDRT stipulates that anyone who

commits psychological violence in a domestic environment can be subject to a maximum prison sentence of 3 years or a maximum fine of Rp9.000.000 (nine million rupiah) [51].

The next normative development that strengthened the recognition of psychological trauma came through Law No. 31 of 2014 (UU PSK). While the previous UU PKDRT emphasized the criminalization of psychological violence as a crime, the PSK Law moves in a different but complementary direction. This not only renovated the protection mechanism but also fundamentally reconstructed the definition of victim to explicitly include psychological suffering. This renovation is evident in the recognition of psychological suffering as a form of loss worthy of compensation, restitution, and rehabilitation [52]. Article 1 paragraph (3) of the UU PSK states that “*a victim is a person experiencing physical, mental, and/or economic loss resulting from a criminal act.*” The definition of victim in this law is objective-consequential—where victim status is not determined solely by the subject's claims, but rather by the objective reality of the real consequences arising from the crime. This prevents the marginalization of victims who experience psychological suffering alone without visible physical wounds (invisible wounds). Thus, the UU PSK explicitly recognizes that non-physical suffering, such as psychological trauma, has the same legal weight as physical suffering or material loss, thereby expanding victims' access to compensation, restitution, and rehabilitation mechanisms guaranteed by the state, as well as the right to comprehensive assistance and recovery [53].

Departing from the two previous regulations, if we look at the last 3 years, the most substantial development in the legal recognition of psychological trauma occurred with the enactment of Law No. 12 of 2022 (UU TPKS) which was passed on April 12, 2022 by the Indonesian House of Representatives (DPR RI) and came into effect on May 9, 2022, after going through a long legislative process of approximately nine years [54]. In this TPKS Law, not only does it recognize psychological trauma as a form of loss experienced, but it further makes it one of the main dimensions in identifying and defining the crime of sexual violence itself. Article 1 paragraph (3) of the UU TPKS states that “*a victim is a person who experiences physical or mental suffering, economic loss, and/or social loss resulting from a crime of sexual violence.*” Compared to the formulation of the UU PSK, the definition of victim in the UU TPKS has been significantly expanded with the addition of social harm as a separate dimension—which shows the awareness of lawmakers that sexual violence not only injures individuals psychologically, but also damages the social relations of victims, including stigmatization, social isolation, and excommunication from the community.

In the UU TPKS, mental (psychic) suffering is not only considered a consequence (*gevolg*) of the crime of sexual violence, but also as a basic element inherent in the definition of sexual violence itself. Therefore, psychological damage is not only a consequence that needs to be proven post factum, but also an integral part of the normative construction of the crime itself. The UU TPKS mandates the state to actively provide psychological recovery, professional assessment by experts, and long-term, ongoing support for victims. This means that the state is no longer passive by only providing a punishment mechanism for perpetrators, but must also proactively organize a recovery system that centers on the needs of victims. The goal is for victims to gradually recover from the experience/suffering they have suffered, while also regaining a sense of security and self-confidence in living their lives [55]. Thus, psychological trauma is an important element that must be considered in all stages of the justice system, from investigation, prosecution, and sentencing. Theoretically, the UU TPKS marks a

shift in Indonesian criminal law towards a victim-centered justice model—which explicitly recognizes dignity, vulnerability, and psychological damage as legal components that are equal to the elements of the act [56].

### *Indonesian Criminal Law’s Responsibility for Psychological Trauma in Women Victims of Sexual Violence*

Criminal law, in its classical tradition, is built upon a logic of proof that places emphasis on matters that can be seen in a real and direct manner by the eye, such as wounds, bruises, skin lacerations, visum et repertum result, and other physical traces that can be touched, seen, measured, photographed, and presented directly in court. Fundamentally, this can be understood, because criminal procedural law requires a strict and detailed process of proof so that a judge’s decision is not based merely on speculation [57]. Unfortunately, this condition can give rise to serious questions when applied to cases of sexual violence, because the primary losses that often befall victims are more psychological in nature (cannot be seen), unlike physical injuries.

The physical impacts resulting from acts inflicted upon victims of sexual violence can generally heal within a matter of weeks or months. However, the impacts of the victim’s psychological trauma, such as post-traumatic stress disorder (PTSD), anxiety, and severe depression, can persist for years and continuously disrupt the victim’s social functioning, as the result of the psychological studies presented in this study show, that victims of sexual violence often experience physical, emotional, and psychological losses—where victims experience severe trauma that can disrupt their daily lives.

Roan in Ohoiwutun et al. [58] reinforces this by stating that psychological trauma is a severe anxiety reaction that emerges spontaneously after a person experiences a distressing event that is beyond their capacity to control, confront, and avoid. In cases of sexual violence, such experiences can disrupt the psychological stability of the victim, thereby increasing the risk of depression as well as various other mental health disorders. These impacts are generally characterized by the emergence of certain psychological symptoms that can only be confirmed through professional examination by mental health practitioners. This is what makes psychological trauma not only viewable as a consequence of a criminal act, but also as a real loss directly experienced by the victim as a result of the perpetrator’s act.

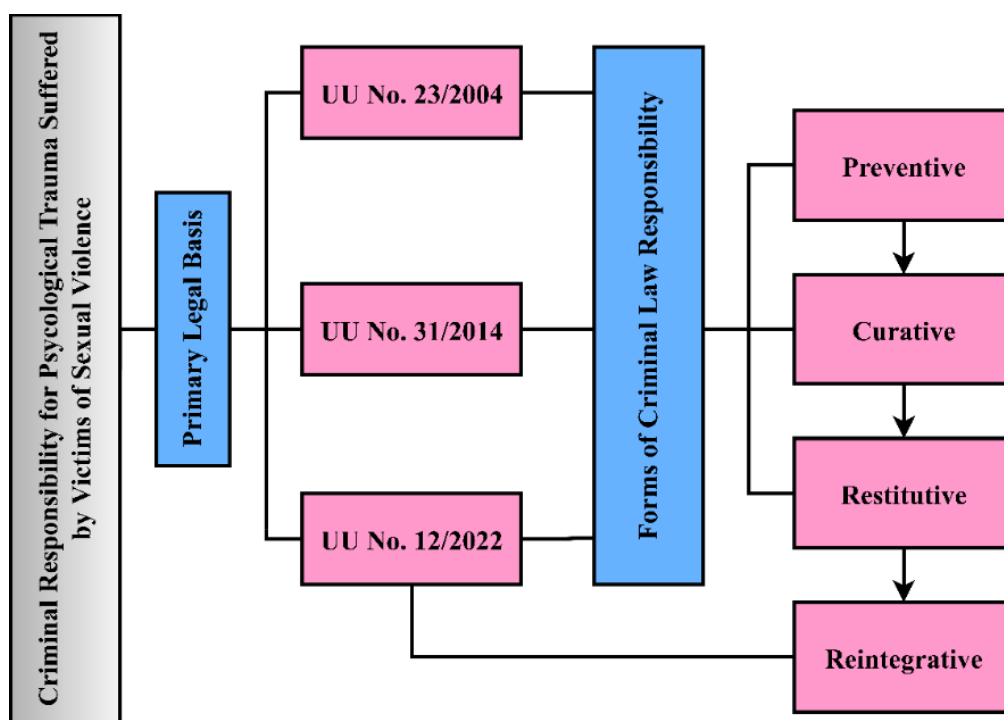
The position of psychological trauma as an invisible loss—that is suffered by victims of sexual violence often gives rise to questions regarding the extent to which the criminal liability system is capable of accommodating such impacts. In criminal law, the term “*toerekeningsvatbaar*” or capacity for responsibility is recognized, this constitutes one of the important elements of criminal liability [59]. Furthermore, Simons explains that capacity for responsibility is related to a condition that allows a person to be justified in being subjected to criminal sanctions based on legal considerations and the characteristics of the perpetrator [60]. However, the author observes that this explanation places greater emphasis on criminal liability being imposed only upon the perpetrator, rather than providing accountability for the psychological trauma experienced by the victim as a result of the criminal act committed by the perpetrator.

This orientation is indeed important to ensure that punishment can only be imposed on a person who is guilty of their act. However, a victim-centered approach has not been fully

accommodated, particularly with regard to psychological harm. In practice, the attention of the criminal justice system is often directed toward proving guilt and imposing punishment, while the need for the recovery of victim trauma often receives a relatively small portion of attention. Therefore, recovery must be understood as a comprehensive process—this aims to restore the victim’s condition as closely as possible to the condition before the criminal act occurred to them. Thus, the existence of recovery instruments becomes an inseparable part of the concept of legal responsibility toward victims.

Awareness of the importance of victim recovery is reflected in the development of laws and regulations in Indonesia, particularly through Law No. 23 of 2004 (UU PKDRT), Law No. 31 of 2014 (UU PSK), and Law No. 12 of 2022 (UU TPKS), whereby protection for victims is not built through a single mechanism, but through various instruments designed to address the needs of victims following a criminal act. Analysis of the provisions contained therein demonstrates the existence of a regulatory pattern oriented toward recovery of victim trauma, although it is manifested in different forms the legal norms.

In this regulatory pattern, the author applies four main dimensions, namely preventive, curative, restitutive, and reintegrative. This classification is carried out based on the primary objective intended to be achieved by each norm in the victim recovery process. The preventive dimension includes matters aimed at preventing trauma from becoming more severe while the legal process is ongoing. The curative dimension includes various forms of recovery from the victim’s psychological trauma, encompassing medical services, psychological services, rehabilitation, and assistance. The restitutive dimension includes mechanisms oriented toward the recovery of material and immaterial losses resulting from the criminal acts of sexual violence experienced by the victim. Finally, the reintegrative dimension includes provisions aimed at restoring the victim’s ability to carry out their social life. The forms of these dimensions of legal responsibility can be seen in Figure 2.



**Figure 2.** Concept of Criminal Legal Responsibility for Victim Trauma

If we refer to the diagram presented above, it illustrates the instruments of Indonesian criminal law responsibility for the psychological trauma of victims of sexual violence. The legal basis underlying such responsibility is primarily grounded in Law No. 23 of 2004 on the Elimination of Domestic Violence (UU PKDRT), Law No. 31 of 2014 on the Protection of Witnesses and Victims (UU PSK), and Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS). This concept emphasizes that sexual violence offenses are not only understood as violations of bodily or physical integrity, but also as acts that cause serious and prolonged psychological harm. Therefore, a criminal law approach is insufficient if it is solely oriented toward punishing offenders, but must also accommodate the recovery of victims' mental condition as an integral part of justice.

1. *Preventive Responsibility (Preventing Retraumatization in the Legal Process)*

Preventive responsibility constitutes a form a legal obligation imposed upon the state and law enforcement authorities to prevent the emergence of further psychological trauma suffered by victims of sexual violence throughout legal process. In practice, investigative and juridical processes often place victims in situation that may revive the traumatic experiences they have endured. Therefore, the law must provide vaarious forms of protection oriented toward the psychological condition of victims to ensure that the criminal justice process does not become a space that exacerbates the victims' traumatic suffering [61]. This form of preventive responsibility includes:

- a. Article 10 letter c of UU PKDRT affirms that victims are entitled to receive special protection regarding matters related to the confidentiality of their identity. Furthermore, Article 10 letter d of UU PKDRT affirms that victims are entitled to assistance from social workers and legal aid at every stage of examination in accordance with statutory regulations. These provisions demonstrate that victim protection is not merely directed toward physical aspects, but also encompasses the protection of the victim's psychological condition and dignity. The guarantee of confidentiality plays a significant role in preventing social stigma, shame, and psychological pressure that may worsen the victim's trauma. In addition, the right to receive legal and social assistance throughout every stage of examination reflects recognition that victims of sexual violence are in a vulnerable position requiring psychological and emotional support during the legal process.
- b. Article 13 letter a of UU PKDRT affirms that victims must be provided with special service rooms at police offices. Furthermore, Article 13 letter b of UU PKDRT affirms that victims are entitled to the assistance of law enforcement officers, healthcare personnel, social workers, and spiritual counselors. Within this provision, special service rooms are intended to create a sense of safety and psychological comfort for victims when providing testimony. The presence of professional personnel, social workers, and spiritual counselors also demonstrates that the handling of sexual violence victims requires a multidisciplinary approach to prevent the worsening of victims' trauma during the legal process.
- c. Article 22 paragraph (1) letter a of UU PKDRT affirms that, in providing services, social workers must conduct counseling to strengthen and provide a sense of security to victims. This provision indicates that the law recognizes the importance of restoring the victim's emotional condition from the initial stage of case handling. Counseling is

not merely interpreted as assistance, but also as an effort to reduce psychological pressure, anxiety, and fear experienced by victims as a result of sexual violence. This provision reflects the existence of legal responsibility to maintain the victim's mental stability throughout the legal process.

- d. Article 23 letter c of UU PKDRT affirms that volunteer companions may empathetically listen to all statements conveyed by victims in order to make victims feel safe during the assistance process. This provision reflects recognition that victims of sexual violence require a safe space to express their traumatic experiences without fear of being blamed or humiliated. This serves to prevent victims from experiencing retraumatization when questioned by law enforcement authorities.
- e. Article 5 paragraph (1) of UU PSK affirms that victims of sexual violence are entitled to various forms of protection, including confidentiality guarantees, freedom from pressure or coercion when giving testimony, temporary shelter, access to legal counsel, assistance throughout judicial proceedings, and temporary living support until the protection period ends. This provision states that victims are entitled to protection regarding confidentiality, pressure, threats, or coercion during the legal process. Such protection is closely related to the victim's psychological well-being, as pressure, threats, and coercion during the legal process may lead to further trauma and worsen the victim's psychological condition.
- f. Article 26 paragraphs (1) and (2) of UU TPKE affirm that victims are entitled to receive assistance throughout every stage of examination in judicial proceedings. Such assistance may be provided by social workers, the Witness and Victim Protection Agency (LPSK), social welfare personnel, Regional Technical Service Units for the Protection of Women and Children (UPTD PPA), psychologists, healthcare personnel, legal assistants, and community-based service providers. This provision demonstrates that the law pays attention to the victim's psychological condition. Assistance provided by psychologists, social workers, and protection institutions aims to create a sense of safety and emotional support so that victims do not face the legal process alone, which may potentially cause psychological distress.
- g. Article 54 paragraph (1) of UU TPKE affirms that before conducting an examination of victims of sexual violence, investigators are required to coordinate with victim companions to ensure the victim's readiness and identify the victim's needs according to their condition. Furthermore, Article 54 paragraph (2) of UU TPKE affirms that the results of such coordination may serve as the basis for investigators in determining the procedures and implementation of examinations to ensure that examinations are conducted in accordance with principles of protection and respect for the victim's condition. Article 54 paragraph (3) of UU TPKE further affirms that when victims are experiencing severe trauma, investigators may direct questions to victim companions.
- h. Article 57 paragraph (1) of UU TPKE affirms that, in describing facts and acts related to sexuality, prosecutors should avoid excessively detailed, vulgar, and explicit descriptions in indictments while still ensuring clarity, precision, and completeness. This provision demonstrates protection of the victim's psychological integrity. Excessively explicit descriptions may revive traumatic memories experienced by

victims and prolong their trauma. Therefore, this provision reflects that evidentiary processes must also take into account the victim's psychological condition and dignity.

- i. Article 69 of UU TPKS affirms that victims are entitled to protection from violence or threats by perpetrators, protection of the confidentiality of their identity, and protection from degrading attitudes and behavior by law enforcement authorities. This provision protects victims from threats, identity exposure, and degrading treatment by officials. Such protection is essential to preserve victims' sense of security, dignity, and psychological stability so that they do not experience further mental distress throughout the legal process.

## 2. *Curative Responsibility (Psychological Recovery)*

Curative responsibility constitutes a form of legal obligation to restore the psychological condition of victims after experiencing sexual violence. Psychological trauma experienced by victims may lead to serious consequences, including anxiety disorders, depression, prolonged fear, and loss of security within social life. Therefore, the law is not solely oriented toward punishing perpetrators, but also toward restoring the victim's psychological and emotional condition comprehensively. The forms of curative responsibility include:

- a. Article 39 of UU PKDRT affirms that, for the purpose of victim recovery, victims are entitled to receive services from healthcare personnel, social workers, volunteer companions, and spiritual counselors. This provision demonstrates that victims are entitled to professional services as part of the recovery process. Such services are significant in helping victims reduce the psychological impact arising from the sexual violence they experienced, while also ensuring that victims receive adequate emotional and social support throughout the recovery process.
- b. Article 41 of UU PKDRT affirms that social workers, volunteer companions, and spiritual counselors are obliged to provide services in the form of counseling to strengthen victims and provide them with a sense of security. This provision demonstrates that psychological recovery constitutes an inseparable part of legal protection for victims. Counseling functions to help victims manage trauma, reduce emotional distress, restore a sense of security, and rebuild self-confidence after experiencing sexual violence.
- c. Article 42 of UU PKDRT affirms that, for the purpose of victim recovery, healthcare personnel, social workers, volunteer companions, and spiritual counselors may cooperate with one another. This provision demonstrates that victim recovery must be carried out in an integrated and multidisciplinary manner. In the context of psychological trauma, such cooperation is important because victim recovery does not merely concern medical aspects, but also encompasses emotional, social, and spiritual recovery comprehensively.
- d. Article 6 paragraph (1) of UU PSK affirms that victims of sexual violence are entitled to medical assistance as well as psychosocial and psychological rehabilitation services. This provision explicitly recognizes psychosocial and psychological rehabilitation as victims' rights. It demonstrates that the law views psychological trauma as a severe consequence requiring professional treatment so that victims may resume their daily lives normally.

- e. Article 67 paragraph (1) of UU TPKS affirms that victims are entitled to treatment, protection, and recovery. These rights constitute state responsibilities and must be implemented according to the victim's needs and condition. Furthermore, Article 68 of UU TPKS affirms that victims are entitled to healthcare services including examinations, treatment, access to services, facilities adjusted to victims' special needs, psychological reinforcement, and medical care. These provisions demonstrate the state's obligation to ensure that victims obtain recovery services capable of addressing their psychological condition and specific needs appropriately. Psychological reinforcement further reflects the law's concern for victims' mental conditions as an essential component of the recovery process, aimed at restoring emotional stability and reducing trauma resulting from sexual violence.
  - f. Article 70 paragraph (1) of UU TPKS affirms that victims are entitled to recovery in the form of mental rehabilitation, social rehabilitation, and medical rehabilitation. Furthermore, Article 70 paragraph (2) of UU TPKS affirms that recovery before and during judicial proceedings includes psychological reinforcement, provision of information regarding recovery services, legal assistance, spiritual guidance, and the right to request removal of sexually explicit content in cases involving electronic media. These provisions are directly related to legal responsibility for victims' psychological trauma, as they affirm victims' rights to mental or psychological rehabilitation as a means of recovering from trauma. In addition, psychological reinforcement, legal assistance, and spiritual guidance demonstrate the state's obligation to maintain and restore the victim's mental condition throughout legal proceedings. Therefore, these provisions reflect legal responsibility for psychological trauma as a serious consequence of sexual violence requiring proper treatment and comprehensive recovery.
3. *Restitutive Responsibility (Recovery of Psychology Losses)*
- Restitutive responsibility constitutes a form of legal responsibility oriented toward restoring losses suffered by victim of sexual violence, including psychological losses. In development of modern criminal law, psychological suffering is not only recognized, but may also be quantified as compensable harm [62]. The assessment and compensation for psychological losses are carried out through the Witness and Victim Protection Agency (LPSK) based on the mandate of Law No. 13 of 2006 as amended by Law No. 31 of 2014. The results of this assessment are outlined in the LPSK Decision which serves as the basis for submitting restitution to the Judge [63]. In calculating the material losses suffered by the victim, LPSK applies a multidisciplinary approach involving forensic experts, psychologists, and doctors, including psychological assessments using the Global Assessment of Functioning (GAF) mechanism—where the level of decline in the GAF score is used to estimate the amount of restitution based on the cost needs and the recovery period of the victim's trauma. The forms of restitutive responsibility include:
- a. Article 43 of UU PKDRT affirms further provisions regarding recovery efforts and cooperation through Government Regulations, although it does not explicitly mention restitution. This provision is reinforced by Article 18 letter f of Government Regulation No. 4 of 2006, which grants victims of violence access to seek restitution through the

Witness and Victim Protection Agency (LPSK) as the authorized institution. This is because LPSK constitutes one of the parties necessary for the victim's interests.

- b. Article 7A paragraph (1) of UU PSK affirms that victims of sexual violence are entitled to restitution as a form of recovery for the losses they have suffered. Such restitution includes compensation for loss of property or income, compensation for suffering directly caused by the criminal act, as well as reimbursement for expenses incurred for psychological services and medical treatment. The provision of restitution is intended to ensure that victims receive comprehensive recovery encompassing economic, physical, and psychological aspects. This provision demonstrates that the law recognizes psychological trauma as a real loss for which legal accountability may be sought. Thus, restitution functions not only as compensation for economic losses, but also as a mechanism for recovering victims' psychological and emotional suffering resulting from sexual violence.
  - c. Article 30 paragraph (1) of UU TPKS aligns with Article 7A paragraph (1) of UU PSK by affirming that victims of sexual violence are entitled to access recovery services and restitution. Article 30 paragraph (2) of UU TPKS affirms that restitution includes compensation for loss of wealth or income, losses arising from suffering directly related to sexual violence crimes, reimbursement for expenses incurred for psychological treatment and medical care, as well as other losses suffered by victims as a consequence of the criminal act. Furthermore, victims are also entitled to compensation for losses suffered as a result of criminal acts, ensuring that recovery is comprehensive and proportional. These provisions recognize psychological suffering as compensable harm, reflecting the development of a criminal law paradigm increasingly oriented toward victims' interests and recovery. In this context, restitution serves as an important form of legal responsibility for the psychological impact experienced by victims and as a means to effectively support victims' recovery processes.
4. *Reintegrative Responsibility (Social Recovery)*
- Reintegrative responsibility constitutes a form of legal obligation to ensure that victims of sexual violence are able to return to social life safely, with dignity, and free from social stigma after experiencing psychological trauma. Psychological trauma affects not only victims' mental conditions, but also their social relations, self-confidence, and ability to function optimally within society. Therefore, victim recovery must not only focus on individual aspects, but also on victims' sustainable social reintegration. The forms of reintegrative responsibility include:
- a. Article 70 paragraph (3) letter a of UU TPKS affirms that victims of violence are entitled to reintegrative recovery, including physical healthcare services, psychological services, examinations, and continuous monitoring. This provision grants victims the right to receive ongoing physical and psychological healthcare services. Continuous monitoring and services are essential to ensuring that victims' psychological trauma recovery processes proceed optimally. Within the context of social reintegration, victims' mental stability constitutes an important prerequisite for returning to normal social activities and life.

- b. Article 70 paragraph (3) letter b of UU TPKS affirms that victims are entitled to reintegrative recovery through community support. This provision demonstrates that victim recovery cannot be separated from the role of society. Community support significantly contributes to helping victims reduce fear, shame, and social stigma that frequently arise following sexual violence. Therefore, this provision reflects a recovery approach oriented toward strengthening community relations and restoring victims' sense of safety within their social environment [64], [65], [66].
- c. Article 70 paragraph (3) letter e of UU TPKS affirms that victims are entitled to reintegrative recovery including access to social assistance, healthcare guarantees, and social security according to victims' needs. Such reintegrative recovery is provided based on assessments conducted by integrated teams evaluating victims' overall conditions and determining the types of social support required to facilitate recovery. This provision demonstrates that victims are entitled to social assistance, healthcare guarantees, and social security according to their needs. The fulfillment of these rights is closely related to the recovery of psychological trauma, as unstable economic and social conditions often prolong victims' trauma. Therefore, the provision of social and healthcare guarantees constitutes a form of state responsibility aimed at restoring victims' sense of safety and enabling them to resume normal lives after experiencing sexual violence.
- d. Article 70 paragraph (3) letter g of UU TPKS affirms that victims are entitled to the provision of other needs based on identification conducted by UPTD PPA and/or Community-Based Service Institutions. This provision grants victims the right to receive fulfillment of needs based on assessments conducted by such institutions. In the context of psychological trauma, these assessments enable recovery processes tailored to the victim's condition and needs. This is important because each victim possesses different levels of trauma, emotional needs, and psychological recovery processes. Therefore, this provision reflects a victim-oriented recovery approach aimed at supporting victims' optimal and sustainable social reintegration.

Regulations concerning the protection of the rights of victims of sexual violence in Indonesia have in fact undergone quite significant development. The enactment of Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS) constitutes one of the main foundations in complementing previous regulations, such as Law No. 23 of 2004 on the Elimination of Domestic Violence (UU PKDRT), and Law No. 31 of 2014 on the Protection of Witnesses and Victims (UU PSK), particularly regarding the reintegrative approach to addressing trauma. Nevertheless, the implementation of a victim-oriented approach still faces several obstacles, both in practice and within the developing legal culture. Based on findings by Indonesia Judicial Research Society (IJRS) and Institute for Criminal Justice Reform (ICJR), although victims' rights have been regulated, in practice victims are still often positioned merely as reporters or witnesses, rather than as the main subjects who must be restored. In addition, law enforcement officials also tend to apply approaches that are retributive and procedural in nature, so that the implementation of restorative justice oriented toward the recovery and reconciliation of victims has not yet been carried out optimally [67].

The main weakness in Indonesian regulations lies in the fragmentation of legal arrangements and the dominance of an offender-oriented perspective within the criminal justice

system. The Indonesian Criminal Code (KUHP) and the Criminal Procedure Code (KUHP) still place greater emphasis on proving the offender's guilt, while the aspect of victim recovery has not yet received adequate attention. The absence of explicit regulation regarding restitution in the Criminal Code (KUHP), as well as the not yet optimal mechanisms for psychosocial protection during legal proceedings, further worsen this condition. As a result, an imbalance occurs between the protection of offenders and victims, which is not in line with the principle of substantive justice. Socially, this condition also reinforces a culture of not reporting or remaining silent among victims, exacerbates trauma, and hinders the reporting process of sexual violence cases. A number of findings show that most victims are reluctant to report because they fear being blamed, stigmatized, or even not believed by law enforcement officials [67].

On the other hand, the implementation of legal protection for victims of sexual violence, particularly after the enactment of the Law on Sexual Violence Crimes (UU TPKS), still faces various obstacles. Although this law has provided a more comprehensive legal framework, its implementation is still hindered by the limited understanding of law enforcement officials regarding the elements of criminal offenses within the law, the lack of dissemination, and the limited access to services for victims [68]. Furthermore, the not yet optimal mechanisms to compel offenders, as well as the limited availability of psychological support in various regions, also constitute obstacles in the implementation of restitution. Therefore, more progressive measures are required to ensure that the current regulations can be effectively implemented, involving various parties, both the government and society. This becomes an urgency so that the justice realized is truly oriented toward the needs and recovery of victims [67].

## CONCLUSION

It can be concluded that Indonesian criminal law has undergone significant development in recognizing the psychological trauma experienced by victims of sexual violence. Psychological trauma is no longer viewed as an abstract consequence, but rather as a concrete form of harm that gives rise to legal consequences and compensation rights. This normative transformation is reflected in the provisions of the UU PKDRT, UU PSK, and UU TPKS. Furthermore, Indonesia's criminal legal responsibility toward the trauma experienced by victims of sexual violence is manifested through preventive, curative, restitutive, and reintegrative dimensions oriented toward victim recovery. However, the implementation of this legal responsibility remains suboptimal due to the continued dominance of a retributive approach over victim recovery, the limited availability of psychological recovery services, and the uneven understanding among law enforcement officers regarding victims' psychological conditions. Therefore, this study recommends that the government and related institutions strengthen victim-oriented training for law enforcement officers, expand access to recovery services, and enhance public education to reduce social stigma against victims in order to support a sustainable recovery process.

## LIMITATIONS

This study has several limitations that need to be considered in assessing the findings. *First*, the use of a normative juridical method causes the analysis to focus on the normative construction of criminal law responsibility (*das sollen*), and therefore it does not fully reflect its application in practice (*das sein*), particularly in relation to the recovery of victims' psychological trauma. *Second*, this study does not employ empirical data, and thus is not yet able to directly illustrate the extent to which responsibility mechanisms—such as psychological trauma recovery, restitution, rehabilitation, and assistance—can be experienced by victims. *Third*, this study is limited to the Indonesian criminal law system without comparison to other legal systems, so the scope for identifying more effective models of responsibility remains limited. *Fourth*, psychological trauma in this study is examined through a legal framework, and therefore the complexity of the clinical and psychosocial dimensions of victims has not been comprehensively addressed, which may affect the understanding of optimal recovery needs. These limitations open opportunities for future researchers to combine normative and empirical approaches, as well as to integrate legal and psychological perspectives in order to strengthen the analysis of criminal law responsibility for the psychological trauma of victims of sexual violence in Indonesia.

## AUTHOR INFORMATION

### *Corresponding Author*

**Rhesas Shalatan** – Faculty of Law, Universitas Tanjungpura (Indonesia);

 [orcid.org/0009-0009-3195-5583](https://orcid.org/0009-0009-3195-5583)

Email: [a1011241261@student.untan.ac.id](mailto:a1011241261@student.untan.ac.id)

### *Authors*

**Rhesas Shalatan** – Faculty of Law, Universitas Tanjungpura (Indonesia);

 [orcid.org/0009-0009-3195-5583](https://orcid.org/0009-0009-3195-5583)

**Mega Fitri Hertini** – Department of Criminal Law, Universitas Tanjungpura (Indonesia).

 [orcid.org/0009-0007-8696-8168](https://orcid.org/0009-0007-8696-8168)

## AUTHOR CONTRIBUTION

R. S. designed this study, developed the research protocol, and led the entire research process, including data collection, statistical analysis, and drafting of the main manuscript, as well as participating in instrument development, data management, and supporting data analysis and interpretation. M. F. H. contributed to refining the writing, reviewing, guiding, and critically revising the manuscript regarding key intellectual content. All authors have read and approved the final version of the manuscript and agree to be accountable for all aspects of this research.

## CONFLICT OF INTEREST

"The authors declare no conflict of interest."

## DECLARATION OF USE OF AI IN SCIENTIFIC WRITING

The authors used ChatGPT and Claude AI during the drafting of this manuscript solely to improve linguistic clarity, grammar, readability, and academic writing style. These tools were not used to generate research data, search for scientific articles, determine inclusion and exclusion criteria, conduct analyses, or formulate scientific interpretations of the findings. All intellectual content, conceptual arguments, methodological decisions, and final revisions have been critically reviewed, verified, and approved by the authors. Therefore, the authors are fully responsible for the accuracy, integrity, and originality of the content presented in this manuscript.

## REFERENCES

- [1] A. P. Angraini and I. D. A. Nurhaeni, “Community governance dalam penanganan kasus kekerasan terhadap perempuan: Studi pada Rifka Annisa Women’s Crisis Center,” *Politika: Jurnal Ilmu Politik*, vol. 16, no. 2, pp. 139–158, 2025. <https://doi.org/10.14710/politika.16.2.2025.139-158>
- [2] R. Roskvist *et al.*, “Sexual violence and unwanted sexual experiences among adolescents: Prevalence, trends and disparities among a representative cross-sectional study of high school students in Aotearoa New Zealand,” *Australian and New Zealand Journal of Public Health*, vol. 50, no. 1, Art. no. 100292, 2026. <https://doi.org/10.1016/j.anzjph.2025.100292>
- [3] E. Carmo, N. Brazão, P. Costa, B. Moreira, and J. Carvalho, “The prevention of sexual violence in school settings with adolescents: A study protocol for the cluster randomized trial of the SUN (Stand Up Now Against Sexual Violence) program,” *Contemporary Clinical Trials*, vol. 166, Art. no. 108360, 2026. <https://doi.org/10.1016/j.cct.2026.108360>
- [4] S. Gjertsson, A. Sarkadi, and A. Fäldt, “‘Maybe rape is illegal?’ How adolescents with intellectual disabilities experience a sexual violence prevention intervention,” *Research in Developmental Disabilities*, vol. 172, Art. no. 105290, 2026. <https://doi.org/10.1016/j.ridd.2026.105290>
- [5] T. W. Shinyemba, S. Shiode, and K. Devries, “Context or composition? Spatial Bayesian analysis of sexual violence against adolescent girls and young women in Namibia,” *Social Science & Medicine*, vol. 403, Art. no. 119433, 2026. <https://doi.org/10.1016/j.socscimed.2026.119433>
- [6] T. Al Zayat *et al.*, “Childhood sexual violence and sleep disturbances in adulthood: Findings from a large French population-based study (CONSTANCES),” *Sleep Health*, vol. 12, no. 3, pp. 458–468, 2026. <https://doi.org/10.1016/j.sleh.2026.03.005>
- [7] O. Gallardo, S. Lelaurain, and T. Apostolidis, “Care of victims of sexual violence against minors by social and health professionals: A scoping review,” *Child Protection Practice*, vol. 9, Art. no. 100304, 2026. <https://doi.org/10.1016/j.chipro.2026.100304>
- [8] P. Wahyuni, A. Irma, and S. Arifin, *Perempuan dan Media*. Banda Aceh, Indonesia: Syiah Kuala University Press, 2021.
- [9] R. Inayah and S. Palila, “Resilience process of a victim sexual violence in women: Transformations from victim to activist,” *Humanitas: Indonesian Psychological Journal*, vol. 19, no. 1, pp. 1–12, 2022. <https://doi.org/10.26555/humanitas.v19i1.7>
- [10] R. Rahmasari, “Analisa makna ‘persetujuan’ dalam Permendikbud Ristek No. 30 Tahun 2021 terhadap fenomena kekerasan seksual di lingkungan pendidikan yang dianggap

- sebagai upaya legitimasi terhadap perzinaan,” *Jurnal Penegakan Hukum dan Keadilan*, vol. 3, no. 1, pp. 78–89, 2022. <https://doi.org/10.18196/jphk.v3i1.13484>
- [11] B. Hall and B. Chapman, “Domestic and sexual violence in Australia: Current evidence and the potential role of forensic science,” *Forensic Science International: Synergy*, vol. 12, Art. no. 100665, 2026. <https://doi.org/10.1016/j.fsisyn.2026.100665>
- [12] N. Delmas, A. Pasquereau, J.-B. Ricard, V. Nguyen-Thanh, and F. E.-K. Lesueur, “Lifetime sexual violence and tobacco, alcohol, and cannabis use among French adults: A national survey,” *Preventive Medicine Reports*, vol. 68, Art. no. 103547, 2026. <https://doi.org/10.1016/j.pmedr.2026.103547>
- [13] A. Martin-Storey *et al.*, “Linking cissexist and heterosexist violence and sexual violence among adolescents and young adults: A scoping review of the quantitative literature,” *Aggression and Violent Behavior*, vol. 87, Art. no. 102138, 2026. <https://doi.org/10.1016/j.avb.2026.102138>
- [14] L. Mahfiana, Masrukin, D. Zahro, and L. Santoso, “The structure and culture of negotiating child victims’ rights in cases of sexual violence,” *Legality: Jurnal Ilmiah Hukum*, vol. 34, no. 1, 2026. <https://doi.org/10.22219/ljih.v34i1.42348>
- [15] E. Serrano-Rodríguez, V. Luque-Ribelles, and V. Hervías-Parejo, “Psychosocial consequences of sexual assault on women: A scoping review,” *Archives of Sexual Behavior*, vol. 54, no. 1, pp. 231–258, 2025. <https://doi.org/10.1007/s10508-024-03013-1>
- [16] J. E. Crowley, “Technology-facilitated gender-based violence: Categorizing and understanding sexual abuse against women ridesharing drivers,” *Women’s Studies International Forum*, vol. 114, Art. no. 103197, 2026. <https://doi.org/10.1016/j.wsif.2025.103197>
- [17] World Health Organization, *Violence Against Women Prevalence Estimates, 2018*. Geneva, Switzerland: World Health Organization, 2021. [Online]. Available: <https://www.who.int/publications/i/item/9789240022256>
- [18] P. D. Valencia and A. De La Rosa-Gómez, “Post-traumatic stress symptoms in women with a history of sexual trauma: A network approach,” *European Journal of Trauma & Dissociation*, vol. 10, no. 1, Art. no. 100630, 2026. <https://doi.org/10.1016/j.ejtd.2025.100630>
- [19] L. S. Flor *et al.*, “Disease burden attributable to intimate partner violence against females and sexual violence against children in 204 countries and territories, 1990–2023: A systematic analysis for the Global Burden of Disease Study 2023,” *The Lancet*, vol. 407, no. 10523, pp. 31–52, 2026. [https://doi.org/10.1016/S0140-6736\(25\)02503-6](https://doi.org/10.1016/S0140-6736(25)02503-6)
- [20] V. Jackson, D. H. Sullivan, D. Mawren, A. Freiberg, J. Kulkarni, and R. Darjee, “Trauma-informed sentencing of serious violent offenders: An exploration of judicial dispositions with a gendered perspective,” *Psychiatry, Psychology and Law*, vol. 28, no. 5, pp. 748–773, 2021. <https://doi.org/10.1080/13218719.2020.1855267>
- [21] R. Murphy and B. Harris, “Can current post-traumatic growth models capture the lived experience of life with a fluctuating chronic illness? Towards a new model,” *British Journal of Health Psychology*, vol. 30, no. 3, Art. no. e70003, 2025. <https://doi.org/10.1111/bjhp.70003>
- [22] M. L. Pijpers, M. L. V. Covers, S. Houterman, and I. A. E. Bicanic, “Risk factors for PTSD diagnosis in young victims of recent sexual assault,” *European Journal of Psychotraumatology*, vol. 13, no. 1, Art. no. 2047293, 2022. <https://doi.org/10.1080/20008198.2022.2047293>
- [23] K. Jakubowski, H. N. Thomas, C. J. Gibson, K. C. Koenen, P. M. Maki, and R. C. Thurston, “Post-traumatic stress disorder symptoms and sexual function among midlife

- women,” *Maturitas*, vol. 206, Art. no. 108839, 2026. <https://doi.org/10.1016/j.maturitas.2026.108839>
- [24] J. Schnittker, “What makes sexual violence different? Comparing the effects of sexual and non-sexual violence on psychological distress,” *SSM—Mental Health*, vol. 2, Art. no. 100115, 2022. <https://doi.org/10.1016/j.ssmmh.2022.100115>
- [25] M. F. Hertini, D. Karlina, S. Ismawati, L. Maryana, and D. A. Addhauy, “Implikasi Undang-Undang Tindak Pidana Kekerasan Seksual terhadap aspek perlindungan korban,” *Jurnal Litigasi*, vol. 23, no. 2, pp. 135–170, 2022. <https://doi.org/10.23969/litigasi.v23i2.5929>
- [26] R. E. Koesma, I. S. L. Nelwan, F. A. Abidin, and P. R. Nelwan, *Merdeka dari Kekerasan: Belajar dari Pengalaman*. Yogyakarta, Indonesia: Sanata Dharma University Press, 2025.
- [27] Komnas Perempuan, “Siaran pers Komnas Perempuan: Peluncuran Catatan Tahunan Kekerasan terhadap Perempuan 2025,” 2026. [Online]. Available: <https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komnas-perempuan-peluncuran-catatan-tahunan-kekerasan-terhadap-perempuan-2025>
- [28] GoodStats, “Kasus kekerasan seksual meningkat, pelaku kebanyakan dari lingkungan terdekat,” 2026. [Online]. Available: <https://goodstats.id/article/kasus-kekerasan-seksual-meningkat-pelaku-dari-lingkungan-terdekat-wAQMH>
- [29] R. Margono, *Korban yang Bicara: Viktimologi dalam Sistem Peradilan Pidana (Kriminologi & Hukum Pidana)*. Yogyakarta, Indonesia: Yayasan Putra Adi Dharma, 2025.
- [30] Y. Afifah and D. Y. Julianis, “Pertanggungjawaban pidana terhadap pelaku obstruction of justice dalam perkara tindak pidana kekerasan seksual,” *Lex Renaissance*, vol. 8, no. 1, pp. 91–112, 2023. <https://doi.org/10.20885/JLR.vol8.iss1.art6>
- [31] N. P. R. Yuliantini, Hartana, L. N. Kbarek, and S. Monteiro, “From retribution to restoration: Human rights-based legal protection for women victims of sexual violence,” *Jurnal Media Hukum*, vol. 32, no. 2, pp. 281–300, 2025. <https://doi.org/10.18196/jmh.v32i2.26214>
- [32] P. A. S. Fanny, R. B. Sularto, and U. Rozah, “Penegakan hukum tindak pidana pemerkosaan dalam status perkawinan (marital rape) ditinjau dari Undang-Undang No. 23 Tahun 2004 tentang Penghapusan Kekerasan Dalam Rumah Tangga,” *Diponegoro Law Journal*, vol. 11, no. 2, 2022. <https://doi.org/10.14710/dlj.2022.33423>
- [33] E. Nurisman, “Risalah tantangan penegakan hukum tindak pidana kekerasan seksual pasca lahirnya Undang-Undang Nomor 12 Tahun 2022,” *Jurnal Pembangunan Hukum Indonesia*, vol. 4, no. 2, pp. 170–196, 2022. <https://doi.org/10.14710/jphi.v4i2.170-196>
- [34] H. S. Flora, S. Manalu, and N. Y. Thapa, “The restorative justice orientation regarding sexual violence occurring in religious-based educational environments in Indonesia,” *Jurnal Dinamika Hukum*, vol. 23, no. 3, 2023. <https://doi.org/10.20884/1.jdh.2023.23.3.3715>
- [35] Y. Saefudin, F. R. N. Wahidah, R. Susanti, L. K. Adi, and P. M. Putri, “Tindak pidana kekerasan seksual dan perlindungan hukum bagi korban kekerasan seksual di Indonesia,” *Kosmik Hukum*, vol. 23, no. 1, pp. 24–34, 2023. <https://doi.org/10.30595/kosmikhukum.v23i1.17320>
- [36] R. Silmi, R. Hendriana, Budiyono, J. Barkhuizen, and S. P. Harahap, “Legal protection for victims of sexual violence and the rights of victims,” *Jurnal Dinamika Hukum*, vol. 24, no. 1, pp. 1–13, 2024. <https://doi.org/10.20884/1.jdh.2024.24.1.3884>
- [37] N. Rosida, A. Rifti, and A. N. Prihartanti, “Perlindungan hukum terhadap perempuan dari kekerasan seksual dan pelecehan seksual di tempat kerja,” *Jurnal USM Law Review*, vol. 9, no. 2, pp. 680–696, 2026. <https://doi.org/10.26623/julr.v9i2.12613>

- [38] Muhaimin, *Metode Penelitian Hukum*. Mataram, Indonesia: Mataram University Press, 2020.
- [39] P. M. Marzuki, *Metode Penelitian Hukum*. Jakarta, Indonesia: Kencana Prenada Media Grup, 2009.
- [40] UNICEF, *Gender Equality: Global Annual Results Report 2022*. New York, NY, USA: UNICEF, 2023. [Online]. Available: <https://www.unicef.org/reports/global-annual-results-report-2022-gender-equality>
- [41] C. Benjet *et al.*, “The epidemiology of traumatic event exposure worldwide: Results from the World Mental Health Survey Consortium,” *Psychological Medicine*, vol. 46, no. 2, pp. 327–343, 2016. <https://doi.org/10.1017/S0033291715001981>
- [42] R. C. Kessler *et al.*, “Trauma and PTSD in the WHO World Mental Health Surveys,” *European Journal of Psychotraumatology*, vol. 8, suppl. 5, Art. no. 1353383, 2017. <https://doi.org/10.1080/20008198.2017.1353383>
- [43] L. Sardinha, C. García-Moreno, and R. Guthold, “Global estimated prevalence of physical and/or sexual intimate partner violence against ever-partnered women, by age, 2018,” *Journal of Adolescent Health*, vol. 70, no. 6, pp. 846–847, 2022. <https://doi.org/10.1016/j.jadohealth.2021.12.019>
- [44] O. T. Muldoon *et al.*, “Collective post-traumatic growth: Validating and measuring positive change in the collective self among victims of sexual violence,” *Political Psychology*, vol. 47, no. 2, Art. no. e70061, 2026. <https://doi.org/10.1111/pops.70061>
- [45] R. Tandoko and A. Prihatin, “Analisis yuridis tanggung jawab maskapai penerbangan atas trauma psikologis penumpang selamat di Indonesia,” *Tanjungpura Law Journal*, vol. 9, no. 2, pp. 299–316, 2025. <https://doi.org/10.26418/tlj.v9i2.91618>
- [46] K. J. McLachlan, “Trauma-informed sentencing: How South Australian sentencing judges use information about defendants’ child sexual abuse victimization and subsequent trauma,” *Journal of Child Sexual Abuse*, vol. 33, no. 4, pp. 485–506, 2024. <https://doi.org/10.1080/10538712.2023.2219674>
- [47] T. L. Slovinsky, “The thread of trauma: A critical analysis of the criminal justice system,” *Social Sciences*, vol. 12, no. 9, Art. no. 467, 2023. <https://doi.org/10.3390/socsci12090467>
- [48] H. Widodo, A. Mashdurohatun, Kristiawanto, A. B. Santos, and D. Yunanda, “Restitution as an instrument of justice for victims of domestic sexual violence: A study of positive and Islamic law in the contemporary era,” *MILRev: Metro Islamic Law Review*, vol. 4, no. 1, pp. 676–699, 2025. <https://doi.org/10.32332/milrev.v4i1.10436>
- [49] R. Renggong, *Hukum Pidana Khusus: Memahami Delik-Delik di Luar KUHP*. Jakarta, Indonesia: Kencana, 2016.
- [50] E. Wouters, L. Constanty, S. Urben, and J. Gasser, “Expert reports for credibility assessments in case of sexual abuse allegations in the Swiss judicial context: A retrospective study of the socio-demographic, clinical and forensic characteristics of the cases and the appropriate use of the Statement Validity Analysis,” *Journal of Forensic and Legal Medicine*, vol. 114, Art. no. 102900, 2025. <https://doi.org/10.1016/j.jflm.2025.102900>
- [51] M. Mahfud and R. Rizanizarli, “Domestic violence against women in Indonesia: The recent Domestic Violence Elimination Law analysis,” *Fiat Justisia: Jurnal Ilmu Hukum*, vol. 15, no. 4, pp. 385–398, 2021. <https://doi.org/10.25041/fiatjustisia.v15no4.2276>
- [52] B. Asfari and F. Hakim, “Hak restitusi sebagai perlindungan terhadap korban tindak pidana pada Lembaga Perlindungan Saksi dan Korban,” *Jurnal Ilmu Hukum Prima*, vol. 6, no. 1, pp. 120–129, 2023. <https://doi.org/10.34012/jihp.v6i1.3227>

- [53] S. Kuba, “Optimalisasi perlindungan saksi dan korban dalam rangka memantapkan penegakan hukum di Indonesia,” *Jurnal Kajian Ilmiah*, vol. 22, no. 1, pp. 89–100, 2022. <https://doi.org/10.31599/v0pgmx50>
- [54] P. J. Hairi and M. Latifah, “Implementasi Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual,” *Jurnal Negara Hukum*, vol. 14, no. 2, pp. 163–179, 2023. <https://doi.org/10.22212/jnh.v14i2.4108>
- [55] Panusunan, A. Widyawati, D. Sulistianingsih, and R. K. Nababan, “Reformulation of law decision bias on restitution payments in sexual violence crimes: Comparison of Indonesia and the Netherlands,” *Journal of Law and Legal Reform*, vol. 6, no. 3, pp. 1275–1304, 2025. <https://doi.org/10.15294/jllr.v6i3.22109>
- [56] C. C. Izu, S. Fabamise, and O. Oyewole, “Re-conceptualising the theory of justice and the needs of victims of sexual violence in Nigeria: An appraisal of a victim-centered approach,” *F1000Research*, vol. 13, Art. no. 1288, 2024. <https://doi.org/10.12688/f1000research.153823.1>
- [57] I. Rasiwan, *Suatu Pengantar Hukum Pembuktian Tindak Pidana*. Bantul, Indonesia: CV Mitra Edukasi Negeri, 2025.
- [58] Y. A. T. Ohoiwutun, F. M. Nugroho, Samsudi, and A. Dewanto, “Peran ahli jiwa dalam pembuktian tindak pidana kekerasan psikis dalam rumah tangga,” *Veritas Justitia*, vol. 8, no. 1, pp. 219–242, 2022. <https://doi.org/10.25123/vej.v8i1.4443>
- [59] T. Prasetyo, *Hukum Pidana*. Jakarta, Indonesia: Rajawali Pers, 2012.
- [60] K. T. Wibowo and W. Anjari, *Hukum Pidana Materiil*. Jakarta, Indonesia: Kencana, 2022.
- [61] I. D. A. Nurhaeni, S. Sajida, and S. Yuliani, “Reframing inclusive governance through equitable leadership in child sexual violence policy: Evidence from Surakarta City, Indonesia,” *Child Protection Practice*, vol. 9, Art. no. 100314, 2026. <https://doi.org/10.1016/j.chipro.2026.100314>
- [62] B. Waluyo, *Penyelesaian Perkara Pidana: Penerapan Keadilan Restoratif dan Transformatif*. Jakarta Timur, Indonesia: Sinar Grafika, 2020.
- [63] Hukum Online, “Tata cara permohonan kompensasi dan restitusi bagi korban kejahatan,” 2025. [Online]. Available: <https://www.hukumonline.com/klinik/a/tata-cara-permohonan-kompensasi-dan-restitusi-bagi-korban-kejahatan-lt62503bd0f3ae8/>
- [64] I. Amithasari and H. Khotimah, “Pengaruh dukungan sosial keluarga terhadap harga diri perempuan korban kekerasan dalam pacaran,” *Jurnal Psikologi Tabularasa*, vol. 16, no. 2, pp. 83–92, 2021. <https://doi.org/10.26905/jpt.v16i2.7699>
- [65] N. K. A. M. Y. H. Pariartha, A. C. Az Zahra, C. T. Anggini, and N. Eva, “The role of forgiveness and social support on psychological well-being among women in dating violence,” *Jurnal Psikologi Teori dan Terapan*, vol. 13, no. 2, pp. 130–143, 2022. <https://doi.org/10.26740/jptt.v13n2.p130-143>
- [66] S. R. Ramadhani and R. N. Nurwati, “Dampak traumatis remaja korban tindakan kekerasan seksual serta peran dukungan sosial keluarga,” *Share: Social Work Journal*, vol. 12, no. 2, Art. no. 131, 2023. <https://doi.org/10.24198/share.v12i2.39462>
- [67] E. Murdiana, N. Rodliyah, R. Natamiharja, M. N. Fathoni, and G. K. Jha, “The victim’s best interest principle in Islamic law: An examination of the substance of sexual violence in Muslim majority countries in the contemporary era,” *MILRev: Metro Islamic Law Review*, vol. 5, no. 1, pp. 33–60, 2026. <https://doi.org/10.32332/milrev.v5i1.10654>
- [68] F. A. L. Nitha, A. Masyhar, A. Cholidin, M. R. Ilahi, and A. Z. Bahriyah, “Optimalisasi implementasi UU TPKS: Tantangan dan solusi dalam upaya penghapusan kekerasan seksual di Indonesia,” *Masalah-Masalah Hukum*, vol. 53, no. 1, pp. 90–100, 2024. <https://doi.org/10.14710/mmh.53.1.2024.90-100>