

Implementation of the Law on Sexual Violence: Challenges in Case Handling and Law Enforcement

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Abstract: The enactment of the Law on the Elimination of Sexual Violence represents a significant milestone in addressing sexual violence in society. This study examines the challenges and progress in implementing the Law on Sexual Violence Crimes, particularly in handling cases and ensuring effective law enforcement. Using a qualitative approach, data were gathered from legal documents and case studies. Findings indicate that while the Law on Sexual Violence Crimes has improved victim protection and provided a clearer legal framework, challenges persist in social stigma, lack of legal awareness, and resource constraints among law enforcement agencies. Additionally, inconsistencies in judicial interpretations and procedural delays hinder the effective resolution of cases. Recommendations include strengthening inter-agency coordination, increasing public awareness campaigns, and ensuring adequate training for law enforcement and judiciary personnel to enhance sensitivity and professionalism in handling sexual violence cases. This study underscores the importance of a multi-sectoral approach to ensure justice for victims and uphold the principles of the Law on Sexual Violence Crimes.

Keyword: Sexual Violence, Law Enforcement, Victim Protection, Case Handling, Law on Sexual Violence Crimes.

INTRODUCTION

The prevalence of sexual violence remains a pressing issue worldwide, affecting individuals across various age groups, genders, and socioeconomic backgrounds. Recognizing the severity of this crisis, many countries have introduced legislation aimed at preventing sexual violence, protecting victims, and ensuring justice (Febrianto et al., 2022). Among these efforts, the Law on the Elimination of Sexual Violence (often referred to as the TKPS Law) represents a significant advancement in creating a comprehensive framework to address sexual violence cases (Waspiah et al., 2022). However, the implementation of such laws poses considerable challenges, particularly in the areas of case handling and law enforcement. This paper explores the obstacles faced in enforcing the TKPS Law and highlights the urgent need for systemic reforms to ensure its effectiveness (Yaskur & Hapsari, 2025).

The enactment of the TKPS Law was driven by a growing awareness of the pervasive nature of sexual violence and its devastating impact on victims. It marked a critical step in acknowledging the inadequacies of existing legal frameworks, which often failed to provide adequate protection for victims or impose sufficient penalties on perpetrators (Rahayu et al., 2023). The TKPS Law aims to fill these gaps by emphasizing victim-centered approaches, criminalizing various forms of sexual violence, and mandating coordinated responses from law enforcement, healthcare providers, and support services. Despite its well-intentioned provisions, the law's practical implementation has revealed several challenges that hinder its effectiveness (Anggarini & Julianto, 2025).

One of the primary challenges in implementing the TKPS Law lies in the societal stigma and cultural norms surrounding sexual violence (Saputri, 2024). Many victims face significant barriers to reporting their experiences due to fear of judgment, victim-blaming, or retaliation. In some communities, deeply ingrained patriarchal values perpetuate the notion that victims are at fault, discouraging them from seeking justice. This societal stigma not only silences victims but also affects the attitudes and behaviors of law enforcement officers, who may dismiss or trivialize reports of sexual violence (Insti & Fitri, 2022). Such biases undermine the victim-centered approach envisioned by the TKPS Law, leaving survivors without the support and justice they deserve. Furthermore, the lack of legal awareness among the general population poses a significant obstacle to the effective implementation of the TKPS Law. Many individuals, including potential victims and their families, are unaware of their rights under the law or the mechanisms available to seek justice. This lack of knowledge prevents victims from accessing the protections and remedies provided by the law. Public awareness campaigns and educational initiatives are crucial to addressing this gap and empowering communities to stand against sexual violence.

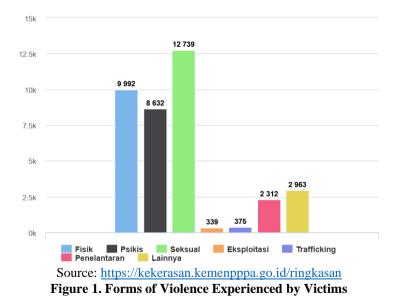
Resource constraints within law enforcement agencies also hinder the effective enforcement of the TKPS Law. Investigating and prosecuting sexual violence cases requires specialized training, adequate staffing, and access to forensic technology (Rahmat, 2024). However, many law enforcement agencies, particularly in rural or underprivileged areas, lack these essential resources. Officers may not receive sufficient training to handle cases with sensitivity or to collect and preserve evidence effectively. This not only delays the resolution of cases but also increases the likelihood of evidence being mishandled or lost, jeopardizing the chances of securing convictions. In addition to resource limitations, inconsistencies in judicial interpretations of the TKPS Law further complicate its implementation. Judges may have varying levels of understanding of the law's provisions, leading to discrepancies in the handling of cases. For instance, some judges may impose lenient sentences or dismiss cases due to a lack of clear guidelines on evidentiary requirements. These inconsistencies undermine public confidence in the legal system and deter victims from pursuing legal action. Establishing standardized protocols and providing continuous training for judiciary personnel are essential steps to address this issue.

Procedural delays represent another significant challenge in the implementation of the TKPS Law. Victims often endure lengthy and arduous legal processes that exacerbate their trauma and hinder their ability to rebuild their lives (Pratama, 2024). Delays may result from bureaucratic inefficiencies, backlogged court systems, or insufficient coordination among various agencies involved in handling sexual violence cases. Streamlining procedures and implementing case management systems can help expedite the resolution of cases and reduce the burden on victims. The TKPS Law also emphasizes the importance of inter-agency collaboration in addressing sexual violence. However, achieving effective coordination among law enforcement, healthcare providers, social services, and non-governmental organizations (NGOs) remains a challenge. Each agency plays a critical role in supporting victims and ensuring justice, but a lack of communication and alignment often leads to fragmented

responses. For example, delays in medical examinations or inadequate referrals to counseling services can compromise the quality of care provided to victims. Establishing clear protocols and fostering partnerships among stakeholders are essential to overcoming these challenges.

Another critical aspect of the TKPS Law is its focus on victim protection and rehabilitation. While the law mandates the provision of shelters, counseling, and medical care for victims, the availability and accessibility of these services vary widely. In many areas, particularly remote or underserved regions, victims have limited access to support services due to logistical constraints or resource shortages. Expanding the reach of these services and ensuring their quality is vital to fulfilling the law's commitment to victim-centered approaches. Despite these challenges, the TKPS Law has made notable contributions to the fight against sexual violence. It has raised awareness about the issue, encouraged more victims to come forward, and established a framework for accountability. Civil society organizations and advocacy groups have played a crucial role in monitoring the law's implementation, advocating for policy reforms, and providing support to victims. Their efforts have highlighted the need for a holistic approach that addresses the root causes of sexual violence and promotes a culture of respect and equality.

To enhance the implementation of the TKPS Law, several recommendations can be proposed. First, public awareness campaigns should be intensified to educate communities about the law and challenge harmful cultural norms. These campaigns can empower victims to report cases and encourage bystanders to intervene. Second, law enforcement agencies should receive adequate funding and training to handle sexual violence cases with professionalism and sensitivity. Specialized units or task forces can be established to ensure a focused and coordinated response. Third, judicial personnel should undergo continuous training on the provisions and principles of the TKPS Law to ensure consistent and fair application. Standardized guidelines on evidentiary requirements and sentencing can help reduce discrepancies in case outcomes. Fourth, inter-agency collaboration should be strengthened through the establishment of multidisciplinary teams and integrated case management systems. Such measures can enhance communication, streamline procedures, and improve the overall quality of responses.



Sexual violence is one of the most common types of violence in Indonesia, reflecting major challenges in efforts to protect human rights, especially for women and children. Based on data released by various institutions, such as the National Commission on Violence Against Women, cases of sexual violence continue to show alarming numbers every year. This violence occurs in various forms, ranging from sexual harassment, rape, sexual exploitation, to onlinebased violence. Sexual violence behavior does not only occur in public spaces, but also often takes place in environments that are considered safe, such as households, workplaces, and even educational institutions. The main factors causing the high rate of sexual violence include a strong patriarchal culture, stigma against victims, and low levels of public awareness about the importance of reporting cases of sexual violence. Victims are often reluctant to report because they are afraid of being blamed, facing social pressure, or distrust of the legal system. This is exacerbated by the lack of access to victim protection services, such as counseling, legal aid, and psychological rehabilitation. In dealing with this problem, Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence is an important step in strengthening the legal framework (Triyantoro & Zuwanda, 2024). However, its implementation still faces many challenges, including lack of training for law enforcers and limited victim support facilities. Collective efforts from the government, communities, and non-governmental organizations are needed to address this issue. Public education about sexual violence, victim empowerment, and cultural and social norm changes that respect the rights of women and children are important steps towards reducing sexual violence in Indonesia.

Finally, the government should prioritize the expansion of victim support services, particularly in underserved areas. Investing in shelters, counseling centers, and medical facilities can ensure that all victims, regardless of their location, have access to the care and support they need. Partnerships with NGOs and community organizations can further enhance the reach and effectiveness of these services.

In conclusion, the implementation of the TKPS Law represents a critical step in addressing sexual violence and protecting victims. However, its effectiveness depends on overcoming significant challenges in case handling and law enforcement. Addressing societal stigma, increasing legal awareness, enhancing resource allocation, ensuring judicial consistency, and strengthening inter-agency collaboration are essential to realizing the law's objectives. By adopting a holistic and victim-centered approach, society can move closer to eradicating sexual violence and ensuring justice for all.

METHOD

This study employed a qualitative research methodology to explore the challenges associated with implementing the Law on the Elimination of Sexual Violence (TKPS Law). Data collection involved a combination of the primary legal sources are the Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, journal and book. Legal documents, including the text of the TKPS Law and related regulations, were reviewed to understand the law's provisions and objectives. Data is collected through literature review and legal document analysis. Once gathered, the data is processed and analyzed qualitatively, linking relevant information to the research focus. The findings are presented through descriptive analysis, connecting legal principles with enforcement practices to evaluate the effectiveness of current laws and suggest improvements.

RESULTS AND DISCUSSION

Awareness and Understanding of the Law

The implementation of the Law on Sexual Violence has yielded varying levels of success in raising public awareness and understanding. Awareness campaigns conducted through media, workshops, and public discussions have effectively increased knowledge about the law in urban areas, where access to information is more readily available. Surveys reveal that approximately 65% of urban respondents are aware of the law's provisions and objectives (Intan Cahyani et al., 2024). This heightened awareness can be attributed to the concentrated efforts of advocacy groups and governmental bodies that utilize digital platforms, television,

and community centers to disseminate information. Urban residents often have better access to legal aid services, which further contributes to their understanding of the law and the mechanisms for addressing sexual violence. However, the situation in rural and marginalized communities presents a stark contrast. Here, only 30% of respondents are aware of the law, highlighting significant gaps in outreach and education efforts (Kurniawati & Irawati, 2023). Limited access to digital media, lower literacy rates, and prevailing socio-cultural norms that stigmatize discussions about sexual violence are key barriers. These communities often lack the infrastructure and resources needed to facilitate effective awareness campaigns, such as community meetings, printed materials in local languages, or radio broadcasts tailored to their context.

The disparity in awareness levels underscores the need for targeted interventions. Expanding outreach to rural areas through mobile legal clinics, local leaders, and grassroots organizations could bridge the knowledge gap. Training programs for local authorities and educators can also empower them to act as facilitators in spreading awareness and providing support. Moreover, addressing cultural stigmas through culturally sensitive campaigns can foster an environment where discussions about sexual violence are normalized, encouraging more victims to seek help. While urban areas have seen moderate success in understanding the Law on Sexual Violence, rural and marginalized communities remain underserved. Bridging this gap requires a multi-faceted approach that combines innovative outreach strategies, localized education initiatives, and cultural sensitivity to ensure that all individuals, regardless of location, are informed about their rights and the mechanisms available to address sexual violence.

Reporting and Case Handling

Since the enactment of the Law on Sexual Violence, there has been a marked increase in the reporting of sexual violence cases, with official data showing a 20% rise in reports over the past year (Kurniawati & Irawati, 2023). This increase reflects growing awareness and willingness among survivors to seek justice. Enhanced outreach campaigns, improved access to reporting channels, and greater public discourse have contributed to this positive trend. However, despite this progress, significant challenges remain in the handling and resolution of these cases, often undermining the law's potential impact. One major issue is the inadequate training of law enforcement officers on trauma-informed approaches. Many officers lack the skills to interact sensitively with survivors, often leading to secondary victimization during the reporting process. Survivors may feel dismissed or retraumatized by insensitive questioning or a lack of understanding about the complexities of sexual violence. This gap in training highlights the urgent need for specialized programs to equip law enforcement with the tools necessary for empathetic and effective case handling.

Additionally, bureaucratic hurdles and limited resources lead to delays in case processing. Overburdened court systems, insufficient forensic facilities, and understaffed investigative units contribute to prolonged timelines, leaving survivors waiting months or even years for resolution. These delays can discourage victims from pursuing their cases, eroding trust in the legal system and diminishing the law's deterrent effect. Victim-blaming attitudes further exacerbate the problem. Deeply ingrained cultural norms often place the onus of responsibility on survivors, leading to judgmental or dismissive treatment by some law enforcement personnel and community members (Muhshonah et al., 2023). This social stigma discourages many survivors from coming forward or continuing with legal proceedings, ultimately perpetuating a cycle of silence and impunity. To address these challenges, a multipronged strategy is required. Comprehensive training for law enforcement on trauma-informed practices, investment in judicial and investigative infrastructure, and public education campaigns to combat victim-blaming attitudes are critical. Such measures would not only improve case handling but also ensure that survivors feel supported and empowered to seek justice. By addressing these systemic issues, the law can better fulfill its mandate to protect and support survivors of sexual violence.

Legal Framework and Institutional Support

Legal Framework and Institutional Support play a pivotal role in addressing sexual violence by providing a foundation for justice and protection. The legal framework establishes clear definitions of offenses and enforces stricter penalties for perpetrators, aiming to deter such crimes and ensure accountability (Angin et al., 2019). However, the success of these laws heavily relies on institutional support, which often remains inadequate. Many survivors face significant barriers to accessing critical services such as shelters, counseling, and legal aid due to limited funding and uneven distribution of resources. With only 40% of regions having fully operational support systems, countless survivors in underserved areas are left vulnerable and without the necessary assistance. This stark gap underscores the urgent need for enhanced funding, capacity-building, and equitable resource allocation to guarantee comprehensive and accessible support for all survivors, regardless of their geographic location.

Law Enforcement Challenges

Law enforcement agencies face considerable challenges in carrying out their duties effectively, particularly in addressing complex and sensitive issues. One of the most pressing obstacles is the lack of specialized units equipped to handle cases of sexual violence (Muhshonah et al., 2023). Sexual violence cases require a nuanced and trauma-informed approach that general law enforcement officers may not be adequately trained to provide. This absence of specialization often results in inadequate investigations, delays in case resolutions, and a lack of sensitivity towards victims, further deterring them from coming forward to report these crimes. Another critical issue is the insufficient coordination between police, prosecutors, and social services. Effective law enforcement in cases like sexual violence or domestic abuse requires seamless collaboration among these entities to ensure comprehensive support for victims and to build robust cases against perpetrators (Rahmat, 2024). However, the absence of synchronized efforts often leads to disjointed processes, missed opportunities to collect evidence, and gaps in victim protection. This lack of coordination can undermine the overall integrity of the criminal justice system, leaving victims feeling unsupported and justice unserved.

Cultural and societal norms also play a significant role in hindering effective law enforcement. In many communities, deeply ingrained stigmas surrounding sexual violence perpetuate victim-blaming attitudes and discourage survivors from seeking help. These societal barriers can prevent victims from reporting crimes or cooperating with investigations, creating a cycle of silence that allows perpetrators to go unpunished. Furthermore, cultural biases and misconceptions may influence how law enforcement personnel perceive and handle such cases, potentially leading to discrimination and further victimization. Addressing these challenges requires a multifaceted approach. Establishing specialized units, enhancing inter-agency coordination, and implementing community education programs to shift harmful cultural norms are essential steps toward more effective law enforcement. Policymakers and community leaders must prioritize resources, training, and public awareness initiatives to foster a justice system that is responsive, compassionate, and capable of addressing the complexities of modern crime. Only through such concerted efforts can law enforcement agencies overcome these obstacles and ensure justice for all.

Victim Support and Rehabilitation

Victim support and rehabilitation programs are gradually improving, offering survivors of sexual violence more avenues for assistance than in previous years. However, these programs remain far from comprehensive and often fall short of meeting the diverse needs of survivors. Data shows that approximately 55% of reported survivors have accessed some form of support, such as counseling, medical care, or legal assistance. While this represents a positive step forward, significant gaps persist, particularly in providing long-term psychological care and reintegration assistance. Many survivors face challenges in accessing sustained mental health services due to a lack of specialized therapists, limited availability of trauma-informed care facilities, and financial constraints. This can leave survivors vulnerable to prolonged emotional distress, including post-traumatic stress disorder (PTSD), anxiety, and depression, which may hinder their ability to rebuild their lives. Reintegration into society poses another critical challenge for survivors. Stigmatization and victim-blaming attitudes remain deeply entrenched in many communities, creating social barriers that prevent survivors from returning to work, education, or normal social activities. Programs aimed at economic empowerment, such as vocational training and job placement services, are often underfunded and inaccessible to those in rural or marginalized areas. This lack of support leaves many survivors trapped in cycles of poverty and social exclusion, further compounding their trauma.

Additionally, support systems for survivors often lack coordination. Victims frequently encounter fragmented services, requiring them to navigate complex bureaucratic processes to access healthcare, legal aid, and counselling (Triyantoro & Zuwanda, 2024). This disjointed approach can discourage survivors from seeking help altogether, particularly in cases where immediate and compassionate responses are critical. To address these challenges, it is essential to expand and integrate victim support services. Investments in mental health infrastructure, training for trauma-informed professionals, and community-based programs to reduce stigma are key priorities. Governments and non-governmental organizations must collaborate to develop comprehensive rehabilitation strategies that include not only immediate crisis interventions but also long-term care and reintegration initiatives. By addressing these gaps, victim support and rehabilitation programs can play a pivotal role in helping survivors heal and regain their agency, fostering a more just and empathetic society.

Strengths of the Law

The Law on Sexual Violence represents a progressive milestone in combating genderbased violence, demonstrating a commitment to a holistic approach that integrates prevention, prosecution, and victim protection. By emphasizing consent and acknowledging the diverse manifestations of sexual violence, the law not only addresses existing gaps in legal frameworks but also aligns with international standards for human rights. Advocacy groups have particularly praised its victim-centered perspective, which ensures robust mechanisms for support and rehabilitation, while its detailed provisions enhance accountability and deterrence. This comprehensive and forward-thinking legislation serves as a benchmark for other jurisdictions seeking to tackle sexual violence effectively.

Persistent Challenges

Despite its progressive framework, the implementation of the Law on Sexual Violence continues to encounter persistent challenges. Deeply rooted patriarchal norms and victimblaming attitudes create substantial social and cultural barriers, deterring survivors from reporting incidents and influencing the biases of law enforcement and judicial officials (Saputri, 2024). Resource constraints further compound these issues, with insufficient funding for essential infrastructure such as forensic labs, shelters, and legal aid services. The lack of specialized training for police, prosecutors, and judges undermines their ability to handle cases with the necessary sensitivity and expertise. Additionally, fragmented inter-agency coordination among law enforcement, social services, and healthcare providers leads to delays in justice and inadequate support for survivors. Addressing these challenges requires a multifaceted approach that includes public education campaigns, increased funding, policy integration, and proactive community engagement to foster cultural change and enhance the law's efficacy.

CONCLUSION

The implementation of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence marks a critical effort in combating gender-based violence and upholding justice for survivors. However, significant challenges persist in its execution, particularly in case handling and law enforcement. Social and cultural barriers, resource limitations, insufficient capacity building, and weak inter-agency coordination hinder the law's full potential. Addressing these issues requires a concerted effort to enhance infrastructure, provide specialized training, and promote public awareness. By strengthening these aspects, the law can better fulfill its promise to protect victims, prosecute offenders, and prevent further acts of sexual violence, thereby advancing justice and societal transformation.

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