



# Legal Protection Efforts for Victims of Sexual Violence Crimes in Indonesia

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**Abstract:** Sexual violence, particularly rape, constitutes a serious violation of human rights, inflicting lasting physical, psychological, and social impacts on victims. In 2024, the National Commission on Violence Against Women (Komnas Perempuan) recorded 445,502 cases of sexual violence in Indonesia, emphasizing the urgency for robust legal protection. This study aims to examine the legal protections afforded to rape victims under Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS) and evaluate the challenges in its implementation. Using a normative legal research method, the analysis draws from primary legal sources, notably the UU TPKS, and relevant secondary literature. The findings indicate that the UU TPKS grants victims access to medical services, psychological support, legal assistance, and confidentiality safeguards. However, implementation is hindered by entrenched patriarchal norms, societal stigma, and inadequate sensitivity among law enforcement. The study concludes that strengthening public awareness, improving law enforcement capacity, and adopting restorative justice principles are essential for effective legal protection. This research contributes to the development of a more responsive and victim-centered legal framework in Indonesia.

**Keywords:** Sexual Violence, Rape, Legal Protection, TPKS Law

## 1. Introduction

Currently, cases of indecency, especially sexual violence, are increasingly common in both private and public settings. These tragedies cause various legal and social problems throughout society (Siregar, Brain, et al., 2023). Human rights violations are committed by perpetrators of sexual violence, who often cause deep physical, psychological, and social trauma to their victims (Uddin et al., 2025).

The term 'sexual violence' is derived from the English phrase 'sexual hardness,' in which the adjective 'hardness' conveys a sense of severity or aggression (Paradias & Soponyono, 2022). Violence is behaviour that violates the law, whether in the form of threats alone or actions that result in physical injury, property damage, or even death. Sexual violence represents a grave breach of human rights, involving actions or threats of a sexual nature imposed on an individual without their voluntary agreement. It not only causes physical suffering but also has long-term psychological and social impacts on the victim. In a legal context, sexual violence is classified as a criminal act that degrades human dignity and violates the principles of individual protection as guaranteed in the constitution and national legislation (Nurjati & Euis, 2020). This phenomenon reflects an unequal power dynamic, where perpetrators often exploit positions of authority, proximity, or power to commit acts of sexual violence. As a result, many victims experience prolonged trauma, difficulty accessing justice, and social stigma from their surroundings, making comprehensive legal protection urgently necessary within the framework of a rule-of-law state that guarantees the right to safety for all citizens.

According to the official website of the National Commission on Violence Against Women, between 2001 and 2012, an average of 35 women became victims of sexual violence each day. A total of 4,336 cases were recorded, with 2,920 incidents taking place in public spaces, predominantly involving rape and sexual assault. In 2013, the number of incidents increased to 5,629 cases, indicating two cases of violence against women every three hours. The age groups most frequently targeted by sexual violence are individuals

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aged 13–18 and 25–40 years (Komisi Nasional Anti Kekerasan terhadap Perempuan, 2021). In 2024, according to the Annual Report (CATAHU), the number of cases of violence against women (KtP) reported to the National Commission on Violence Against Women (Komnas Perempuan) and CATAHU partners reached 445,502 cases. This figure increased by 43,527 cases or approximately 9.77% compared to 2023, which recorded 401,975 cases. Meanwhile, the number of complaints directly received by Komnas Perempuan in 2024 reached 4,178 cases, a decrease of 4.48% from the previous year. Despite the decline in complaints, Komnas Perempuan continues to receive an average of approximately 16 reports per day. Given the high incidence of sexual violence, more serious efforts are needed to reduce the number of such cases (Komisi Nasional Anti Kekerasan terhadap Perempuan, 2025).

Sexual harassment continues to be a pervasive issue in modern society and proves challenging to eradicate entirely. Such acts can take place in any setting and at any moment, regardless of the circumstances. These acts constitute a form of insult or harassment directed at individuals, often triggered by gender inequality. As a result, victims may experience psychological and physical suffering, which may lead to a decline in their sense of security and self-confidence. Adopting a holistic approach Awareness of the various forms of sexual harassment that occur around us makes us more sensitive to it (Saefudin et al., 2023). Various forms of violence constitute crimes against humanity, violations of human rights, and manifestations of discrimination that must be eradicated. The majority of sexual harassment victims are women, who require protection from both the government and society to ensure they can live freely and safely, without the threat of harassment, abuse, or violence (Yusyanti, 2020).

A 2013 study conducted by the United Nations Development Programme (UNDP), United Nations Population Fund (UNFPA), UN Women, and United Nations Volunteers (UNV) revealed that 80% of roughly 10,000 men surveyed across the Asia-Pacific region admitted to having committed rape against their partners. Additionally, 97% of men who raped their partners had never faced legal consequences for their actions, justifying their behaviour by claiming they had sexual rights over their relationships. Sexual violence can occur across various socio-economic strata and in various contexts, including family situations, educational institutions, and healthcare facilities such as examination rooms (Handayani, 2018).

Indonesian society is often confronted with the issue of sexual violence. Indonesian law still lacks comprehensive legal provisions for holding perpetrators fully accountable and ensuring adequate protection for victims. Moreover, the number of sexual violence cases that proceed to court remains relatively low. Because victims of sexual violence are often stigmatised in society, they are reluctant to report incidents to the authorities. The media often blames victims for the perpetrators' actions, linking things like provocative clothing, going out at night, or being alone as triggers for the perpetrators' irrational desires (Indainanto, 2020). By adopting a comprehensive approach to understanding sexual violence, we can enhance our awareness of the various forms it takes in our surroundings. Sexual violence crimes are often regulated as 'indecent acts' in the Criminal Code (Articles 289 to 296), although there is no clear description. A more detailed and clear legal framework is therefore needed. Crimes of sexual violence are governed under the Law on the Crime of Sexual Violence (TPKS Law). This law regulates the effective prevention and handling of sexual violence cases, including the protection, support, and restoration of victims' rights, along with coordination between central and local governments, as well as international cooperation. To create a sexual violence-free environment, this law regulates community involvement in victim recovery and prevention. However, it appears that the TPKS Law is also inadequate in providing comprehensive protection for victims after the incident (Tuharyati & Khulaivah, 2025).

Research discussing efforts to combat Indonesian criminal law forms the basis for analysis of sexual violence against children (Rizqian, 2021). Secondary sexual violence, which includes physical and psychological harm, retaliatory actions, and the degradation

or abuse of individuals aiding victims of gender-based violence, has been a critical subject in research on legal protection and enforcement mechanisms (Flecha, 2021).

Therefore, conducting a thorough legal analysis of the provisions and implementation of legal protection for rape victims, as outlined in the TPKS Law, is of significant importance. This study aims to analyze the legal provisions concerning rape under the TPKS Law and assess the practical implementation of victim protection, with the objective of enhancing understanding and providing an academic contribution to the advancement of victim protection in Indonesia.

Although various previous studies have discussed sexual violence from the perspective of criminal law and human rights, most remain descriptive or focus solely on normative legal analysis without evaluating the effectiveness of legal implementation in practice. Moreover, there is a lack of critical studies integrating restorative justice approaches into the implementation of Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS).

Therefore, this article seeks to address these gaps by providing a thorough analysis of legal protection for rape victims under the UU TPKS and by examining the practical challenges in its implementation. Employing a normative legal approach, this study not only analyzes the relevant legal norms but also offers an applied discussion concerning victim needs, the role of law enforcement, and the societal context in Indonesia.

The theoretical contribution of this research lies in reinforcing a victim-centered legal approach and integrating restorative justice principles within the national legal protection framework. Meanwhile, its practical contribution includes strategic recommendations for enhancing the capacity of law enforcement personnel, formulating responsive implementing policies, and advocating institutional reforms to ensure the full realization of victims' rights.

## 2. Materials and Methods

According to Soerjono Soekanto and Sri Mamudji, normative legal research, commonly known as legal literature research, forms an essential part of this study. Secondary data from various literature sources are used in the analysis of this study (Soerjono & Mamudji, 2010). According to Peter Mahmud Marzuki, this as a normative approach involving detailed analysis of legal norms relevant to the issues being studied (Marzuki & Mahmud, 2005).

The study primarily relies on authoritative legal sources, including the 1945 Constitution of the Republic of Indonesia, Law No. 12 of 2022 concerning Sexual Violence Crimes (UU TPKS), Law No. 16 of 2004 as amended by Law No. 11 of 2021 concerning the Attorney General's Office, and Constitutional Court Decision No. 6/PUU-XXII/2024. These are complemented by secondary legal materials such as academic books, peer-reviewed journals, court decisions, legal commentaries, and legal dictionaries. The legal analysis uses several interpretation techniques: grammatical interpretation to understand the literal meaning of legal texts, systematic interpretation to examine legal provisions within the broader legal framework, and teleological interpretation to uncover the intended purpose and social objectives behind the norms. Additionally, this study incorporates statutory, conceptual, and case approaches. The statutory approach is used to review the coherence of legal norms, while the conceptual approach clarifies fundamental terms like "rape," "victim," and "legal protection." The case approach draws on selected court decisions to illustrate how the legal provisions are applied in practice. Legal documents and literature were selected based on their relevance, validity, and credibility, and evaluated through critical reading and comparison to ensure a comprehensive analysis of both the legal substance and its implementation in safeguarding the rights of rape victims.

### 3. Results and Discussion

#### 3.1 *Legal Protection for Victims of Rape Based on Law Number 12 of 2022*

Through the ratification of several international conventions, such as those guaranteeing protection from violence and the right to freedom from torture or degrading treatment, which are recognized as fundamental rights under the 1945 Constitution, Indonesia has affirmed its commitment to eliminating all forms of violence, torture, inhumane treatment, and discrimination against women, children, and persons with disabilities (Nova & Edita Elda, 2024).

Aggression and cruel treatment are examples of violence that contradict human and religious values and endanger social harmony and security (Mc Donald & Charles, 2021). Sexual violence encompasses all actions of a sexual nature that are harmful and non-consensual, such as unsolicited remarks, unauthorized touching, and coercion into sexual acts. For legal protections to be meaningful, they must aim to restore the violated human rights of those affected (Uswatina, 2021).

Indonesia's legal protection framework for victims of sexual violence consists of several key components. The primary legal instrument providing stronger safeguards compared to earlier legislation is Law No. 12 of 2022 on the Crime of Sexual Violence. Alongside this, various governmental and non-governmental efforts are underway to enhance the provision of psychological and medical assistance to victims (Bagenda et al., 2024).

According to Law No. 12 of 2022 Article 1 Paragraph 4 on Sexual Violence Crimes, a 'victim' is a person who has suffered social, financial, psychological, or physical harm as a result of a sexual violence crime. The severity of the criminal act will determine the length of the prison sentence for the perpetrator. Law No. 12 of 2022 provides for life imprisonment as the maximum sentence for perpetrators of sexual violence. In addition to imprisonment, offenders may also face monetary fines as supplementary penalties. This legislation, along with its specific provisions on sexual violence and exploitation, also offers legal protection for minors. While the regulation marks a major step forward in safeguarding the rights of sexual violence victims, its implementation frequently encounters obstacles such as societal stigma, insufficient legal literacy among the public, and inadequate capacity within law enforcement bodies (Sari, 2022). Widodo's research indicates that a significant number of victims choose not to report incidents due to fears of being stigmatized or concerns about the lack of available support (Widodo, 2021).

In the context of the national legal system, the protection of rape victims must be developed in a comprehensive and multi-layered manner, addressing two key dimensions: preventive and repressive measures. Preventive protection focuses on deterring acts of sexual violence through legal frameworks, public awareness initiatives, and the reinforcement of institutional capacities. Repressive protection, on the other hand, is a legal response to crimes that have already occurred, imposing sanctions on perpetrators and restoring victims' rights in a fair and dignified manner (Uddin et al., 2025).

Preventively, Law No. 12 of 2022 (TPKS Law) regulates the importance of involving the state, society, educational institutions, and families in building a culture of anti-sexual violence. Article 73(1) of the UU TPKS emphasises the state's obligation to conduct socialisation, education, and public awareness campaigns as part of efforts to create a safe space free from sexual violence. Key elements of effective prevention efforts include the provision of inclusive sexual education, the training of law enforcement officers in gender sensitivity, and the adoption of curricula that promote gender equality (Tuharyati & Khulaivah, 2025).

Meanwhile, repressive protection is realised through legal action against perpetrators, protection of witnesses and victims, and victim recovery through medical, psychological, social, and legal assistance. Articles 67-70 of the TPKS Law grant special rights to victims, including the right to proper legal handling, confidentiality of identity, protection from intimidation, and the right to restitution. In addition, the mandate of the Witness and Victim Protection Agency (LPSK), as an independent state body, has been reinforced to ensure tangible protection for victims and witnesses during criminal justice

proceedings (Siregar, Chandra, et al., 2023). One of the legal provisions that reinforces victim protection in sexual violence cases is Article 67 of Law No. 12 of 2022, which emphasizes the importance of ensuring safety, recovery, and access to justice for survivors.

Victims' entitlements consist of: (a) the entitlement to appropriate care and assistance; (b) the entitlement to legal and physical protection; and (c) the entitlement to access rehabilitation services.

The government holds the responsibility to ensure the fulfillment of victims' rights based on their specific conditions and individual needs. The provisions in Articles 68 to 70 of Law Number 12 of 2022 serve to regulate and uphold the rights of individuals affected by sexual violence.

Right to Treatment: (a) the right to be informed about the entire process and outcomes of Treatment, Protection, and Recovery; (b) the right to access all documentation related to the treatment process; (c) the right to receive legal assistance; (d) the right to psychological counseling and support; (e) the right to obtain health services, including medical examinations, procedures, and necessary treatments; (f) the right to services and facilities tailored to the victim's special needs; (g) the right to the removal of explicit sexual content in cases of sexual violence involving electronic media.

Right to Protection: provision of clear and accessible information regarding victims' rights and available protection services; access to updates and explanations on the implementation of protective actions; protection from threats, intimidation, or further acts of violence by perpetrators or other parties, including efforts to prevent repeated offenses; assurance of confidentiality regarding the victim's personal identity; safeguards against degrading treatment or discriminatory behavior by law enforcement personnel; accountability for law enforcement personnel who act in a way that humiliates or disrespects victims; protection from negative consequences such as job loss, demotion, exclusion from education, or restriction from participating in political processes; and legal protection to ensure that victims and/or those who report sexual violence are not subjected to criminal prosecution or civil litigation due to the act of reporting.

In criminal law, both preventive and repressive strategies reflect the application of progressive legal principles, where the law functions not merely as an instrument of punishment, but as a mechanism to uphold human dignity and to deter the repetition of such offenses. The strength of a legal protection framework is not merely reflected in the severity of punishment for perpetrators, but in its capacity to support the full restoration of victims' rights and prevent the normalization of sexual violence in society.

When addressing incidents of sexual violence, particularly in supporting victims' recovery, government authorities and relevant service providers must prioritize the victim's well-being and adopt a victim-centered perspective. This approach ensures that the assistance offered is empowering and encourages victims to pursue their legal rights and protection. The enactment of the Sexual Violence Crimes Law (TPKS Law) provides a comprehensive legal foundation for protecting victims, enhancing the handling of both physical and non-physical sexual violence cases, and contributing to a reduction in the prevalence of such crimes across Indonesia (Awat KBGO, 2021).

Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS) provides a comprehensive legal framework to protect rape victims through both preventive and repressive mechanisms. Article 73 outlines the state's duty to promote public education and build an anti-sexual violence culture, while Articles 67–70 detail victims' rights to proper treatment, legal protection, and recovery. This reflects a shift toward a victim-centered legal paradigm. However, the law's effectiveness remains limited in practice. As Widodo (2021) observed, many victims avoid reporting due to fear of stigma or being mistreated by authorities. A concrete example is the 2019 Luwu Timur case, where police dismissed a child rape report despite available psychological and medical evidence. This highlights gaps in the enforcement of Article 67 on humane treatment and victim recovery.

Article 68 on psychological rehabilitation is also hindered by inadequate infrastructure, particularly in rural areas lacking trained counselors and integrated service centers. Me-

dia violations of Article 69, which guarantees confidentiality, continue to expose victims' identities, exacerbating social harm.

Studies by Tuharyati & Khulaivah (2025) and Flecha (2021) further reveal weak legal literacy among law enforcement and instances of institutional retaliation against those assisting victims—signs of systemic failure. These issues indicate that strong legal norms alone are insufficient without proper implementation mechanisms.

To close the gap between law and practice, the UU TPKS must be supported by measurable indicators—such as access to services, application of restorative justice, and independent oversight. Legal protection must function not only as a set of written norms, but as a transformative tool that safeguards victims and strengthens restorative justice within Indonesia's legal system.

### ***3.2 Obstacles Encountered in the Implementation of Legal Protection for Victims of Rape***

Although Law No. 12 of 2022 (TPKS Law) has become a progressive legal basis for protecting victims of sexual violence, its implementation in the field still faces significant obstacles. These obstacles can be classified into several main aspects, namely cultural, structural, legal, and psychosocial aspects of the victims (Rahmi, 2018). (a) Cultural obstacles are the dominant factor preventing victims from obtaining maximum legal protection. Indonesian society, which is still deeply rooted in patriarchal culture, often blames victims in rape cases. This causes victims to feel afraid, ashamed, and even reluctant to report the crime for fear of being revictimised during the investigation process or in their own social environment. This culture of blaming victims not only reinforces psychological trauma but also hinders victims' access to justice. (b) Structurally, one of the main barriers lies in the limited competence and inadequate sensitivity of law enforcement personnel in addressing the needs of sexual violence victims. There are still cases where police officers, prosecutors, or even judges treat victims inhumanely, such as questioning the victim's clothing, the location and time of the incident, and even doubting the truthfulness of the victim's report. This creates distrust in the legal system and reinforces reluctance to report among victims. (c) From a legal perspective, although the TPKS Law has provided a clearer legal framework, the implementation of these legal norms is still hindered by the lack of implementing regulations (Government Regulations/Ministerial Regulations) and the inadequate understanding of law enforcement officials regarding the substance of the law. This makes law enforcement ineffective and often results in legal protection becoming a mere formality without substance. (d) From a psychosocial perspective, rape victims generally experience severe trauma, including post-traumatic stress disorder (PTSD), shame, and fear of social stigma. The lack of adequate psychological support and rehabilitation from the state prevents victims from having the courage to voice their rights, even within the legal system. This is exacerbated by the limited availability of integrated services and experts in remote areas.

Based on findings by Yanny Tuharyati and Adilya Khulaivah, the primary challenge in safeguarding victims of sexual violence lies in the disconnect between existing legal frameworks and their implementation in practice, coupled with insufficient coordination between law enforcement bodies and victim protection institutions (Tuharyati & Khulaivah, 2025). On the other hand, David Brain Siregar also highlights the phenomenon of institutional revictimisation, where law enforcement agencies indirectly harm victims through painful legal processes (Siregar, Brain, et al., 2023).

Overcoming these obstacles requires a multidisciplinary strategy that extends beyond merely applying normative legal methods. It necessitates structural improvements within law enforcement agencies, the development of comprehensive psychosocial support systems, and a substantial enhancement of public awareness and understanding of legal rights. The state must ensure that legal protection does not stop at the text of the law, but must be present in the form of real, humane, and responsive protection to the needs of victims.

#### 4. Conclusions

Legal protection for victims of rape in Indonesia has been significantly reinforced through the enactment of Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS). This law introduces a comprehensive, victim-oriented approach that prioritizes the restoration of victims' dignity and human rights, in addition to punishing perpetrators. Victims are entitled to medical treatment, psychological support, identity protection, legal aid, and socio-economic recovery. The state bears the responsibility to ensure that all legal procedures are respectful, non-traumatizing, and centered on the needs of the victim. Protection is not limited to repressive measures but also includes preventive efforts such as public education, professional training for law enforcement, and institutional strengthening through bodies like the Witness and Victim Protection Agency (LPSK).

Despite this progressive legal framework, the practical implementation of the UU TPKS still encounters numerous challenges. Cultural barriers such as patriarchy and stigma, combined with the low sensitivity of law enforcement, continue to discourage victims from reporting crimes and contribute to revictimization. Structural issues—including the absence of implementing regulations, limited access to integrated services, and the lack of psychological recovery programs—further obstruct victims' pathways to justice and healing.

This study is limited by its normative legal approach, which does not incorporate empirical data or fieldwork that could provide deeper insights into how the law functions in real-world contexts. Future research is recommended to adopt empirical and socio-legal methodologies to evaluate the on-the-ground effectiveness of the TPKS Law, particularly in rural and marginalized communities. Further investigation should also explore the role of local institutions, survivor-centered legal innovations, and cross-sector collaboration models that can enhance the reach and impact of victim protection policies in Indonesia. Such studies are crucial for informing policy refinement and ensuring that legal norms translate into tangible justice for survivors of sexual violence.

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