

# Optimizing Legal Protection for Victims of Sexual Violence from the Perspective of the Law on Sexual Violence Crimes (A Study at the Sibolga Police Station)

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## Abstract

Sexual violence is a serious violation of human rights that causes physical, psychological, social, and economic suffering for victims. The enactment of Law No. 12 of 2022 on Criminal Acts of Sexual Violence reflects the state's commitment to strengthening victim protection through victim-centered legal mechanisms. However, the implementation of legal protection for victims of sexual violence in practice still faces various legal, structural, and cultural challenges, particularly at the levels of law enforcement and victim protection. This study aims to analyze the implementation of legal protection for victims of sexual violence based on Law No. 12 of 2022 on Sexual Violence Crimes at the Sibolga Police Station, as well as to identify various obstacles and efforts to optimize legal protection for victims in law enforcement practice. This study employs an empirical legal research method with a sociological-legal approach. The research design is descriptive-analytical and aims to examine the implementation of legal protection for victims of sexual violence as well as the obstacles encountered in its application. Data were obtained through field research and literature review. Primary data were collected through interviews with investigators from the Women and Children Protection Unit, while secondary data were obtained from relevant laws and regulations, books, and scientific journals related to the research topic. The results indicate that the Sibolga Police Department has implemented legal protection through case reporting services, psychological assistance, protection of identity confidentiality, and coordination with relevant institutions. However, several challenges remain, including low public legal awareness, limited supporting resources, and difficulties in proving cases of sexual violence. This study concludes that the implementation of legal protection for victims of sexual violence generally reflects the principles of the Law on Sexual Violence Crimes, although its implementation has not yet been optimal. Strengthening institutional capacity, improving victim-centered services, and raising public legal awareness are crucial aspects in achieving legal protection that is more humane, responsive, and just.

**Keywords:** Legal Protection, Sexual Violence, Victims' Rights, Law Enforcement, Law on Sexual Violence Crimes.

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## Introduction

Sexual violence constitutes a form of human rights violation that generates multidimensional consequences for victims, encompassing physical, psychological, social, and economic impacts. Victims not only suffer from the direct consequences of the perpetrator's actions but also frequently encounter social stigma, environmental pressures, and legal processes that do not fully accommodate their interests and needs. This condition demonstrates that the handling of sexual violence offenses should not be solely oriented toward the punishment of perpetrators but must also ensure comprehensive legal protection for victims. The enactment of Law Number 12 of 2022 concerning Sexual Violence Crimes represents a progressive measure undertaken by the Indonesian government to strengthen victim protection through provisions regulating restitution rights, assistance services, recovery mechanisms, and victim-oriented legal procedures.

At the national level, sexual violence cases continue to exhibit a high prevalence from year to year. Data published by the National Commission on Violence Against Women (Komnas Perempuan) in its 2024 Annual Report indicate that sexual violence remains one of the most dominant forms of violence reported by the public [1]. This phenomenon suggests that legal protection for victims continues to face significant challenges, particularly in terms of legal implementation, access to justice, and the effectiveness of law enforcement. Furthermore, national and regional media coverage has highlighted increasing public concern regarding various cases of sexual violence involving women and children as vulnerable groups. These circumstances confirm that sexual violence has evolved into both a social and legal issue requiring more effective and comprehensive intervention.

Within the regional context, the dynamics of handling sexual violence cases are also evident within the jurisdiction of the Sibolga Regional Police (Polres Sibolga). Several reports published by local online media have confirmed incidents of child molestation, sexual harassment, and sexual violence, which, in many cases, were perpetrated by individuals closely associated with the victims. As the frontline law enforcement institution at the local level, the Sibolga Regional Police plays a strategic role in implementing the mandate of legal protection, beginning from the receipt of complaints, the investigation process, and the provision of victim assistance throughout judicial proceedings. Therefore, it is essential to conduct an in-depth examination of how legal protection for victims of sexual violence is currently implemented under Law Number 12 of 2022 concerning Sexual Violence Crimes within the jurisdiction of the Sibolga Regional Police in order to address the legal needs of victims in the region.

Nevertheless, the harmonization between the normative objectives embodied in the legislation and the empirical realities encountered in practice continues to face substantial challenges. Within the jurisdiction of the Sibolga Regional Police, the implementation of legal protection for victims remains constrained by various juridical, structural, and cultural obstacles. The urgent need in practice extends beyond administrative protection and includes concrete safeguards against intimidation frequently carried out by perpetrators or their family members following the reporting of incidents. Empirical evidence indicates that many victims experience profound fear in pursuing legal proceedings due to psychological threats, exposure to victim-blaming attitudes within their communities, and social pressures that perceive such cases as family disgrace. Moreover, the protection of victims' identities is often not optimally implemented, compounded by limited access to responsive psychological assistance and legal aid services at the local level. The vulnerability of victims to revictimization constitutes a primary concern and underscores the urgency of critically examining and optimizing legal protection mechanisms within the Sibolga Regional Police jurisdiction.

Based on the foregoing background, this study possesses a clear direction and focus in addressing issues related to victim protection. The study aims to analyze the implementation of legal protection for victims of sexual violence under Law Number 12 of 2022 concerning Sexual Violence Crimes within the Sibolga Regional Police and to identify the various obstacles

and optimization efforts associated with victim protection in law enforcement practices. Accordingly, the research questions formulated in this study are as follows:

1. How is legal protection for victims of sexual violence implemented under Law Number 12 of 2022 concerning Sexual Violence Crimes within the jurisdiction of the Sibolga Regional Police?
2. What obstacles are encountered, and what optimization efforts can be undertaken in providing legal protection for victims of sexual violence within the jurisdiction of the Sibolga Regional Police?

## Literature Review

### 1. Legal Protection Theory

Legal protection constitutes one of the fundamental elements of a rule-of-law state, aimed at ensuring the recognition, respect, and fulfillment of the rights of every citizen. Within the context of criminal law, legal protection is not exclusively directed toward offenders through the principle of *due process of law*, but must also take into account crime victims as parties who directly suffer harm. Legal protection for victims of sexual violence is particularly significant because victims frequently experience multiple layers of suffering, resulting not only from the perpetrator's actions but also from the social consequences that arise following the commission of the offense. According to Ramadani, the protection of human rights for crime victims must be realized through legal mechanisms capable of providing security, recovery, and legal certainty for victims [2]. This perspective emphasizes that legal protection should not merely be understood as the formal enforcement of legal rules but must also encompass the comprehensive restoration of victims' conditions.

From the perspective of Law Number 12 of 2022 concerning Sexual Violence Crimes, victim protection is manifested through the rights to case handling, protection, recovery, restitution, and assistance throughout legal proceedings. Legal protection is also closely related to the responsibility of law enforcement officials in safeguarding victims' rights. Aspan explains that law enforcement officers possess discretionary authority within the criminal justice system, which must be exercised proportionally to achieve substantive justice [3]. In cases of sexual violence, the appropriate use of discretion is essential to ensure that victims receive prompt, safe, and victim-centered services while avoiding revictimization during the investigative process.

Fundamentally, the concept of legal protection seeks to establish a balance among legal certainty, justice, and social utility. Daulay, Zarzani, and Aspan argue that legal protection represents the manifestation of the state's presence in guaranteeing the rights of individuals against various forms of harm or legal violations [4]. Therefore, legal protection for victims of sexual violence should be understood as a state obligation implemented through regulations, law enforcement mechanisms, and victim-oriented public services.

### 2. Law Enforcement Theory

Law enforcement refers to the process of implementing legal norms by authorized institutions in order to establish order, justice, and legal certainty within society. The effectiveness of law enforcement is influenced not only by the legal rules themselves but also by the quality of law enforcement personnel, institutional facilities and infrastructure, legal culture, and public legal awareness. Siregar, Adrian, and Rambe explain that Indonesia's criminal law system was established to protect legal interests within society through mechanisms of punishment and fair law enforcement [5]. In cases of sexual violence, law enforcement must be capable of providing effective protection for victims through professional investigative procedures that prioritize victims' rights.

Law enforcement in cases of sexual violence must also incorporate humane and restorative approaches. Hutagalung and Zarzani argue that the implementation of restorative justice within the criminal justice system aims to create legal guarantees that are both beneficial and equitable

for all parties involved [6]. Although sexual violence offenses possess specific characteristics that cannot be entirely resolved through restorative approaches, the principle of victim recovery remains an essential component of law enforcement.

Furthermore, the effectiveness of law enforcement is significantly influenced by the readiness of law enforcement institutions to provide services to victims. In practice, various challenges continue to be encountered, including limited service facilities, a shortage of professional support personnel, and social attitudes that tend to blame victims. Such conditions hinder the optimal implementation of legal protection for victims of sexual violence and may undermine access to justice and victim recovery.

### **3. The Concept of Sexual Violence and Victim Protection**

Sexual violence refers to any act that degrades, assaults, or coerces an individual in relation to their body and reproductive functions through violence, threats, or the absence of the victim's consent. Law Number 12 of 2022 concerning Sexual Violence Crimes provides a broader regulation of various forms of sexual violence than previous legal instruments, thereby strengthening legal certainty and protection for victims. Rafianti and Sinaga explain that violence, including domestic violence, produces serious physical and psychological consequences for victims and therefore requires effective legal protection from the state [7]. This view demonstrates that victims of sexual violence require responses that extend beyond criminal prosecution and encompass psychological and social recovery.

In their study concerning the criminal liability of perpetrators of sexual violence against girls, Sidi and Zarzani explain that sexual violence offenses generate long-term consequences for victims. Consequently, law enforcement authorities must prioritize victim protection and the best interests of victims throughout the legal process [8]. This approach is consistent with the implementation of Law Number 12 of 2022, which positions victims as the primary subjects of legal protection.

Victim protection is also closely associated with the fulfillment of human rights. Rahmayanti, Zarzani, Sukarwoto, and Diriyanti emphasize that all forms of violence constitute violations of human rights and therefore must be addressed through fair law enforcement mechanisms that prioritize victim protection [9]. Accordingly, the police institution, as the frontline agency of law enforcement, bears a crucial responsibility in ensuring that victims receive maximum protection from the earliest stages of case handling.

### **Research Methodology**

This study employs an empirical legal research design with a socio-juridical approach. This approach is utilized to examine how the implementation of legal protection for victims of sexual violence, as mandated under Law Number 12 of 2022 concerning Sexual Violence Crimes, is carried out in law enforcement practices within the Sibolga Regional Police (Polres Sibolga). Empirical legal research was selected because the study not only examines applicable legal norms but also investigates social realities and the practical implementation of the law by law enforcement authorities in providing protection to victims of sexual violence. The socio-juridical approach is applied to assess the extent to which legal provisions correspond with their implementation in practice, thereby enabling the identification of obstacles as well as efforts to optimize legal protection for victims [10].

The nature of this research is descriptive-analytical. It aims to systematically describe the implementation of legal protection for victims of sexual violence within the jurisdiction of the Sibolga Regional Police and to analyze various factors affecting the effectiveness of the implementation of Law Number 12 of 2022 concerning Sexual Violence Crimes. The descriptive-analytical method is employed because the study seeks to provide a factual overview of victim-handling procedures, forms of legal protection afforded to victims, challenges encountered by law enforcement officials, and optimization measures undertaken during the investigation of sexual violence cases [11].

The data sources in this study consist of primary and secondary data. Primary data were obtained directly through field research conducted at the Sibolga Regional Police by carrying out interviews with parties involved in handling sexual violence cases, including investigators from the Women and Children Protection Unit (*Unit Perlindungan Perempuan dan Anak/PPA*). In-depth interviews were conducted to obtain information regarding the implementation of legal protection for victims, challenges encountered during law enforcement processes, and efforts undertaken to enhance victim protection. Meanwhile, secondary data were collected through library research comprising primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include laws and regulations related to sexual violence crimes, whereas secondary legal materials consist of scholarly journals, books, research reports, and scientific articles relevant to the research topic [12].

Data collection techniques were carried out through both library research and field research. Library research involved the examination of legal literature, reputable scientific journals, statutory regulations, and documents related to legal protection for victims of sexual violence. Field research was conducted through interviews and the collection of data concerning the handling of sexual violence cases within the Sibolga Regional Police. These techniques were employed to ensure that the study obtained objective data reflecting the empirical conditions encountered in practice [13].

The data in this study were analyzed using a qualitative analytical method. Data obtained from field research and library studies were systematically examined by correlating legal provisions, legal protection theory, law enforcement theory, and empirical facts identified in the handling of sexual violence cases within the Sibolga Regional Police. Qualitative analysis was employed to generate a comprehensive understanding of the implementation of legal protection for victims of sexual violence and to formulate more effective and justice-oriented strategies for optimizing victim protection [14].

## Results

### 1. Implementation of Legal Protection for Victims of Sexual Violence under the Law on Sexual Violence Crimes at the Sibolga Regional Police

The implementation of legal protection for victims of sexual violence at the Sibolga Regional Police is generally guided by the provisions stipulated in Law Number 12 of 2022 concerning Sexual Violence Crimes, which positions victims as the primary subjects entitled to protection throughout the legal process. In handling such cases, the police, particularly through the Women and Children Protection Unit (*Unit Perlindungan Perempuan dan Anak/PPA*), have undertaken various protective measures, including receiving reports, conducting specialized examinations of victims, providing psychological assistance, and coordinating with relevant institutions to facilitate victim recovery. These efforts reflect a paradigm shift in law enforcement from a model primarily focused on punishing offenders toward a more victim-oriented approach that emphasizes the protection of victims' rights [15].

Based on the findings of the field research, the process of receiving victims' reports at the Sibolga Regional Police is conducted through a specialized service mechanism designed to provide victims, particularly women and children, with a sense of security and comfort. Investigators of the PPA Unit endeavor to apply persuasive and humane approaches throughout the examination process in order to minimize psychological pressure on victims during investigations. Such an approach is essential given that victims of sexual violence commonly experience trauma that may affect their mental condition and willingness to provide testimony. In several cases, victims have even expressed reluctance to continue legal proceedings due to direct threats from perpetrators or social pressures exerted by their surrounding communities [16]. To mitigate the long-term psychological consequences arising from trauma and intimidation, prioritizing the best interests of victims must serve as a fundamental pillar of criminal investigations, consistent with the concept of victim protection advanced by Sidi and Zarzani in relation to sexual offenses [8].

The implementation of legal protection is also reflected in the provision of assistance throughout the examination process. Such assistance is facilitated through cooperation among the police, women and child protection institutions, medical personnel, and the victims' families. The purpose of this assistance is to provide psychological support while ensuring that victims receive the rights guaranteed under the Law on Sexual Violence Crimes. In practice, victims are given the opportunity to be accompanied by parents, legal counsel, or professional support personnel during examinations, thereby enabling them to feel safer and more protected throughout the legal process [17]. The presence of the state through the provision of such assistance constitutes an important manifestation of its legal responsibility to restore the human rights of victims that have been violated. This is consistent with the view of Rahmayanti, Zarzani, Sukarwoto, and Diriyanti, who argue that fair law enforcement must prioritize the protection of victims' fundamental rights [9].

Furthermore, the implementation of legal protection at the Sibolga Regional Police is manifested through efforts to safeguard the confidentiality of victims' identities. Maintaining confidentiality constitutes an essential component of victim protection because the disclosure of victims' identities may expose them to social stigma and greater psychological distress. Accordingly, law enforcement officials seek to restrict the dissemination of information that could reveal victims' identities to the public and the media. This measure demonstrates that legal protection extends beyond the formal aspects of law enforcement and encompasses the protection of victims' dignity and privacy [18]. Such an approach is consistent with the perspective of Daulay, Zarzani, and Aspan, who assert that legal protection fundamentally represents a state guarantee of security against social and psychological harm that may arise as a consequence of criminal conduct [4].

## **2. Obstacles and Efforts to Optimize Legal Protection for Victims of Sexual Violence at the Sibolga Regional Police**

Efforts to optimize legal protection for victims of sexual violence at the Sibolga Regional Police continue to encounter various juridical, structural, and cultural challenges. These obstacles affect the effectiveness of implementing Law Number 12 of 2022 concerning Sexual Violence Crimes in providing maximum protection for victims. Based on the research findings, one of the primary challenges encountered in practice is the low level of public legal awareness regarding the importance of reporting sexual violence offenses. Many members of the community continue to perceive sexual violence as a private matter or a family disgrace that should remain concealed, thereby placing pressure on victims not to report their experiences to law enforcement authorities [19]. This condition is further aggravated by widespread fear among victims resulting from physical and psychological intimidation by perpetrators and their family members following the submission of reports, often compelling victims to withdraw their statements.

Patriarchal cultural values also constitute a significant obstacle to the protection of victims. In certain cases, victims are blamed for the offenses committed against them (*victim blaming*), whether through social stigma or perspectives that place responsibility on the victims themselves. Such circumstances impose additional psychological burdens on victims and discourage them from pursuing legal proceedings. The persistence of victim-blaming attitudes within society demonstrates that victim protection is not solely a matter of normative legal regulation but is also closely linked to broader transformations in public attitudes and legal culture [20]. These limitations indicate that, without meaningful reform of legal culture, substantive justice for vulnerable groups will remain difficult to achieve. This concern aligns with the observations of Rafianti and Sinaga regarding manifestations of violence that are often rooted in unequal social power relations within society [7].

Another challenge relates to the limited facilities and infrastructure available for handling victims of sexual violence. The research findings indicate that specialized service facilities for victims at the Sibolga Regional Police remain inadequate, particularly with respect to victim-

friendly examination rooms, psychological counseling services, and the availability of professional support personnel. Victims of sexual violence require specialized treatment that extends beyond legal evidentiary concerns and includes the restoration of their psychological well-being. Such limitations may cause victims to feel uncomfortable and vulnerable during legal proceedings [21].

Difficulties in evidentiary processes also present a significant challenge in handling sexual violence cases. The nature of sexual violence offenses, which frequently occur in private settings without witnesses, means that the evidentiary process often depends heavily upon victims' testimony and medical evidence. In practice, many victims delay reporting incidents due to fear of intimidation, resulting in difficulties in obtaining optimal forensic evidence, including *visum et repertum* reports. Consequently, investigators are required to undertake more intensive efforts to gather supplementary evidence capable of strengthening the evidentiary foundation of criminal proceedings. This situation necessitates the prudent and victim-oriented exercise of investigative discretion, as emphasized by Aspan in his discussion of proportionality in law enforcement authority [3].

To address these challenges, the Sibolga Regional Police have implemented several measures aimed at optimizing legal protection for victims of sexual violence. One such measure involves strengthening a humane approach during victim examinations. Investigators of the PPA Unit strive to create a more supportive and comfortable environment to ensure that victims feel secure when providing testimony. This humane approach is essential for reducing victims' trauma and preventing revictimization throughout the investigative process [22]. Such responsive handling is consistent with the perspective of Siregar, Adrian, and Rambe, who argue that the ideals of a modern criminal justice system should be grounded in the fair and humane protection of legal interests within society [5].

Additional efforts have been undertaken through enhanced coordination with relevant institutions, including the Office of Women's Empowerment and Child Protection, hospitals, psychologists, and legal aid organizations. This collaboration aims to provide victims with more comprehensive protection and recovery services encompassing legal, medical, and psychological dimensions. Inter-institutional cooperation is particularly important because the protection of victims of sexual violence cannot be effectively carried out by the police alone but requires an integrated response involving multiple stakeholders. Such a collaborative framework reinforces the relevance of legal mechanisms that prioritize holistic victim recovery, consistent with the concept of legal utility and protection advanced by Hutagalung and Zarzani [6].

The optimization of legal protection is also pursued through efforts to enhance the capacity of law enforcement personnel in understanding victim perspectives and the substantive provisions of the Law on Sexual Violence Crimes. Training programs and professional development initiatives are necessary to ensure that investigators handle sexual violence cases in a professional, gender-sensitive, and victim-oriented manner. A comprehensive understanding of victims' rights will enable law enforcement officials to provide more effective and equitable legal services. In addition to improving the quality of law enforcement personnel, public legal education constitutes another important strategy for strengthening victim protection. Continuous public awareness campaigns concerning the dangers of sexual violence, victims' rights, and the importance of reporting criminal offenses are essential for increasing legal awareness within society. Through enhanced public understanding, it is expected that stigma and intimidation directed toward victims will diminish, thereby empowering victims to seek justice with greater confidence and security [23].

## Conclusion

1. The implementation of legal protection for victims of sexual violence at the Sibolga Regional Police has generally been carried out in accordance with the provisions of Law Number 12 of 2022 concerning Sexual Violence Crimes through victim-oriented

mechanisms, including specialized reporting services, psychological assistance, protection of victims' confidentiality, and coordination with relevant institutions. However, its implementation has not yet been fully optimal due to several challenges, such as limited supporting facilities, difficulties in the evidentiary process, and low public awareness regarding the importance of reporting sexual violence offenses. Therefore, although the existing legal framework provides stronger protection for victims, its practical implementation still requires significant improvement to ensure the comprehensive and effective fulfillment of victims' rights.

2. The challenges in optimizing legal protection for victims of sexual violence at the Sibolga Regional Police are influenced by juridical, structural, and cultural factors, particularly physical and psychological intimidation by perpetrators, the persistence of victim-blaming attitudes and patriarchal norms within society, limited access to professional support services, and low levels of public legal awareness. To address these challenges, optimization efforts should include strengthening the capacity of law enforcement personnel, improving victim-friendly facilities and support services, enhancing inter-agency cooperation, and providing continuous legal education to the public. Consequently, effective legal protection for victims of sexual violence requires not only formal law enforcement measures but also a humane, responsive, and victim-centered approach that prioritizes recovery, dignity, and the protection of victims' fundamental rights.

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