



Are Judges Listening? Rethinking Sentencing in Child Sexual Violence through Victim Impact Statements in Indonesia

Anang Riyan Ramadianto^{1*}

Milda Istiqomah²

Nurini Aprilianda²

¹Master of Laws Student,
Universitas Brawijaya

²Lecturer, Universitas Brawijaya



anangramadian@student.ub.ac.id

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Abstract:

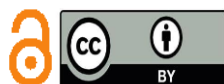
This study examines the implementation of Victim Impact Statements (VIS) in sentencing child sexual violence cases at the Karanganyar District Court in Indonesia. The objective is to analyze how VIS is applied in court proceedings and its influence on sentencing outcomes. Using a social-legal research method, the study combines legal analysis of regulations and court documents with social inquiry through interviews and observations involving judges, victims, and court officials. The findings reveal that although the Perma No. 1 of 2022 establishes important procedural guidelines for restitution claims, it falls short by not explicitly defining or integrating VIS within court proceedings. Judges acknowledge the importance of victim narratives in understanding the crime's impact, which informs more restorative and empathetic sentencing decisions. Challenges such as unclear procedures, inadequate training on trauma sensitivity, and social stigma impede optimal VIS use. The study recommends formalizing VIS procedures, enhancing judicial capacity, and encouraging inter-agency cooperation to strengthen victim participation. Effective integration of VIS supports victims' rights, facilitates healing, and advances just sentencing in child sexual violence cases.

Keywords:

Child sexual violence; Restorative Justice; Victim Impact Statement.

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✉ jurnal.dinamikahukum@unsoed.ac.id 🌐 <https://jos.unsoed.ac.id/index.php/jdh/index>

Introduction

Sexual violence against children is one of the most pressing and complex issues in the Indonesian criminal justice system.¹ Victims often endure lasting emotional, psychological, and social trauma that is rarely addressed adequately in court.² The legal process has traditionally prioritized the rights of the accused, resulting in an offender-oriented system.³ In response, efforts have emerged to adopt a more victim-centered approach, including using the Victim Impact Statement (VIS), which enables victims to convey the consequences they suffer.⁴ This shift is supported by Supreme Court Regulation (*Peraturan Mahkamah Agung* -

¹ Malaika Rajandran, "SEXUAL VIOLENCE AND INTERNATIONAL LAW," *Refugee Survey Quarterly* 23, no. 4 (2004): 58–73.

² Anastasia Hana Sitompul, "Kajian Hukum Tentang Tindak Kekerasan Seksual Terhadap Anak di Indonesia," *Lex Crimen* IV, no. 1 (2015): 46–56.

³ Angelin N Lilua, "Perlindungan Hukum Terhadap Anak Sebagai Korban Kejahatan Seksual Menurut Hukum Pidana Indonesia," *Lex Privatum* IV, no. 4 (2016): 162–70.

⁴ Nao Shimoyachi, "Between Accountability and Reconciliation: The Making of 'the Victim-Centered Approach' at the International Criminal Court," *Global Studies Quarterly* 4, no. 2 (April 1, 2024): ksae014, <https://doi.org/10.1093/isagsq/ksae014>.

Perma) No. 1 of 2022 on the Procedure for Restitution and Compensation, which encourages judges to consider the victim's perspective in sentencing. However, the practical application of VIS remains limited due to the absence of specific regulations, lack of standardized format, and minimal judicial understanding.⁵ This study explores how the *Perma* No. 1 of 2022 on the Procedure for Restitution and Compensation can be utilized to strengthen the legal protection of child victims of sexual violence and promote restorative justice through the implementation of VIS.⁶

In order to understand the definition of VIS in the criminal justice process, it is essential to define key terms used in this study. A VIS is a formal declaration by a crime victim or their family to describe the physical, psychological, financial, and social consequences they have suffered due to a criminal offense. According to **Angkasa**, in his book *Viktimologi*, a VIS is defined as:⁷

"Information from the victim and/or the victim's family regarding the impact of victimization, delivered orally, in writing, or through audio-visual media, describing the physical, psychological, financial, and social consequences of the crime. This statement is presented in court as a means for the victim to provide comprehensive information to the judge or panel of judges, particularly concerning the harm and/or suffering experienced, so that it may serve as material consideration in rendering a fair verdict."

Sentencing refers to the judicial determination of the punishment imposed on a convicted offender. It considers the severity of the crime, mitigating and aggravating factors, and, increasingly, the impact on the victim as expressed through instruments like VIS.⁸ Child sexual violence involves any sexual act directed at a minor, including exploitation, coercion, or manipulation, whether through physical contact or non-contact forms such as online abuse. It often causes profound and long-term trauma for child victims, making legal protection mechanisms especially critical.⁹

Child sexual violence in Indonesia is a serious and growing concern. According to the Ministry of Women's and Child, in 2023 alone, over 6,500 cases of sexual violence against children were reported through the Online System for Women and Children Protection (*Sistem Informasi Online Perlindungan Perempuan dan Anak - Simfoni-PPA*), with many more believed to go unreported due to fear, shame, and social stigma. The National Commission on Violence Against Women (*Komisi Nasional Anti Kekerasan terhadap Perempuan - Komnas Perempuan*) also highlights that perpetrators are frequently individuals close to the victim, such as family members, neighbors, or teachers, making disclosure and prosecution even

⁵ Maarten Kunst et al., "The Impact of Victim Impact Statements on Legal Decisions in Criminal Proceedings: A Systematic Review of the Literature across Jurisdictions and Decision Types," *Aggression and Violent Behavior* 56 (January 2021), <https://doi.org/10.1016/j.avb.2020.101512>.

⁶ The Supreme Court of The Republic of Indonesia, "Executive Summary: Supreme Court Annual Report 2022 With Unwavering Integrity, Trust Shall Grow" (Jakarta: Mahkamah Agung Republik Indonesia, 2022).

⁷ Angkasa Angkasa et al., "Development of a Restitution Model in Optimizing Legal Protection for Victims of Human Trafficking in Indonesia," *Journal of Indonesian Legal Studies* 8, no. 1 (2023): 93–128, <https://doi.org/10.15294/jils.v8i1.67866>.

⁸ Ninawa Butrus, "Judicial Sentencing Considerations in Cases of Violent Offenders versus Sexual Offenders," *Psychiatry, Psychology and Law* 25, no. 5 (September 3, 2018): 653–74, <https://doi.org/10.1080/13218719.2018.1473175>.

⁹ Sigma Febby Annisa, "A Legal Protection of Children as Victims of Sexual Human Right Accidents," *Jurnal Scientia Indonesia* 5, no. 2 (October 30, 2019), <https://doi.org/10.15294/jsi.v5i2.36087>.

more difficult. These cases often result in long-term psychological trauma, disrupted education, and social isolation for child victims. At the same time, legal proceedings tend to focus on the rights of the perpetrator rather than the needs of the child. This underscores the urgent need for victim-centered mechanisms like the VIS to be more effectively integrated into the judicial process. Although it is not explicitly found in the Criminal Procedure Code or other laws and regulations, there is a resemblance to the VIS in Article 60 paragraph (2) of the Juvenile Justice System Law (2012), which states:

"In certain cases, child victims are given the opportunity by the judge to express their views regarding the case concerned."

Referring to Article 60 paragraph (2) of the Law, this provision can be seen as a gateway and legal foundation for the integration of VIS, making it a mechanism that could be further regulated under the Criminal Procedure Code and/or other relevant legislation as part of criminal trial procedures.¹⁰ Based on general observation at the Karanganyar District Court, VIS often reveals severe trauma, especially when the perpetrator is a close acquaintance, manifesting in fear, behavioral changes, anxiety, and sleep disorders. These statements also detail financial losses such as transportation costs, loss of income for accompanying parents, and the projected costs of psychological recovery, all of which are used by judges to determine appropriate restitution under the *Perma*.¹¹ In addition to documenting harm, VIS includes the victims' perspectives on the crime, the perpetrator's actions, and their views on appropriate punishment. Statements commonly describe manipulation and repeated abuse by the perpetrator, feelings of helplessness, and demands for the harshest penalties. These insights provide judges with a deeper understanding of the impact of the crime beyond legal facts alone, reinforcing the principles of both restorative and retributive justice in the sentencing process.

The Karanganyar District Court was selected as the location for this study due to its growing caseload and its relevance to the implementation of the *Perma*. According to publicly available data from the Case Tracking Information System (*Sistem Informasi Penelusuran Perkara - SIPP*), the number of child sexual violence cases registered in the court increased to 12 cases in 2024. This upward trend underscores the urgency of strengthening victim-centered legal mechanisms such as VIS in response to the increasing prevalence of these crimes. A sexual violence case involving children adjudicated at the Karanganyar District Court under decision No. 8/Pid.Sus/2024/PN Krg provides a critical illustration of VIS implementation. In this case, six child victims submitted VIS documents with the support of Witness and Victim Protection Agency (*Lembaga Perlindungan Saksi dan Korban – LPSK*). The VIS detailed emotional harm, financial losses, psychological care needs, requests for restitution, and perspectives on the offender. The judge awarded varied restitution amounts tailored to each victim, demonstrating the consideration of individual impact. This reflects a growing judicial responsiveness to VIS despite the absence of standardized regulation.

¹⁰ Riza Awaludin Rahmansyah, Nurani Nabillah, and Anisa Siti Nurjanah, "Tindakan Hukum Terhadap Anak Sebagai Korban Pelecehan Seksual Yang Dilakukan Herry Wirawan," *Jurnal Indonesia Sosial Sains* 3, no. 6 (June 20, 2022): 956–64, <https://doi.org/10.36418/jiss.v3i6.621>.

¹¹ Ataka Badrudduja and Yeni Widowaty, "Analisis Pemenuhan Hak Atas Restitusi Terhadap Anak Sebagai Korban Tindak Pidana Kekerasan Seksual," *Indonesian Journal of Criminal Law and Criminology (IJCLC)* 4, no. 2 (September 20, 2023): 57–68, <https://doi.org/10.18196/ijclc.v4i2.19115>.

Previous research has explored various aspects of VIS and victim participation. *First, Jerusalem* (2020) compared VIS regulations in the United States and the United Kingdom, concluding that both countries allow victim participation in parole through VIS, although not as a mandatory mechanism. In contrast, Indonesia does not have explicit VIS regulation in parole.¹² *Second, Hosana* (2022) emphasized VIS as a tool for presenting victims' losses in court.¹³ *Third, Syawalisa and Sembring* (2022) noted that despite the victim-centered framework in the TPKS Law, implementation challenges remain due to weak interagency coordination. This research differs by focusing on VIS as a practical and structural court model, especially in the absence of a standardized format. It also highlights the integration of VIS with restitution to strengthen victim-centered justice, an approach that remains underexplored in earlier studies.¹⁴

While VIS is already established in countries like the United States, the United Kingdom, and South Australia, where it helps victims participate in court proceedings, Indonesia is in the process of formalizing its use, particularly for child victims of sexual violence. This presents an opportunity to explore the challenges and potential benefits of VIS in a system still developing its focus on victim rights. South Australia's established system of VIS, under the Sentencing Act 2017—serves as a key example of how VIS can be integrated into legal proceedings to give victims a voice in the judicial process. Indonesia's experience with VIS and its connection to restitution offers new perspectives for countries like South Australia and others looking to enhance victim participation in criminal trials. By examining how VIS is applied in Indonesia, especially in the Karanganyar District Court, this research shows how VIS can strengthen the judicial process and empower victims. Indonesia's model can help inform other countries, offering lessons on how international principles of victim rights can be adapted and localized to fit the needs of different legal systems. This exchange of ideas can support global efforts to create more victim-centered justice systems, especially in cases of child sexual violence. This paper aims to examine the role of the VIS as implemented in strengthening legal protection for child victims of sexual violence within Indonesia's criminal justice system. Specifically, the study analyzes how VIS contributes to considering restitution and sentencing by judges, focusing on its practical application in the Karanganyar District Court. Through qualitative analysis of court decisions and interviews with judicial actors, the research seeks to identify the challenges and opportunities in institutionalizing VIS as a critical component of a victim-centered justice model.

Method

This study adopts a sociolegal approach that combines normative legal analysis with empirical data to examine the implementation of the VIS under the *Perma* No. 1 of 2022 on the Procedure for Restitution and Compensation in cases of child sexual violence at the

¹² Muhammad Abduh Jerusalem, "Pengaturan Victim Impact Statement Yang Berkeadilan Bagi Korban," *Brawijaya Law Journal* 7, no. 1 (2020): 1–20.

¹³ Yolanda Hosana, "Victim Impact Statement sebagai Perlindungan Hukum Korban Kekerasan Seksual," *Jurist-Diction* 5, no. 3 (May 30, 2022): 1171–84, <https://doi.org/10.20473/jd.v5i3.35812>.

¹⁴ Tamaulian Sembring, "LEGAL PROTECTION FOR VICTIMS OF SEXUAL VIOLENCE IN THE PERSPECTIVE OF THE 2022 TPKS LAW," *Law Synergy Conference* 1, no. 1 (2024): 1–8.

Karanganyar District Court.¹⁵ Primary data were collected through semi-structured interviews with four judges, purposively selected for their direct involvement in cases involving VIS. The interviews, conducted between January and February 2025, explored topics such as the role of VIS in judicial consideration, implementation challenges, and institutional support. Secondary data included legal documents such as the Juvenile Justice System Law (2012), the Sexual Violence Crime Law (2022), the Perma, and court decision Case Number 8/Pid.Sus/2024/PN Krg, and academic literature on VIS and victimology. All data were analyzed using qualitative content analysis, with thematic coding based on both legal frameworks and empirical patterns, while doctrinal analysis was applied to interpret relevant legal documents. Data triangulation was employed to ensure the reliability and depth of the findings.

Discussion

1. Description of a Sexual Violence Case with a Child Victim (Case Number 8/Pid.Sus/2024/PN Krg)

a. Defendant's Identity:

The defendant in this case is Budhi Nurochman Als Budhi Bin Sarimin. He was born in Karanganyar on September 5, 1974, making him 49 years old at the time of the proceedings. Budhi Nurochman is a male Indonesian citizen, residing in Dusun Sangen/RT 04 RW 02 Desa Jatipuro Kecamatan Jatipuro Kabupaten Karanganyar.

b. Actions Committed by the Defendant:

Budhi Nurochman, in his capacity as the owner of the Khisnul Mukminin Islamic Boarding School (*Pondok Pesantren*) in Karanganyar, is accused of serious offenses. Specifically, he is charged with committing acts of violence or threats of violence to coerce underage santriwati into engaging in sexual intercourse. These actions are alleged to have taken place within the premises of the Islamic boarding school between 2022 and 2023. The defendant reportedly exploited his position of authority over the *santriwati*.

The modus operandi allegedly involved the defendant telling the students that they "*must obey the caregiver, and if they refuse, they will not receive blessings (ridho).*" This statement, made during gatherings in the *aula* or the guest room, instilled fear and compelled obedience among the students. The indictment and prosecution documents detail specific instances of these coercive acts against six named victims. The victims in this case are all underage who were *santriwati* at the Khisnul Mukminin Islamic Boarding School.

¹⁵ Afif Noor, "Socio-Legal Research: Integration of Normative and Empirical Juridical Research in Legal Research," *Jurnal Ilmiah Dunia Hukum* 7, no. 2 (April 27, 2023): 94, <https://doi.org/10.56444/jidh.v7i2.3154>.

c. The public Prosecutor's demands

The Public Prosecutor, in this case, concludes that the Defendant, Budhi Nurochman Als Budhi Bin Sarimin, has been proven legally and convincingly guilty of committing the criminal act of using violence or the threat of violence to force a child to engage in sexual intercourse, as regulated and punishable under Article 81 Paragraph (1), (3), and (5) of the Child Protection Law (Amendment 2016) in conjunction with Article 64 of the Criminal Code

d. Role of the Witness and Victim Protection Agency (LPSK)

The LPSK proposed restitution for the victims. The restitution requested is in the form of restitution for losses. The LPSK conducted an examination and calculation related to the losses requested by the victims with a total assessed value of IDR 78,695,000.00. This restitution includes:

First, restitution for loss of wealth, namely the costs incurred by the parents of the Applicants as a result of the criminal event, in the form of transportation and consumption costs incurred during the legal process and psychological examinations and loss of parents' income. Second, restitution for suffering as a result of the criminal act, which is related to the psychological impact experienced by the Applicants as a result of the sexual intercourse and/or molestation they experienced. Third, reimbursement of medical and/or psychological treatment costs.

e. Judge Decision

In Case No. 8/Pid.Sus/2024/PN Krg, the Karanganyar District Court found the defendant, Budhi Nurochman alias Budi bin Sarimin, legally and convincingly guilty of deceiving or misleading children for the purpose of committing sexual abuse and indecent acts. The court emphasized the aggravating factor that the defendant acted as an educator or person in authority and that the crime involved multiple child victims. As a result, the defendant was sentenced to 15 years of imprisonment and fined IDR 1,000,000,000 (one billion Rupiah), with a subsidiary sentence of six months imprisonment in case of non-payment. The court also ordered that the period the defendant had already spent in arrest and detention be fully deducted from the total sentence and that the defendant remain in detention. In a significant move to support victim recovery, the court ordered the defendant to pay restitution to all six child victims, with the following amounts: IDR 16,940,000 for Victim 1, IDR 12,970,000 for Victim 2, IDR 12,808,200 for Victim 3, IDR 12,120,000 for Victim 4, IDR 11,956,800 for Victim 5, and IDR 11,900,000 for Victim 6. Lastly, the court assigned the Public Prosecutor responsibility for covering the case costs.

2. National Legal Framework Accommodating Victim Impact Statements

a. The Juvenile Justice System (2012)

Although the concept of VIS is not explicitly regulated in the Criminal Procedure Law or other legislation, there is a similar provision in Article 60 paragraph 2 of the Juvenile Justice System (2012). This article grants judges the opportunity to allow child victims to express their opinions regarding the case at hand. This provision can be seen as a gateway and foundational basis for the introduction of VIS into the Indonesian legal system. Therefore, Article 60 paragraph 2 of the Law opens the possibility for VIS to be formally incorporated as an official mechanism in criminal trial procedures, either through amendments to the Criminal Procedure Law or other relevant regulations, thereby providing victims with a more tangible opportunity to voice the impact they have experienced in criminal proceedings.

b. The Sexual Violence Crimes Law (2022)

The Sexual Violence Crimes Law (2022) represents a significant step forward in protecting victims of sexual violence by establishing comprehensive definitions, penalties, and victim protection mechanisms. However, similar to the Criminal Procedure Law and the Juvenile Justice System (2012), the Sexual Violence Crimes Law (2022) does not explicitly regulate the use of VIS within the criminal justice process. While the law mandates victim-centered approaches and outlines the rights of victims to receive protection and assistance, it stops short of formally providing victims the right to submit personal impact statements as part of court proceedings. This omission means that the emotional, psychological, and social consequences experienced by victims may not be fully articulated or considered during trials. Consequently, Sexual Violence Crimes Law (2022) currently lacks a formal legal framework for VIS, indicating the need for further legislative development or procedural regulations to integrate VIS effectively and enhance victim participation and restorative justice in cases of sexual violence.

c. The *Perma* No. 1 of 2022 on the Procedure for Restitution and Compensation

The *Perma* is an important regulatory framework introduced by the Supreme Court of Indonesia to standardize and guide the implementation of restitution and compensation for victims of serious crimes, including sexual violence. While the regulation outlines procedural steps and delineates institutional responsibilities, it falls short in explicitly incorporating and regulating the use of VIS as a critical tool for victim-centered justice.

1) Ambiguities in Definition and Scope of VIS

A VIS is typically a written or oral statement presented to the court explaining the crime's emotional, physical, psychological, and financial effects on the victim. One of the key limitations of the *Perma* is the absence of explicit mention or definition of VIS. *First*, missing recognition, while the *Perma* discusses victim restitution and compensation, it does not define VIS as a distinct procedural right or evidentiary tool. *Second*, the implication inconsistency in how courts consider victims' voices in sentencing and restitution decisions, limiting the participatory rights of victims.

2) Procedural Gaps in Presenting Victim Narratives

Although the *Perma* outlines who may file restitution claims and when it lacks detailed procedures regarding how victims' personal experiences and harms are formally conveyed to the court beyond financial losses. *First*, there is no standardized or prescribed format for presenting non-economic harms (e.g., trauma, fear, social stigma). *Second*, Judges are not given clear instructions on assessing or weighing such non-material harm in determining restitution.

3) Inadequate Integration of VIS with Restitution Hearings

There is an apparent lack of procedural integration of VIS into restitution and sentencing hearings under the *Perma*. The regulation does not provide any guidance on whether VIS can be used as evidentiary support in assessing immaterial damages, such as emotional suffering, trauma, or social stigma experienced by the victim. As a result, the court may overlook critical aspects of harm that are not strictly financial. Moreover, victim participation remains limited and largely reactive; victims only become active participants if they submit a formal restitution request. Even in such cases, the absence of procedural space for VIS means that the full scope of their lived experience, particularly non-economic harm, may not be adequately presented or meaningfully considered in judicial decisions. This gap undermines the restorative intent of the regulation and risks marginalizing victims' voices in the justice process.

3. Reconstruction of the Victim Impact Statements (VIS)

A VIS is a written or oral statement presented during sentencing to inform the judge of a crime's impact on the victim and/or their family.¹⁶ It provides a platform for victims to express the harm and suffering endured, going beyond the role of a victim-witness, which often limits them to responding to legal questions.¹⁷ A VIS allows victims or their families to share experiences in their own words, helping the judge deliver a verdict that reflects a fuller sense of justice.¹⁸ It enables a more personal, emotional, and psychological account of the consequences of the crime, which may be overlooked in standard evidentiary processes.¹⁹ Many victims report that submitting a VIS enhances their satisfaction with the justice process and contributes to healing, marking a significant step in affirming their rights within a legal system that has often marginalized them.²⁰ In the context of child sexual violence, the VIS becomes a key consideration in judicial decision-making.²¹ Including a VIS underscores a

¹⁶ Paul Cassell and Edna Erez, "How Victim Impact Statements Promote Justice: Evidence from the Content of Statements Delivered in Larry Nassar's Sentencing," *SJ Quinney College of Law, University of Utah SJ Quinney College of Law, University of Utah* 20, no. 2 (2024): 33.

¹⁷ Muhammad Saef, El Islam, and Imasnovita Juaningsih, "Victim Impact Statement As The Restoration Of The Rights Of Victims In Law Number 12 Of 2022 On Sexual Violence Article," n.d., <https://doi.org/10.24905/plj.vii2.43>.

¹⁸ Faisal Faisal et al., "Progressive Consideration of Judges in Deciding Sentencing Under Indonesia New Criminal Code," *Jambe Law Journal* 6, no. 1 (December 4, 2023): 85–102, <https://doi.org/10.22437/jlj.6.1.85-102>.

¹⁹ International Criminal Court, *Representing Victims before the International Criminal Court: A Manual for Legal Representatives*, 5 (United Kingdom, 2020).

²⁰ Wahab Aznul Hidayat, "The Role of Witness and Victim Protection Agency for Imekko Tribe in Criminal Justice System in Sorong," *Law and Justice* 8, no. 2 (December 31, 2023): 176–91, <https://doi.org/10.23917/laj.v8i2.2363>.

²¹ Saba Demeke, "A Human Rights-Based Approach for Effective Criminal Justice Response to Human Trafficking," *Journal of International Humanitarian Action* 9, no. 1 (January 27, 2024): 4, <https://doi.org/10.1186/s41018-023-00143-4>.

broader principle of legal protection, particularly through the lens of **Barda Nawawi Arief's** Theory of Legal Protection for Victims.²² This theory outlines two main functions of legal protection: preventing victimization and compensating those who have suffered harm. Such protection includes rehabilitation, emotional recovery, and financial restitution.²³

Legal protection, in this sense, aligns with the state's constitutional obligations under Articles 28D, 28G, and 28I of the 1945 Indonesian Constitution. Article 28D (1) guarantees recognition and equal treatment before the law. Article 28G (1) affirms the right to personal and family protection, dignity, and freedom from fear. Article 28I further emphasizes that fundamental human rights such as the right to life, protection from torture, and freedom from discrimination must be upheld and cannot be restricted under any circumstances.²⁴ These constitutional provisions collectively demonstrate the state's duty to ensure equal legal protection for all individuals, including children who are victims of sexual violence.²⁵ When such violence occurs, it signals a failure on the part of the state to protect its citizens. Thus, the state must intervene by offering repressive legal protection particularly, through legislation and the criminal justice process.²⁶

A tangible manifestation of this protection can be found in the Crime of Sexual Violence Law (2022), which explicitly acknowledges the rights of child victims.²⁷ This law offers access to restitution, psychological rehabilitation, and social reintegration. It responds to the widespread and lasting harm caused by sexual violence, aiming to ensure just outcomes and meaningful recovery for victims.²⁸ To guide the analysis of VIS use in the Karanganyar District Court, this study references the Information and Form Victim Impact Statement from the Government of South Australia due to the absence of a standard format in Indonesia.²⁹ A VIS generally includes three main components: *First*, Personal Impact - while this section covers the victim's emotional and psychological state, such as trauma, anxiety, and stress, as well as any necessary care and support. *Second*, Losses and Recovery Needs - It documents financial losses, property damage, legal costs, and diminished work capacity, along with requests for restitution. *Third*, the Victim's View of the Event, the Offender, and Appropriate Punishment in the Victim Impact Statement - This includes the victim's views on the crime, the offender, and what they consider an appropriate punishment. These elements provide a

²² Edi Yunara and Taufik Kemas, "The Role of Victimology in the Protection of Crime Victims in Indonesian Criminal Justice System," *Mahadi: Indonesia Journal of Law* 3, no. 01 (February 28, 2024): 63–78, <https://doi.org/10.32734/mah.v3i01.15379>.

²³ Risqi A'maludin, "Analysis of the Judge's Decision on Sexual Crimes Against Children (Study of the Decision of the Purwokerto District Court Number: 16/Pid.Sus-Child/2022/PN Pwt)," *Proceedings Series on Social Sciences & Humanities* 14, no. 1 (2023), <https://doi.org/10.30595/pssh.v14i.1054>.

²⁴ Leli Tibaka and Rosdian Rosdian, "The Protection of Human Rights in Indonesian Constitutional Law after the Amendment of the 1945 Constitution of the Republic of Indonesia," *FIAT JUSTISIA: Jurnal Ilmu Hukum* 11, no. 3 (February 28, 2018): 266, <https://doi.org/10.25041/fiatjustisia.v11n03.1141>.

²⁵ Mustika Mega Wijaya et al., "Protection of the Rights of Traditional Communities in the Ownership of Traditional Land Rights for Public Interests (Study of the Drafting of Traditional Legal Community Legislation)," *International Journal of Multicultural and Multireligious Understanding* 11, no. 2 (February 6, 2024): 184, <https://doi.org/10.18415/ijmmu.v11i2.5579>.

²⁶ Aprilia Putri Adiningsih and Ridwan Arifin, "Victims of Rape and The Legal Protection: Problems and Challenges in The Victimological Studies," *Semarang State University Undergraduate Law and Society Review* 3, no. 1 (January 17, 2023): 47–70, <https://doi.org/10.15294/lsr.v3i1.56688>.

²⁷ Itok Dwi Kurniawan and Ismawati Septiningsih, "Legal Protection for Children as Victims of Sexual Violence," *Recidive* 12, no. 2 (2023): 366, <https://doi.org/10.20956/recidive.7i2.xxxx>.

²⁸ Valerie Selvie Sinaga and Michael Adrian Young, "WOMEN'S RIGHTS VIOLATIONS IN THE PRACTICE OF VIRGINITY TESTING CONDUCTED BY THE INDONESIAN NATIONAL ARMED FORCES AND THE INDONESIAN NATIONAL POLICE FORCE," *Awang Long Law Review* 5, no. 2 (May 31, 2023): 410–18, <https://doi.org/10.56301/awl.v5i2.693>.

²⁹ Government of South Australia, "A Victim Impact Statement Can Help the Judge or Magistrate Understand How the Crime Has Affected You," *Victim Impact Statement* (blog), 2020, <https://www.voc.sa.gov.au/going-to-court/victim-impact-statements>.

comprehensively understand the harm suffered and integrate the victim's voice into the legal process. Including these aspects in sentencing decisions helps ensure that verdicts reflect not only legal facts but also the human consequences of the crime.

Through interviews, secondary data collection, and analysis, this study explores how the VIS affects the Karanganyar District Court sentencing decisions. Linking findings to the Theory of Legal Protection, it demonstrates how the VIS contributes to upholding human rights and the rule of law. The VIS ultimately functions as both a legal instrument and a moral compass, guiding the court toward fairer outcomes for victims who have severely violated of their rights.

a. Personal Impact

The personal impact component of a VIS captures the emotional and psychological consequences suffered by victims.³⁰ For child victims of sexual violence, this impact is often severe and long-lasting, affecting mental health and development.³¹ While not always visible or measurable, it is reflected in behaviors such as withdrawal, anxiety, or psychological distress.³² A VIS provides a formal channel for these experiences to be presented to the court, ensuring they are considered in sentencing decisions. At the Karanganyar District Court, although the VIS process is not yet institutionalized through a standardized format, its essence, especially personal impact, is already recognized. This recognition is reflected through psychological assessments, reports from victim support institutions, and testimonies from parents or guardians.

emotional harm represents a key aspect of personal impact, encompassing trauma, fear, insecurity, and an increased sense of vulnerability. Judges at Karanganyar reported that such harm is a central non-legal factor in sentencing decisions involving child sexual abuse. These emotional consequences are usually conveyed through supporting documents from psychologists or statements from institutions like the *LPSK*. Judges noted that emotional harm affects a child's education, ability to trust, and capacity to build social relationships, making it a critical consideration in understanding the depth of victimization. In the Case No. 8/Pid.Sus/2024/PN Krg, the victims, female students (*santriwati*) at a *pesantren* were abused by the institution's owner, a trusted religious leader. Through VIS content submitted by *LPSK* and parents, the court heard how the perpetrator manipulated his position to exploit the children. Victims expressed deep disappointment over the lack of remorse shown by the offender, intensifying their psychological trauma. Judges acknowledged that this perspective provided a fuller picture of the abuse, not just in terms of the crime itself but its emotional and moral repercussions on the victims.

³⁰ Kim Me Lens et al., "Delivering a Victim Impact Statement: Emotionally Effective or Counter-Productive?," *European Journal of Criminology* 12, no. 1 (January 2015): 17–34, <https://doi.org/10.1177/1477370814538778>.

³¹ Mochammad Wahyu Ghani and Marya Yenita Sitohang, "Come Back Stronger After Suffered for Child Sexual Abuse: A Case Study to Understand the Family Resilience Process," *Sawwa: Jurnal Studi Gender* 17, no. 1 (April 29, 2022): 17–46, <https://doi.org/10.21580/sa.v17i1.11552>.

³² Kevin G.O. Ike et al., "Social Withdrawal: An Initially Adaptive Behavior That Becomes Maladaptive When Expressed Excessively," *Neuroscience & Biobehavioral Reviews* 116 (September 1, 2020): 251–67, <https://doi.org/10.1016/j.neubiorev.2020.06.030>.

The third component is the victim's view on appropriate punishment, which is also seen as part of their impact. In the Karanganyar case, victims and families requested the maximum sentence, reflecting their desire for justice and acknowledgment of their suffering. This request was formally conveyed through the VIS submitted by *LPSK*. The presiding judge emphasized that the demand was not merely emotional but a legitimate call for accountability. It served as moral input and contributed to the justification for a harsher sentence, illustrating how victim perspectives help shape more restorative and participatory judicial outcomes. The Karanganyar District Court's handling of VIS content highlights the substance of personal impact in sexual violence cases involving children. Although Indonesia lacks a formal VIS system, its application through psychological reports, *LPSK* submissions, and guardian testimonies ensures that victims' voices are heard. These insights humanize the legal process and help align court decisions with the broader goals of justice and healing. Strengthening the role of VIS, especially in cases involving vulnerable groups, is essential for advancing comprehensive victim protection within the legal system.

b. Losses and Recovery Needs

In the context of VIS, the category of losses and recovery needs is critical in revealing the tangible impact experienced by victims as a result of criminal acts.³³ This element covers not only material losses but also psychological, social, and ongoing recovery needs.³⁴ In cases of child sexual violence heard at the Karanganyar District Court, this aspect is explicitly presented in VIS documents submitted by *LPSK*. Although VIS is not yet a mandatory procedural requirement in Indonesia's legal system³⁵, judges in Karanganyar consider these documents seriously, especially when deciding on victim recovery efforts. The psychological evaluation of the victim was conducted by Dra. Sepi Indriati, a licensed psychologist, on November 13, 2023. Her assessment became a key piece of evidence during the court proceedings.

According to her report, the victim exhibited clinical symptoms, including difficulty concentrating, low self-esteem, severe anxiety, irritability, and even suicidal thoughts. These findings demonstrate the severe psychological trauma inflicted on the victim. The report served as a foundation to project the victim's short- and medium-term recovery needs, highlighting the importance of sustained psychological intervention. Following the psychological assessment, the Karanganyar District Court issued a ruling in case number 8/Pid.Sus/2024/PN Krg, ordering restitution amounting to Rp78,695,00.00 to cover the victim's recovery expenses. This amount was calculated based on the expert report and included costs for initial assessment, counseling sessions, relaxation therapy, psychoeducation, family therapy, and case evaluations. The

³³ Gargi Sarkar and Sandeep K. Shukla, "Behavioral Analysis of Cybercrime: Paving the Way for Effective Policing Strategies," *Journal of Economic Criminology* 2 (December 1, 2023): 100034, <https://doi.org/10.1016/j.jeconc.2023.100034>.

³⁴ Deborah Blackman et al., "Wellbeing in Disaster Recovery: Understanding Where Systems Get Stuck," *International Journal of Disaster Risk Reduction* 95 (September 1, 2023): 103839, <https://doi.org/10.1016/j.ijdrr.2023.103839>.

³⁵ Abduh Jerusalem, "Pengaturan Victim Impact Statement Yang Berkeadilan Bagi Korban."

restitution reflects not only compensation for the victim's suffering but also acknowledges the necessity of professional treatment as part of the healing process.

Within the VIS prepared by judges, the victim's family articulated urgent recovery needs such as ongoing psychological therapy for at least one year, transferring the victim to a safer and more supportive school environment, and long-term social support, including legal protection and accompaniment. These requests were made not out of a desire for revenge but based on the genuine need to ensure the victim can regain a safe and normal life. The judge recognized the significance of this information, using it as moral guidance to impose a sentence that prioritizes both deterrence and the victim's rehabilitation. By including the losses and recovery needs in the VIS, the victim is no longer treated as a passive subject in the legal process but as an active participant with a legitimate voice. Practices at the Karanganyar District Court demonstrate that although VIS is not legally mandatory, judges and court officials have begun adopting a more victim-sensitive approach. The Losses and Recovery Needs category significantly contributes to a more comprehensive approach to justice, enabling the state to participate in victim recovery actively and enhancing the moral legitimacy of the criminal justice system. This foundation supports the urgent need to formally regulate VIS procedures within the forthcoming Criminal Procedure Code.

c. Victim's View of the Event, the Offender, and Appropriate Punishment in the Victim Impact Statement

The victim's perspective on the crime and perpetrator is a critical element of the VIS, particularly in cases of child sexual violence, where emotional and psychological trauma runs deep.³⁶ These crimes not only violate the body but also inflict lasting harm on a child's mental and emotional development.³⁷ At the Karanganyar District Court, judges give considerable attention to the victim's view of the perpetrator, as reflected in the VIS. Interviews with one judge revealed that although VIS procedures are not yet formalized, the court already considers them through supporting reports, especially in cases of repeated and systematic abuse. In a recent case, the perpetrator, a respected owner/ pembina santri at a pesantren, exploited his authority to manipulate and sexually abuse *santriwati*.

The VIS, presented by *LPSK* through the victims' guardians, detailed the emotional manipulation and psychological pressure used to carry out the abuse, resulting in deep emotional wounds. Victims reported feelings of helplessness, humiliation, and even suicidal thoughts, worsened by the perpetrator's lack of remorse. The VIS helps the court understand the psychological and social dimensions of the crime, not merely the legal facts.³⁸ It highlights the severity of victimization and its long-term consequences. As

³⁶ Oona Brooks-Hay, Michele Burman, and Jenn Glinski, "Victim-Survivor Views and Experiences of Sentencing for Rape and Other Sexual Offences," *Scottish Sentencing Council* 5, no. 2 (2024): 1–54.

³⁷ Jamie R. Abrams and Amanda Potts, "The Language of Harm: What the Nassar Victim Impact Statements Reveal About Abuse and Accountability," *University of Pittsburgh Law Review* 82, no. 1 (February 26, 2021), <https://doi.org/10.5195/lawreview.2020.775>.

³⁸ Kunst et al., "The Impact of Victim Impact Statements on Legal Decisions in Criminal Proceedings: A Systematic Review of the Literature across Jurisdictions and Decision Types."

legal scholar **Barda Nawawi Arief**³⁹ argues, recognizing victims' suffering is part of legal protection and justice, and this is evident in the way the Karanganyar court integrates these statements into sentencing decisions.

Given that the victims were children, their parents or guardians expressed their views, thereby amplifying and not undermining their testimony. This sensitive approach ensures the child's emotional condition is considered, reflecting a moral and legal commitment to victim protection. The victims' statements emphasized the need for psychological rehabilitation, restitution, and justice, making them active participants rather than passive subjects in the judicial process. An important aspect of the VIS is the victims' views on sentencing. In the Karanganyar case, the victims' families, through the VIS, demanded the maximum sentence. This was not driven by revenge but reflected the depth of psychological, physical, and social damage inflicted by the perpetrator.

The judge acknowledged that such input provides moral justification for aggravated sentencing, consistent with both retributive and restorative justice. Incorporating victims' sentencing views is vital, especially for child victims who are often overlooked in criminal proceedings. Their statements carry moral weight and contribute to a more empathetic and responsive judicial process. In cases of authority abuse, these statements also reflect broader societal demands for justice and deterrence. The court's willingness to consider these views enhances its legitimacy and aligns with participatory justice ideals. Under the *Perma*, victims' rights to be heard are legally recognized. Their input is not mere emotional testimony but a crucial legal component. Allowing victims to express their views on sentencing honors their suffering, restores psychological agency, and strengthens the justice system's moral foundation. In conclusion, the victim's perspective, as conveyed through the VIS, is essential for holistic justice. It integrates emotional, legal, and moral dimensions, reinforces the victim's role in the legal process, and ensures that justice is not only served but felt.

Conclusion

The findings of this study affirm the substantive role of the VIS as the best instrument in actualizing victim-oriented justice, particularly in cases of child sexual violence. Despite its lack of formal recognition under Indonesian procedural law, the VIS, through its articulation of emotional, psychological, and financial harm, has proven influential in judicial reasoning, as demonstrated in case No. 8/Pid.Sus/2024/PN Krg. However, the absence of normative clarity and procedural uniformity within the *Perma* constrains the consistent and equitable application of VIS across jurisdictions. Current legal frameworks fail to integrate victim narratives as a distinct evidentiary category, resulting in underappreciation of non-material harms and the marginalization of victims' voices in sentencing and restitution deliberations.

In light of these gaps, this study strongly recommends that any future revision or annex to the *Perma* explicitly codify the VIS as a procedural right of victims. This includes definition, the formulation of a standardized format for VIS submission, provisions for oral and written

³⁹ Kurniawan and Septiningsih, "Legal Protection for Children as Victims of Sexual Violence."

presentation, guidelines for judicial assessment, and the integration of trauma-informed principles in adjudication. Embedding VIS into the procedural fabric of the justice system is essential to advancing a restorative legal paradigm one that centers victim dignity, fosters comprehensive recovery, and ensures that the judiciary is genuinely responsive to the lived realities of those most harmed.

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