

The Convergence of Legal Frameworks for Domestic & Sexual Violence: Towards Holistic Victim Protection in Indonesia

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Abstract. *The protection of victims of domestic and sexual violence in Indonesia still faces serious problems due to the fragmentation of norms and procedures between the Domestic Violence Law and the Women's and Children's Protection Law, which reflect the dominance of a perpetrator-oriented criminal law paradigm and legalistic formalism. This leaves victims unpositioned as subjects who must be fully restored. The purpose of this study is to analyze a convergence model for holistic protection of victims of sexual violence. This research utilizes normative legal research with legislative, conceptual, analytical, and comparative approaches. The novelty of this research lies in the formulation of a convergence model for victim protection that conceptually integrates victim-centered justice, strengthens procedural convergence through the SPPT-PKKTP (Regional Criminal Procedure Code), adopts the principle of trauma-informed justice in criminal procedure law, and affirms the principle of non-regression in the harmonization of the National Criminal Code. victim protection stops at the substance (victim's rights) or institutional (service units), but does not lock the procedural points that make victims safe and not repeatedly injured.*

Keywords: *Convergence; Criminal; Protection; Sexual; Victim.*

1. Introduction

The evolution of victim protection law in Indonesia is currently in a crucial paradigm transition phase, marked by systemic efforts to deconstruct the confines of the colonial retributive-centric criminal law paradigm towards a legal order that is more responsive to human dignity. Philosophically, protection for victims of domestic and sexual violence is not merely a matter of technical law enforcement, but rather a fundamental manifestation of the state's obligation to actualize the constitutional right to a sense of security and

protection from violence as explicitly mandated in Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia. However, at the juridical-normative level, the existence of partial and sectoral regulations, namely Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT Law) and Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS Law) often operates in a sharply fragmented legal space. This normative separation creates serious challenges in handling overlapping cases, considering that the sociological characteristics of domestic violence in Indonesia are often intertwined with acute sexual dimensions, where unequal power relations in the private sphere become an incubator for persistent sexual violence, but are often hidden behind the veil of domestic privacy (Diah Setyowati, 2022).

A thorough critique of Indonesia's criminal law enforcement mechanisms shows that the orientation of national criminal policy remains trapped in a rigid legalistic formalism, where the judicial process is dominated by the ambition to prove the subjective guilt of the perpetrator (offender-oriented) rather than prioritizing the comprehensive restoration of victims' rights (victim-oriented). Although the TPKS Law has been hailed as a "quantum leap" in national legislation because it introduces progressive protection standards, the integration of this norm with the Domestic Violence Law still leaves a gaping legal vacuum (*rechtsvacuum*) at the operational level. In many cases, when sexual violence occurs in the domestic sphere, victims face administrative uncertainty regarding which protection regime should be prioritized, which in turn results in systemic revictimization. Victims are forced to navigate a labyrinth of judicial bureaucracy that is convoluted, repetitive, and often insensitive to deep psychological trauma. The absence of a holistic legal framework makes it difficult to implement reparation instruments such as restitution, medical assistance, and psychosocial rehabilitation effectively due to disparities in standard operating procedures among law enforcement agencies, which still operate partially (Hikmahanto Harkrisnowo, 2023).

Furthermore, the urgency for legal framework convergence is further exacerbated by the clash between positive law and patriarchal sociocultural values that remain deeply rooted in legal discourse in Indonesia. Domestic violence involving sexual violence is often viewed through the lens of "conflict domestication," where the private sphere is considered an autonomous, taboo area for in-depth state intervention through criminal law. From a progressive legal perspective, the law should no longer function as a static instrument that merely artificially maintains public order, but rather must transform into a means of emancipation for victims from oppressive social structures. The current fragmentation of the law actually weakens victims' bargaining power before the law due to the lack of integration between substantive and formal law specifically designed to address the

complexity of violence in the private sphere. Therefore, a deconstruction of the mindset of law enforcement officials is necessary so that they are not limited to isolated legal texts but are able to view the needs of victims as a unified whole of human integrity that must be comprehensively restored through convergent, integrative, and cross-sectoral legal mechanisms (Anindita Anindita, 2023).

In the context of international law, the demand for holistic victim protection requires Indonesia to align its domestic policies with universal standards such as the CEDAW Convention and the Istanbul Convention, which explicitly emphasize the importance of a multidisciplinary approach in addressing gender-based violence. However, the legal reality in Indonesia shows that the synchronization between the two-decade-old Domestic Violence Law and the relatively new TPKS Law remains very weak, particularly in terms of institutional coordination and funding mechanisms for sustainable victim recovery. This lack of synchronization creates a hierarchy of protection, where certain types of violence seem to receive greater attention than others, even though the impact of trauma experienced by victims in the domestic sphere is often cumulative and multidimensional. Using normative juridical research methods, this study seeks to critically examine these normative gaps and propose a model of legal convergence capable of uniting various protection instruments into a single trauma-responsive justice ecosystem (trauma-informed justice). This is crucial as a foundation for reforming national criminal law that not only pursues effective punishment but also ensures the upholding of substantive justice for every individual whose dignity is violated by violence (Abdul Wahid, 2021).

The dilemma of law enforcement is exacerbated when faced with the issue of proof in violence occurring in the private sphere, where the absence of eyewitnesses often becomes a stumbling block for victims in obtaining justice. The TPKS Law has indeed expanded the means of evidence, but without convergence with the evidentiary system in the Domestic Violence Law, disconnections often occur that are detrimental to victims when cases progress through court. This situation emphasizes that "holistic" legal protection is not merely legal political jargon, but rather an ontological necessity to ensure that the law serves as a real protector, not a new threat to victims. This study argues that without radical policy integration between the legal frameworks for domestic and sexual violence, justice for victims in Indonesia will remain superficial and fragmented. Therefore, a transformation towards convergent protection is an absolute prerequisite for the existence of a democratic and humanistic state based on the rule of law, where every criminal policy must be placed within the framework of protecting basic human rights as the highest value in the national legal order (Eko Dwi Husodo, 2024).

2. Research Methods

This research uses a normative legal research method (normative juridical), which epistemologically views law as a closed and coherent system of norms, yet remains dynamic in responding to the development of human values. Normative legal research, or often referred to as doctrinal legal research, places legal norms as the main object of study, where law is conceptualized as what is written in statutory regulations (law in books) or norms developed by legal doctrine and jurisprudence (Peter Mahmud Marzuki, 2017). In the context of this journal, normative methods are used to evaluate the consistency, synchronization, and harmonization between domestic violence and sexual violence regulations in order to find a theoretical basis for the convergence of holistic victim protection.

3. Results and Discussion

3.1. Paradigm Tensions in the Protection of Victims of Domestic and Sexual Violence

The problem of protecting victims of domestic and sexual violence in Indonesia cannot be adequately understood if reduced solely to a normative conflict between laws and regulations. At a more fundamental level, this issue represents a paradigmatic tension in national criminal law politics, particularly regarding the position of victims, the function of criminal law, and the limits of legitimate state intervention. This tension arises from the confluence of two distinct, even contradictory, normative orientations: an approach rooted in protecting the family as a social unit, and an approach that places individual human rights, particularly the right to bodily integrity and dignity, at the center of legal protection.

In Indonesia, the current framework for protecting victims of sexual violence has strengthened significantly since the enactment of Law No. 12/2022 on Sexual Violence Crimes (UU TPKS), which positions victims' rights such as safety measures, assistance, and comprehensive recovery (medical, psychosocial, and social reintegration) including restitution and/or compensation at the center of the criminal process. The law also obliges investigators, prosecutors, and judges to inform victims and the Witness and Victim Protection Agency (LPSK) about restitution, and it promotes more integrated handling through mechanisms such as SPPT-PKKTP to connect law enforcement with service providers. However, protection in practice remains uneven: access to survivor-centered services varies by region, stigma and fear of retaliation still suppress reporting, coordination across institutions is often suboptimal, and restitution while improving in

recorded amounts in 2025 still faces low realization because collection and enforcement are difficult.

In this context, criminal law can no longer be treated as a neutral instrument that merely regulates prohibited acts and their sanctions. Instead, criminal law must be understood as an arena for the articulation of values, where the state prioritizes symbolic social stability and concrete protection for individuals within unequal power relations. The inconsistency between the Domestic Violence Law and the Women's Empowerment and Victim Protection Law reflects this incomplete paradigm shift, leaving victim protection trapped in a conceptual ambivalence between maintaining the integrity of domestic relations and upholding victims' rights as autonomous legal subjects (Anindita, 2023).

This paradigm tension has direct implications for normative design, law enforcement practices, and the orientation of criminal justice. As long as the law affirms the view that domestic violence has a different normative quality than violence in the public sphere, victim protection will remain hierarchical and unequal. In such situations, the law implicitly constructs categorizations of suffering that are inconsistent with the principle of equality before the law and international human rights standards.

a. Expansion of State Intervention into Private Space: A State and Criminal Law Theory Perspective

In the tradition of classical state theory, the private sphere, particularly the family, is positioned as an autonomous territory beyond the reach of coercive state intervention, except under very limited circumstances. This assumption is based on the idea that the family is a moral entity capable of self-regulation and serves as the last bastion against the penetration of state power. However, this assumption increasingly loses its relevance when confronted with the reality of domestic and sexual violence, which is systemic, recurrent, and often hidden behind intimate relationships.

The expansion of state intervention into the private sphere in the context of domestic and sexual violence must be understood as a logical consequence of the transformation of the modern state's function, from that of a guardian of order to that of a guarantor of human rights. This shift marks a transition from family-centered regulation to a rights-based criminal policy, where the primary focus of legal protection is directed at the safety, dignity, and autonomy of the individual, without regard to the relational status of the perpetrator and victim. In this paradigm, the legality of marital or family relationships can no longer be used as a

justification for reducing the level of legal protection for victims (¹ Harkristuti Harkrisnowo, 2021).

Deconstructing the assumption of "the family as an autonomous sphere" is a crucial step in dismantling the structural bias inherent in criminal law. In practice, state neutrality regarding the private sphere is often illusory and actually serves to perpetuate relations of domination and gender-based violence. Therefore, criminal law intervention cannot be read as a form of excessive criminalization, but rather as a manifestation of the state's responsibility in carrying out its due diligence obligations to prevent, investigate, and rehabilitate victims of violence, as required by international human rights standards.

From a political perspective, state intervention in the private sphere also marks a shift in the normative orientation of criminal law itself. The law no longer functions solely as a repressive tool against perpetrators, but also as a corrective mechanism for structural inequalities that prevent victims from accessing justice. Thus, the expansion of state intervention into the domestic sphere actually strengthens the legitimacy of criminal law as an instrument for protecting human dignity, as long as such intervention is designed proportionally, sensitive to trauma, and oriented toward victim recovery.

b. The Philosophical Struggle between Preservation of Family Unity and Bodily Autonomy

The struggle between preserving family unity and bodily autonomy is the normative core of the relationship between the Domestic Violence Law and the Women's Empowerment and Victim Protection Law. These two laws represent two value orientations that are not always philosophically aligned. The Domestic Violence Law is built on the assumption that the family is a primary social institution whose sustainability must be maintained through controlling internal violence. In contrast, the Women's Empowerment and Victim Protection Law is based on the principle that bodily integrity and individual sexual autonomy are inherent human rights and are non-negotiable in any social relationship, including marriage.

Within the framework of legal philosophy and criminal law theory, this conflict of values gives rise to at least three fundamental problems.

1) The conflict between social utilitarianism and human rights deontology

The preservation of family unity paradigm reflects a utilitarian approach that prioritizes social stability and the continuity of the family institution as collective goals. Within this logic, criminal law intervention is aimed at minimizing social disruption, even if this implies a reduction in the intensity of protection for victims (Nafid, 2024). In contrast, the bodily autonomy approach is rooted in human rights deontology, which places the right to bodily integrity and sexual freedom as an absolute moral obligation of the state. Sexual violence, from this perspective, cannot be justified by any social considerations because it constitutes a direct violation of human dignity. The tension between these two approaches explains why synchronizing the Domestic Violence Law and the Women's Empowerment and Victim Protection Law cannot be resolved simply through article harmonization but rather demands a clear ethical choice in criminal law policy.

2) The state's ambivalence in determining which values to prioritize

The lack of a consistent normative position between the two laws reflects the state's ambivalence in determining the primary object of protection under criminal law. While the state recognizes victims of sexual violence as subjects of rights that must be maximally protected, it maintains the narrative of the family as a space for compromise and reconciliation. This ambivalence is not neutral, as in practice it tends to disadvantage victims, particularly women who find themselves in unequal domestic power relations. When the state fails to explicitly prioritize values, the discretion of law enforcement officers widens and is often filled with moral bias and patriarchal cultural constructs.

3) Ethical dilemmas of law enforcement officers in law enforcement practices

This conflict of values transforms into a concrete ethical dilemma for law enforcement officials. Investigators, prosecutors, and judges are faced with the choice of promoting a resolution that preserves family integrity or continuing the criminal process for the sake of reparation and justice for the victim. Without clear normative guidelines, this choice is often made pragmatically and on a case-by-case basis, rather than based on principles of justice. As a result, criminal law loses its moral consistency and functions selectively, depending on the authorities' perception of the victim's "worthiness" to receive full legal protection.

c. Marital Rape as a Hard Case: Testing the Consistency of the Protection Paradigm

Marital rape is a hard case that most sharply tests the coherence of the victim protection paradigm in Indonesian criminal law. This case lies at the intersection of family law norms, the principle of bodily autonomy, and the absolute prohibition of sexual violence. Therefore, marital rape cannot be understood as a marginal issue, but rather as a key touchstone for the normative integrity of the Domestic Violence Law and the Women's and Children's Empowerment and Victim Protection Law (Masduki, 2025).

Therefore, consistent handling of marital rape is a prerequisite for achieving authentic legal convergence between the Domestic Violence Law and the Women's Empowerment and Victim Protection Law. As long as marital violence remains treated as a normative exception, victim protection will remain fragmented, and criminal law will fail to fulfill its humanitarian mandate.

d. The Impasse of the Lex Specialis Principle: A Critique of the Hierarchical Approach to Criminal Law

The application of the principle of *lex specialis derogat legi generali* to the relationship between the Domestic Violence Law and the Women's and Children's Protection Law (TPKS) demonstrates serious limitations when faced with the complexity of intimate relationship-based violence. This principle, which is classically designed to resolve normative conflicts hierarchically and linearly, is inadequate to address situations where two laws are both specialized but built on different specialized bases. This impasse is not merely a technical problem, but a methodological one in criminal law reasoning.

e. Evaluation of International Human Rights Standards and State Due Diligence Obligations

In the discourse of international human rights law (Sonafist, 2023) the fragmentation of protection for victims of domestic and sexual violence cannot be justified on the basis of the distinction between private and public spheres. International human rights instruments consistently affirm that the state has an active obligation to prevent, protect, and rehabilitate victims of violence, regardless of the location of the violation. In this context, the relationship between the Domestic Violence Law and the Women's Protection Act must be evaluated through the lens of the state's due diligence obligations.

2. Normative Fragmentation and Its Impact on Victims' Access to Justice

a. Regulatory Fragmentation as a Form of Structural Victimization

The regulatory fragmentation in domestic and sexual violence law cannot be understood as a mere administrative issue or imperfection of legislative techniques. In law enforcement practice, this fragmentation operates as a structural mechanism that prolongs victims' suffering and subordinates them to the criminal justice system. Instead of being protected subjects, victims are forced to adapt to a legal logic that is fragmented, procedural, and unfocused on their traumatic experiences.

Normative recognition of victims' rights in various laws and regulations often stops at the declarative level. The right to protection, reparation, and justice serves as a symbol of the state's commitment, but is not operationally internalized throughout the criminal justice system. As a result, victims' rights become normative promises that lack coercive power when faced with rigid evidentiary procedures, fragmented sectoral authority, and law enforcement officials still focused on formal legal certainty (Rena Yulia, 2020).

This situation gives rise to secondary victimization, stemming not from the perpetrators of the crime, but from the state's management of the legal process. Victims are forced to repeat their traumatic narratives at various stages of the investigation, face trauma-intolerant standards of proof, and have their credibility tested through gender-biased moral parameters. In this context, the criminal justice system fails to fulfill its corrective function and instead reproduces a power relationship that positions victims as those who must continually prove the worthiness of their suffering for legal recognition (Widodo Ekadjahjana, 2021).

Furthermore, regulatory fragmentation reflects the problematic position of the state. The state is no longer present as a guarantor of justice, but rather as a producer of structural injustice through fragmented and non-victim-oriented legal design. When victim protection relies on normative classifications of whether violence is classified as domestic or sexual, the state implicitly creates a hierarchy of suffering. Within this framework, criminal law loses its ethical dimension and transforms into an administrative instrument that ignores the social realities of victims (Sulistyowati Irianto, 2020).

b. The Paradox of Restitution and Economic Justice in Domestic Relations

Restitution is often positioned as the primary instrument for redressing victims' losses and realizing economic justice. However, in the context of domestic violence,

restitution presents a stark paradox between normative goals and social reality. Rather than being a means of healing, restitution often operates as an abstract concept that is difficult to realize and even has the potential to deepen victims' vulnerability.

Domestic relations are characterized by systemic imbalances of economic power. The victim's financial dependence on the perpetrator makes demanding restitution a risky option. In many cases, the perpetrator is the family's primary source of income, so imposing restitution has the potential to further impoverish the victim and their children. This situation places victims in an existential dilemma: demanding economic rights or maintaining daily survival. In such situations, restitution loses its emancipatory character and becomes a mechanism that implicitly forces victims to bear the economic consequences of the violence they experienced (Niken Savitri, 2021). This issue becomes even more complex when restitution intersects with the family law regime, particularly the concept of joint property. Restitution payments sourced from joint property do not provide justice, as the victim essentially shares the burden of restitution. This practice reflects the failure of criminal law to understand the economic realities of domestic relations and a normative bias that still assumes equality between husband and wife within the household structure (Nurul Ghufon, 2021).

In this context, restitution risks becoming a form of illusory justice symbolic justice that gives the impression of restoration without any real impact. The state appears to have fulfilled its obligation by including restitution in the verdict, but fails to guarantee its effective implementation. When a strong and integrated state compensation mechanism is absent, victims are left to bear the costs of their physical, psychological, and social recovery alone. Restitution, in this form, serves more as a formal legitimacy for the criminal justice system than as an instrument of justice for victims (R. Valentina Sagala, 2022).

c. Rigidity of Procedural Law and Victimistic Burden of Proof

Indonesian criminal procedure law is still constructed on a foundation of legal-formalism that prioritizes procedural certainty over justice. In the context of domestic and sexual violence, this approach creates serious tensions because the characteristics of these crimes do not align with the classical assumptions of procedural law, which assume an equal relationship between the parties and the existence of easily verifiable, objective evidence.

The rigidity of proof is reflected in the dominance of the corroboration-oriented evidence paradigm, where the victim's testimony is often positioned as weak evidence that must be corroborated by other evidence. Consequently, the burden of proof is implicitly shifted to the victim to present a consistent, chronological, and contradiction-free narrative a standard that is psychologically difficult for traumatized individuals to meet. At this point, criminal procedure law fails to recognize that memory inconsistencies are not indicators of dishonesty, but rather a common neuropsychological response in victims of sexual violence (Debbie Taylor, 2021).

In practice, this rigidity opens up ample room for victim blaming. A victim's credibility is not judged by the impact of the violence they experienced, but rather by their adherence to certain moral norms and social expectations. Law enforcement officers who are not fully equipped with a gender and trauma perspective often use suggestive, confrontational, and judgmental questions, transforming the evidence-gathering process into a mechanism for selecting "trustworthy" victims Sandra Walklate, 2020). This situation demonstrates that criminal procedural law is not value-neutral, but rather reproduces structural biases that harm victims. This problem is exacerbated by the institutional unpreparedness of law enforcement officials. The absence of trauma-informed examination training makes criminal procedural law unadaptive to crimes based on power relations and occurring in the private sphere. Thus, the rigidity of procedural law is not merely a technical procedural issue, but rather a form of symbolic violence institutionalized through law.

d. Disharmony in Cross-Institutional Coordination in the Criminal Justice System

Addressing domestic and sexual violence requires integrated, cross-institutional orchestration (Purwanti, 2024). However, in practice, the Indonesian criminal justice system still operates within a fragmented, sectoral logic. The UPTD PPA, the police, the prosecutor's office, and the LPSK operate based on their respective normative mandates without a structurally binding coordination framework. This disharmony is not simply a matter of inter-institutional communication, but rather a reflection of institutional egoism legitimized by regulatory design. Each agency prioritizes compliance with its own sectoral mandate, while victims' protection needs are treated as a transferable responsibility. As a result, victims often experience partial and disjointed protection, receiving medical services without security guarantees, or

witness protection without psychological rehabilitation support (Nicola Henry, 2020).

The absence of a victim protection command system exacerbates the situation. No single entity has the normative authority to ensure that all victims' rights physical protection, psychosocial recovery, restitution, and legal assistance are implemented simultaneously and consistently. In such circumstances, failures in protection are never institutionally accounted for, as they can always be transferred to other institutions. This fragmented coordination demonstrates the absence of a victim-centered, integrated criminal justice system.

e. Marginalization of the Right to Health in Criminal Decisions

The right to health is one of the most neglected dimensions in criminal decisions related to domestic and sexual violence. Victim rehabilitation, both medical and psychological, is still treated as an additional form of social policy, rather than as a legal right inherent in the status of a victim of a crime. This approach reflects the failure of criminal law to understand violence as a violation of a person's physical and mental integrity.

The dominance of the offender-oriented justice paradigm has resulted in criminal decisions focusing on sanctions against the perpetrator, while the victim's recovery needs are not given equal importance in the verdict. Judges rarely order long-term psychological rehabilitation, let alone make it an enforceable state obligation. As a result, the criminal justice process ends without addressing the root of the victim's suffering, and the law loses its restorative function (Jonathan Doak, 2020).

The marginalization of the right to health also demonstrates the legal failure to restore victims' dignity. Trauma recovery is not simply a social welfare issue, but an integral part of justice. When the state fails to integrate the mandate of rehabilitation into criminal decisions, it implicitly shifts the entire burden of recovery onto the victim. From a human rights perspective, this situation constitutes a denial of the state's obligation to ensure effective reparation for serious rights violations (Alicia Ely Yamin, 2020).

The courage to make the right to health a legal element in criminal decisions will mark an important paradigm shift in Indonesian criminal law: from a system that merely punishes perpetrators to a system that actively restores people who have been harmed by crime.

3. Reconstructing the Convergence Model: Towards Holistic Victim Protection

The need for a convergence model for victim protection does not arise from a normative vacuum (Yunara, 2024), but rather from the accumulation of systemic failures that are continually repeated in practice. The fragmentation of protection, procedural bias, and the neglect of victim trauma demonstrate that Indonesian criminal law still operates within an outdated logic that is incompatible with the nature of domestic and sexual violence. Therefore, reconstruction must begin with a change in conceptual orientation, followed by a restructuring of procedural mechanisms that bind all actors in the criminal justice system.

a. Theoretical Reconstruction of Victim Protection

The dominant offense-oriented paradigm in Indonesian criminal law has long placed the crime at the center of analysis, while the victim is reduced to an accessory to the evidentiary process. This approach may be adequate for conventional, impersonal crimes, but it becomes problematic when applied to domestic and sexual violence, which are fraught with power relations, emotional dependency, and ongoing psychological trauma (Muladi, 2011).

Domestic and sexual violence demonstrates that the victim's losses do not end with the crime, but continue in the form of psychological wounds, disruption of social relations, and prolonged structural vulnerability. In this context, legal protection based solely on crime classification and the threat of punishment is insufficient to address victims' justice needs.

Theoretical repositioning toward victim-centered justice demands a fundamental shift in how criminal law defines protection. Protection is no longer automatically derived from the type of crime, but must be determined based on two key variables: the actual impact experienced by the victim and the level of vulnerability that accompanies it. This approach aligns with the development of critical victimology, which positions victims as legal subjects with autonomous needs for recovery, not merely sources of information for the state (Eva Achjani Zulfa, 2012).

In the Indonesian context, a vulnerability-based approach holds particular relevance. Victims of domestic violence are often subordinated due to economic, cultural, and gender-neutral family law factors. These vulnerabilities are multi-layered and cannot be adequately addressed through separate sectoral protections for "domestic violence" and "sexual violence." Therefore, theoretical convergence serves to

dismantle artificial normative boundaries that have historically limited victims' access to justice.

b. Procedure Reorganization

If theoretical reconstruction serves as a normative foundation, then procedural convergence is its operational instrument. The fragmentation of procedures that has occurred so far from investigation to recovery demonstrates that the criminal justice system still operates within a sectoral logic that positions victim protection as an additional matter, not a core obligation (Barda Nawawi Arief, 2016).

The Integrated Criminal Justice System for Handling Violence Against Women and Children (SPPT-PKKTP) should not be understood as a mere administrative coordination forum, but rather as a normatively integrated model of criminal law. In this model, victim protection must be present from the initial stages of the legal process and continue until after the court's verdict.

One fundamental weakness of current judicial practice is the absence of a single procedural reference that integrates the need for criminal evidence with the victim's need for rehabilitation. As a result, psychological assessments, rehabilitation recommendations, and protection needs are often fragmented and lack binding force in the prosecution and sentencing processes. The concept of a single integrated case file offers a solution to this problem by placing all information related to the victim and the case in a single, integrated file that binds all institutions.

Furthermore, procedural convergence has significant institutional implications, namely the emergence of collective accountability between institutions (Qiu, Shaoping, 2022). When victim protection becomes an indicator of overall system performance, failure can no longer be displaced by the excuse of limited sectoral authority. Every actor the police, prosecutors, courts, the UPTD PPA, and the LPSK is within a single, interconnected regime of responsibility. Thus, procedural convergence not only improves workflow but also corrects a legal culture that has historically emphasized procedural certainty over meaningful justice for victims.

c. Adoption of Trauma-Informed Justice as a Principle of Procedural Law

Criminal justice that ignores the dimension of trauma is inherently flawed. In cases of domestic and sexual violence, trauma is not simply a post-crime psychological impact, but rather a condition that directly impacts the victim's ability to participate fully and equally in the legal process. Therefore, a trauma-informed justice approach

must be positioned not as a soft policy innovation, but rather as a normative correction to criminal procedural law, which currently operates within a legal-formalistic framework.

Indonesian criminal procedural law still starts from the assumption of the rationality of a complete and stable legal subject. This assumption is problematic when applied to victims of sexual and domestic violence who experience memory disruption, chronic fear, and non-linear emotional responses. This misalignment between the normative assumptions of procedural law and the psychological reality of the victim creates a victimistic burden of proof (Eva Achjani Zulfa, 2010).

In the context of the convergence of the Domestic Violence Law and the Women's and Children's Empowerment Law, the adoption of trauma-informed justice serves as a bridge between normative protection and justice. Without this approach, convergence will only stop at aligning material norms, while procedures remain a source of new injustices for victims. Thus, trauma-informed justice must be understood as an essential element of a holistic victim protection model, not as an adjunct to recovery policies (Barda Nawawi Arief, 2015).

Furthermore, the legal system's failure to accommodate victims' trauma demonstrates that criminal law remains oriented toward procedural efficiency and formal certainty, rather than toward restoring human dignity. Within the framework of a just state based on the rule of law, this orientation is no longer tenable. Justice requires that the law not only adjudicate the act but also recognize the wounds left by that act.

d. Direction of National Criminal Law Reform in the New Criminal Code

The enactment of the National Criminal Code through Law No. 1 of 2023 marks a significant milestone in the history of the codification of Indonesian criminal law. However, codification should not be understood merely as the unification of criminal norms, but rather as a legal political arena that determines the direction of human rights protection, including the position of victims in the criminal justice system. In the context of domestic and sexual violence, the new Criminal Code bears a significant responsibility to ensure that the convergence of victim protection established through the Domestic Violence Law and the Women's and Children's Protection Law is not reduced to the process of generalizing norms.

1) The Criminal Code as a Legal Umbrella for Victim Protection

Conceptually, the new Criminal Code must be positioned as a normative umbrella that integrates victim protection principles from various specific laws without losing their specificity. The Criminal Code can no longer be positioned as a neutral text that only regulates prohibitions and sanctions, but must explicitly affirm that victim protection and rehabilitation are inherent in the objectives of criminal punishment (Butt, Simon, 2023).

The formulation of the objectives of criminal punishment in Article 51 of the new Criminal Code, which includes restoring balance and protecting society, opens up normative space to incorporate victim interests as a central element of criminal justice. However, without a victim-oriented interpretation and operationalization, this formulation risks remaining a normative declaration. Therefore, a systemic reading is needed that places restitution, rehabilitation, and guarantees of non-repetition as logical consequences of these objectives of criminal punishment (Barda Nawawi Arief, 2023).

In this context, the Criminal Code must function as a value-binding instrument, not a homogenizing instrument that obscures the differentiation of protection needs for victims of gender-based violence. If the Criminal Code fails to fulfill this function, codification will instead become a mechanism for domesticating the progressive achievements of the TPKS Law.

2) Anticipating Protection Degradation in the Codification Process

Experience in various countries shows that codification often carries the risk of normative degradation, where specific provisions sensitive to the victim's context are merged into more abstract, more protective general norms. Similar risks lurk in the implementation of the new Criminal Code if it is not accompanied by normative safeguards (Levin, Benjamin, 2022).

In the case of domestic and sexual violence, a degradation of protection can occur when law enforcement officials prefer to apply the general provisions of the Criminal Code over the specific regimes of the Domestic Violence Law or the Women's Protection Act, under the pretext of simplicity or legal certainty. Such practices will weaken the position of victims, particularly in aspects of recovery and support services that are not specifically regulated in the Criminal Code (Eva chjani Zulfa, 2023). Therefore, national criminal law convergence must be built on the principle of *lex specialis* systemically reinforced, namely strengthening the validity of specific norms by affirming in the Criminal Code that sectoral laws that

provide broader protection to victims remain the primary reference. Without this principle, codification has the potential to become a normative regression that contradicts the spirit of criminal law reform itself.

3) Reorienting the Goals of Punishment: From the Perpetrator to the Restoration of Social Relations

Although the new Criminal Code has abandoned the paradigm of pure retaliation, the orientation of punishment in practice remains strongly influenced by the perspective of the perpetrator (offender-oriented justice). Punishment is often measured by the severity of the sanction, rather than by the extent to which substantive justice has been restored to the victim.

In cases of domestic and sexual violence, punishment that ignores the victim's needs has the potential to perpetuate structural inequalities, particularly when the victim is in an unequal power relationship with the perpetrator. Therefore, reorienting the purpose of punishment must be interpreted as a shift from mere punishment to the restoration of social relations damaged by the crime (Muladi, 2010). This reorientation requires judges to consider not only the perpetrator's culpability, but also the impact of the act on the victim and their long-term rehabilitation needs. Thus, sentencing becomes a forward-looking means of corrective justice, not simply a repressive reaction to the past.

Recovery for victims of sexual violence is typically multi-dimensional and staged, starting with urgent health care (treatment of injuries, emergency contraception, HIV post-exposure prophylaxis and STI prevention/treatment, and if the survivor chooses forensic examination and documentation) alongside immediate psychological first aid and safe, confidential support. It then continues through trauma-informed mental health care (counseling/therapy, coping and stabilization), case management and safety planning, access to safe shelter when needed, and legal support to help survivors navigate reporting, protection orders, and court processes without revictimization. In Indonesia specifically, the TPKS Law frames "recovery" broadly as measures to restore the victim's physical, mental, spiritual, and social condition, and explicitly includes medical rehabilitation, mental and social rehabilitation, social empowerment, restitution/compensation, and social reintegration showing that recovery is not only clinical and psychological, but also economic and social, aimed at restoring dignity and functioning.

4) The Principle of Non-Regression in Harmonizing the Criminal Code with Special Laws

The principle of non-regression in human rights protection implies that legal reforms must not reduce the level of protection previously achieved. In the context of harmonizing the Criminal Code with the Domestic Violence Law and the Women's and Children's Protection Law, this principle must serve as a normative guideline binding both legislators and law enforcement officials.

The new Criminal Code must not be interpreted or applied in a way that negates victims' rights that have been more progressively guaranteed in specific laws. Instead, the Criminal Code must strengthen the enforceability of these norms through a systemic and teleological approach. Without the principle of non-regression, criminal law convergence will lose its substantive meaning and potentially create lower standards of protection for victims of domestic and sexual violence (Harkristuti Harkrisnowo, 2021).

Thus, the direction of national criminal law reform must be read as a moral and constitutional project, not merely a technical legislative exercise. The new Criminal Code will only have substantive legitimacy if it can guarantee that the codification does not become a tool of regression, but rather an instrument for strengthening victim protection in a just state based on the rule of law.

The novelty of this research lies in constructing a non-regressive convergence framework for victim protection within Indonesia's new Criminal Code by (i) repositioning the Code as a normative umbrella that explicitly internalizes victim protection and recovery as inherent aims of punishment (operationalizing Article 51 beyond declaratory language into concrete consequences such as restitution, rehabilitation, and guarantees of non-repetition), (ii) identifying and theorizing codification-driven protection degradation as a structural risk in practice where general Code provisions may displace more protective special regimes and responding with a model of systemically reinforced *lex specialis* that preserves and activates sectoral standards, (iii) reorienting sentencing from offender-centered severity toward restoration of social relations damaged by sexual and domestic violence through impact-based judicial reasoning centered on victims' long-term recovery needs, and (iv) embedding the principle of non-regression as a binding interpretive and institutional safeguard so that harmonization strengthens, rather than domesticates, the progressive achievements of the TPKS Law and other special statutes thereby offering an integrated, impact-based

architecture of victim protection that transcends crime classifications and sectoral fragmentation.

4. Conclusion

This study confirms that the main problem of protecting victims of domestic and sexual violence in Indonesia is not merely a lack of norms, but rather the fragmentation of paradigms and the design of the criminal law system that is not yet oriented towards the experiences and vulnerabilities of victims, which is reflected in the disharmony between the Domestic Violence Law and the TPKS Law, the mechanical application of the *lex specialis* principle, the rigidity of procedural law, sectoral institutional coordination, and the marginalization of the right to health, so that criminal law not only fails to restore victims but also perpetuates structural victimization and secondary victimization; in the context of reform through the National Criminal Code, without normative safeguards in the form of the principle of non-regression and a victim-oriented reading of the ecosystem, codification actually risks reducing existing protection achievements, so that legal convergence must be understood as a normative and institutional project that demands simultaneous changes in theoretical, procedural, and legal cultural orientations.

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