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Topic: Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children

Reconstruction of Legal Protection for Victims of Domestic Violence in A Justice-Based, Victim-Oriented Criminal Justice System

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Abstract. Domestic violence (DV) remains a form of human rights violation that requires comprehensive legal protection. Although Indonesia has various legal instruments, such as Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Law Number 31 of 2014 concerning the Protection of Witnesses and Victims, and the Criminal Procedure Code, their implementation has not been able to provide effective protection for victims at every stage of the criminal justice process. This study aims to analyze the reasons why the legal protection system for victims of domestic violence has not been able to realize a victim-oriented criminal justice system and formulate a reconstruction of an ideal legal protection system based on justice. The study uses a normative legal research method with a legislative approach, a conceptual approach, and a case approach. The analysis was conducted on legislation, doctrine, court decisions, and various relevant literature using descriptive-prescriptive qualitative analysis. The results of the study indicate that the weaknesses of the legal protection system for victims of domestic violence are caused by the fragmentation of legal substance, less than optimal coordination between law enforcement agencies, and a legal culture that is still influenced by a patriarchal paradigm and is oriented towards the perpetrator. Therefore, it is necessary to reconstruct the substance of the law through harmonization of regulations and strengthening of victims' rights at every stage of criminal procedural law, reconstruct the legal structure through increased capacity of the apparatus, integrated services, and inter-institutional coordination, and reconstruct the legal culture through strengthening the perspective of victim protection. This reconstruction is expected to be able to create a victim-oriented religious justice system (victim-oriented criminal justice system) based on justice, so that the protection, participation, and recovery of domestic violence victims can be implemented effectively.

Keywords: Criminal Procedure Law; Domestic Violence; Justice; Legal Protection; Victims; Victim-Oriented Criminal Justice System.

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1. Introduction

As a state based on law (*rechtsstaat*), Indonesia places the protection of human rights as one of the main pillars of state administration as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The legal consequence of this principle is the constitutional obligation for the state to guarantee the right of every citizen to a sense of security and protection from all forms of violence as regulated in Article 28G paragraph (1) and Article 28I paragraph (1) of the 1945 Constitution of the Republic of Indonesia. Therefore, the state is not only obliged to avoid actions that have the potential to violate human rights, but is also required to take active steps through policies, regulations and law enforcement mechanisms to prevent violence, provide effective protection and guarantee the restoration of victims' rights, including victims of domestic violence.

Protection of victims of criminal acts is an integral part of the application of the principle of due process of law, which in modern legal developments is no longer interpreted merely as guaranteeing the protection of the rights of suspects and defendants, but also includes the fulfillment of victims' rights throughout the criminal justice process. Therefore, the state is obliged to ensure that victims have access to justice, the opportunity to participate in the judicial process, protection from re-victimization, and effective reparation for the physical, psychological, and economic losses they suffer. In cases of domestic violence, this obligation has a higher level of urgency because this crime generally occurs in an unequal power relationship and takes place in the domestic sphere, which is difficult to reach by state protection mechanisms. Therefore, reform of criminal procedural law needs to be directed at the establishment of a victim-oriented criminal justice system, so that victim protection and reparation become an integrated part of every stage of the judicial process without diminishing respect for the presumption of innocence as a fundamental principle of criminal law.

The urgency of protecting victims of domestic violence is further reinforced by the 2025 Annual Report (CATAHU) of the National Commission on Violence Against Women, launched on March 6, 2026. The report recorded 376,529 cases of Gender-Based Violence against Women (GBV) throughout 2025, an increase of 14.07% compared to the previous year. Of these cases, 337,961, or 89.76%, occurred in the personal sphere, encompassing marital, family, and intimate relationships.¹ These data indicate that the domestic sphere remains the most

¹National Commission on Violence Against Women (Komnas Perempuan), Press Release Komnas Perempuan Launch of the Annual Report on Violence Against Women 2025: "Strengthening Data, Addressing Vulnerabilities, Urging the State to Take Action for Justice for Victims", March 6, 2026, [National Commission on Violence Against Women](#), accessed on July 8, 2026.

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vulnerable environment for women experiencing violence. Furthermore, the National Commission on Violence Against Women (Komnas Perempuan) also revealed a significant disparity between the number of reports, prosecutions, and verdicts, indicating that the continuity of case handling from the reporting stage to resolution through the criminal justice system is not yet optimal. This situation indicates that victims' access to justice still faces various obstacles, both institutionally and through law enforcement mechanisms.

Data The National Commission on Violence Against Women (Komnas Perempuan) also showed that violence in the personal sphere is still dominated by relationships born of marriage and intimate relationships. Of the 2,067 direct complaints received, 661 cases of violence against wives were recorded, 534 cases of violence perpetrated by ex-boyfriends, and 518 cases of violence during dating. Based on the form of violence, psychological violence was the most common type of violence experienced by victims, especially in cases of violence against wives, reaching 42.05% of the 2,597 cases. Overall, psychological violence was recorded in 15,727 cases or approximately 32.48% of all identified reports. Furthermore, throughout 2025, eight cases of femicide were also recorded in various regions in Indonesia, most of which were perpetrated by people close to the victim, such as husbands, ex-partners, or family members.²The data shows that domestic and personal relationships remain the most vulnerable areas for gender-based violence, making strengthening legal protection for victims, particularly through the criminal justice system, an increasingly urgent need.

The findings of the Religious Courts also indicate a close relationship between domestic violence and the high divorce rate in Indonesia. Throughout 2025, there were 346,554 divorce cases recorded, a 9.55% increase compared to the previous year. Of this number, ongoing disputes and arguments were the most dominant reason for divorce, amounting to 283,624 cases. From a victimology perspective, this condition can be understood as a form of exit strategy adopted by victims to free themselves from violent relationships through civil legal mechanisms, rather than using criminal legal instruments. This phenomenon also shows that there is still a gap between the actual number of domestic violence victims and cases processed through the criminal justice system. This is reflected in the imbalance in the number of reports received (45,937 cases), cases that reached the prosecution stage by the Attorney General's Office (2,848 cases), and court decisions (324,062 cases), the majority of which are divorce cases in the religious courts rather than criminal cases. This situation indicates that domestic violence is still more often resolved through divorce mechanisms than through criminal law enforcement, thus protecting victims' rights in the criminal justice process is not

²Ibid



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optimal. Consequently, divorce is often chosen as a solution rather than utilizing criminal instruments, which should also function to provide protection, recovery, and access to justice for victims. This phenomenon further emphasizes the urgency of reconstructing the legal protection system for domestic violence victims at every stage of criminal procedure, moving towards a victim-centered criminal justice system.

This problem is also reflected in law enforcement practices in domestic violence cases. One example is the case of Neira Jacqueline in 2022. After reporting alleged domestic violence by her husband, accompanied by a medical examination, the victim was reported again for alleged illegal access to social media, resulting in her being named a suspect.³ The phenomenon of counter-reports demonstrates that victims not only suffer as a result of the crime they experienced, but also face the potential for re-victimization (secondary victimization) during the legal process. This situation demonstrates that victim protection mechanisms at every stage of criminal procedure are not yet fully capable of providing a sense of security, legal certainty, and effective protection for victims.

Normatively, Indonesia has various legal instruments that regulate the protection of victims of domestic violence, including Law Number 23 of 2004 concerning the Elimination of Domestic Violence and Law Number 13 of 2006 concerning the Protection of Witnesses and Victims as amended by Law Number 31 of 2014. The presence of these two regulations demonstrates the state's commitment to providing protection, assistance, recovery, and guarantees for victims' rights. However, the implementation of these various provisions still faces various obstacles so that the legal protection provided has not been fully able to optimally meet the needs of victims. This condition shows a gap between *das sollen*, namely legal norms that require comprehensive protection for victims, and *das sein*, namely the reality of law enforcement that still leaves various problems in practice.

These problems are inseparable from the nature of criminal procedural law in Indonesia, which in practice is still more oriented towards proving the perpetrator's guilt than fulfilling the victim's rights. At every stage of the legal process, from reporting and investigation, prosecution, to trial, victims of domestic violence are still positioned more as witnesses or pieces of evidence than as legal subjects with procedural rights to protection, assistance,

³National Crime Information Center (Pusiknas) of the Indonesian National Police Criminal Investigation Agency (Bareskrim Polri), "Neira, Already a Victim of Domestic Violence, Was Reported to the Police by Her Husband", January 25, 2022, https://pusiknas.polri.go.id/detail_artikel/sudah_jadi_korban_kdrt_neira_justru_dilaporkan_suami_ke_poli_si, accessed on July 8, 2026.



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recovery, and meaningful participation in the judicial process. As a result, victims often face the risk of intimidation, revictimization, and obstacles in obtaining restitution and recovery services. This condition indicates that the applicable criminal procedural law has not fully accommodated the paradigm of a victim-oriented criminal justice system, which places the victim as one of the central concerns in the entire law enforcement process.

By Therefore, a reconstruction of the legal protection system for victims of domestic violence in criminal procedure law is needed so that it is no longer solely oriented towards punishing the perpetrator, but is also able to guarantee the full fulfillment of victims' rights from the reporting stage to the implementation of the decision. This reconstruction must be directed at establishing a victim-oriented criminal justice system by strengthening the legal substance, institutional structure, and a just legal culture so that it can provide comprehensive protection, legal certainty, benefits, and recovery for victims of domestic violence.

Based on the above description, it is understandable that although Indonesia has various legal instruments governing the protection of victims of domestic violence, their implementation has not been able to provide effective protection at every stage of criminal procedural law. The existing regulations still tend to be partial and have not integrated comprehensive victim protection from the reporting stage, investigation, prosecution, trial examination, to the implementation of the verdict. This condition indicates the need to reconstruct the legal protection system that is not only oriented towards punishing the perpetrator, but also positions the victim as a legal subject who has the right to protection, participation, and just recovery throughout the entire criminal justice process. Therefore, this study aims to analyze the provisions for legal protection for victims of domestic violence in criminal procedural law, identify various problems faced in its implementation at each stage of the criminal justice process, and formulate a reconstruction of the legal protection system for victims of domestic violence towards a victim-oriented criminal justice system based on justice. It also formulates a model for the reconstruction of the legal protection system for victims of domestic violence in criminal procedural law towards a victim-oriented criminal justice system based on justice.

2. Research Methods

This research is a normative legal research that views law as a system of norms that is structured hierarchically, logically, and coherently and aims to find legal arguments, principles, and concepts in resolving the legal issues studied. This research is not only oriented towards an inventory of positive legal norms (*ius constitutum*), but is also directed at formulating a concept of legal reform (*ius constituendum*) through the reconstruction of the legal protection

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system for victims of domestic violence in criminal procedural law towards a victim-oriented criminal justice system based on justice.

The research approaches used include the statute approach, the conceptual approach, and the case approach. The statutory approach is used to examine the vertical and horizontal synchronization of various provisions of laws and regulations governing the protection of victims of domestic violence, both those contained in the Criminal Procedure Code, Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, as well as other provisions related to the criminal justice system. The conceptual approach is used to analyze various legal doctrines, principles, and theories, particularly the theory of legal protection, victimology theory, criminal justice system theory, justice theory, and the concept of a victim-oriented criminal justice system as a basis for building normative arguments. Meanwhile, the case approach is used to examine relevant court decisions and law enforcement practices as illustrations of the application of legal norms and to identify various issues that arise in the protection of victims of domestic violence at each stage of criminal procedure law.

The legal materials used in this study consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include laws and regulations, court decisions, and other legal instruments related to the protection of victims of domestic violence. Secondary legal materials consist of various legal literature, scientific books, articles in reputable national and international journals, previous research results, and expert doctrines relevant to the research issue. Tertiary legal materials include legal dictionaries, legal encyclopedias, and various other references that provide explanations of legal terms and concepts.

Collection of legal materials is carried out through literature studies (*library research*), while the analysis of legal materials uses a qualitative analysis method with a descriptive-prescriptive approach. The analysis is carried out through identification and interpretation of applicable legal norms, then comparing them with the empirical conditions of law enforcement to find the gap between *das sollen* and *das sein*. Furthermore, based on the results of the analysis, a reconstruction model of the legal protection system for victims of domestic violence in criminal procedural law is formulated that is oriented towards protecting the rights of victims, legal certainty, benefit, and justice.

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3. Results and Discussion

3.1. The Legal Protection System for Victims of Domestic Violence in Criminal Procedure is Not Yet Victim Oriented

Legal protection for victims of domestic violence (KDRT) is an important indicator in realizing a just criminal justice system. Although Indonesia has various legal instruments that regulate victim protection, including Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Law Number 13 of 2006 as amended by Law Number 31 of 2014 concerning Protection of Witnesses and Victims, the Criminal Code, and the Criminal Procedure Code, the existence of these various regulations has not been fully able to realize a victim-oriented legal protection system. In practice, victims are still often positioned as a means of proof to prove the perpetrator's guilt, while the fulfillment of victims' rights, such as protection, participation, restitution, rehabilitation, and recovery, has not been an integrated part of the overall criminal procedure process.

This situation demonstrates that the orientation of the criminal justice system in Indonesia still tends to focus on punishing the perpetrator (offender-oriented criminal justice system), while the interests of victims have not received proportional attention. Consequently, legal protection for victims of domestic violence has not been optimally implemented from the reporting stage, through investigation, prosecution, trial, and even through the implementation of the verdict. This situation not only hinders the fulfillment of victims' rights but also has the potential to lead to re-victimization during the criminal justice process.

Referring to the legal system theory put forward by Lawrence M. Friedman, the effectiveness of a legal system is determined by the integration of three main components, namely legal substance, legal structure, and legal culture.⁴ These three components serve as analytical tools in this study to identify various weaknesses in the legal protection system for victims of domestic violence in criminal procedure law. Analysis of these three aspects is necessary as a basis for formulating a reconstruction of the legal protection system that can create a victim-oriented criminal justice system based on justice.

a) Weaknesses of Legal Substance

Before the enactment of Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT Law), the handling of domestic violence cases was still based on general

⁴Lawrence M. Friedman, *The Legal System: A Social Science Perspective*, (New York: Russell Sage Foundation, 1975), p. 14



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provisions in the Criminal Code concerning the crime of abuse, so that domestic violence tended to be viewed as a private matter whose resolution was left to the family. The enactment of the PKDRT Law was an important turning point because it expanded the scope of violence to include physical, psychological, sexual violence, and domestic neglect, and carried the paradigm of victim protection (victim-oriented approach) through the recognition of various victims' rights, including the right to receive protection, health services, legal assistance, rehabilitation, and the determination of protection orders. The next development was marked by the enactment of Law Number 1 of 2023 concerning the Criminal Code, which accommodates the regulation of domestic violence in Articles 470 to 477.⁵ However, compared to the Domestic Violence Law, the provisions in the Criminal Code have not explicitly accommodated sexual violence within the household and still place more emphasis on formulating criminal threats against the perpetrator (offender-oriented), while the Domestic Violence Law emphasizes the aspects of protection, assistance, and recovery of victims, so that legally the Domestic Violence Law remains in the position of *lex specialis*.⁶

The development of these regulations shows that the legal substance governing the protection of victims of domestic violence is still fragmented: the provisions for criminal acts are contained in the Criminal Code, the procedural mechanism is regulated in the Criminal Procedure Code, while the victim protection mechanism is regulated separately in the Domestic Violence Law and the Witness and Victim Protection Law. This fragmentation has resulted in the lack of an integrated protection system from the reporting stage to the implementation of the decision. From a criminal procedural law perspective, the Criminal Procedure Code has so far been more oriented towards law enforcement mechanisms against perpetrators rather than fulfilling the rights of victims; the position of victims is generally placed as reporting witnesses, while the mechanism for combining compensation claims (*voeging*) regulated in the Criminal Procedure Code has a limited scope and is not yet able to accommodate immaterial losses or the victim's comprehensive recovery needs. As an implementation of the principle of the presumption of innocence, the Criminal Procedure Code provides various procedural rights to suspects, including the right to be immediately examined and submitted to the public prosecutor, the right to provide information freely without pressure, the right to obtain legal assistance at every stage of the examination, and various other guarantees of legal process.

⁵Heri Siswan, Budi Sastra Panjaitan, and Arifuddin Muda Harahap, "Updating the Criminal Procedures for Perpetrators of Domestic Violence in the New Criminal Code: A Study from an Islamic Law Perspective," *Jurriish: Journal of Research in the Social, Political, and Humanities Sciences Cluster 4*, no. 3 (2025): 726-742, p. 731.

⁶*Ibid.*, pp. 734-735



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These regulations reflect the commitment of criminal procedural law to protecting the rights of suspects as part of human rights protection. Conversely, victims of crime, particularly victims of domestic violence, have not received equal procedural rights provisions in the Criminal Procedure Code. Victims' rights to assistance from the reporting stage, protection from re-victimization, access to information on case developments, and guarantees of recovery still rely more heavily on the Domestic Violence Law and the Law on Witness and Victim Protection. This imbalance indicates that the substance of criminal procedural law remains more offender-oriented than victim-oriented. This situation indicates that protection for victims of domestic violence in criminal procedural law is still constructed through a sectoral approach. While various regulations do regulate victims' rights, there is no explicit integration linking victim protection mechanisms to each stage of criminal procedural law. Consequently, the fulfillment of victims' rights depends heavily on coordination between law enforcement agencies and the interpretation of each agency in practice.

The enactment of Law Number 20 of 2025 concerning the Criminal Procedure Code does bring a number of updates, including the Victims' Endowment Fund and the expansion of pretrial objects, but these regulations are still general in nature and have not explicitly accommodated the specific characteristics of domestic violence cases, especially regarding the imbalance in power relations, the victim's dependence on the perpetrator, and the risk of re-victimization.⁷ From a justice theory perspective, this situation indicates that the substance of the applicable law has not yet achieved a balance between legal certainty, expediency, and justice. Criminal procedural law prioritizes guarantees of due process for perpetrators, while the rights of victims, as those who have suffered, have not received proportional protection. Consequently, the law's goal of achieving substantive justice for victims of domestic violence has not been fully achieved.

By Therefore, when analyzed using Lawrence M. Friedman's legal system theory, the weaknesses in the legal substance indicate that the system for protecting victims of domestic violence in criminal procedural law has not been built through integrated, comprehensive, and victim-oriented norms. Fragmentation of regulations, imbalance in the regulation of rights between perpetrators and victims, and the failure to accommodate the special characteristics of domestic violence cases in criminal procedural law mean that the goals of legal protection and justice for victims cannot be optimally realized. This condition is the basis for the need for

⁷Ombudsman of the Republic of Indonesia, "Portrait of Maladministration in Handling Domestic Violence Cases," which found weak coordination in resolving domestic violence cases between P2TP2A, the Police Women and Children Service Unit (PPA), the Ministry of Social Affairs, and the Ministry of Women's Empowerment and Child Protection, <https://www.ombudsman.go.id.besar>



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reconstruction of the legal substance towards a victim-oriented criminal justice system based on justice.

b) Weaknesses of Legal Structure

From the perspective of Lawrence M. Friedman's legal system theory, legal structure is related to the effectiveness of law enforcement institutions and officials in implementing applicable legal norms. The success of legal protection for victims of domestic violence is determined not only by the quality of the legal substance, but also by the ability of investigators, public prosecutors, judges, the Witness and Victim Protection Agency (LPSK), and other supporting institutions to consistently implement these provisions. Therefore, although various regulations have guaranteed protection for victims, their effectiveness still depends on inter-institutional coordination, uniform understanding of law enforcement officials, and implementation that is oriented towards the best interests of victims.

In practice, the implementation of protection for victims of domestic violence still faces various institutional obstacles. Various studies indicate that law enforcement officials still have differing perceptions regarding the boundaries and handling of domestic violence cases, including in determining the use of provisions of Law Number 23 of 2004 concerning the Elimination of Domestic Violence or general provisions in the Criminal Code and Criminal Procedure Code.⁸ These differing understandings result in inconsistent application of the law, particularly in the process of establishing evidence and providing protection to victims. Furthermore, the lack of standardized interpretation guidelines means that law enforcement officers still tend to use a formalistic approach that places greater emphasis on proving the elements of the crime than on fulfilling the victims' rights.

The weakness of the legal structure is also reflected in the limited institutional capacity to handle domestic violence cases. Various evaluations indicate that the implementation of the Domestic Violence Law still faces obstacles such as the lack of adequate implementing regulations, a limited number of investigators with specialized competencies, a shortage of experts and forensic psychologists, limited budgets for scientific examinations, and suboptimal coordination between the police, prosecutors, courts, the Witness and Victim Protection Agency (LPSK), and victim service institutions. Furthermore, the unequal understanding of human rights and gender equality among law enforcement officials often means that victim protection is not a top priority in the law enforcement process.

⁸Source: Online law: <http://www.hukumonline.com/berita/baca/hol13961/aparatpenegak-hukum-masih-beda-persepsi-soal-implementasi-uu-pkdr>. Accessed July 8, 2026. At 10:10 a.m. WIB.



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In the practice of handling domestic violence cases, these weaknesses are also reflected in the investigation and evidence-gathering process. Police often encourage settlement through peace mechanisms, leading many victims to withdraw their complaints due to pressure from family, friends, or perpetrators, rather than of their own free will. As a result, many victims experience the same violence again after the case is dismissed. Furthermore, the evidence-gathering process still tends to use a formalistic approach, requiring witnesses to directly witness the violence, even though domestic violence generally occurs in private settings without the presence of other witnesses. Another obstacle is the suboptimal response of investigators to promptly initiate action. *Visum et Psychiatricum* This delay in examinations often results in the victim's psychological condition having recovered by the time the post-mortem is performed, and the results no longer reflect the true psychological impact. This situation indicates that the implementation of victim protection has not fully considered the specific characteristics of domestic violence.

This situation was clearly evident in the Tuti Mujiarti case. Although Tuti was a victim of domestic violence and had received protection from the LPSK (Lembaga Perlindungan Witnesses and Victim Protection Agency), her report was not processed immediately, while her husband's counter-report was processed more quickly, leading to Tuti being named a defendant. During the trial, the panel of judges even considered the LPSK's presence to be disruptive to the trial, despite prior official notification of the victim's protection status. Furthermore, the judge placed Tuti under house arrest at the residence where the violence had occurred, while the prosecutor continued to implement the order without considering the victim's protection. The LPSK assessed that the actions of the investigator, public prosecutor, and panel of judges were inconsistent with the provisions of Law Number 23 of 2004 concerning the Elimination of Domestic Violence and Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, and even had the potential to hinder the implementation of victim protection. This incident demonstrates that coordination between the police, prosecutors, courts, and the LPSK has not been effective, resulting in the normatively guaranteed victim protection not being optimally realized in practice.

Similar problems were also seen in the case of Neira Jacqueline. After experiencing domestic violence for years and after filing for divorce, Neira was counter-reported by her husband for allegedly illegally accessing her social media accounts. Furthermore, her domestic violence report still required a substantiation process, even with the provision of a medical examination.



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As a result, the victim not only faced violence from the perpetrator but also faced potential re-victimization through the legal process itself.⁹

When analyzed using Lawrence M. Friedman's legal system theory, these various issues indicate that the weakness of the legal structure is not solely caused by the quality of individual law enforcement officers, but also by the suboptimal institutional system in implementing integrated victim protection norms. Ineffective inter-agency coordination, differences in perceptions in law enforcement, limited human resources, and the lack of internalization of the victim's perspective in the law enforcement process cause legal protection for victims of domestic violence to be less than optimally implemented. Therefore, it is necessary to reconstruct the legal structure by strengthening coordination between law enforcement officers, increasing competence based on the victim's perspective, developing uniform guidelines for handling domestic violence cases, and optimizing the role of the LPSK so that the criminal justice system is truly able to provide effective protection for victims.

c) Weaknesses of Legal Culture

From the perspective of Lawrence M. Friedman's legal system theory, legal culture is one of the main components that determine the effectiveness of a legal system, in addition to legal substance and legal structure. Legal culture reflects the values, attitudes, mindsets, and level of legal awareness that develop among law enforcement officers and the public regarding the existence and implementation of the law. Thus, the success of legal protection for victims of domestic violence is not only determined by the quality of legislation and the performance of law enforcement agencies, but is also influenced by the legal culture that develops in society.

In the context of protecting victims of domestic violence, Indonesia's legal culture still faces various challenges. Although Law Number 23 of 2004 concerning the Elimination of Domestic Violence affirms that domestic violence is a criminal act and a violation of human rights, in practice, the view persists that domestic violence is a domestic or private matter best resolved within the family. This view is influenced by a patriarchal culture that places women in an unequal position within household relationships, often encouraging victims to maintain family integrity rather than fight for their rights through legal mechanisms.

This patriarchal culture is reinforced by the victim's economic dependence on the perpetrator and the social stigma that considers reporting domestic violence as an act that brings shame on the family. As a result, many victims choose not to report the violence, withdraw their

⁹Jo-Anne Wemmers, 'Victims' Experiences in the Criminal Justice System and Their Recovery from Crime, *International Review of Victimology*, Vol. 19, no. 3, 2013, p. 221-223.



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complaints, or discontinue legal proceedings due to family pressure, economic considerations, shame, or concerns for their children's future. This situation demonstrates that obstacles to legal protection for victims stem not only from normative and institutional aspects, but also from a societal legal culture that does not fully support victims' courage in seeking justice.¹⁰

Unequal power relations between husband and wife, victims' economic dependence on their perpetrators, and the perception that women must maintain the integrity of their households lead many victims to choose not to report the violence they experienced or to withdraw their reports. Family pressure, social stigma, shame, and concerns about their financial situation also hinder victims from seeking justice.¹¹ This situation demonstrates that the existence of legal norms does not automatically change societal behavior if it is not supported by a legal culture that respects victims' rights and gender equality. This legal culture also influences law enforcement practices by law enforcement officials. In various cases of domestic violence, law enforcement officials still frequently prioritize resolution through peace or mediation, citing the need to maintain family unity. This approach demonstrates that some officials still view domestic violence as a family conflict that is more appropriately resolved amicably rather than as a crime requiring maximum protection for the victim. As a result, the victim's interests are often neglected, and the legal process does not operate optimally in accordance with the principles of victim protection.¹²

Based on various studies, many victims withdraw their reports after experiencing pressure from their families or perpetrators. In fact, in some cases, law enforcement officers actually encourage victims to reconcile before the legal process has fully progressed. This situation results in many domestic violence cases not reaching trial or ending without adequate reparation for the victims. It is not uncommon for victims who have withdrawn their complaints to experience the same violence again because the root cause has never been resolved through effective legal mechanisms. Furthermore, the legal culture of law enforcement officers still tends to view peaceful resolution as the primary option in domestic violence cases. However, this approach often ignores the psychological well-being of victims, opens up opportunities for re-victimization, and perpetuates the cycle of domestic violence.

¹⁰Soerjono Soekanto, "Legal Awareness and Legal Compliance", in Soerjono Soekanto, *Legal Awareness and Legal Compliance*, First Edition, (Jakarta: CV Rajawali, 1982), pages 152 and 239.

¹¹Organization for Economic Co-operation and Development (OECD), *Breaking the Cycle of Gender-Based Violence*, Paris: OECD Publishing, 2023, Chapter 6 "Access to Justice and Accountability".

¹²Sofian Hadi, *Application of the Principle of Justice to Domestic Violence Crimes Based on Law Number 23 of 2004 concerning the Elimination of Domestic Violence*, *Aktualita (Jurnal Hukum)*, ahead of print, (November 2020). (E-ISSN (online): 2615-7094).



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Therefore, effective law enforcement against domestic violence requires not only updating the legal substance and strengthening institutional structures, but also a shift in legal culture that positions victims as subjects who must be protected, not simply parties asked to maintain family integrity.

When analyzed using Lawrence M. Friedman's legal system theory, these various conditions indicate that weaknesses in the legal culture have prevented the legal protection system for victims of domestic violence from functioning effectively. Relatively adequate legal substance and existing institutional structures cannot function optimally if both society and law enforcement officers are still influenced by patriarchal culture, stigma against victims, and the view that domestic violence is a private matter. Therefore, legal culture reform through increasing public legal awareness, gender equality education, and strengthening the victim-oriented perspective of the criminal justice system for law enforcement officers is an important prerequisite for realizing a victim-oriented criminal justice system.

In this study, a victim-oriented, justice-based criminal justice system is defined as a system that not only focuses on proving the guilt and punishing the perpetrator, but also ensures the fulfillment of the victim's rights comprehensively from the reporting stage, investigation, prosecution, trial, to the implementation of the decision. Justice in this perspective is realized through protecting the victim's safety, providing access to the legal process, the opportunity to participate, fulfilling the right to information, restitution, rehabilitation, and protection from re-victimization. Thus, the orientation of the criminal justice system is no longer solely offender-oriented, but rather positions the victim as a legal subject who has the right to obtain effective protection and recovery.

Based on an analysis of legal substance, legal structure, and legal culture as proposed by Lawrence M. Friedman, it can be concluded that the failure to realize a victim-oriented, justice-based legal protection system for victims of domestic violence is not caused by a single factor, but rather is the result of the interconnected weaknesses of the three components of the legal system. In terms of legal substance, regulations regarding victim protection are still fragmented and have not yet integrated victims' rights comprehensively into every stage of criminal procedure. In terms of legal structure, the implementation of victim protection has not been effective due to weak coordination between law enforcement agencies, a lack of uniform understanding of the characteristics of domestic violence cases among officers, and a less than optimal institutional capacity to guarantee victim protection and recovery. Meanwhile, in terms of legal culture, the persistence of a patriarchal culture, stigma against victims, and the view that domestic violence is a private matter have led to victims' reluctance to access legal

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mechanisms, and law enforcement officers still tend to prioritize peaceful resolution over victim protection.

These three weaknesses influence each other and form a system that does not fully recognize victims as legal subjects with rights to protection, participation, information, and redress during the criminal justice process. These rights are key indicators of a victim-oriented criminal justice system, and their failure to fulfill them indicates that justice for victims has not been optimally realized. Consequently, the criminal procedural law system in Indonesia remains more oriented toward proving guilt and punishing perpetrators (offender-oriented criminal justice system) than toward comprehensively fulfilling victims' rights. This situation indicates that the goal of realizing a victim-oriented, justice-based criminal justice system has not been optimally achieved because there is a lack of integration between legal substance, institutional structure, and legal culture in implementing the principles of victim protection. This lack of integration results in victims' rights not being consistently protected at every stage of criminal procedural law, so the orientation of the criminal justice system still places more emphasis on handling perpetrators than on fulfilling victims' rights and redress.

Thus, the answer to the first problem statement indicates that the weakness of legal protection for victims of domestic violence lies not only in the lack of legal norms, but also in the implementation of institutions and legal culture that have not fully internalized the paradigm of a victim-oriented criminal justice system. Therefore, partial reforms are no longer sufficient. A comprehensive reconstruction of the legal protection system is needed, encompassing the legal substance, institutional structure, and legal culture, to achieve a victim-oriented, justice-based criminal justice system.¹³ The reconstruction is not only aimed at increasing the effectiveness of legal protection for victims, but also at realizing justice as the primary goal of law. In this study, justice is understood as a balance between legal certainty, benefit, and protection of victims' rights, so that the criminal justice system is no longer solely oriented towards punishing perpetrators (offender-oriented criminal justice system), but also ensures protection, participation, recovery, and respect for the dignity of victims as legal subjects. Therefore, any reconstruction model offered must be based on the principle of substantive justice in order to be able to provide effective and equitable legal protection for victims of domestic violence. Justice referred to in this study is not only understood as achieving punishment for perpetrators in accordance with the provisions of criminal procedure law, but also as the fulfillment of victims' rights through protection, recovery, participation, and access to the judicial process effectively at every stage of law enforcement. Based on these

¹³United Nations Office on Drugs and Crime (UNODC), Handbook for the Judiciary on Effective Criminal Justice Responses to Gender-Based Violence Against Women and Girls, Vienna: United Nations, 2025, Module 1



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conclusions, the following discussion is directed at formulating a reconstruction model for the legal protection system for victims of domestic violence in criminal procedure law as an answer to the second problem formulation.

3.2. Reconstruction of The Legal Protection System for Victims of Domestic Violence in Criminal Procedure Law to Realize a Justice-Based, Victim-Oriented Criminal Justice System

a) Reconstruction of Legal Substance

The reconstruction of legal substance is aimed at addressing the normative weaknesses that have prevented effective legal protection for victims of domestic violence. Substantial legal reform must be carried out through harmonization of laws and regulations that comprehensively integrate victims' rights into every stage of criminal procedural law, so that it is no longer solely oriented toward proving the perpetrator's guilt, but also guarantees the protection and rehabilitation of victims as the primary goal of the criminal justice process. This harmonization aims to build an integrated legal protection system so that victims' rights are no longer scattered across various sectoral regulations but become an integral part of criminal procedural law. Thus, victims not only receive protection as witnesses in the evidentiary process, but also receive guarantees of their rights to information, assistance, physical and psychological protection, restitution, rehabilitation, and comprehensive recovery.

In addition to regulatory harmonization, reconstruction must also be directed at updating the Criminal Procedure Code (KUHP) to explicitly accommodate the principles of a victim-oriented criminal justice system. This reform should be accompanied by the development of uniform standard operating procedures for law enforcement officers, strengthening inter-agency coordination, increasing the capacity of officers through victim-centered training, providing adequate budgets and facilities for victim services, and involving civil society in the victim support and recovery process. Through this reconstruction, legal protection for victims of domestic violence will no longer be sectoral and administrative, but rather become an integrated, effective protection system oriented toward fulfilling victims' rights based on justice.

Reconstruction of the legal substance of the legal protection system for victims of domestic violence needs to be directed through harmonization between the Criminal Procedure Code (KUHP), Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, and Law Number 31 of 2014 concerning Protection of Witnesses and Victims. This harmonization is urgently needed considering that the Criminal Procedure Code, as general criminal procedure law, is still

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oriented towards evidentiary mechanisms and the law enforcement process against perpetrators, while regulations regarding victims' rights to treatment, protection, and recovery have not been comprehensively accommodated. In contrast, the provisions in the TPKS Law have developed procedural legal mechanisms that are more responsive to victims' needs, particularly in the aspects of evidentiary, protection, and recovery. Therefore, the reform of the Criminal Procedure Code must integrate the principles of victim protection so that criminal procedure law no longer functions solely as an instrument of law enforcement against perpetrators, but also becomes an instrument that guarantees the fulfillment of victims' rights comprehensively.

Harmonization of these regulations must be accompanied by an update to the Criminal Procedure Code (KUHP) to explicitly address victims' rights, including the right to information, legal assistance, temporary protection, risk assessment, restitution, rehabilitation, and recovery. These provisions cannot simply be scattered across various sectoral regulations; they must become an integral part of criminal procedural law to ensure legal certainty and equal binding force at every stage of the judicial process. Thus, legal protection for victims no longer depends on the policies of individual law enforcement officials but becomes a legal obligation that must be consistently fulfilled. Substantive reconstruction of the law must also strengthen regulations regarding victims' rights to restitution, rehabilitation, and recovery as an integral part of the legal protection system for victims of domestic violence. Although Law Number 31 of 2014 concerning Witness and Victim Protection and Law Number 12 of 2022 concerning Crimes of Sexual Violence recognize victims' rights to restitution, these provisions are still scattered across various laws and have not been comprehensively integrated into criminal procedural law. Therefore, the reconstruction of the Criminal Procedure Code needs to accommodate a mechanism that explicitly regulates the procedures for submitting, determining, implementing, and supervising the implementation of restitution as part of the victim's rights that must be fulfilled by the state and the perpetrator.

This reconstruction must be realized through regulations that explicitly guarantee victims' rights to information, legal assistance, physical and psychological protection, risk assessment, restitution, rehabilitation, and recovery from the investigation stage to the implementation of court decisions. Furthermore, harmonization of legal substance must be accompanied by the development of an integrated inter-institutional coordination mechanism so that victim protection is no longer scattered across various sectoral regulations but becomes an integral part of the criminal procedural law system. Thus, the reconstruction of legal substance is expected to create a victim-oriented, justice-based criminal justice system.

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Strengthening victims' rights at every stage of criminal procedure is an integral part of the reconstruction of legal substance in realizing a victim-oriented, justice-based criminal justice system. Legal protection for victims should not be understood as incidental or provided only at certain stages, but must be continuous from the time the victim first reports the crime until the court's decision is implemented. Therefore, the reconstruction of criminal procedure must integrate victims' rights at every stage of the judicial process so that victim protection, participation, and recovery become an integral part of the criminal justice system, not merely an addition to the evidentiary process.

1) Reconstruction at the Investigation Stage

Reconstruction during the investigation phase is aimed at ensuring that victims have the right to safely report crimes, receive temporary protection in the event of threats, and receive information regarding the progress of the case from the time the report is received by investigators. This right to safe reporting aligns with Article 16 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence, which requires the police to provide temporary protection to victims no later than 24 hours after receiving the report. This protection is crucial given that domestic violence generally occurs in unequal power relations, placing victims at high risk of intimidation and further violence before the legal process begins. Furthermore, reconstruction during the investigation phase must also guarantee the victim's right to information regarding the progress of the case as part of the principle of access to justice. The availability of adequate information not only increases victims' trust in the criminal justice system but also allows victims to actively participate in the legal process without experiencing uncertainty regarding the follow-up to their reports.

2) Reconstruction at the Investigation Stage

Reconstruction during the investigation phase is directed at strengthening victim protection through the provision of legal assistance, psychological assistance, victim-centered examinations, identity protection, and risk assessments to prevent further intimidation and violence from the perpetrator. This strengthening is in line with the provisions of Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Witness and Victim Protection, which grants victims the right to receive medical assistance, psychological rehabilitation, and psychosocial rehabilitation. In addition, the examination process must be carried out with due regard for the principles of non-discrimination, respect for the victim's dignity, a prohibition on victim blaming, and the avoidance of questions that corner the victim, as reflected in Supreme Court Regulation Number 3 of 2017 concerning Guidelines for Adjudicating Cases of Women in Conflict with the Law. This reconstruction is a response to

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weaknesses in the legal structure that still cause victims to experience re-victimization during the investigation process. Therefore, risk assessments need to be integrated as a mandatory procedure to identify potential threats to victims and determine appropriate forms of protection from the beginning of the investigation process.

3) Reconstruction at the Prosecution Stage

Reconstruction at the prosecution stage is aimed at ensuring that the victim's interests receive proportional attention in the preparation of the indictment. Victims must receive information regarding the progress of the case, the opportunity to report on the losses they have suffered, and assurance that the public prosecutor's demands take into account aspects of victim protection and recovery. One form of this strengthening can be achieved through the integration of the victim impact statement mechanism, which provides an opportunity for victims to report on the physical, psychological, social, and economic impacts of the crime they experienced as material for consideration in the prosecution and trial process. To date, the prosecution process has been more oriented toward proving the elements of the crime and imposing a sentence on the perpetrator, while the interests of the victim have not been explicitly considered. Therefore, reconstruction at the prosecution stage needs to shift this paradigm so that victim protection and recovery become one of the primary objectives in the implementation of the prosecution function.

4) Reconstruction at the Trial Stage

Reconstruction during the trial phase is aimed at ensuring the victim's sense of security while providing testimony and preventing re-victimization during the court process. This protection can be realized through the implementation of special examination mechanisms for vulnerable victims (special measures for vulnerable witnesses), such as closed examinations, the use of audio-visual communication facilities, or the use of visual barriers between the victim and the perpetrator when necessary. This strengthening is also in line with the provisions of Article 5 of Law Number 31 of 2014, which guarantees the victim's right to personal security protection while providing testimony in the criminal justice process. This reconstruction is important considering the persistence of examination practices that have the potential to demean the victim's dignity or limit the victim's access to counsel during the trial. Therefore, criminal procedural law must ensure that every examination process is carried out with respect for the victim's dignity, avoids re-victimization, and continues to guarantee the victim's right to counsel during the trial process.

5) Reconstruction at the Implementation Stage of the Decision

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Reconstruction at the decision implementation stage is aimed at ensuring that protection for victims does not end after the decision becomes legally binding. The state remains obligated to guarantee the implementation of victims' rights through restitution payments, medical and psychosocial rehabilitation, social recovery, and monitoring the implementation of victims' rights after the decision is made. Implementation of these obligations is in line with Government Regulation Number 7 of 2018 concerning the Provision of Compensation, Restitution, and Assistance to Witnesses and Victims, which regulates the mechanism for providing restitution as a form of accountability for the perpetrator's losses. However, in practice, various obstacles remain, including the inability of perpetrators to fulfill their restitution obligations and the suboptimal mechanism for implementing the decision. Therefore, the reconstruction of the legal protection system must strengthen the role of the Witness and Victim Protection Agency, along with related institutions, in monitoring and ensuring the effective implementation of restitution, rehabilitation, and victim recovery so that legal protection does not stop at sentencing the perpetrator, but truly ensures the fulfillment of victims' rights.

The reconstruction of legal protection for victims at each stage of criminal procedural law demonstrates that victim protection must be understood as a continuous system, starting from the stages of inquiry, investigation, prosecution, trial, and implementation of the verdict. Each stage must guarantee the victim's right to receive protection, information, assistance, participation, restitution, rehabilitation, and effective recovery. Thus, the reconstruction of criminal procedural law is not only directed at updating legal norms, but also at changing the paradigm of law enforcement that places victims as the primary subjects whose rights must be protected. Through this reconstruction, it is hoped that a criminal justice system will be realized that is no longer solely oriented towards punishing perpetrators, but is capable of realizing a victim-oriented criminal justice system based on justice, as is the main objective of this research.

This reconstruction is essentially an implementation of the principle of justice that places victims as legal subjects with equal standing with perpetrators in the criminal justice system. Justice in this context is not only interpreted as imposing punishment on perpetrators, but also as fulfilling victims' rights to protection, participation, recovery, and respect for human dignity. Therefore, a victim-oriented criminal justice system must be able to achieve a balance between the interests of law enforcement and the fulfillment of victims' rights so that the goal of substantive justice can be optimally achieved.

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Restitution in the context of domestic violence is not only understood as providing compensation for material losses, but also as a recovery instrument aimed at restoring the victim's physical, psychological, social, and economic condition. In line with Muladi's view, restitution is a form of accountability for the perpetrator for the losses experienced by the victim, while according to Howard Zehr, this mechanism reflects the orientation of the criminal justice system that emphasizes not only the punishment of the perpetrator, but also the recovery of the victim as the main goal of resolving the case. Therefore, strengthening the restitution mechanism in criminal procedural law is an important element in realizing a victim-oriented criminal justice system based on justice.¹⁴

b) Reconstruction of Legal Structure

Reconstructing the legal structure requires not only institutional reform but also increased capacity of law enforcement officials as the primary implementers of the criminal justice system. This capacity building must be directed at developing the competencies of officers oriented toward victim protection (a victim-oriented criminal justice system), so that each stage of handling domestic violence cases is carried out by prioritizing respect for victims' rights, a human rights perspective, and gender equality. This capacity building is crucial given that the effectiveness of legal protection is determined not only by the quality of legal norms but also by the ability of officials to consistently implement those norms. Reconstructing the legal structure aims to build an integrated victim protection mechanism across law enforcement agencies. Victim protection cannot rely on the policies of each institution but must be implemented through measured coordination, uniform standard operating procedures, and strengthening the capacity of law enforcement officials with a victim-centered perspective.

The urgency of strengthening the capacity of these officers is reflected in the policy of the Indonesian National Police, which in 2026 launched a special training module as a follow-up to the implementation of Law Number 12 of 2022 concerning Crimes of Sexual Violence. The training aims to align law enforcement officials' perceptions regarding implementing a victim-centered approach, improving the quality of reporting and evidence, and strengthening victim protection and recovery mechanisms. This policy demonstrates that the success of a victim-centered criminal justice system depends not only on updating the legal substance but also on the readiness of human resources with the competence, sensitivity, and perspective of victims in handling cases of violence.

¹⁴Muladi, *Human Rights, Politics and the Criminal Justice System* (Semarang: Diponegoro University Publishing Agency, 2010), pp. 167-170



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Therefore, the reconstruction of the legal protection system for victims of domestic violence requires explicit regulations on ongoing training for investigators, prosecutors, judges, advocates, LPSK officers, and other support staff. This training should cover not only the technical aspects of case handling but also understanding victim trauma, risk assessment, empathetic communication, preventing victim blaming, and implementing the principles of a victim-oriented criminal justice system. This ensures that the legal structure possesses not only formal authority but also the professional capacity to provide effective, justice-based legal protection.¹⁵

To ensure that this capacity building can be consistently implemented in practice, the reconstruction of the legal structure must also be supported by the development of nationally applicable Standard Operating Procedures (SOPs) for handling domestic violence cases. In addition to developing uniform SOPs, the reconstruction of the legal structure must also be directed at strengthening integrated inter-institutional coordination. The development of these SOPs is necessary to eliminate disparities in case handling that persist due to differences in practices between agencies and the subjectivity of law enforcement officers in handling victims of domestic violence. These SOPs are necessary to ensure that every law enforcement officer applies the same service standards at every stage of the criminal justice process, from receiving reports, assessing victims' needs, providing temporary protection, conducting victim-centered investigations, inter-agency coordination, to implementing restitution, rehabilitation, and victim recovery. With uniform SOPs, the implementation of legal protection no longer depends on the policies of each institution or the subjectivity of officers, but is carried out based on clear, measurable procedures oriented towards fulfilling victims' rights. These standards must also guarantee victims' rights to obtain information, assistance, protection, legal services, and access to redress consistently at every stage of the criminal justice process.¹⁶

In addition to increasing human resource capacity, the reconstruction of the legal structure must also be directed at strengthening integrated inter-institutional coordination in handling victims of domestic violence. To date, the process of handling victims has been carried out partially by various institutions, such as the Police, the Prosecutor's Office, the Courts, the Witness and Victim Protection Agency (LPSK), the Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA), health care facilities, social workers, and

¹⁵Ministry of Women's Empowerment and Child Protection of the Republic of Indonesia, "National Police Launch TPKS Training Module, Minister of PPPA: Strengthening the Capacity of Officers is Key to Victim Protection", March 2, 2026. Accessed July 13, 2026, 9:53 PM

¹⁶Ministry of Law and Human Rights of the Republic of Indonesia, Guidelines for Legal Aid Service Standards (STARLA) (Jakarta: National Legal Development Agency, 2024), pp. 22-24.



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legal aid organizations. This situation results in victims having to move from one institution to another to obtain the services they need, which often results in delays in handling, overlapping authority, and even re-victimization due to victims having to recount their experiences repeatedly. However, handling victims of violence essentially requires an integrated service system that connects all relevant institutions through clear coordination and referral mechanisms. This approach aims to ensure that victims receive comprehensive legal services, health services, psychological support, social rehabilitation, and protection without having to face repetitive and complicated procedures.¹⁷

Reconstructing the legal structure therefore requires the development of a one-stop integrated service mechanism that integrates legal services, health services, psychological assistance, social rehabilitation, and witness and victim protection within a single, continuous coordination system. Through this mechanism, victims can gain access to reporting, health checks, legal assistance, risk assessments, rehabilitation, and recovery in a faster, easier, and integrated manner without having to navigate complicated bureaucratic procedures. Through this mechanism, victims no longer have to repeatedly submit information to various institutions, thereby minimizing the risk of re-victimization and making the victim's recovery process more effective.

The urgency of establishing an integrated service mechanism is reflected in the launch of the One-Stop Integrated Service Pilot Project for Women and Children Victims of Violence in 2026, designed as a national model for integrating handling across ministries, institutions, and law enforcement agencies. The program demonstrates that the effectiveness of victim protection is determined not only by the quality of legislation but also by the ability of institutional structures to provide prompt, coordinated, and victim-oriented services. Therefore, the integrated service model needs to be reconstructed as part of the criminal justice system so that inter-agency coordination no longer depends on the policies of each institution but becomes an institutionalized mechanism within criminal procedure law.

1) Monitoring and Evaluation

In addition, the reconstruction of the legal structure must also be accompanied by the establishment of a monitoring and evaluation system for the implementation of victim protection. This system is necessary to ensure that all law enforcement officers carry out their obligations in accordance with victim protection standards and guarantee the fulfillment of

¹⁷United Nations Population Fund (UNFPA), *Guidelines for Services and Referrals on Violence Against Women and Children for Health Workers* (Jakarta: UNFPA Indonesia, 2020). Pages 30-31 and 42



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victims' rights at every stage of the criminal justice process. Periodic evaluations can also serve as a basis for identifying implementation obstacles, improving service quality, and strengthening the accountability of law enforcement agencies in realizing a victim-oriented criminal justice system.

2) Legal Structure Synthesis Paragraph

Thus, the reconstruction of the legal structure will not only focus on increasing the capacity of law enforcement officers, but also on establishing inter-agency coordination mechanisms, providing integrated services, and a sustainable monitoring and evaluation system. This reconstruction is expected to create a professional, responsive, and integrated institutional structure, enabling effective legal protection for victims of domestic violence at every stage of the criminal justice process.

c) Reconstruction of Legal Culture

Reconstructing legal culture is a crucial prerequisite for realizing a justice-oriented legal protection system for victims of domestic violence. Renewal of legal substance and structure will not be effective unless accompanied by changes in the legal culture developing in society and within law enforcement. To date, the handling of domestic violence cases has been influenced by patriarchal culture, stigmatization of victims, and the practice of victim blaming, which positions victims as co-responsible for the violence they experience. These conditions often lead to victims experiencing discrimination, reluctance to report crimes, and even re-victimization during the criminal justice process. Therefore, the reconstruction of legal culture must be directed toward establishing a paradigm that positions victims as legal subjects with rights to protection, respect for their dignity, participation, and comprehensive recovery.

This reconstruction of legal culture needs to be realized through strengthening public legal education, mainstreaming gender equality, anti-victim blaming campaigns, increasing victim awareness about reporting crimes, and ongoing training for law enforcement officers. These five aspects are essential foundations for building a legal culture capable of supporting the implementation of a victim-oriented criminal justice system.

1) Community Legal Education

The reconstruction of legal culture must begin with strengthening legal education for the public as an effort to raise awareness that domestic violence is a human rights violation and a criminal act that must be addressed through legal mechanisms. Legal education aims not only to increase public knowledge of statutory provisions but also to foster an understanding that

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victims have the right to protection, assistance, reparation, and access to justice. Through ongoing legal education, it is hoped that the public will develop the awareness to prevent violence, respect victims' rights, and support law enforcement without blaming the victim.

2) Mainstreaming Gender Equality

In addition to public legal education, the reconstruction of legal culture must also be directed at mainstreaming gender equality in all aspects of the criminal justice system. Gender equality is a crucial prerequisite for eliminating discriminatory practices that continue to impact the handling of domestic violence cases. Although Indonesia already has various legal instruments, such as Law Number 7 of 1984 concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Presidential Instruction Number 9 of 2000 concerning Gender Mainstreaming in National Development, and Law Number 23 of 2004 concerning the Elimination of Domestic Violence, their implementation still faces various obstacles due to the strong patriarchal culture and gender stereotypes in society. This condition was also a focus of attention in the commemoration of International Women's Day 2026, which emphasized the importance of strengthening gender equality, protecting women from violence, and establishing a justice system that truly supports women as victims of violence. Therefore, gender mainstreaming must be an integral part of the reconstruction of legal culture to create a criminal justice system that is more just, inclusive, and responsive to the needs of victims.

3) Anti-Victim Blaming Campaign

The reconstruction of legal culture must also be accompanied by the ongoing implementation of an anti-victim blaming campaign. The practice of victim blaming remains a major obstacle to legal protection for victims of domestic violence, as it discourages victims from reporting the crimes they have experienced and potentially exposes them to re-victimization during the legal process. Therefore, a public campaign is needed that emphasizes that responsibility for criminal acts rests entirely with the perpetrator, not the victim. This campaign needs to be implemented collaboratively by the government, law enforcement officials, educational institutions, the media, civil society organizations, and local communities to build a legal culture that respects the dignity of victims and eliminates stigma and discrimination against survivors of violence.

4) Increasing Victim Awareness to Report

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Reconstruction of legal culture must also be directed at increasing victims' awareness of the need to report crimes they have experienced. The low rate of reporting of domestic violence cases is still influenced by various factors, such as fear of the perpetrator, economic dependence, family pressure, social stigma, and a lack of knowledge about victims' rights and available protection mechanisms. Therefore, ongoing outreach regarding reporting procedures, protection services, support mechanisms, and security guarantees for victims is necessary. This increased awareness is expected to encourage victims to seek legal protection early on, thereby minimizing the risk of repeated violence and re-victimization.

5) Continuous Training for Law Enforcement Officers

Changes in legal culture must also be realized through ongoing training for law enforcement officers. This training aims not only to improve technical competence in handling domestic violence cases but also to shape officers' perspectives that respect human rights, gender equality, and the best interests of victims. The importance of strengthening officer capacity is reflected in the launch of a training module on the implementation of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence by the Indonesian National Police in 2026, which emphasizes a victim-centered approach, improving the quality of evidence, and strengthening victim protection and recovery. This program demonstrates that changes in legal culture must begin with a shift in the mindset of law enforcement officers, enabling them to provide professional, empathetic services free from victim blaming.

Thus, the reconstruction of legal culture must be directed towards building a legal culture oriented towards victim protection through public legal education, mainstreaming gender equality, anti-victim blaming campaigns, increasing victim awareness to report crimes, and ongoing training for law enforcement officers. This reconstruction is expected to shift the paradigm of society and law enforcement officers from a perpetrator-oriented approach to a system that places victims as the primary subject that must be protected. Through this change in legal culture, the legal protection system for victims of domestic violence will not only be supported by adequate legal substance and effective institutional structures, but also by a legal culture that respects human dignity, guarantees the fulfillment of victims' rights, and realizes a victim-oriented criminal justice system based on justice.

Based on the overall description, it can be concluded that the reconstruction of the legal protection system for victims of domestic violence in criminal procedural law that is ideal for realizing a victim-oriented criminal justice system based on justice can only be achieved through comprehensive, systematic, and integrated reforms to all components of the legal system as stated by Lawrence M. Friedman, namely legal substance, legal structure, and legal

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culture. These three components are a unity that influences each other so that the success of legal protection for victims is not enough to be done only through changes in legal norms, but must also be accompanied by institutional improvements and changes in the paradigm of society and law enforcement officers.

In terms of legal substance, reconstruction is directed through the harmonization of the Criminal Procedure Code, Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Law Number 12 of 2022 concerning the Crime of Sexual Violence, and Law Number 31 of 2014 concerning the Protection of Witnesses and Victims. This harmonization aims to explicitly integrate regulations regarding victims' rights into criminal procedure law, including the right to information, assistance, temporary protection, risk assessment, identity protection, restitution, rehabilitation, and recovery, so that these rights become an integral part of every stage of the criminal justice process from investigation, inquiry, prosecution, trial, to the implementation of court decisions. Thus, criminal procedure law no longer functions solely as an instrument of proof and punishment for perpetrators, but also becomes an instrument for the protection and comprehensive recovery of victims.

In terms of legal structure, reconstruction is realized through strengthening the capacity of law enforcement officers who have the competence and perspective of victim protection, the preparation of uniform national Standard Operating Procedures (SOPs), the establishment of a One-Stop Integrated Service mechanism (*one-stop integrated service*) that integrates legal, health, psychological, social, and victim protection services, as well as the establishment of a continuous monitoring and evaluation system for the implementation of victim protection. This reconstruction aims to create more effective inter-institutional coordination, eliminate service fragmentation, reduce the risk of re-victimization, and ensure that legal protection for victims is implemented consistently and accountably at all stages of the criminal justice process.

Furthermore, in terms of legal culture, reconstruction is directed at changing the paradigm of society and law enforcement officers through public legal education, mainstreaming gender equality, anti-victim blaming campaigns, increasing victim awareness to report crimes they have experienced, and ongoing training for law enforcement officers. This change in legal culture is an important foundation in building a criminal justice system that is no longer influenced by patriarchal culture, stigma against victims, or settlement practices that ignore victims' rights, but is oriented towards respect for human dignity, protection of human rights, and the fulfillment of substantive justice for victims.

These three forms of reconstruction cannot be implemented partially, but must be implemented simultaneously and mutually reinforcing. Legal substance without the support of

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a professional institutional structure will only produce declarative protection norms that are difficult to implement in practice, as reflected in various cases that show the continued restrictions on victims' rights, re-victimization, and inconsistent application of legal protection. Conversely, strengthening the legal structure without changing the legal culture will continue to maintain practices influenced by patriarchal culture, peaceful settlements that ignore the interests of victims, and victim blaming practices that hinder victims' access to justice. Similarly, changes in legal culture without the support of updates to legal substance and institutional structures will lack the normative legitimacy or sufficient coercive power to produce sustainable change.

Therefore, the reconstruction model offered in this study is the Justice-Based Reconstruction Model of the Legal Protection System for Victims of Domestic Violence through a Justice-Based Approach. *Integrated Victim-Oriented Criminal Justice System*, a model that integrates legal substance reform, legal structure strengthening, and legal culture change into a comprehensive, integrated, and sustainable protection system. This model positions victims of domestic violence not as objects or mere evidence in the criminal justice process, but as legal subjects who have the right to protection, participation, recovery, and respect for their dignity from the reporting stage, through investigation, prosecution, trial, and implementation of court decisions.

This reconstruction model also reflects the values of justice based on Pancasila, particularly the second and fifth principles, which place respect for human dignity, equality before the law, protection of human rights, and social justice as the foundation of the criminal justice system. Therefore, the reconstruction proposed in this study not only contributes to the development of the concept of legal protection for victims in Indonesian criminal procedure law, but also offers a model for reforming the criminal justice system that is more responsive, just, and oriented toward fulfilling victims' rights. Based on this, the model *Integrated Victim-Oriented Criminal Justice System* This is the main novelty of this research and is also a comprehensive answer to the second problem formulation regarding the reconstruction of a legal protection system for victims of domestic violence based on justice.

4. Conclusion

Based on the results of research and discussions regarding the reconstruction of the legal protection system for victims of domestic violence in justice-based criminal procedural law, it can be concluded that legal protection for victims of domestic violence in the current Indonesian criminal procedural law system is not yet fully capable of providing effective and equitable protection. Although there are various laws and regulations governing victim

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protection, such as Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Law Number 31 of 2014 concerning the Protection of Witnesses and Victims, and Law Number 12 of 2022 concerning the Crime of Sexual Violence, the regulations are still sectoral and have not been comprehensively integrated into the Criminal Procedure Code (KUHAP). As a result, the fulfillment of victims' rights still depends on the use of sectoral laws and the policies of law enforcement officials, resulting in uneven protection and the inability to prevent re-victimization during the criminal justice process. This study also found that the suboptimal legal protection for victims of domestic violence is not only caused by weaknesses in legal substance, but also influenced by weaknesses in the legal structure and legal culture. In terms of legal structure, there are still limited coordination between institutions, the absence of uniform standard operating procedures, suboptimal integrated services, and the limited capacity of law enforcement officers to implement a victim-oriented approach. Meanwhile, in terms of legal culture, there is still a growing paradigm that is oriented towards the perpetrator, the practice of victim blaming, low public legal awareness, a strong patriarchal culture, and the still low courage of victims to report crimes of domestic violence. These conditions indicate that the effectiveness of victim protection is not enough to be achieved through the formation of legislation alone, but requires a comprehensive reform of the legal system. In response to the second research question, this study proposes an Integrated Victim-Oriented Criminal Justice System model as a reconstruction of a justice-based legal protection system for victims of domestic violence. This reconstruction is based on Lawrence M. Friedman's legal system theory through integrated reforms in the aspects of legal substance, legal structure, and legal culture. In terms of legal substance, reconstruction is carried out through harmonization of the Criminal Procedure Code (KUHAP) with the Domestic Violence Law, the Victim Protection Law, and the Witness and Victim Protection Law, as well as explicit regulations regarding victims' rights to information, assistance, protection, risk assessment, restitution, rehabilitation, and recovery at every stage of criminal procedure. In terms of legal structure, reconstruction is realized through increasing the capacity of law enforcement officers, developing national standard operating procedures, strengthening inter-institutional coordination, establishing a One-Stop Integrated Service mechanism, and a continuous monitoring and evaluation system. In terms of legal culture, reconstruction is carried out through community legal education, mainstreaming gender equality, anti-victim blaming campaigns, increasing victim awareness to report, and continuous training for law enforcement officers to form a legal culture oriented towards victim protection. Thus, the novelty of this research lies in the formulation of the Integrated Victim-Oriented Criminal Justice System model, which integrates updates to legal substance, legal structure, and legal culture into a unified legal protection system for victims of domestic violence. This model

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positions victims not only as witnesses or evidence in the criminal justice process, but as legal subjects who have the right to comprehensive protection, participation, and recovery from the reporting stage to the implementation of the verdict. This reconstruction is expected to serve as a conceptual foundation for reforming criminal procedural law in Indonesia and provide a theoretical contribution to the development of a victim-oriented and justice-based criminal justice system.

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