

Assessing The Readiness of Legal Structures and Legal Culture in Addressing Sexual Violence in Digital Spaces

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Abstract

The abstract section of a research paper should contain five key elements: the background, the aim of research objectives, the method or framework used, important results or conclusions, and suggestions. The abstract should be no longer than 250 words and should not include unusual or difficult-to-understand abbreviations. Additionally, an abstract should be written in both Indonesian and English if the full text is in Indonesian. If the full article is in English, then only one abstract in English is needed. The abstract should be written in one paragraph. Digital sexual violence has emerged as a rapidly escalating phenomenon in Indonesia, driven by the country's accelerating digital transformation and deepening reliance on information and communication technologies. Although Law No. 12 of 2022 on Sexual Violence Crimes (Undang-Undang TPKS) represents a landmark legislative breakthrough, significant gaps persist between its normative aspirations and operational realities particularly with respect to law enforcement readiness, the handling of digital evidence, and the provision of meaningful protection for survivors. To date, no study has comprehensively examined these gaps through the simultaneous lens of cyber-forensic integration and victim-sensitive legal culture. This study therefore aims to assess the structural readiness of law enforcement agencies in implementing special criminal procedural law governing digital evidence of sexual violence to ensure legal certainty, while also analysing how prevailing legal culture shapes the effectiveness of digital sexual violence enforcement in Indonesia. Employing a Socio-Legal Research methodology, the study triangulates normative legal analysis with empirical investigation of enforcement practices and societal legal perceptions. Key findings reveal that the technical incapacity of law enforcement personnel in digital forensics constitutes a systemic barrier to effective investigation and prosecution, while deeply entrenched patriarchal legal culture continues to generate secondary victimisation and deter survivors from seeking redress. The study advances a novel integrated framework that embeds cyber-forensic standards within a victim-sensitive legal culture approach to criminal procedure an architecture designed to bridge institutional deficits and cultural blind spots simultaneously. These findings carry significant implications for evidence procedural reform, institutional capacity-building, and the broader project of cultivating a rights-based, survivor-centred legal culture in Indonesia's digital enforcement landscape.

Keywords: Digital Sexual Violence, Legal Structure, Legal Culture, Cyber-Forensics, TPKS Law

1. INTRODUCTION

The enactment of Law No. 12 of 2022 on Sexual Violence Crimes (*Undang-Undang Tindak Pidana Kekerasan Seksual*, hereinafter UU TPKS) marked Indonesia's most significant legislative breakthrough in confronting sexual violence including its digital manifestations. (Sorochinski & Varvaro, 2023) Yet the law's very ambition has exposed a profound structural fault line: Article 184 of the Criminal Procedure Code (KUHAP) enumerates only five categories of valid evidence, none of which explicitly accommodates electronic evidence, while the absence of clear evidentiary rules for physical exhibits under KUHAP has long generated interpretive confusion in practice. (Abraha, 2020) Although Article 24 of the UU TPKS broadens admissible evidence to include electronic information, digital documents, clinical-psychological examination results, and forensic records, the absence of binding technical implementing regulations governing digital evidence collection, authentication, and chain-of-custody procedures leaves law enforcement without a coherent operational framework. The result is a normative architecture that formally recognises digital evidence while offering no standardised procedural guidance for its lawful acquisition and use a legislative ambiguity with direct consequences for the prosecution of electronic-based sexual violence under Article 14 of the same law.

The empirical consequences of this legal gap are both measurable and alarming. Komnas Perempuan's 2024 Annual Report recorded 1,791 verified cases of online gender-based violence (KBGO), representing a 40.8% increase compared to 2023 and the highest figure documented since at least 2017. (Marhumah et al., 2025) Data from the Southeast Asia Freedom of Expression Network (SAFEnet) further reveals that throughout 2025, there were 2,382 reports of KBGO in Indonesia a rise of approximately 25% from the previous year with threats to distribute intimate content, sexual extortion, and non-consensual intimate image sharing constituting the three most prevalent categories. (Mandau, 2021) Yet despite this surge in reported cases, of the cases submitted to LBH APIK, only five were processed to the judicial stage using the UU TPKS framework, revealing a catastrophic enforcement gap between the volume of incidents and the state's actual capacity to deliver justice. Limited technical expertise among law enforcement officers in digital forensics frequently hampers the investigation and prosecution of such cases, while inadequate digital forensic laboratory infrastructure unevenly distributed across the country further compounds the institutional deficit (Horsman, 2023).

From a jurisprudential standpoint, this situation constitutes a textbook illustration of the *das sollen*–*das sein* divide. The *das sollen* the law as it ought to be envisions the UU TPKS as a comprehensive *lex specialis* that guarantees legal certainty, victim protection, and proportionate accountability through a purpose-built procedural framework sensitive to the unique characteristics of digital evidence. (Ungerer, 2021) The *das sein* the law as it actually operates tells a markedly different story: only two of the seven implementing regulations mandated by the UU TPKS had been enacted by the end of 2024, directly causing operational stagnation at both national and regional levels due to the absence of technical guidelines and standard operating procedures. The gap is not merely procedural it is structural. Ambiguous legal interpretations, limited law enforcement capacity in handling digital evidence, and strong patriarchal cultural influences collectively obstruct

victims' access to justice, transforming a formally progressive statute into an instrument of unrealised promise (Nunes & Hatton, 2025).

The reality on the ground reinforces this analysis with concrete illustrations. Komnas HAM has documented that the greatest obstacle in prosecuting sexual violence cases lies in the perspective of law enforcement officials who frequently shift the burden of proof onto victims a practice that leads to secondary victimisation and deters survivors from reporting in the first place. Indonesian police protocols nominally encourage victim-sensitive engagement, yet a deep-rooted victim-blaming culture persists within law enforcement, with officers historically demanding eyewitness corroboration from rape survivors and subjecting them to intrusive and stigmatising interrogation practices (Kelly, 2024) In the digital domain, cases involving emerging technologies such as deepfake pornography and AI-generated intimate imagery further strain the system: existing legislative frameworks have yet to specifically address synthetic media offences, and digital forensics capabilities remain insufficient to meet the evidentiary demands of such cases. These compounding failures procedural, institutional, and cultural confirm that the challenge of digital sexual violence in Indonesia cannot be addressed through legal reform alone (Buiten, 2020)

The urgency of this inquiry is underscored by a demonstrable research gap. Existing scholarship on UU TPKS has predominantly adopted either a purely normative lens examining doctrinal compliance and statutory interpretation or a socio-feminist framing focused on patriarchal culture as a stand-alone variable. Crucially, no study to date has simultaneously interrogated the structural readiness of the criminal justice apparatus to handle digital forensic evidence and the role of legal culture in shaping enforcement outcomes within a unified analytical framework.(Wilson-Kovacs et al., 2023) While international bodies such as UNDP have identified the enhancement of law enforcement capacity as paramount, existing collaborative programmes remain largely training-oriented and have yet to be interrogated for their systemic impact on investigative practice. This gap between prescriptive policy recommendation and rigorous empirical-normative analysis constitutes the scholarly lacuna this research seeks to fill (Rubiyo, 2025)

Prior scholarship provides essential but partial foundations. Nuruzzaman MS, Ian Aji Hermawan, and Nur Rahmawati, in their community service publication "Sosialisasi Pencegahan Pelecehan Seksual dalam Dunia Digital guna Membangun Kewaspadaan dan Kesadaran di Lingkungan Wisma Aizy Putri," published in *JAMAS: Jurnal Abdi Masyarakat* (Vol. 4, No. 1, 2026), document a socialisation initiative directed at building community awareness of digital sexual harassment within a specific residential environment offering practical insights into prevention at the grassroots level but confining its scope to awareness-raising without engaging with legal structure, investigative capacity, or enforcement outcomes. Separately, Dwi Inggidi Adiarti and Ningsih Fadhilah, in "Membangun Ketahanan Digital Remaja Desa: Analisis Kekerasan Seksual Digital melalui Perspektif Perkembangan Anak dan Gender," published in *Jurnal Ilmu Sosial dan Pendidikan* (Vol. 3, No. 1, 2025), examine digital sexual violence through the developmental psychology and gender lenses, focusing on adolescent rural resilience and cultural vulnerability a contribution that illuminates victim-side dynamics but does not engage with the legal-structural or forensic-procedural dimensions of enforcement. The present study departs meaningfully from both: rather than targeting community awareness or victim resilience, it situates analysis at the institutional and procedural core of the

enforcement system interrogating how cyber-forensic infrastructure, criminal procedural law, and legal culture interact to produce (or undermine) legal certainty for survivors of digital sexual violence. This study's novelty thus lies in its integrative framework, which positions cyber-forensic standards and victim-sensitive legal culture not as separate reform agendas but as mutually constitutive pillars of an effective enforcement architecture.

Against this backdrop, this study poses two interconnected research questions: first, how prepared is the legal structure particularly law enforcement agencies to implement special criminal procedural law governing digital evidence in cases of sexual violence to ensure legal certainty?; and second, how does the prevailing legal culture of Indonesian society affect the effectiveness of digital sexual violence enforcement? Employing a *Socio-Legal Research* methodology that combines normative analysis with empirical inquiry, this study aims to produce both a diagnostic assessment of current institutional deficits and a normative model integrating cyber-forensic standards with a victim-sensitive cultural approach to criminal procedure. Theoretically, the study advances the discourse on legal system theory particularly the interplay between legal structure, substance, and culture in the context of digital criminality.(Mendes et al., 2025a) Practically, it offers a policy framework for investigative procedural reform, law enforcement capacity-building, and the transformation of legal culture toward a rights-based, survivor-centred standard of justice.

2. METHOD

This study employs a Socio-Legal Research approach, integrating normative legal analysis with empirical social inquiry to address the dual dimensions of the research questions: the structural readiness of law enforcement in handling digital evidence of sexual violence, and the influence of societal legal culture on enforcement effectiveness.(Mendes et al., 2025b) This methodological choice allows the research to move beyond purely doctrinal analysis by examining law not merely as a body of written rules, but as a living institution shaped by broader social, cultural, and institutional dynamics. Through this approach, the study critically evaluates how legal norms operate in practice and interact with real-world conditions.

The research applies four complementary legal approaches. First, the statute approach is conducted through a systematic examination of relevant legislative frameworks, including Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS), Law No. 11 of 2008 as amended by Law No. 19 of 2016 on Electronic Information and Transactions (UU ITE), and Law No. 8 of 1981 on Criminal Procedure (KUHAP), particularly concerning evidentiary standards and procedural mechanisms. Second, the conceptual approach is used to construct the theoretical foundation, drawing on Lawrence M. Friedman's legal system theory comprising legal structure, legal substance, and legal culture alongside cyber-forensic procedural theory and victim-sensitive justice principles. Third, the case approach involves analyzing documented cases of electronic-based sexual violence to assess the gap between normative provisions and practical enforcement. Fourth, the comparative approach selectively examines jurisdictions with more advanced digital forensic enforcement systems, particularly South Korea, to identify relevant lessons for Indonesia.

Legal materials are organized into three hierarchical categories. Primary legal materials include the Indonesian Constitution (UUD NRI 1945), statutory regulations, and relevant judicial decisions. Secondary materials consist of peer-reviewed journal articles,

academic books, and institutional reports from Komnas Perempuan, SAFEnet, LPSK, and UNDP, as well as scholarly commentaries on digital sexual violence and cyber-forensics. Tertiary materials include legal dictionaries, encyclopedias, and official legislative glossaries used for definitional clarity. Data analysis is conducted using qualitative legal methods with prescriptive-evaluative reasoning, aiming to assess the coherence between existing legal norms and empirical enforcement practices, and to formulate normative recommendations for procedural reform and institutional capacity building in line with victim-centered justice principles (Mitchell, 2023).

3. RESULTS AND DISCUSSION

A. The Readiness of the Legal Structure in Implementing Special Criminal Procedural Law on Digital Evidence of Sexual Violence to Ensure Legal Certainty

The question of whether Indonesia's legal structure is equipped to enforce special criminal procedural law governing digital evidence in sexual violence cases demands an analysis that goes beyond descriptive inventory. It requires a critical interrogation of the institutional, normative, and operational fault lines that collectively undermine the state's capacity to deliver legal certainty to survivors of digital sexual violence. (Buiten, 2020) Employing Lawrence M. Friedman's legal system framework, the analysis here proceeds across three mutually reinforcing dimensions: legal substance (the normative architecture), legal structure (the institutional apparatus), and their compounded failure in practice.

At the level of legal substance, Indonesia has constructed what appears, on its face, to be a coherent normative framework for digital evidence in sexual violence cases. Article 183 of the KUHAP requires at least two valid pieces of evidence before a judge may impose a sentence, while Article 184(1) explicitly enumerates five types of valid evidence witness testimony, expert testimony, letters, instructions, and defendant testimony without any mention of electronic evidence whatsoever. This foundational omission is not merely a technical oversight. WhatsApp messages and emails are often stretched into the "letters" category due to their communicative function, yet this interpretation remains deeply contested given that KUHAP provides no guidelines on how such evidence should be obtained, verified, or presented. The UU ITE partially remedied this gap by recognising electronic documents as valid evidence under Article 5(1), and the UU TPKS advanced the framework further by expanding admissible evidence under Articles 24 and 25 to include electronic information, forensic examination results, and clinical-psychological reports. Yet this layered normative progression contains a structural paradox: each successive statute assumes the institutional readiness to operationalise it, an assumption that the factual record squarely refutes. LBH APIK's monitoring consistently reveals that police invoke UU TPKS at the initial investigative stage but subsequently revert to the general KUHAP framework treating digital sexual violence cases like any ordinary criminal act and effectively negating the statute's victim-oriented evidentiary approach. This legislative eclecticism selectively applying whichever framework yields the path of least resistance is not a marginal aberration. It is the operational norm, and it constitutes a systemic failure of legal certainty (Lewulis, 2022).

The failure to operationalise the UU TPKS's digital evidentiary framework is not principally a matter of individual officer incompetence. It reflects a structural condition of institutional unpreparedness that was foreseeable and, to a significant degree, forewarned.

Many law enforcement officials including police officers, prosecutors, and judges lack adequate technical knowledge of information technology, and handling cybercrime cases requires advanced understanding of digital security systems, data encryption, and electronic tracing methods (Allah Rakha, 2024). Without these competencies, investigations tend to progress slowly and are prone to technical errors. Supporting infrastructure, such as digital forensic laboratories, remains insufficient and unevenly distributed across the country. This infrastructure deficit is geographically asymmetric in a manner that directly reproduces social inequality: victims in metropolitan areas such as Jakarta enjoy access to Polda Metro Jaya's specialised cybercrime units which recorded 3,709 cybercrime prosecutions, by far the highest in the country while victims in districts without forensic laboratory infrastructure are structurally disadvantaged from the moment they file a report. Legal certainty, in this context, is not a universally accessible standard. It is a metropolitan privilege (Lee et al., 2025).

The incapacity problem is compounded by the incomplete regulatory architecture. Of the seven implementing regulations mandated by the UU TPKS, only two had been enacted by the end of 2024 Perpres No. 9/2024 and Perpres No. 55/2024 leaving five implementing instruments absent, including those that would have established technical guidelines, standard operating procedures, and chain-of-custody standards for digital evidence. The practical consequence is devastating: investigators handling electronic-based sexual violence (KSBE) cases under Article 14 of the UU TPKS are left with a statutory mandate to collect and authenticate digital evidence while possessing neither the technical training nor the procedural framework to do so lawfully and consistently. An analysis of court decisions involving electronic evidence from 2020 to 2023 revealed an inconsistent judicial approach to its evaluation, with courts frequently applying traditional KUHAP provisions without adequate adaptation to the specificities of digital proof. Judicial inconsistency of this kind does not merely produce unpredictable outcomes in individual cases. It undermines the very concept of legal certainty by rendering the law's application contingent upon the discretion and technical literacy of individual actors rather than binding procedural standards (Blackwell, 2021).

A dimension of the structural readiness problem that warrants sharper analytical attention is the question of digital evidence integrity. Indonesian courts highly value the use of digital forensics precisely because cybercriminals can tamper with electronic evidence yet the absence of standardised acquisition and authentication processes means that even legitimately obtained evidence may be successfully challenged on integrity grounds. The chain-of-custody problem is acute: without binding protocols governing how digital evidence is acquired from devices or platforms, stored, and transmitted to prosecutors, evidence is vulnerable to challenges of contamination, alteration, or improper acquisition. (Hung et al., 2025) This creates a structurally perverse outcome in which the legal system's formal openness to digital evidence as established by UU TPKS Articles 24 and 25 is neutralised in practice by the absence of the procedural architecture necessary to render that evidence judicially credible.

The integrity problem acquires particular gravity in cases involving emerging forms of digital sexual violence such as deepfake pornography and non-consensual intimate image sharing. Legal reform in this domain must include new regulations concerning synthetic media offences, enhanced digital forensics capabilities, and victim-centered justice concepts a recognition that the current framework's inability to deal with AI-generated content represents a qualitative, not merely quantitative, gap in enforcement capacity. The failure

here is prospective as well as retrospective: not only does the existing framework inadequately address current forms of digital sexual violence, but it provides no adaptive mechanism for the rapid technological evolution of such conduct (Sandoval et al., 2024)

The combined effect of these deficits absent SOPs, insufficient training, inadequate infrastructure, judicial inconsistency, and incomplete implementing regulations is not merely additive. It is multiplicative. A staggering increase of over 300% in OGBV reports over five years has occurred alongside a recognition that enhancing the capacity of law enforcement, particularly the police, is paramount yet international collaborative programmes remain largely training-oriented without systemic institutional embedment. Coordination failures between the National Police (Polri), the Attorney General's Office, and the judiciary mean that even cases where digital evidence is competently collected may fail at prosecution or judicial stage due to evidentiary standards disconnected from investigative practice. The absence of a centralised digital evidence management system further compounds this fragmentation, allowing critical information to be lost or duplicated across institutional boundaries.

Monitoring by the Academy for the Elimination of Sexual Violence (APKS) a consortium of LBH APIK Jakarta, Komnas Perempuan, and STH Indonesia Jentera found that the implementation of the UU TPKS has not been optimal: articles are applied inconsistently, APH's perspective remains minimal, and there is no shared understanding among law enforcement agencies of how to handle TPKS cases. This institutional fragmentation is, at its core, a legal certainty crisis. When the enforcement of a statute depends on the idiosyncratic understanding and discretion of individual officers rather than binding institutional standards, legal certainty defined as the predictable, consistent, and rights-respecting application of law becomes structurally unattainable (Carlsson, 2025)

The foregoing analysis compels a critical conclusion: the Indonesian legal structure, as currently constituted, is not adequately prepared to implement the special criminal procedural framework of the UU TPKS with respect to digital evidence in sexual violence cases. The normative framework is formally progressive but operationally hollow (Mendes et al., 2025a). The institutional apparatus is technically deficient, geographically unequal, and procedurally fragmented. The result is a justice system that formally promises victims of digital sexual violence comprehensive legal protection while systematically failing to deliver it. Legal certainty as a constitutional guarantee requires not merely the existence of progressive legislation, but the institutional capacity, technical infrastructure, and binding procedural standards to give that legislation consistent operational meaning. In their current form, Indonesia's legal structure satisfies the first condition and fails the remaining three. Addressing this tripartite failure demands, at minimum, the urgent enactment of the five outstanding implementing regulations, the mandatory establishment of certified digital forensics units at all investigative levels, and the development of a nationally standardised cyber-forensic evidence protocol specifically calibrated to the victim-sensitive requirements of the UU TPKS.

Table 1. Normative framework for digital evidence: hierarchy of applicable laws

Legal Instrument	Relevant Provision	Normative Content	Status
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KUHAP (Law No. 8/1981)	Article 184(1)	Enumerates 5 valid evidence types; no mention of electronic evidence	Critical Gap
UU ITE (Law No. 11/2008 as amended)	Article 5(1), Article 44	Recognises electronic information/documents as valid legal evidence; extends evidentiary categories	Partial
UU TPKS (Law No. 12/2022)	Articles 14, 24, 25	Expands admissible evidence to include e-documents, forensic records, clinical-psychological reports; mandates victim-centred procedure	Enacted, no SOP
UU PDP (Law No. 27/2022)	General provisions	Governs personal data protection; creates tension with digital evidence acquisition procedures	In force
Implementing Regulations (7 mandated)	SOP, technical guidelines	Required to operationalise UU TPKS digital evidence provisions; provide chain-of-custody standards	5 of 7 absent

Source: Analysed by author

Table 2. Structural deficits in law enforcement: multi-dimensional diagnostic

Dimension	Identified Deficit	Consequence for Legal Certainty	Severity
Technical Capacity	Lack of digital forensics expertise among investigators; no mandatory certification standard	Inadmissible or compromised evidence; failed prosecutions; investigative errors	Critical
Procedural Framework	No binding SOP for digital evidence collection, authentication, and chain-of-custody	Inconsistent judicial treatment; case dismissals on evidentiary grounds	Critical
Infrastructure	Digital forensic labs concentrated in major cities; absent in most district-level units	Geographic inequity in justice access; rural victims structurally disadvantaged	Critical

Inter-agency Coordination	No integrated digital evidence database; fragmented communication between police, prosecutors, and courts	Evidence fragmentation; duplicative investigations; case delays	High
Legal Interpretation	Police revert to general KUHAP provisions rather than UU TPKS special procedures	Victim-sensitive evidentiary approach bypassed; secondary victimisation	Critical
Judicial Competence	Judges lack training in evaluating digital evidence; no specialist cyber-crime courts	Inconsistent rulings; acquittals due to unfamiliarity with digital forensic standards	High

Source: Analysed by author

Table 3. Das sollen vs. das sein: evidentiary standards in digital sexual violence cases

Aspect	Das sollen (normative ideal)	Das sein (operational reality)
Evidence admissibility	UU TPKS Art. 24–25: e-documents, forensic records, psychological assessments all admissible	Police default to KUHAP Art. 184 five-category list; digital evidence contested or excluded
Evidence authentication	Cyber-forensic analysis with documented chain-of-custody and integrity verification	No standardised authentication protocol; evidence integrity frequently challenged in court
Investigative SOP	Binding technical guidelines for digital evidence handling under UU TPKS framework	Absence of SOP forces ad hoc procedures varying by individual investigator and region
Victim protection during investigation	Victim-centred approach mandated; no re-traumatisation; privacy of digital evidence protected	Victims subjected to invasive questioning; intimate digital content exposed to non-essential personnel
Institutional capacity	Trained digital forensics specialists at all investigative units nationwide	Specialised units concentrated in metropolitan polda; district-level investigators lack competence

Source: Analysed By Author

B. The Influence of Societal Legal Culture on the Effectiveness of Digital Sexual Violence Law Enforcement in Indonesia

The question of how societal legal culture shapes enforcement effectiveness in cases of digital sexual violence cannot be answered through a structural or normative lens alone. It demands an analytical framework that takes seriously the proposition, advanced by Lawrence M. Friedman, that law does not operate in a social vacuum: its effectiveness is a function not only of the rules on the books and the institutions charged with applying them, but of the values, beliefs, and behavioural dispositions the legal culture of both the legal actors who operate the system and the society it serves. In the Indonesian context, this framework reveals a sobering diagnostic: the legal culture that currently pervades both the general public and law enforcement institutions does not merely fail to support effective enforcement of digital sexual violence law. It actively and systematically subverts it (Liu, 2025)

Any analysis of legal culture in the context of sexual violence in Indonesia must begin with its foundational organising principle: patriarchal ideology. Patriarchy positions men in dominant roles and women in subordinate ones, creating asymmetrical power relations that perpetuate conditions conducive to sexual violence (Andersson et al., 2024). These values influence not only individual behaviours but also the functioning of legal systems, education, and social institutions, thereby weakening overall protection for victims. Patriarchy also reinforces social stigma that silences survivors, who often face accusations of tarnishing family honour or being blamed for the violence itself. What is analytically significant here is not simply that patriarchal norms exist alongside the law, but that they have colonised the law's internal institutional culture shaping how police officers investigate, how prosecutors frame charges, and how judges evaluate evidence and credibility. (Abdelaziz, 2025) Patriarchal ideology, in this sense, is not external to Indonesia's legal system: it is embedded within it, functioning as an informal but powerful normative infrastructure that systematically overrides the formal victim-centred mandates of the UU TPKS.

In the digital domain, this dynamic acquires a specific and particularly damaging form. The anonymity and scalability of online environments do not merely replicate patriarchal violence they amplify it. Despite increased reporting by survivors, the risk of criminalisation, stigma, intimidation, and re-victimisation persists, and public and institutional understanding of sexual violence especially the various forms outlined in the UU TPKS remains limited. The result is a legal culture that treats digital sexual violence as categorically less serious than its physical counterpart: a private matter, a reputational dispute, or, perversely, a moral failing of the victim rather than a criminal act by the perpetrator. (Monteiro et al., 2024) This cultural mischaracterisation directly undermines enforcement effectiveness by depressing reporting rates, eroding prosecutorial urgency, and contaminating judicial assessment.

Friedman's concept of external legal culture the attitudes and orientations of the general public toward legal institutions and processes is concretely illustrated by Indonesia's chronic under-reporting of digital sexual violence. Komnas Perempuan's research on rape as a form of sexual violence found that approximately 70% of victims did not report their cases motivated by shame, fear of stigmatisation of themselves and their

families, the uncertainty of outcome, and the prolonged duration of legal proceedings.(Asrul Nur Iman, 2025) This figure is not merely a statistical observation. It represents a mass withdrawal from the legal system driven by a rational calculation that engagement with formal justice institutions is more likely to compound harm than to remedy it. When victims of digital sexual violence who face the additional vulnerability of having intimate content potentially circulated or further weaponised by the legal process itself conclude that silence is safer than recourse, the enforcement apparatus becomes structurally unable to fulfil its mandate regardless of the progressive content of the law.

This silence is actively reproduced by Indonesia's digital social culture. Victim blaming reinforces an ecosystem of impunity for perpetrators.(Flynn et al., 2023) When society, law enforcement officers, or educational and workplace institutions focus more on the victim's behaviour rather than the perpetrator's actions, the reporting process and law enforcement become biased and unfavourable to the victim. As a result, many victims are reluctant to report, and sexual harassment becomes a latent phenomenon that is difficult to address. In the digital sphere, this dynamic is exacerbated by the viral perpetuation of intimate imagery where the disclosure of a case may itself trigger further online dissemination, doxxing, or harassment, transforming the act of seeking justice into a source of additional victimisation.(Olszewski & Lavis, 2025) The rational response to this prospect is, overwhelmingly, continued silence. The legal system's inability to guarantee the confidentiality and dignity of victims throughout the enforcement process thus functions as a structural deterrent embedded in legal culture itself.

Perhaps the most analytically damaging dimension of Indonesia's legal culture problem is located not in the attitudes of the general public but within the internal legal culture of law enforcement agencies themselves. Many law enforcement officials lack the victim's perspective and have no adequate understanding of the dynamics faced by survivors in the aftermath of sexual violence a deficit that, in practice, leads to secondary victimisation in which the victim is blamed for the crime instead of receiving protection, and receives negative stigma from the very officials charged with helping them. This internal institutional culture is not incidental. It reflects a profound failure of professional formation: a legal training and socialisation process that has reproduced patriarchal assumptions about gender, sexual conduct, and victimhood rather than displacing them with victim-centred, rights-based professional norms (Rudolfsson et al., 2025)

The phenomenon of secondary victimisation in Indonesia's enforcement apparatus operates through several mechanisms. The greatest obstacle in prosecuting sexual violence cases lies in the perspective of law enforcement officials who frequently shift the burden of proof onto victims a practice that produces secondary victimisation and deters survivors from pursuing their cases through the formal legal system. In digital sexual violence cases, this burden-shifting takes distinctively harmful forms: victims may be required to explain why they possessed intimate images, how they came to be communicated with perpetrators online, or whether they "consented" to digital interactions in ways that are then reframed as implied consent to subsequent abuse. These interrogative practices are not merely procedurally inappropriate (Johnson et al., 2025) They constitute a cultural disqualification of digital victimhood an institutional refusal to accept that coercion, manipulation, and exploitation in digital spaces are as genuine and legally cognisable as their physical equivalents.

No case illustrates the intersection of patriarchal legal culture, victim criminalisation, and enforcement dysfunction more starkly than that of Baiq Nuril. Baiq Nuril, a teacher in Lombok, recorded a phone conversation as evidence of unwanted sexual advances by her school principal, and was subsequently sentenced to six months in jail and a fine of Rp500 million for recording and distributing indecent material under the UU ITE the victim of sexual harassment became the defendant in a criminal proceeding. An analysis of the case reveals that law enforcers from police to judges failed to consider the unequal power relations between Nuril and her superior, and failed to apply the Supreme Court's own gender equality guideline demonstrating that even where progressive normative instruments exist within the legal system, institutional culture can systematically override them. The Presidential amnesty that eventually freed Nuril was a political corrective step, but it left entirely untouched the systemic cultural conditions within law enforcement, the judiciary, and the general public that had produced her criminalisation in the first place. The case exposes structural bias and an imbalance of perspectives in the criminal justice system that tends to ignore the position of victims, as well as the social context and power relations that surround them (Uldbjerg, 2025)

The cumulative analytical weight of the foregoing evidence supports a conclusion that goes beyond procedural reform. The effectiveness of the UU TPKS depends not only on addressing structural barriers but on shifting cultural paradigms so that victim-centred principles can be fulfilled in substantive rather than merely declaratory terms. Legal culture, understood in Friedman's terms as the demand side of the legal system, determines whether progressive legislation generates actual enforcement outcomes or merely symbolic commitments. In Indonesia's current configuration, the dominant legal culture both external and internal generates demands for impunity, not accountability; for victim silence, not survivor justice; for patriarchal normalisation, not gender-sensitive enforcement. Reforming this cultural architecture is not a soft supplement to legal reform. It is its indispensable precondition. Without a fundamental reorientation of the values and behavioural dispositions of law enforcement actors, and without systematic investment in public legal literacy that delegitimises victim-blaming and reframes digital sexual violence as serious criminality, the UU TPKS's guarantee of legal certainty will remain, in practice, a law that exists for its potential rather than its effect.

Table 4. Friedman's legal culture framework applied to digital sexual violence enforcement

Cultural Layer	Friedman's Dimension	Manifestation in Indonesia	Effect on Enforcement
External legal culture	Public attitudes toward law & reporting	70% of victims do not report; shame, stigma and family pressure predominate over recourse to law	Severely depressed case intake
Internal legal culture	Values/beliefs of legal actors (APH)	Persistent victim-blaming orientation;	Secondary victimisation

		gender-insensitive interrogation; reverting to KUHAP over UU TPKS	
Patriarchal ideology	Background normative order	Men's authority normalised; sexual violence framed as private/moral matter; women's credibility routinely questioned	Structural impunity for perpetrators
Institutional culture	Organisational norms in police/courts	No standard victim-sensitive protocol; absence of trauma-informed training; punitive-proceduralist orientation	Re-traumatisation; victim withdrawal
Digital social culture	Public response to online victims	Online shaming, doxxing of complainants; viral perpetuation of intimate images; bystander inaction	Amplified harm; deterred reporting

Source: Analysed by author

Table 5. Culture-enforcement nexus: from barriers to impunity outcomes

Cultural Barrier	Operational Mechanism	Enforcement Outcome	Illustrative Evidence
Victim-blaming culture	APH interrogation focuses on victim's conduct, clothing, relationship to perpetrator	Victims withdraw complaints; perpetrators evade accountability	LBH APIK monitoring 2022–2024; Komnas HAM 2024
Social stigma & family pressure	Families discourage reporting to "protect honour"; community mediation substituted for legal process	Cases resolved extra-judicially; perpetrators unpunished; victims silenced	Komnas Perempuan annual reports 2022–2024

Criminalisation risk for victims	UU ITE weaponised against victims who gather or share evidence of abuse	Chilling effect on reporting; victims become defendants	Baiq Nuril case (2019); amnesty granted 2020
Digital shame amplification	Intimate images re-shared after disclosure; online communities blame victims	Prolonged psychological harm; victims withdraw from public/legal sphere	SAFEnet KBGO report 2025; UNFPA Indonesia 2026
Power-relation	Perpetrators in authority positions	Cases suppressed internally;	Komnas HAM 2024;
normalisation	(employers, teachers, clergy) use institutional power to silence victims	never enter formal legal system	ICOSEI Conference 2025

Source: Analysed by author

Table 6. Internal legal culture of APH: gap between mandated and actual conduct

Conduct Standard	UU TPKS mandate	Documented practice	Gap
Interrogation approach	Victim-centred; trauma-informed; no coercion	Interrogation style probes victim's behaviour; demands corroboration	Wide
Statutory framework used	Apply UU TPKS lex specialis throughout investigation	UU TPKS cited initially; KUHAP general provisions applied thereafter	Wide
Digital evidence handling	Secure acquisition, chain-of-custody, victim privacy protection	No standard protocol; intimate content exposed to non-essential personnel	Wide

Gender sensitivity training	Mandatory training under Perpres No. 9/2024	Training remains largely aspirational; no enforcement mechanism for compliance	Significant
Referral to support services	Mandatory referral to UPTD PPA, LPSK, and psychosocial services	Irregular; dependent on individual officer awareness; UPTD PPA capacity limited	Significant

4. CONCLUSION

The analysis of Indonesia's legal structure readiness reveals a fundamental and multi-layered institutional failure in implementing special criminal procedural law governing digital evidence in sexual violence cases. Although Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS) formally expanded the admissible evidence framework under Articles 24 and 25 encompassing electronic documents, forensic records, and clinical-psychological assessments its operational promise remains largely unrealised. The persistent reliance of law enforcement on the general evidentiary provisions of KUHAP Article 184, the absence of five of seven mandated implementing regulations, the uneven distribution of digital forensic infrastructure across the country, and the demonstrated technical incapacity of investigators to handle digital evidence in accordance with chain-of-custody standards collectively produce a state of structural unpreparedness. The consequence is not merely procedural inadequacy it is a systemic denial of legal certainty to survivors of electronic-based sexual violence, whose cases either fail to reach prosecution or collapse at the judicial stage due to evidentiary inconsistencies that binding procedural standards and trained institutional capacity would otherwise prevent.

The second dimension of analysis equally exposes how deeply entrenched patriarchal legal culture both within society and within law enforcement institutions operates as an autonomous and self-reproducing barrier to enforcement effectiveness. Approximately 70% of sexual violence victims do not report their cases, driven by rational assessments of stigma, secondary victimisation, and the documented risk of criminalisation as emblematically illustrated by the Baiq Nuril case, where a victim of sexual harassment became a criminal defendant. Law enforcement's internal culture of victim-blaming, gender-insensitive interrogation, and institutional deference to patriarchal power relations systemically overrides the victim-centred mandate of the UU TPKS, transforming a progressive statute into an instrument of unrealised promise. Taken together, these two findings converge on a single critical proposition: effective enforcement of digital sexual violence law in Indonesia requires not only the completion of its regulatory architecture and the development of cyber-forensic institutional capacity, but a fundamental transformation of the legal culture that governs how law enforcement actors understand, respond to, and protect survivors of sexual violence in the digital space.

NOVELTY

The novelty of this research lies in integrating cyber-forensics with a legal culture approach grounded in victim sensitivity within law enforcement procedures. This approach not only emphasizes optimizing evidentiary processes through digital technology, but also reconstructs law enforcement practices to be more responsive to victims' experiences, needs, and protection, thereby producing a more comprehensive, humane, and context-sensitive model for handling cases.

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