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Enhancing Victim Protection in Sexual Crime Cases Through a Case Analysis of Palembang District Court Decision No. 186/Pid.B/2022/PN.Plg

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Original Article

Abstract

This study aims to analyze Palembang District Court Decision No. 186/Pid.B/2022/PN.Plg in relation to the protection of victims' rights in cases of sexual crimes. Victim protection within the criminal justice system is a crucial aspect that often faces various challenges in its implementation. This study employs a normative juridical research method with a case analysis approach. The findings indicate that the court provided physical and psychological protection to the victim, as well as restitution to support recovery. However, challenges remain in ensuring the full realization of victims' rights, particularly in terms of rehabilitation services and preventing repeat offenses. Moreover, the punishment imposed on the defendant is not always accompanied by adequate recovery measures for the victim. Therefore, the justice system must strengthen protection mechanisms by involving rehabilitation institutions and psychologists to achieve a more comprehensive and just legal framework.

Keywords: *Victim Protection, Sexual Crimes, District Court, Decision*

Abstrak

Penelitian ini bertujuan untuk menganalisis putusan Pengadilan Negeri Palembang Nomor 186/Pid.B/2022/PN.Plg dalam memberikan perlindungan terhadap hak-hak korban tindak pidana seksual. Perlindungan korban dalam sistem peradilan pidana merupakan aspek krusial yang sering menghadapi berbagai tantangan dalam implementasinya. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan analisis kasus. Hasil penelitian menunjukkan bahwa pengadilan telah memberikan perlindungan fisik dan psikologis kepada korban serta restitusi untuk pemulihan. Namun, masih terdapat kendala dalam pemenuhan hak korban, terutama terkait rehabilitasi dan pencegahan kekerasan seksual berulang. Hukuman bagi terdakwa tidak selalu disertai langkah pemulihan yang optimal bagi korban. Oleh karena itu, sistem peradilan perlu memperkuat mekanisme perlindungan dengan melibatkan lembaga rehabilitasi dan psikolog guna mencapai keadilan yang lebih baik.

Kata kunci: *Perlindungan Hukum, Kejahatan Sexual, Pengadilan Negeri, Keputusan*

1. INTRODUCTION

The integration of the internet and digital devices in education has significantly enhanced the flexibility of the teaching and learning process, particularly in emergency situations such as the COVID-19 pandemic. Online learning enables students to participate in educational activities from their homes, ensuring the continuity of education despite physical restrictions. Additionally, digital technology provides access to a wide range of learning resources, enriching instructional materials.¹ The Circular Letter of the Minister of Education and Culture Number 4 of 2020 served as the official foundation for implementing online learning in Indonesia during the pandemic as an adaptive response to emergency conditions. This initiative also fostered digital transformation within the education system, a shift that continues even after conditions have returned to normal. Consequently, several educational institutions have begun adopting a blended learning approach as an instructional method.²

While technological advancements offer numerous benefits, they also heighten the urgency of understanding and addressing the growing prevalence of crime. Crime, as a social phenomenon, has existed throughout history and is expected to persist in the future. The evolving nature of society and technology has led to increasingly diverse forms of criminal activity.³

It is important to recognize that although crime has long been a part of social life, it is not considered a tradition or cultural norm. However, when compared to other aspects of human civilization, crime has an extensive history. Fundamentally, crime emerges and develops within society—there can be no crime without society. Despite extensive research identifying various factors that contribute to criminal behavior, crime remains an ever-evolving aspect of human conduct, adapting alongside social changes. Therefore, technological advancements must be accompanied by heightened awareness and oversight to mitigate risks associated with crime. Effective regulation and intervention can help control the negative consequences of technology while maximizing its benefits for society.⁴

Moreover, the misuse of information technology to the detriment of others has become an undeniable social reality in modern society. This phenomenon is an inevitable consequence of scientific and technological progress, particularly in nations

¹ Zulfitria Zulfitria, Ansharullah Ansharullah, and Rastia Fadhillah, “Penggunaan Teknologi Dan Internet Sebagai Media Pembelajaran Di Masa Pandemi Covid-19,” in *Prosiding Seminar Nasional Penelitian LPPM UMJ*, 2020, 1–10, <https://jurnal.umj.ac.id/index.php/semnaslit/article/view/8810>.

² Muhammad Wildan Firmansyah Putra, Risky Budi Putra Mahardika, and Maulana Syahputra, “Digitalisasi Pendidikan Di Masa Pandemi COVID-19,” in *Prosiding Seminar Nasional Ilmu Ilmu Sosial (SNIIS)*, 2023, 715–23, <https://proceeding.unesa.ac.id/index.php/sniis/article/view/127>.

³ Sahat Maruli T. Situmeang, *Buku Ajar Kriminologi* (Depok: PT Rajawali Buana Pusaka, 2021).

⁴ Raodia Raodia, “Pengaruh Perkembangan Teknologi Terhadap Terjadinya Kejahatan Mayantara (Cybercrime),” *Jurisprudentie: Jurusan Ilmu Hukum Fakultas Syariah Dan Hukum* 6, no. 2 (2019): 230–39, <https://doi.org/10.24252/jurisprudentie.v6i2.11399>.

that have embraced a technological culture. Cybercrime, or the misuse of digital technology, is now recognized as a social fact, manifesting in both traditional and highly advanced societies, with the potential to cause significant harm.

The consequences of cybercrime can be both material and immaterial. Material losses include financial harm to victims, property damage or destruction, and increased expenditures required to address cybercriminal activities. Meanwhile, immaterial losses encompass the erosion of public trust in the legal system and law enforcement agencies. This highlights the fact that addressing the misuse of technology involves not only the direct prevention and management of cybercrime but also the restoration and enhancement of public confidence in the justice system.⁵

The higher the intellectual level of a society, the more sophisticated the types of crimes that may emerge within it. This correlation exists because crime is a social construct that arises from interactions within society itself. Crime is an antisocial act that occurs not only in developing societies but also in advanced societies with access to more sophisticated technology.⁶ Furthermore, crime is not limited to the physical world; it also exists in cyberspace, exhibiting characteristics distinct from conventional crimes. Cybercrime has evolved and expanded significantly, enabling the emergence of various new forms that exploit technological advancements. The presence of crime can even be considered inseparable from human existence, although its forms and types vary according to the characteristics of each society.⁷ This phenomenon underscores the necessity of balancing technological progress and intellectual advancement with strong legal awareness and digital ethics. Without such balance, the continual growth of crime poses a significant threat to society, both legally and socially.

Law is regarded as an essential instrument for maintaining balance and ensuring certainty in social life. As a regulatory tool, the law becomes particularly crucial in addressing extraordinary situations or emerging societal needs that are not explicitly covered under existing criminal statutes, especially when an offense is not expressly defined in the Criminal Code (KUHP) or other legal provisions. This principle serves as the foundation for establishing legal certainty.⁸

In pursuit of legal certainty, criminal law also aims to uphold the principle of legal equivalence, ensuring equal treatment for similar cases to promote justice. This highlights the critical role of lawmakers in shaping legislation that aligns with evolving

⁵ Priyo Sayogo, "Tindak Pidana Yang Menyerang Kehormatan Pejabat Negara: Studi Kasus Nomor Perkara 48/Pid.Sus/2021/Tgl PN" (Univesitas Islam Sultan Agung Semarang, 2023), https://repository.unissula.ac.id/30877/1/20302100079_fullpdf.pdf.

⁶ Emilia Susanti and Eko Rahardjo, *Buku Ajar Hukum Dan Kriminologi*, ed. Heni Siswanto (CV. Anugerah Utama Raharja, 2019).

⁷ Abdul Hafid, "Perlindungan Hukum Terhadap Korban Tindak Pidana Rekayasa Foto Yang Melanggar Kesusilaan," *Mahkamatuna: Journal of Islamic Law* 1, no. 1 (2022): 1–11, <https://ejournal.staidu.ac.id/index.php/mahkamatuna/article/view/89>.

⁸ Abdul Latif Mahfuz, "Faktor Yang Mempengaruhi Politik Hukum Dalam Suatu Pembentukan Undang-Undang," *Jurnal Kepastian Hukum Dan Keadilan* 1, no. 1 (2019): 43–57, <https://doi.org/10.32502/khk.v1i1.2442>.

societal needs. The legislative function of the government serves as the primary mechanism for achieving legal equivalence, ensuring that law enforcement officers, including judges and investigators (police), are not strictly bound by the principle of legality alone. This measured flexibility allows the law to be more adaptive to societal developments while maintaining the principles of certainty and justice.

The misuse of information technology in criminal activities has become increasingly prevalent, with evolving methods and strategies making detection and prosecution more challenging. This situation has raised widespread public concern, given the substantial losses caused by such crimes. Rather than reducing crime rates, advancements in computer technology have, in some cases, facilitated the development of more sophisticated and complex criminal methods. Cyberspace, as a new dimension in human civilization, presents unique challenges for law enforcement within the existing criminal justice framework.⁹

A similar trend is observed in Indonesia, where cyber-related crimes have permeated all levels of society. The integration of technology into daily life is now a tangible reality, with mobile phones becoming widely accessible due to increasingly affordable prices. Nearly all social groups, from the highest to the lowest economic strata, own mobile phones equipped with various applications. Among the most widely used social media applications are WhatsApp and Telegram, both of which are integral components of information technology. Information technology itself encompasses techniques used for collecting, organizing, storing, processing, disseminating, analyzing, and sharing information.¹⁰

One of the crimes arising from the misuse of advanced electronic technology in Indonesia, particularly in Palembang City, South Sumatra Province, has recently become increasingly prevalent. A notable case that shocked the public and went viral both in Palembang City and cyberspace was widely reported by mass media, including online news outlets such as Detiknews.

In this case, a lecturer at a prominent state university in Palembang, identified by the initials RG bin H. AG, was accused of harassing three female students through the WhatsApp (WA) messaging application. Due to the widespread public attention surrounding his actions, he was officially named a suspect and immediately detained by the South Sumatra Police.¹¹ After his detention and the completion of the investigation,

⁹ Wulan Aprilia, Tri Aulya Febianingrum, and Wangsa Nurafajar, "Perlindungan Hukum Bagi Anak Pelaku Tindak Pidana Menurut Undang-Undang Nomor 11 Tahun 2012," *Jurnal Al-Jina'i Al-Islami* 1, no. 2 (2024): 103–117, <https://doi.org/10.15575/jaa.v1i2.445>.

¹⁰ Abadi Abadi, Hambali Yusuf, and Abdul Latif Mahfuz, "Kebijakan Kriminal Dalam Pencegahan Dan Penanggulangan Kejahatan Perdagangan Manusia (Human Trafficking) Di Indonesia," *Jurnal Rectum: Tinjauan Yuridis Penanganan Tindak Pidana* 4, no. 2 (2022): 600–610, <http://dx.doi.org/10.46930/jurnalrectum.v4i2.3239>.

¹¹ Hariman Satria Satria, "Kebijakan Kriminal Pencegahan Korupsi Pelayanan Publik," *Integritas: Jurnal Antikorupsi* 6, no. 2 (2021): 169–186, <https://doi.org/10.32697/integritas.v6i2.660>.

the case files were forwarded to the Class 1A Palembang District Court for trial under Case Number 186/Pid.B/2022/PN.Plg.

During the trial, the Public Prosecutor filed a single charge against the defendant, alleging that his actions violated Article 9 in conjunction with Article 35 of Law Number 44 of 2008 on Pornography, as well as Article 65, Paragraph (1) of the Indonesian Criminal Code (KUHP). The prosecution formally charged the defendant with “using another person as an object or model in pornographic content, constituting multiple criminal acts that must be regarded as distinct offenses.” The prosecution sought a maximum sentence of 10 years in prison, minus time served, and a fine of Rp. 500,000,000.00 (five hundred million rupiah), with a subsidiary penalty of six months’ imprisonment should the fine remain unpaid.

The Panel of Judges of the Class 1A Palembang District Court subsequently rendered a verdict, finding the defendant legally and convincingly guilty of “using another person as an object or model in pornographic content, constituting multiple criminal acts.” The court sentenced the defendant to eight years in prison and imposed a fine of Rp. 500,000,000.00 (five hundred million rupiah), stipulating that failure to pay the fine would result in an additional six-month prison term.

Interestingly, both the Public Prosecutor and the defendant appealed the verdict to the Palembang High Court under Case Number 123/PID/2022/PT.PLG. Upon review, the High Court modified the lower court’s sentencing decision, reducing the prison term to four years while maintaining the original fine of Rp. 500,000,000.00 (five hundred million rupiah). The ruling further stipulated that if the fine remained unpaid, it would be substituted with two months’ imprisonment.

Dissatisfied with the High Court’s ruling, both the Public Prosecutor and the defendant filed a subsequent appeal to the Supreme Court of the Republic of Indonesia under Case Number 7262 K/Pid.Sus/2022. However, at the cassation level, the Supreme Court ruled that the appeals from both parties were inadmissible, ultimately rejecting the appeals of both the prosecution and the defense.

The verdict issued by the panel of judges in this case exhibits significant irregularities. The judge should have imposed the maximum prison sentence to serve as a deterrent for the perpetrator and as a lesson for the broader community, ensuring that similar incidents do not recur. Criminal acts of this nature, particularly those occurring within a university setting, should never take place, given that a campus is intended to be a space for acquiring knowledge, fostering moral values, and cultivating good character.

Beyond damaging the reputation of the educational sector, this incident has caused profound trauma for the victims. Trial examinations revealed that five individuals were victims, all of whom expressed significant fear of the perpetrator, who held multiple authoritative positions as a lecturer, Head of the Study Program, Thesis

Supervisor, and Thesis Examiner. This fear led some victims to experience anxiety when attending lectures, negatively impacting their academic performance. In fact, some victims were compelled to delay their graduation out of fear of encountering the perpetrator, whom they feared might engage in further inappropriate or even criminal acts.

However, in this case, the judge retains the discretion to determine the appropriate ruling, in accordance with the provisions set forth in Article 24 of the 1945 Constitution and Article 1 of Law Number 48 of 2009 on Judicial Power, which states: “Judicial power is an independent power of the state tasked with administering justice to uphold law and justice based on Pancasila, for the implementation of the rule of law of the Republic of Indonesia.”

In Indonesian positive law, this crime is regulated under Article 9 in conjunction with Article 35 of Law Number 44 of 2008 on Pornography, as well as Article 65, Paragraph (1) of the Criminal Code. These provisions stipulate that any individual who exploits another person as an object or model in pornographic content, as referred to in Article 9, or engages in a series of offenses that must be considered distinct criminal acts, may be subject to criminal penalties in accordance with applicable legal provisions.

2. RESEARCH METHODOLOGY

Legal research is a systematic scientific activity conducted using specific methods and analytical approaches to examine legal phenomena.¹² This study employs a normative or doctrinal juridical approach, which involves analyzing legal literature and secondary data as the foundation for research. This approach includes examining relevant laws and regulations related to the issues under investigation, with the objective of gaining a deeper understanding of the legal matters at hand.¹³ Through this method, the research aims to identify, explain, and analyze applicable legal principles and the implementation of legal rules in various contexts. The findings of this study are expected to contribute to the advancement of legal scholarship and the resolution of legal issues within society.

3. RESEARCH RESULT AND DISCUSSION

3.1. Legal Protection for Victims of Sexual Crimes Based on the Palembang District Court Decision No. 186/Pid.B/2022/PN.Plg

Legal protection is a fundamental obligation of the state to ensure the safety and security of all citizens. This obligation aligns with the mandate of the 1945 Constitution of the

¹² Ani Purwati, *Metode Penelitian Hukum: Teori & Praktik*, ed. Tika Lestari (Surabaya: CV. Jakad Media Publishing, 2020).

¹³ Kornelius Benuf and Muhamad Azhar, “Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer,” *Gema Keadilan* 7, no. 1 (2020): 20–33, <https://doi.org/10.14710/gk.2020.7504>.

Republic of Indonesia, which stipulates that the state is responsible for protecting human rights (HAM). Article 28I, Paragraph (4) of the 1945 Constitution explicitly states that the protection, promotion, enforcement, and fulfillment of human rights are the responsibilities of the state, particularly the government.¹⁴

Sexual harassment constitutes a sexual act committed against a victim through coercion. This crime frequently involves perpetrators who are older, with the majority of victims being women. Consequently, legal protection is a crucial measure implemented by the state through existing laws and regulations. The primary objective of legal protection is to guarantee that every individual receives their legal rights and to provide comprehensive safeguards for victims of criminal acts, particularly sexual harassment.¹⁵ Legal protection aims to foster a sense of security, uphold human rights, and ensure justice for victims. The state, through its legal apparatus, is obligated to take firm action against perpetrators while also facilitating victim recovery. Therefore, legal protection is an integral component of the state's efforts to uphold justice and guarantee the full protection of individual rights.¹⁶

The interests of victims in criminal cases are often overlooked, despite the fact that they are the ones who suffer the injustice. In many instances, victims are treated merely as objects in the pursuit of justice, with insufficient attention given to their overall condition and needs. As a result, victims frequently find themselves in vulnerable and marginalized positions.

Although Indonesia has enacted laws and regulations aimed at protecting victims, these measures remain fragmented and relatively limited. Within the criminal justice system, victims often lack a significant role. This situation is largely due to the dominance of the retributive justice principle, which prioritizes punishment for perpetrators while neglecting the recovery of victims' losses. The Indonesian criminal law system's punitive focus frequently disregards victims' rights to obtain restitution or compensation for the harm they have suffered.

As a result, victims' rights and interests are often marginalized during legal proceedings. Victims are typically positioned solely as witnesses, which can hinder their ability to present their case effectively.¹⁷ This issue is further exacerbated when victims face threats from external parties seeking to prevent them from speaking out. Sexual harassment, as a form of sexual violence, inflicts harm not only physically but also psychologically. It encompasses any unwanted sexual behavior that causes distress to

¹⁴ Indriastuti Yustiningsih, "Perlindungan Hukum Anak Korban Kekerasan Seksual Dari Reviktimisasi Dalam Sistem Peradilan Pidana," *Lex Renaissance* 5, no. 2 (2020): 287–306, <https://doi.org/10.20885/JLR.vol5.iss2.art3>.

¹⁵ Angelin N. Lilua, "Perlindungan Hukum Terhadap Anak Sebagai Korban Kejahatan Seksual Menurut Hukum Pidana Indonesia," *Lex Privatum* 4, no. 4 (2016): 162–70, <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/12608>.

¹⁶ Prasetyo Prasetyo and Mukhtar Zuhdy, "Penegakan Hukum Oleh Aparat Penyidik Cyber Crime Dalam Kejahatan Dunia Maya (Cyber Crime) Di Wilayah Hukum Polda DIY," *Indonesian Journal of Criminal Law and Criminology* 1, no. 2 (2020): 79–88, <https://doi.org/10.18196/ijclc.v1i2.9611>.

¹⁷ Joko Sriwidodo, *Perkembangan Sistem Peradilan Pidana Di Indonesia*. (Yogyakarta: Kepel Press, 2020).

the victim, both in the immediate and long term. Such actions include, but are not limited to, unwanted sexual advances, coerced sexual activities, derogatory comments about the victim's sexuality or sexual orientation, and unwelcome sexually suggestive remarks or actions.¹⁸

Given the profound impact of sexual harassment, ensuring adequate protection for victims is imperative. The state, through its legal institutions, must guarantee that victims' rights are both safeguarded and fulfilled, including the provision of compensation and restitution for the suffering endured. However, victims of sexual violence are often reluctant to report their cases to law enforcement due to various deficiencies in the legal system. Key barriers include unclear or weak legal provisions, penalties that are perceived as disproportionate to the severity of the crime, and inadequate victim protection. Additionally, fear of retaliation and difficulties in gathering sufficient evidence frequently deter victims from engaging in the protracted and complex legal process. These challenges leave many victims feeling trapped in a system that does not adequately provide them with justice.¹⁹

Beyond challenges in the legal process, the role of institutions, particularly educational institutions, is crucial in providing protection and support for victims of sexual violence. However, in practice, many institutions—especially universities—often neglect their responsibility to protect victims. Some institutions even attempt to conceal cases of sexual violence occurring within their environment to preserve their reputation. This lack of institutional commitment highlights the failure of educational institutions to adequately address sexual violence and ensure a safe environment for students.²⁰

Sexual violence in educational settings, particularly in universities, manifests in various forms. It extends beyond sexual harassment to include attempted rape, rape, sexual assault, sexual exploitation, and even forced marriage between victims and perpetrators. Such incidents can occur in diverse settings and involve a wide range of perpetrators, including teachers, lecturers, senior students, family members, and close acquaintances of the victims. This underscores the fact that sexual violence transcends social status and can take multiple forms involving different actors.

Enhancing public awareness regarding the types of sexual violence and the methods employed by perpetrators is essential to fostering prevention and self-protection. Increased knowledge about sexual violence is expected to heighten

¹⁸ Chantika Pebrianti and Margo Hadi Pura, "Perlindungan Hukum Terhadap Korban Pelecehan Seksual Secara Verbal (Catcalling) Di Media Sosial," *Journal of Human and Education* 3, no. 4 (2023): 229–235, <https://doi.org/10.31004/jh.v3i4.404>.

¹⁹ Silvia Cahyadi and Rasji Rasji, "Perspektif Hukum Terhadap Perlindungan Anak Korban Kekerasan Seksual Dalam Undang-Undang Nomor 12 Tahun 2022," *Unes Law Review* 6, no. 4 (2024): 10304–11, <https://doi.org/10.31933/unesrev.v6i4.2004>.

²⁰ Raja Aisha Kencana Dewi and Amanda Lovita, "Upaya Perlindungan Korban Pelecehan Seksual Pada Perempuan: Studi Pada Dinas Pemberdayaan Perempuan, Perlindungan Anak Dan Pemberdayaan Masyarakat Di Kota Tanjungpinang," *Jurnal Kajian Gender Dan Anak* 8, no. 1 (2024): 13–24, <https://doi.org/10.24952/gender.v8i1.10882>.

awareness, particularly among students and academics, enabling them to identify and prevent such acts from an early stage.

Addressing sexual violence in educational environments requires not only the involvement of victims but also the active role of the government and universities. On August 31, 2021, the Minister of Education, Culture, Research, and Technology issued Ministerial Regulation No. 30 of 2021 on the Prevention and Handling of Sexual Violence (PPKS) in Higher Education Institutions. This regulation aims to guarantee the right of every citizen to a safe education free from sexual violence.

Article 10 of this regulation mandates that universities handle cases of sexual violence by providing assistance, protection, administrative sanctions, and victim recovery services. This obligation underscores the university's responsibility to actively address sexual violence on campus. As educational institutions, universities must provide a safe environment for students and faculty, maintaining a zero-tolerance policy toward sexual violence in any form.

Imposing sanctions on perpetrators of sexual violence within universities is a critical measure to protect victims, promote a sense of security, reduce trauma, and ensure justice. In this regard, administrative sanctions serve not only as legal consequences but also as recognition of the victim's right to physical and psychological protection. Articles 14 and 16 of Ministerial Regulation No. 30 of 2021 outline administrative sanctions for perpetrators of sexual violence, including temporary or permanent dismissal from the university, as well as other measures affecting their institutional status.

Additionally, perpetrators of sexual violence within university settings may also face criminal penalties in accordance with prevailing legal provisions. This demonstrates that Indonesia's legal framework recognizes the necessity of comprehensive law enforcement against sexual violence, both within educational institutions and society at large.

According to criminology and victimology, a "victim of crime" refers to an individual or group that suffers physical, mental, emotional, or economic harm due to an unlawful act. In this context, victims of sexual violence are those who endure harm as a result of actions that violate their fundamental rights. This definition aligns with the 1985 UN Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power, which emphasizes that victims' rights must be fully integrated into the broader criminal justice system.

In cases of immoral crimes, including sexual harassment, victims are often subjected to negative societal stigmas, with some people erroneously assuming that the victim may have "enjoyed" the act of sexual violence. Such misconceptions exacerbate

the victim's distress and create additional barriers to reporting the crime and seeking justice.²¹

Even when victims have the courage to report their cases, their complaints are not always taken seriously by law enforcement authorities. In some instances, reports are dismissed as trivial or entirely ignored, further aggravating the victim's trauma and impeding their pursuit of justice. Consequently, it is essential for both the legal system and society to prioritize the protection and rights of victims of sexual violence, both through judicial proceedings and social support systems that facilitate their recovery. Criminal law policies and broader social policies must integrate a serious commitment to the protection of victims' rights within the criminal justice system and relevant social institutions. Ensuring such protections would allow victims of sexual violence to obtain justice and have their rights safeguarded to the fullest extent.

In the case documented in Palembang District Court Decision Number 186/Pid.B/2022/PN.Plg, dated May 30, 2022, the defendant RZ, MM., MBA Bin HAG was found guilty of offenses related to pornography and sexual violence. However, the sentence imposed by the court was widely regarded as insufficient to provide adequate protection for the victim. Although the defendant received an eight-year prison sentence and a fine of IDR 500,000,000, many observers deemed the punishment disproportionate to the severity of the harm inflicted upon the victim. In this case, the victim suffered profound mental and psychological trauma, including fear and distress, with some even being forced to postpone their graduation due to the direct consequences of the defendant's actions. Additionally, the number of victims exceeded one, further complicating their ability to obtain justice.

The Indonesian criminal justice system, in this instance, appears to prioritize the offender (offender-oriented approach) over the victim, despite the principle that national legal provisions should ensure balanced protection for both. From a criminological and legal perspective, crime is understood as a conflict between individuals that causes harm—not only to the perpetrator but also to the victim and society as a whole. Without adequate legal safeguards, victims' psychological and social well-being will continue to deteriorate after the crime.

As a representative of victims in the criminal justice system, the Public Prosecutor should focus not only on punishing the perpetrator but also on ensuring the fulfillment of victims' rights and supporting their recovery. However, in this case, the prosecution's demand of only a 10-year prison sentence and a fine of IDR 500,000,000, along with the court's eight-year sentence with the option of substituting the fine for an additional six months in prison, demonstrated a lack of attention to the victim's suffering. As an institution responsible for representing victims' interests, the Public Prosecutor's Office

²¹ Yudi Krismen, "Perlindungan Saksi Dan Korban Dalam Proses Penegakan Hukum Pidana," *Sisi Lain Realita* 1, no. 1 (2016): 43–54, [https://doi.org/10.25299/sisilainrealita.2016.vol1\(1\).1406](https://doi.org/10.25299/sisilainrealita.2016.vol1(1).1406).

should have sought a punishment that more appropriately reflected the severity of the crime and the psychological and emotional harm suffered by the victim.

Furthermore, judges must uphold the principles of humanity, justice, and education when rendering decisions. Justice should not only be about punishing the perpetrator but also about ensuring the victim's sense of security and fairness. Greater attention must be given to victims, who often lack the strength or resources to overcome the trauma inflicted by sexual violence. Without clear and equitable protections, victims may continue to suffer from psychological distress, with conditions worsening long after the crime has occurred.

The marginalization of victims within the Indonesian criminal justice system becomes evident in cases where judicial decisions fail to provide adequate protection and compensation. This issue is particularly apparent in the case where the judge imposed a sentence of only eight years of imprisonment and a fine of IDR 500,000,000.00 (five hundred million rupiah). Moreover, if the fine is not paid, the perpetrator would serve an additional six months of imprisonment instead.

At first glance, the protection afforded to victims under Indonesian positive law appears limited. According to Article 14c, Paragraph (1) of the Indonesian Criminal Code (KUHP), provisions concerning victim compensation are discretionary rather than mandatory. The article states:

“In the procedural rules referred to in Article 14a, except in cases where a fine is imposed, the judge may establish a special condition requiring the convicted person to compensate for the losses suffered by the victim, either in full or in part. This condition must be determined at the time of sentencing and must be fulfilled within the probationary period.”

The verdict issued by the Palembang District Court judge in the AG Bin HAG case should have adhered to the principle of justice, as outlined in legal theory. Legal justice is formulated within the law through a system of rights and obligations, where any violation must be addressed through the judicial process. In this context, the courts serve as the primary mechanism for enforcing justice. The following elements must be fulfilled to achieve legal justice: 1) The existence of legal provisions that regulate the treatment of individuals. 2) Clearly defined legal provisions specifying their applicability—whether universally or to specific groups. 3) The objective, impartial, and non-discriminatory application of legal rules to all individuals who meet the relevant legal criteria.

Victim protection within the criminal justice system includes the imposition of criminal penalties by judges, accompanied by both general and special conditions. One such condition is the requirement for the perpetrator to compensate the victim for their losses (compensation). However, this form of protection remains abstract and indirect, as compensation is not a mandatory provision but rather subject to the judge's discretion. Given the principle of balance between individual and societal interests

(monodualistic principle), the Indonesian Criminal Code (KUHP) should mandate the protection of victims as an obligation, rather than an option.

Furthermore, Law Number 8 of 1981 on the Criminal Procedure Code (KUHAP) introduces provisions for the individual protection of victims while also emphasizing the rehabilitation of offenders. This legal framework acknowledges the importance of victims' rights in criminal proceedings, ensuring that their interests are considered throughout the legal process. Notably, victims are granted the right to monitor the progress of their cases, including the ability to file a pretrial motion if their case is dismissed at the investigation or prosecution stage.

The provision of such rights serves as a form of victim protection, ensuring that criminal cases are resolved in accordance with applicable legal standards. Moreover, the Criminal Procedure Code grants victims the opportunity to file for compensation, which can be incorporated into the criminal proceedings, as outlined in Articles 98 to 101 of the KUHAP. This integration represents a tangible effort to acknowledge and address the suffering of victims within the judicial process.²²

The involvement of victims in criminal case proceedings serves two distinct purposes. On one hand, victims act as witnesses, providing crucial information to establish the facts of the crime. Their testimony is essential at various stages of the legal process, including investigation, prosecution, and trial proceedings. On the other hand, victims also play a direct role in ensuring their rights are upheld, particularly concerning compensation claims and case resolution efforts.

To foster a more victim-centered approach within the Indonesian criminal justice system, it is crucial to strengthen legal provisions ensuring comprehensive protection, compensation, and fair treatment for victims. Without these safeguards, victims may continue to experience marginalization within the judicial process, ultimately undermining their ability to obtain justice and recovery.

In criminal proceedings, victims play a crucial role in seeking compensation for the suffering and losses they have endured due to criminal acts. However, in their capacity as witnesses, victims assume a passive role, participating only when summoned and limited to providing testimony based on their direct experiences, observations, and knowledge of the case. In this context, legal protection for victims and the pursuit of justice must be guided by a commitment to objective truth. Justice should not be influenced by social status, wealth, or other external factors; rather, the fundamental principle should be to hold the guilty accountable for their actions, thereby reinforcing societal adherence to the rule of law.

In ensuring justice and legal enforcement, it is imperative that all legal professionals—particularly judges, who serve as the ultimate arbiters of justice—

²² Zulhamsyah Putra et al., "Peluang Dan Tantangan Penerapan Sistem Keadilan Restoratif Di Institusi Kepolisian Negara Republik Indonesia," *Syariah: Jurnal Ilmu Hukum* 1, no. 4 (2024): 311–18, <https://doi.org/10.62017/syariah.v1i4.1744>.

execute their duties with wisdom and integrity. The traditional, outdated approaches to law enforcement that often exacerbate injustices must be abandoned. A deep sense of responsibility and dedication to upholding justice, particularly among judges, is essential. As esteemed figures in society, judges bear a profound moral and ethical obligation to fulfill their duties with spiritual and moral integrity. In their role as representatives of justice, judges act as instruments of fairness, tasked with ensuring peace, stability, and justice for the Indonesian nation and state. Consequently, the overarching goal of criminal punishment must align with its foundational principles—one of which is crime prevention through the enforcement of legal norms, thereby safeguarding society.²³

The term justice originates from the concept of fairness. According to the Great Dictionary of the Indonesian Language, fairness is defined as the absence of bias, impartiality, and freedom from arbitrary decisions. Justice, therefore, implies that every decision and action should be based on objective norms. However, justice is inherently relative—what is perceived as just by one party may not be considered fair by another. To claim an action is just, it must align with societal order, where recognized standards of justice serve as a benchmark. These standards vary across different societies and legal traditions, as each community establishes its own framework for justice in accordance with prevailing norms and public order.²⁴

In the Unitary State of the Republic of Indonesia, justice is enshrined in Pancasila, the nation's foundational ideology, particularly in its fifth principle: "Social Justice for All Indonesian People." This principle embodies the core values necessary for communal life and is rooted in the essence of human justice—encompassing relationships between individuals, society, the nation, and the state, as well as between humans and God Almighty. These principles must serve as the foundation for national governance and policymaking, ensuring that the state's primary objectives—the welfare of its people, the development of its territories, and the education of its citizens—are effectively realized. Additionally, these values should guide international relations, fostering a global order based on national sovereignty, enduring peace, and social justice.

In applying Aristotle's theory of justice, the verdict issued by the Palembang District Court in Case Number 186/Pid.B/2022/PN.Plg, dated May 30, 2022, raises critical concerns regarding the principle of proportional justice. The defendant, RZ, MM., MBA Bin HAG, was found guilty of exploiting another individual as an object or model in the production of pornographic content, thereby violating Article 9 in

²³ Allefansyah Binta Pradikas et al., "Buya Hamka: Membangun Generasi Muhammadiyah Dengan Ilmu Pengetahuan," *Devantara: Jurnal Pendidikan Sosial Humaniora* 3, no. 4 (2024): 226–235, <https://doi.org/10.30640/dewantara.v3i4.3588>.

²⁴ Sulardi Sulardi and Yohana Puspitasari Wardoyo, "Kepastian Hukum, Kemanfaatan, Dan Keadilan Terhadap Perkara Pidana Anak," *Idealitas Dan Realitas Keadilan* 8, no. 3 (2015): 251–268, <https://doi.org/10.29123/jy.v8i3.57>.

conjunction with Article 35 of Law Number 44 of 2008 on Pornography, as well as Article 65, Paragraph (1) of the Indonesian Criminal Code (KUHP). These provisions prescribe a maximum sentence of 12 years of imprisonment and/or fines ranging from IDR 500,000,000.00 (five hundred million rupiah) to IDR 6,000,000,000.00 (six billion rupiah). However, the court imposed a prison sentence of only 8 years and a fine of IDR 1,000,000,000.00 (one billion rupiah), with a minimum penalty of IDR 500,000,000.00 (five hundred million rupiah).

This sentencing decision raises questions about the extent to which judicial rulings align with the principle of justice. While the law prescribes a more severe penalty, the court's decision to impose a lesser sentence suggests inconsistencies in the application of legal provisions. In cases involving severe offenses such as pornographic exploitation, sentencing should reflect the seriousness of the crime, the harm inflicted on the victim, and the broader implications for society. By ensuring fair, consistent, and proportionate legal outcomes, the judicial system can uphold public trust and strengthen the rule of law in Indonesia.

This decision serves as a tangible manifestation of corrective justice, which focuses on rectifying wrongdoing, compensating the injured party, and imposing appropriate punishment on the offender. However, the ruling is widely perceived as not being in favor of the victim, as the maximum sentence prescribed by law was not imposed. As a result, this decision has the potential to generate public controversy, particularly among victims who may feel that the penalty imposed for the crime of sexual assault does not adequately reflect the severity of the offense.

Based on the analysis above, the provision of legal protection for victims of sexual crimes under the Pornography Law, as reflected in Palembang District Court Decision No. 186/Pid.B/2022/PN.Plg, must prioritize the victim's interests as a fundamental consideration in the resolution of criminal cases. Accordingly, the defendant, having been legally and convincingly found guilty, was sentenced to eight (8) years of imprisonment, with a deduction for time served, a fine of IDR 500,000,000.00 (five hundred million rupiah), with a subsidiary penalty of six (6) months imprisonment in case of non-payment, and court fees of IDR 5,000 (five thousand rupiah).

CONCLUSION

Legal protection for victims of sexual crimes, as reflected in Palembang District Court Decision No. 186/Pid.B/2022/PN.Plg, is implemented by prioritizing the victim's interests as a fundamental consideration in the resolution of criminal cases. In this case, the defendant was legally and convincingly proven guilty of committing a crime. Consequently, the court sentenced the defendant to eight (8) years of imprisonment, with a deduction for time served, a fine of IDR 500,000,000.00 (five hundred million

rupiah), with a subsidiary penalty of six (6) months' imprisonment in case of non-payment, and court costs amounting to IDR 5,000 (five thousand rupiah).

Based on the findings of this study, several recommendations can be proposed to enhance the protection of victims' rights in cases of sexual crimes, particularly within the judicial process: 1) **Enhancing Education and Training for Law Enforcement Officials:** Law enforcement officials, including judges, prosecutors, and attorneys, should receive comprehensive training on the importance of protecting victims' rights in sexual crime cases. A deeper understanding of victims' needs, including psychological and rehabilitative aspects, will contribute to more effective protection throughout the judicial process. 2) **Providing Improved Rehabilitation Services for Victims:** Courts should collaborate with rehabilitation and psychological support institutions to ensure that victims receive holistic care for both physical and psychological recovery. These services must be readily accessible after the court's ruling to facilitate an optimal recovery process. 3) **Ensuring Continued Protection Post-Verdict:** Victim protection should not cease after the court's decision. Policies must be established to ensure ongoing protection, including monitoring victims to prevent further threats or violence from the perpetrator. Additionally, social support programs should be implemented to help victims reintegrate into society. 4) **Enhancing Transparency and Accessibility of the Judicial Process:** The judicial process must be more transparent and accessible to victims, taking into account their specific needs, such as trauma-sensitive treatment and security measures. Furthermore, public education initiatives should be developed to raise awareness of victims' rights and the protection mechanisms available within the judicial system. 5) **Optimizing Restitution for Victims:** Courts should take a more proactive role in ensuring that victims receive adequate restitution based on the damages they have suffered. Restitution should not be limited to financial compensation but should also include psychological rehabilitation costs and medical expenses necessary for the victim's recovery. 6) **Strengthening Legal Policies to Improve Prevention:** Stronger and more effective policies are needed to prevent sexual crimes, including appropriate sentencing for perpetrators and the implementation of educational and awareness programs. These initiatives should begin at an early age to foster a greater understanding of legal and social consequences, thereby promoting legal consciousness within society.

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