



Legal Transformation for Sustainable Justice: Strengthening the Role and Position of Sexual Violence Victims in Indonesia

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Abstract. Sexual violence constitutes not only a violation of the law but also a breach of human rights, inflicting profound harm on victims. In Indonesia, the criminal justice system continues to focus primarily on perpetrators, often neglecting the participation of victims, which increases the risk of revictimization. Sustainable justice is essential to ensure that the legal process does not stop at punishing offenders but also upholds victims rights to be heard and actively involved in judicial proceedings through the implementation of Victim Impact Statements (VIS). In several countries, VIS not only strengthens victims' positions in seeking justice but also enhances the quality of judicial decisions. Law No. 12 of 2022 concerning Sexual Violence Crimes (SVC Law) does not explicitly regulate VIS in criminal proceedings. This gap poses challenges for developing a justice system that fully restores victims' rights and dignity. This article examines the urgency of regulating VIS-based protection for victims of sexual violence within Indonesia's criminal justice system. It explores how a VIS regulatory framework can serve as a mechanism for providing sustainable protection for these victims. Using a normative juridical methodology that combines statutory, conceptual, and comparative research, the study finds that VIS is a critical instrument in realizing sustainable, recovery-oriented justice. It allows victims to articulate the physical, psychological, social, and emotional impacts of the crimes they have endured, enabling judges to make informed and appropriate decisions. Explicit regulation of VIS in the SVC Law is necessary to ensure that the law is responsive to societal needs and contributes to a more just criminal justice system that upholds human dignity.

Keywords: Justice, Sexual Violence, Victims, Victim Impact Statement.

1 Introduction

Violence has essentially been a recurring reality in society, both in the past and in the present [1]. This phenomenon manifests in various forms, ranging from physical and psychological violence to gender-based and sexual violence. Violence not only causes suffering to victims but also generates broader social consequences, such as family instability, disruption of social order, and a decline in public security. This is because violence constitutes an aggressive act that may be perpetrated by anyone, including through hitting, stabbing, kicking, slapping, punching, or biting, all of which constitute forms of violence [2]. Every act of violence in society does not occur without cause; instead, there are multiple contributing factors, including political,

economic, familial, racial, or ethnic factors, that may drive an individual or group to commit violence. In this regard, various approaches are required to address violence in society, namely legal, social, and spiritual approaches [3].

One of the most complex forms of violence with profound consequences is sexual violence. Sexual violence constitutes a grave violation of human rights that undermines the dignity and integrity of victims [4]. Unlike other forms of violence, sexual violence presents far more intricate issues, as it not only targets the victim's physical body but also strips away dignity and self-worth. Women are disproportionately affected and frequently become victims in such cases. Although legal frameworks and social norms have sought to regulate and prevent acts of violence, in practice, these incidents continue to occur and even escalate in line with social change. In 2024, according to the Annual Report (CATAHU), the number of reported cases of violence against women received by the National Commission on Violence Against Women and its partner institutions reached 445,502. This figure marks an increase of 43,527 cases, or approximately 9.77%, compared to 2023, which recorded 401,975 cases.

Sexual violence is a criminal act that not only violates positive law but also constitutes a serious violation of human rights. The World Health Organization (WHO) defines "*Sexual violence is any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting*" [5]. Sexual violence refers to any act committed with the intention of attacking, degrading, or controlling a person's body and sexuality, whether physically or non-physically, that results in suffering or harm to the victim. This crime has highly complex impacts on victims, including physical suffering, psychological trauma, social stigma, and the erosion of the victim's dignity and self-worth [4]. For the families of victims, sexual violence has a domino effect, disrupting social relationships, creating economic hardship, and imposing a psychological burden on other family members [6]. These effects are often long-lasting and can significantly affect victims' overall quality of life. Therefore, the handling and protection of victims of sexual violence requires special and comprehensive attention from multiple dimensions, including the legal dimension.

In Indonesia's criminal justice system, Law No. 8 of 1981 on Criminal Procedure (hereinafter referred to as KUHP) and other supporting regulations place greater emphasis on the rights of suspects or defendants, while victims are often positioned merely as witnesses or supporting parties [7]. Victims' rights to information, recovery, compensation, and assistance are frequently not fulfilled in practice, as is evident in cases of sexual violence, where victims are often treated as evidence in the judicial process rather than as subjects entitled to recovery and protection. Media reporting also frequently blames victims, for example, by emphasizing their clothing, late-night activities, or the fact that they were alone, as if these circumstances triggered the perpetrator's actions [8]. This raises critical questions about the extent to which criminal law can deliver comprehensive justice that not only punishes perpetrators but also ensures that victims' rights are respected.

Victims of sexual violence often find themselves in highly vulnerable positions. The trauma they experience tends to have profound and lasting effects, not only on their mental health but also on their social relationships, education, and daily functioning. Many victims suffer from a loss of self-confidence, social withdrawal, and, in many cases, revictimization and discrimination by society. Structural barriers, such as complex legal procedures, a lack of sensitivity among law enforcement officers, and limited access to psychological and legal support services further exacerbate these conditions. Such realities underscore the fact that the suffering of victims does not end with the act of violence itself but persists throughout the criminal justice process. The prevailing justice system in Indonesia remains predominantly perpetrator-focused, measuring justice primarily through punishment.

Meanwhile, the needs of victims for recognition, recovery, and safety are often insufficiently addressed. In fact, victim protection constitutes part of the state's responsibility to respect, protect, and fulfill human rights. Thus, a shift toward a victim-centered approach in the criminal justice system is urgently needed.

The enactment of Law No. 13 of 2006 concerning the Protection of Witnesses and Victims, as amended by Law No. 31 of 2014, marked a critical step forward. It formally recognized rights to legal protection, medical assistance, psychological and social rehabilitation, and access to compensation and restitution. However, this legislation primarily focuses on tangible or material rights and tends to overlook the victims' emotional and psychological needs, particularly their personal sense of justice. Justice, as a concept, is subjective and cannot be fully encapsulated by material compensation alone. To address this gap, the Indonesian government introduced Law No. 12 of 2022 on Sexual Violence Crimes, which adopts a more comprehensive and victim-centered framework. This law is grounded in the principles of human dignity, non-discrimination, legal certainty, and the best interests of victims. It emphasizes the importance of protecting and restoring victims, ensuring their access to justice, restitution, and support.

Nevertheless, practical challenges persist. Negative social stigma continues to deter victims from reporting, while the inadequate understanding among law enforcement officers often results in mishandling of cases and a lack of follow-up. Consequently, victims are denied full access to justice, undermining public trust in the legal system. Victims of sexual violence experience a unique and multifaceted form of suffering, one that includes not only physical harm, but also psychological trauma and social stigmatization [9]. Unfortunately, this complex reality is rarely captured in legal proceedings, which tend to focus narrowly on proving the offender's guilt. In various jurisdictions, such as the United States, Canada, and Australia, this issue has been addressed through the implementation of VIS, a mechanism that allows victims to present, in their own words, the impact of the crime on their lives. VIS offers judges a fuller picture of the consequences of the crime and helps inform sentencing decisions.

Integrating VIS into Indonesia's criminal justice system could significantly enhance victims' roles by enabling them to articulate the personal, psychological, and social impacts of their experiences. This mechanism would not only support more comprehensive sentencing but also promote victims' psychological recovery, reduce

the risk of revictimization, and provide a sense of recognition by the state. In doing so, VIS would contribute to more substantive justice, in which the court's focus extends beyond the actions of the perpetrator to the victim's lived realities. In conclusion, the adoption of VIS in Indonesia represents a necessary and progressive step toward bridging the existing gap in victim protection. It aligns with international best practices and reflects a deeper commitment to a justice system that is inclusive, restorative, and centered on the dignity and well-being of victims.

2 Problem Statement

The main problem is that the position of victims of sexual violence in Indonesia's criminal justice system is still not fully accommodated in an optimal way. Although there are legal instruments such as Law No. 31 of 2014 on the Protection of Witnesses and Victims and Law No. 12 of 2022 on Sexual Violence Crimes, these regulations have not been able to comprehensively address victims' needs, particularly in relation to ensuring their meaningful participation in the judicial process. This condition raises fundamental questions about the urgency of implementing VIS as an alternative mechanism to strengthen the protection and fulfillment of the rights of victims of sexual violence. Thus, this study will focus on two main issues: (1) the urgency of regulating the protection of victims of sexual violence through VIS in Indonesia's criminal justice system, and (2) the VIS regulatory model as a sustainable effort to ensure the protection of victims of sexual violence.

3 Purpose Of Study

This study aims to contribute to the development of a criminal justice system that is more responsive to the needs of victims in cases of sexual violence. Specifically, it analyzes the urgency of regulating victim protection through the VIS mechanism in the Indonesian criminal justice system. This analysis is essential given the limited opportunities for victims to participate in judicial proceedings, which ultimately affects the fulfillment of their rights. Furthermore, this study also seeks to formulate an ideal VIS regulatory model as a new legal instrument that can complement the existing victim protection system, while ensuring the sustainability of victim recovery from legal, psychological, and social perspectives. Thus, this research is intended not only to enrich academic discourse but also to provide concrete recommendations for criminal law reform in Indonesia so that it pays greater attention to and fulfills the needs of victims of sexual violence.

4 Research Methods

This study employs a normative legal research method, which relies on reference materials or secondary data as the foundation of the analysis by reviewing legislation and literature relevant to the issues under study [10]. The approaches used consist of the statute approach, the conceptual approach, and the comparative approach. The statute approach involves examining all laws and regulations related to the identified legal issues [11]. In this study, the statute approach was applied by analyzing various regulations concerning the protection of victims of sexual violence, particularly Law

No. 31 of 2014 on Witness and Victim Protection, Law No. 12 of 2022 on Sexual Violence Crimes, as well as relevant laws and regulations in other jurisdictions that have implemented VIS. Next, the conceptual approach was applied by examining principles developed in scholarly views and legal doctrines [12]. In this study, the conceptual approach was used to analyze doctrines, theories, and ideas on victim protection, including the concept of victims and VIS as a legal instrument. Meanwhile, the comparative approach was conducted by reviewing the practice of VIS implementation in several countries that have regulated this mechanism, with the aim of identifying models that could be adopted or adapted within Indonesia's criminal law system. Through these approaches, this study is expected to provide a comprehensive analysis and offer normative recommendations on the urgency and regulatory model of VIS in Indonesia.

5 Findings

5.1 The Urgency of Regulating the Protection of Sexual Violence Victims through Victim Impact Statements (VIS) in Indonesia's Criminal Justice System

Victims are the parties most adversely affected by crime, they are often reduced to the role of mere witnesses in judicial proceedings [13]. The harm they endure extends beyond the physical dimension, encompassing psychological, social, and economic aspects. Physically, victims may sustain injuries, suffer health complications, or even lose their lives. Psychologically, they frequently experience trauma, fear, and emotional distress that may persist and undermine their quality of life. Socially, victims are vulnerable to stigma, discrimination, and exclusion, all of which compound their suffering. Economically, they may incur property losses and bear significant recovery costs as a direct consequence of criminal acts. Therefore, the role of victims is inseparable from the discourse on crime, as they are the ones who directly endure the consequences of offenders' actions and thus require attention and protection to ensure the fulfillment of their rights. Ultimately, the suffering of victims should serve as a fundamental basis for criminal justice policy, for without victims, the rationale for criminal law itself would cease to exist [14].

The protection of crime victims constitutes a fundamental component of the objectives of criminal law, which seeks to provide justice, legal certainty, and benefits not only for offenders but also for victims [15]. In practice, however, victims are frequently denied access to information, restitution, and compensation, leaving them in a more vulnerable position compared to perpetrators [16], despite the clear need for comprehensive protection from the state, society, and the legal system. Such protection is essential to prevent further harm, including revictimization or social discrimination. The scope of protection encompasses not only physical security but also psychological recovery, social support, and the restoration of rights that have been violated. Legally, victim protection includes the right to justice, confidentiality of identity, access to legal assistance, and the opportunity to participate meaningfully in judicial proceedings. Therefore, protecting victims is not merely a moral imperative

but also a legal responsibility of the state to uphold human rights and ensure balanced justice between victims and offenders.

In the context of sexual violence, there are many types of sexual violence crimes [17], making the protection of victims a crucial component of the criminal justice system, which seeks to guarantee victims' rights and ensure they receive justice and appropriate remedies. In practice, such protection encompasses several aspects, including the right to be safeguarded from threats or intimidation, the right to legal assistance, the right to health and psychological services, and the right to access information and participate in legal proceedings. The primary legislation governing this matter is the Law on Sexual Violence Crimes, which affirms the state's responsibility to provide comprehensive protection for victims. In addition, various implementing regulations and sectoral policies, such as those concerning educational institutions or workplaces, aim to create environments that are safe and free from sexual violence.

Legal protection for victims of sexual violence in Indonesia has made significant progress compared to the past, as a result of the Law on Sexual Violence Crimes, which provides a legal basis for victims' rights, including the right to treatment, protection, legal assistance, and recovery from the time the crime occurs. With this legislation in place, it is expected that victims will receive appropriate recovery and that law enforcement will be conducted more fairly, ensuring that victims' rights are genuinely protected and that the criminal justice process is more responsive to their needs. Article 3 of the law states that its objectives are to prevent all forms of sexual violence, to handle, protect, and rehabilitate victims, to enforce the law and rehabilitate offenders, to create an environment free from sexual violence, and to ensure that such violence does not happen again.

The Law on Sexual Violence Crimes also regulates the rights of victims, including the rights to care, protection, and recovery, which are to be received, implemented, and enjoyed by victims. In addition, the law stipulates strict criminal sanctions for perpetrators of sexual violence and provides special protection for child victims and other vulnerable groups. To support the implementation of this law, the government has issued derivative regulations, such as the Minister of Education, Culture, Research, and Technology Regulation No. 30 of 2021 concerning the Prevention and Handling of Sexual Violence in Higher Education Institutions, and the Minister of Religious Affairs Regulation No. 73 of 2023 concerning the prevention of sexual violence in educational units, both of which aim to create safe learning and working environments for all parties.

Protection for victims of sexual violence in Indonesia is not only regulated in the Law on Sexual Violence Crimes but is also supported by the Witness and Victim Protection Law, demonstrating that the state recognizes victims as legal subjects entitled to safety, justice, and recovery. The implementation of this protection is carried out by the Witness and Victim Protection Agency (LPSK), which has the authority to provide physical and legal protection, as well as facilitate recovery for victims of sexual violence. LPSK can also assist in restitution and compensation as mandated by the Witness and Victim Protection Law. Through these regulations, the

position of victims is further strengthened because protection is not only normative under the Law on Sexual Violence Crimes but also reinforced through concrete institutional guarantees provided by LPSK. Furthermore, the legal basis for protecting victims can be traced to Article 28G of the 1945 Constitution, which guarantees the right to security and protection from threats or fear in carrying out or refraining from actions [18].

Although there are several regulations concerning the protection of victims of sexual violence, available data indicate that significant challenges remain in ensuring effective victim protection. According to records from the National Commission on Violence Against Women, there were 445,506 cases of violence against women in 2024, with approximately 26.94% of these cases classified as sexual violence. Data from the Ministry of Women's Empowerment and Child Protection further shows that in 2023, there were 34,682 victims of violence against women, of which 15,621 cases involved sexual violence, making it the most prevalent category. These high figures illustrate that, despite the existence of formal regulations, sexual violence remains widespread. At the same time, many victims refrain from reporting incidents due to concerns about social stigma, fear, or distrust of law enforcement authorities. Additional challenges include limited resources for victim assistance, lengthy and complex legal procedures, and low public awareness of victims' rights.

This situation highlights that protecting victims of sexual violence requires not only formal regulations but also their effective implementation through victim-centered procedures, capacity building for law enforcement officials, and public education. The objective is to ensure that victims are no longer treated merely as instruments in a case, whose testimony is used solely to establish the perpetrator's guilt, but that their voices, experiences, and suffering are given due consideration within the judicial process. Therefore, it is crucial to consider additional mechanisms that bridge the gap between legal norms and the realities of victim protection in practice, enabling victims to articulate their experiences and the impact of the crime on their lives. In this manner, the judicial system will not only focus on the perpetrator but will also recognize the harm suffered by the victim and their need for comprehensive recovery.

5.2 Philosophical, Legal, and Sociological Foundations for the Implementation of Victim Impact Statements (VIS) in Sexual Violence Cases

A Victim Impact Statement (VIS) is a statement provided by a victim describing the physical, psychological, social, and economic consequences they have experienced as a result of a criminal act. This statement is then considered during the judicial process to account for the victim's experience in determining the criminal verdict [19]. Understanding VIS as a mechanism that allows victims to communicate the impact of the crime underscores the importance of ensuring that any new rule or mechanism in criminal law is founded on solid principles to be effectively accepted, understood, and implemented. The formulation of legislation must consider philosophical, juridical, and sociological foundations to ensure that the resulting regulations possess legitimacy, legal certainty, and public acceptance [20]. Without adequate

consideration of these foundations, regulations risk being ineffective and may even lead to legal disharmony and social resistance [21].

This principle also applies to VIS, ensuring that its existence is not merely symbolic. Philosophical, juridical, and sociological foundations are essential in any criminal law reform, as they ensure that the law is not only formally valid but also fair and accepted by society [22]. The philosophical basis guarantees the value of justice, the legal basis ensures legal certainty, and the sociological basis facilitates the effective implementation of regulations in society [23]. The philosophical foundation for the application of VIS in Indonesia is rooted in the core values of Pancasila and the 1945 Constitution. The second principle of Pancasila, “Just and Civilized Humanity,” emphasizes respect for human dignity, which in the context of criminal law entails recognizing victims’ suffering as an integral part of the pursuit of justice. The fifth principle, “Social Justice for All Indonesian People,” affirms that justice should not focus solely on the perpetrator but also support victims most affected by criminal acts. Philosophical foundations in legislation are based on societal values such as justice, truth, and benefit [21]. The 1945 Constitution reinforces these values, particularly Article 28D (1), which guarantees every individual the right to recognition, security, protection, and certainty of fair law, and Article 28G (1), which grants the right to self-protection and a sense of security. Accordingly, the implementation of VIS can be regarded as a concrete manifestation of the nation’s philosophical ideals, establishing laws that emphasize not only formal procedural aspects but also substantive justice oriented toward victim recovery.

From a legal perspective, the implementation of VIS in Indonesia is grounded in the Witness and Victim Protection Law, which grants victims the rights to protection, restitution, compensation, and recovery services, as well as in the Law on Sexual Violence Crimes, which affirms victims’ rights to be treated fairly and comprehensively throughout the judicial process. This legal foundation underscores that every law must have a clear basis, derive from a higher hierarchy of regulations, and conform to general legal principles [23]. In practice, however, the impact of sexual violence varies among victims, influenced by the physical and psychological conditions unique to each individual. Consequently, victims’ needs differ and cannot be generalized; some require more psychological support, while others require social protection. These variations indicate that existing legal mechanisms are not yet fully responsive to the diverse needs of victims. In this context, VIS becomes crucial, as it provides victims with an opportunity to directly articulate the physical, psychological, social, and emotional impacts of the crimes they have endured.

In addition to being grounded in philosophical and juridical principles, the implementation of VIS must also consider sociological aspects, including victims’ social conditions, community environments, and the dynamics of social interactions, as these factors significantly influence the effectiveness of victim protection and recovery. Laws that lack a sociological foundation risk being rejected by society, rendering their validity limited to written text rather than practical application [24]. Moreover, legislation without a sociological basis may encounter difficulties in implementation, as the community—the primary subject of the law—may not feel a

connection to the regulations [25]. Victims of sexual violence often face social stigma, family pressure, and community discrimination. Their traumatic experiences can be further aggravated by a lack of understanding among law enforcement officials and the broader community regarding the impact of sexual crimes. In this context, VIS serves as a crucial mechanism, enabling victims to communicate their experiences and the consequences they have endured directly. This ensures that the judicial process considers not only formal legal aspects but also the social realities faced by victims. In other words, VIS fosters social awareness and supports the creation of a legal environment that is more responsive to victims' needs, making the judicial process not merely a procedural formality but a means of delivering genuine recovery and justice.

Aligning philosophical, legal, and sociological perspectives is essential to formulating legal policies that prevent a gap between written law and society's actual needs [26]. The implementation of VIS for victims of sexual violence has a clear foundation in all three dimensions. Philosophically, VIS embodies the values of substantive justice and respect for victims' dignity. Legally, VIS is grounded in the Witness and Victim Protection Law and the Law on Sexual Violence Crimes, although in practice, it still faces limitations in fully addressing the needs of individual victims. Sociologically, VIS is crucial to ensure that victims' experiences are acknowledged and considered, while simultaneously fostering social awareness regarding the impact of criminal acts. Overall, VIS serves as a key instrument in establishing a more humane criminal justice system that is responsive to victims' needs and capable of delivering sustainable justice. The protection and recovery of victims, therefore, should not conclude with a court decision but continue to have a lasting effect ensuring that victims' rights and well-being are realized in both the immediate and long-term aftermath of the crime.

5.3 The Victim Impact Statement (VIS) Regulatory Model as a Mechanism for Sustainable Protection of Sexual Violence Victims

Regulations on Victim Impact Statements in the United States. Victim Impact Statements (VIS) in various countries did not emerge suddenly but developed from the recognition of victims' rights. This mechanism is designed not only to enhance victims' participation in the judicial process but also to provide a platform for them to express their demands for justice regarding the suffering they have endured as a result of criminal acts. The United States is among the countries that have implemented VIS, emphasizing the protection and renewal of victims' rights. This initiative aims to balance the interests of victims with the judicial process while expanding their participation in criminal proceedings. In the U.S. legal system, the right to be heard is considered a fundamental component of victims' rights. This is stipulated in the provisions of the United States federal law, specifically 18 U.S. Code § 3771, Crime Victims' Rights, subsection (a)(4), which states that *victims have the right to be reasonably heard at any public proceeding involving release, plea, sentencing, or any parole proceeding* [27].

Under the United States Federal Rules of Criminal Procedure, Rule 32 on Sentencing and Judgment, subsection (d)(2)(B) stipulates that "...*The presentence*

report must also contain the following (B) Information that assesses any financial, social, psychological, and medical impact on any victim” [28]. In other words, before a judge imposes a sentence, the judicial system must take into account the overall impact of the crime on the victim’s life. This provision underscores that the criminal justice system in the United States does not solely focus on the perpetrator and the imposition of punishment, but also formally acknowledges and evaluates the victim’s experiences as an integral part of the legal process. This mechanism is the core of VIS in the United States, providing victims with the opportunity to directly communicate how the crime has affected their lives. VIS further enables judges to consider the real and multifaceted impact on victims when determining a verdict, ensuring that justice is not merely retributive but also reflective of the harm victims have endured. *Since first appearing in the United States in the 1970s, the use of Victim Impact Statements has proliferated across all common law jurisdictions; they constitute the primary means by which crime victims provide input into the sentencing process [29].* In practice, VIS has been shown to enhance victims’ participation in the judicial process. Through this formal mechanism, victims are given the opportunity to articulate their suffering, while judges can consider the actual impact on victims when determining sentences. This approach fosters a balance between the interests of society, perpetrators, and victims.

Regulations on Victim Impact Statements (VIS) in Canada. *In Canada, VIS were introduced into the Criminal Code in 1988; since then, victims acquired the right to submit impact statements at federal parole hearings in Canada in 2001 [29].* VIS are explicitly regulated under the Criminal Code of Canada, which highlights their importance as part of the sentencing process. Through this regulation, the Canadian legal system aims to balance the interests of perpetrators, victims, and society, while promoting a more humane and responsive approach to justice. Victims have the right to submit a VIS either in writing or orally in court, providing them with an opportunity to convey the physical, psychological, social, and financial harms they have suffered as a result of the crime. This right is guaranteed under Section 722 Sentencing of the Criminal Code of Canada, which stipulates that judges must take victim impact statements into account when determining the type and duration of the sentence.

VIS does not directly determine the sentence but is an important consideration for judges, as the information it provides helps them understand the crime’s actual impact on the victim and their family. Furthermore, Canada also takes into account the psychological condition of victims when submitting a VIS. Victims may provide statements through an intermediary or in writing if they feel traumatized, threatened, or find it difficult to appear in court personally. This approach ensures that the victim’s right to be heard is upheld without exacerbating the trauma they have experienced. The implementation of VIS in Canada emphasizes restorative justice, an approach that recognizes victims as parties who have suffered real harm and provides space for their recovery.

Regulation of Victim Impact Statements (VIS) for Sexual Violence Victims in Indonesia. At present, Indonesia does not yet have a formal mechanism for

implementing VIS comparable to those in the United States and Canada. Although there are Laws on Witness and Victim Protection as well as the Law on Sexual Violence Crimes, these regulations primarily emphasize protection, restitution, and recovery for victims in general, without providing a specific forum for victims to convey their experiences and the impact they have suffered as material for judges to consider during sentencing. An analysis of VIS regulations in the United States and Canada highlights several key aspects that can serve as a foundation for developing VIS in Indonesia, including:

Victims' Right to Be Heard. Victims' right to be heard is a fundamental principle in modern judicial systems, recognizing victims not merely as witnesses but as parties entitled to express their experiences, suffering, and losses resulting from criminal acts. This right enables victims to participate in the judicial process actively.

Integration of VIS in Sentencing Considerations. VIS is an important consideration for judges when determining the perpetrator's sentence, ensuring that the verdict reflects humanistic justice and accounts for the victim's recovery needs.

Psychological Protection of Victims. VIS may be submitted in writing, through an intermediary, or orally in court, thereby minimizing additional trauma for the victim while ensuring their right to be heard is upheld.

Based on the discussion above, the author argues that there is a need for detailed regulations regarding VIS in the Law on Sexual Violence Crimes, granting victims the right to convey their experiences and the impact of the sexual violence they have endured, both in writing and orally, with guarantees of psychological protection and safety throughout the trial process. VIS should also serve as material for judges to consider when determining sentences, ensuring that verdicts not only uphold the law but also reflect humanistic justice that is favorable to victims. The concept of VIS is expected to bring balance to the criminal justice process, allowing judges to take victims' suffering into account in their decisions [30]. Practically, VIS can be implemented through several mechanisms: victims may deliver their statements directly in court, submit them in writing, or be accompanied by a psychologist to minimize trauma. Law enforcement officers, the Witness and Victim Protection Agency (LPSK), and family members may also accompany victims if necessary, ensuring that the statements fully reflect the victims' experiences.

Furthermore, VIS must be archived and made an official part of the case file, ensuring that the judge can formally consider it at every stage of the sentencing process. With this systematic arrangement and implementation, VIS functions not only as an additional procedural step but also as a component of legal reform aimed at achieving sustainable justice, thereby strengthening the role and position of victims of sexual violence within the criminal justice system. This mechanism enables victims to actively participate in the legal process, giving voice to their suffering and ensuring that the criminal justice system operates more fairly, humanely, and with a focus on victim recovery.

6 Conclusion

Strengthening victims' roles in the criminal justice system is an urgent necessity to ensure a fair, humane, and recovery-oriented judicial process. VIS constitutes a crucial instrument for enhancing the role and position of victims of sexual violence within the Indonesian criminal justice system. Philosophically, VIS affirms the principles of humane and victim-centered justice. Legally, VIS should be explicitly regulated in the Law on Sexual Violence Crimes to establish a strong legal foundation. Sociologically, VIS provides a space for victims to convey their experiences and losses fully. The systematic implementation of VIS, whether orally, in writing, or with professional assistance, and its archiving as an official part of the case file ensure that victims' experiences are taken seriously, minimize the risk of re-victimization, and support victim recovery. Consequently, VIS is not merely an additional procedural step. Still, it forms part of a broader legal transformation toward sustainable justice, fostering a more just, humane, and recovery-oriented criminal justice system, with its provisions formally enshrined in the Law on Sexual Violence Crimes as a binding legal basis.

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