

# The Urgency of Victim Impact Statements in Handling Sexual Violence Cases in Indonesia

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## Abstract

**Introduction:** Victim Impact Statement (hereinafter referred to as VIS) is a mechanism that provides an opportunity for victims or their families to convey the psychological, physical, social, and financial impacts resulting from a criminal act. The purpose of VIS is to provide the victim's perspective in the judicial process to help judges understand the consequences of the criminal act, especially during the sentencing phase.

**Purposes of the Research:** The aim of this research is to examine and analyze the urgency of VIS in the Indonesian criminal justice system and its influence on sexual violence cases.

**Methods of the Research:** This research uses a normative legal research method with a legislative approach, a conceptual approach, and a comparative approach. The data collected is analyzed qualitatively to understand the role of VIS in the criminal justice system.

**Findings of the Research:** The results of the research show that the decision of the Padang High Court Number 119/PID.Sus/2024/PT.PDG, where the defendant was acquitted despite sufficient evidence, highlights the importance of applying VIS in the criminal justice system in Indonesia. To date, VIS has not been implemented in Indonesia, but this case reflects the need for a better mechanism to ensure that victims' rights are truly upheld in the judicial process. Therefore, integrating VIS into the Indonesian criminal justice system is necessary to enhance protection for victims, particularly in sexual violence cases.

**Keywords:** Victim Impact Statement; Criminal Justice System; Sexual Violence.

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## INTRODUCTION

Republic of Indonesia is an archipelagic country with a legal system based on Pancasila and the 1945 Constitution. The legal system in Indonesia encompasses various institutions, principles, and procedures that work together to ensure the law is applied consistently and fairly. This is important because a good rule of law must have an agreement to uphold human rights and guarantee that all citizens are equal before the law, as stated in Article 27, paragraph (1) of the 1945 Constitution, which affirms that "All citizens are equal before the law and the government and are obliged to respect the law and the government without exception."

A well-functioning legal system does not only rely on regulations but also requires mechanisms that ensure law enforcement operates in accordance with the principle of justice. One such mechanism is the criminal justice system, which plays an essential role in enforcing the law, protecting individual rights, and maintaining social order. Essentially, the criminal justice system is a term used to describe the operational mechanism for

addressing crime through a system approach, which includes mechanisms and interactions between legislation, administrative practices, and social behavior.<sup>1</sup>

The criminal justice system in Indonesia inherits many aspects from the criminal justice system of the Netherlands. This system follows a due process of law model that emphasizes formal law enforcement. A criminal justice system focused on formal law enforcement tends to prioritize punishment for offenders, with the state holding the authority to impose sanctions. In this process, victims are often seen only as tools for proof or witnesses, rather than as subjects seeking justice. As a result, the condition and needs of victims, both psychologically and materially, as well as what victims expect from the law enforcement process, are often neglected.<sup>2</sup>

Law enforcement practices often conflict with human rights principles. Article 25, paragraph (1) of the Law on Sexual Violence Crimes states that the testimony of witnesses and/or victims can prove the defendant's guilt with other valid evidence. However, the implementation of the Law on Sexual Violence Crimes in sexual violence cases remains poor, with victims often feeling that their rights are ignored, such as weak charges, light sentences, and lack of compensation. In the decision of the Padang High Court Number 119/PID.Sus/2024/PT.PDG, the perpetrator of sexual violence against a minor was acquitted, despite scientific evidence from a *visum et repertum* revealing old injuries caused by a blunt object, which damaged the victim's hymen. The victim's legal counsel stated that the judges at the Padang District Court were not impartial toward the victim, and the victim was often subjected to intimidation, worsening their psychological trauma. The judge also failed to consider the psychological impact on the victim in the decision. This disregard for the victim's existence is evident in the judge's failure to ensure the victim's protection, leading to the acquittal of the perpetrator without considering the case comprehensively, particularly the psychological or emotional consequences for the victim. In this case, the victim has suffered severe trauma, feeling as though they are no longer valuable.<sup>3</sup> The complex phenomenon causes the victim's position to be limited, as they are assessed based on the event that befell them, rather than on how the event has resulted in harm to the victim. The passive position of the victim leads to the loss of opportunities for them to convey how the crime has deeply affected their life as a direct victim, or the lives of the victim's family as indirect victims. This reduces the likelihood that the impact of the crime will be considered during the sentencing process.

In the context of sexual violence, its impact is not limited to the victim's physical health but also extends to mental and social aspects, which often require special handling and support for complete recovery. Victims of sexual violence need protection because they face very complex consequences. The suffering experienced by victims is double, encompassing physical, psychological, and social suffering. The trauma of sexual violence is felt during the pre-trial phase, throughout the trial, and post-trial. Therefore, victims of sexual violence need protection to feel safe from all forms of threats and to guarantee support in their recovery efforts. Any policies implemented by the government to prevent and/or minimize violence against women are not easy to execute. This is evident from the increasing number

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<sup>1</sup> Choirul Huda, *Penerapan Mekanisme Small Claim Cour dalam Sistem Hukum Nasional (Perspektif Hukum Pidana)*, Fakultas Hukum Universitas Muhammadiyah Jakarta, 2013, p. 27.

<sup>2</sup> Eva Achjani Zulfa, *Gugurnya Hak Menuntut : Dasar Penghapus, Peringan, dan Pemberat Pidana*, Cetakan 1, Ghalia Indonesia, Jakarta, 2010, p. 37.

<sup>3</sup> [https://padang.tribunnews.com/2024/05/17/pelaku-kekerasan-seksual-pada-anak-di-padang-dibebaskan-lbh-minta-perhatian-mahkamah-agung#google\\_vignette](https://padang.tribunnews.com/2024/05/17/pelaku-kekerasan-seksual-pada-anak-di-padang-dibebaskan-lbh-minta-perhatian-mahkamah-agung#google_vignette).

of cases of harassment against women and the emergence of new methods. Despite various legal protections, victims are often reluctant to pursue legal channels due to several considerations felt by the victims themselves, their families, and their communities.<sup>4</sup>

The discussion about victims of sexual violence introduces victimology to understand various aspects related to victims, such as the factors that cause crimes, how someone can become a victim, and efforts to reduce victimization as well as the rights and responsibilities of victims. Victimology is a branch of criminal law that developed after the 1940s. Victimology specifically focuses on the importance of the victim's role in the dynamics of the crime process, as well as the cause-and-effect relationship of crimes. This is an implication of crime studies that reacts to the perception of victims as passive objects.<sup>5</sup> Compared to developed countries such as the United States, South Australia, and Finland, the regulation of the rights of offenders and victims in Indonesia is still unbalanced. These foreign countries have developed solutions to address the imbalance between the rights of offenders and victims, and provide victims with a more active role in the judicial process by using the Victim Impact Statement (VIS) method.<sup>6</sup>

A Victim Impact Statement (VIS) is a written or oral statement made as part of the judicial process. This statement provides an opportunity for crime victims or their families to speak and describe how the crime has affected the victim's life as a direct result of the offense. The victim's statement may include psychological, emotional, physical, and financial impacts. Although no specific regulations explicitly state this, the VIS method is used to allow victims to express the consequences of the crime on their lives.<sup>7</sup> Victim Impact Statement method is found to have similarities with Article 60, paragraph (2) of the Law on Sexual Violence Crimes, which states that "The judge and the public prosecutor, in examining the victim, shall explore and consider the special circumstances underlying the sexual violence crime and/or its impact on the victim." The urgency of regulations regarding the Victim Impact Statement is important to ensure that justice is served in favor of the victim and their role in the criminal justice process, especially in the law enforcement of sexual violence cases that result in severe psychological impacts for the victim.

## METHODS OF THE RESEARCH

This research uses a normative legal research method with a legislative approach, a conceptual approach, and a comparative approach. The data collected is analyzed qualitatively to understand the role of VIS in the criminal justice system.

## RESULTS AND DISCUSSION

### A. The Urgency of Victim Impact Statement in the Criminal Justice System in Indonesia

Victim Impact Statement (hereafter abbreviated as VIS) originates from the English term "impact statement" which literally means "statement of impact" In the legal context, this term has evolved into "victim impact statement" referring to a statement made by a crime victim about the impact they have experienced as a result of a criminal offense. VIS is a

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<sup>4</sup> Hadibah Zachra Wadjo, Judy Marria Saimima, "Perlindungan Hukum Terhadap Korban Kekerasan Seksual Dalam Rangka Mewujudkan Keadilan Restoratif", *Jurnal Belo*, 6 no 1 (2020), p.56.

<sup>5</sup> Patrick Corputty, Deassy J. A. Hehanussa, Julianus E. Latupeirissa, "Victim Precipitation Sebagai Pertimbangan Dalam Penjatuhannya Pidana (Kajian Perspektif Sistem Peradilan Pidana)", *Jurnal Belo* 7 (1), 2021, p. 114.

<sup>6</sup> Amira Paripurna, *Viktimologi dan Sistem Peradilan Pidana*, Yogyakarta: Deepublish, 2021, p. 106.

<sup>7</sup> Yolanda Hosana, Victim Impact Statement sebagai Perlindungan Hukum Korban Kekerasan Seksual, *Juridiction*, 5 no. 3, 2022, p. 1177.

written statement made by the victim or a representative of the victim to describe the various consequences resulting from the crime they have experienced. The impacts described in the VIS include physical aspects such as injuries or health problems, emotional and psychological aspects like trauma or prolonged fear, social aspects such as changes in relationships with family or the community, as well as financial aspects including loss of income or medical treatment costs.<sup>8</sup>

A victim impact statement can be delivered either orally or in writing, each with its own advantages and purpose:<sup>9</sup> a) Written Statement: A written statement provides the victim with an opportunity to describe in detail the impacts they have experienced as a result of the crime. This includes physical impacts such as injuries sustained, psychological impacts such as trauma or fear that arises, social impacts affecting the victim's interactions with their environment, and financial impacts related to medical costs or loss of income due to the incident; b) Oral Statement: When delivered orally, the victim can express their feelings directly. This has added value as it can influence the judge and other parties present in a more emotional manner. Delivering the statement orally also gives the victim a sense of active involvement in the legal process, as they can feel that their voice and feelings are truly valued and heard. To ensure the victim feels safer and supported, this process is typically carried out with the assistance of a psychologist, legal representative, or family members who can provide emotional support.

Providing the victim with the opportunity to present the physical, psychological, social, and financial impacts of the sexual crime is an important step in the recovery process. In addition to helping reduce emotional burdens and stress, this statement can also enable the judge, who has already sentenced the defendant, to assist in determining the appropriate punishment for the offender. When the impacts of a crime are known to the judge, they can take this into account, along with other related issues, when deciding on the sentence. The issues involved are not only those related to the criminal act experienced by the victim but also the consequences the victim faces as a result of the crime, such as psychological, financial, and social impacts, among others.<sup>10</sup>

The judge can use the existence of the VIS as a consideration before delivering a verdict to the defendant, allowing the judge to see the losses the victim has experienced, including psychological, financial, social, and physical damages. Therefore, although it is important to give victims a voice in the legal process, not all countries have adopted and regulated this concept. In Indonesia, which follows a civil law system, there is no specific regulation governing the victim's right to make such a statement in court. However, countries that follow the Anglo-Saxon (common law) system, such as the United States, Canada, United Kingdom, and specifically South Australia, have implemented this concept, which gives victims the opportunity to speak about the impact they have felt due to the criminal act.

In this context, VIS becomes very important as a mechanism that allows victims to play a more active role in the legal process. VIS enables victims to directly communicate the impacts they have experienced due to the crime, whether emotional, physical, or material. Therefore, the implementation of VIS in Indonesia's criminal justice system could be an

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<sup>8</sup> CDPP Australian Federal Protection Service, *Victim Impact Statement* (Australia: Australia Federal Protection Service, 2013).

<sup>9</sup> Aulia Pasca Diprina, dkk, *Pernyataan Dampak Korban (Victim Impact Statement)*, Dalam *Tindak Pidana Kekerasan Seksual*, *Badamai Law Journal*, 9 Issue 2, 2024, p. 243.

<sup>10</sup> *Ibid*



important step in addressing this injustice and providing more comprehensive justice for victims, as it becomes a necessity in the country.

The urgency of implementing VIS in Indonesia's criminal justice system can be supported by two main theories: the theory of justice and the theory of legal protection. According to Hart, the theory of justice contains a general principle that requires equal treatment for similar things and different treatment for different things. With the implementation of VIS, it is hoped that victims can be treated more equitably by giving them the opportunity to share their experiences and the impacts of the crime they have endured, which, of course, is different from the treatment of the perpetrator.<sup>11</sup>

Legal protection is not only about safeguarding the rights of the perpetrator but also the rights of the victim as part of human rights. This protection includes the state's efforts to provide justice, order, and legal certainty, all of which are the state's responsibility to guarantee human rights. Therefore, VIS not only supports the theory of justice but also strengthens the theory of legal protection in providing more comprehensive protection and justice for victims in Indonesia's criminal justice system.<sup>12</sup>

The impact of a crime on the victim encompasses various aspects, including non-physical trauma, physical injuries and their long-term consequences, as well as financial losses due to lost income and additional expenses incurred. Furthermore, crimes can also result in psychological and emotional effects that impact the victim's well-being, social relationships, and daily activities. Information related to these impacts, including the need for medical and psychological care, as well as the victim's signature, becomes an important part of documenting the consequences of a criminal act.

In the context of sexual violence, this has a very high urgency because this crime not only causes direct harm to the victim but can also result in complex and lasting long-term consequences. One impact that is often overlooked in the criminal justice system is the potential psychological and social changes in the victim, which, if not properly addressed, can lead them into a broader cycle of violence. In some cases, victims may even develop into perpetrators in the future.

## **B. The Effect of Victim Impact Statement on Sexual Violence Cases**

The criminal procedural system, which offers limited space for victims to actively participate, along with the subjective nature of justice for each individual, makes it difficult to achieve justice for both the victim and the perpetrator. The victim's interests are only conveyed through investigators at the investigation stage and to the prosecutor at the prosecution stage, resulting in the victim's role in the legal process being largely passive.

The existence of VIS, which has advantages for victims, who were previously seemingly disregarded in the criminal justice process. Paul G. Casell, a former judge in Western Australia, provides justification for the existence of VIS, particularly in four aspects:<sup>13</sup> a) Providing Information for Judges; VIS provides information that helps judges understand the harm caused by the crime, such as physical injury, psychological impact, social, and

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<sup>11</sup> Ravindra Kumar Singh. *Hart's Concept Of Law and Justice*, p. 14, Yustinus Suhardi Ruman, Keadilan Hukum dan Penerapannya dalam Pengadilan, *Humaniora* 3 no 2 (2012): 348.

<sup>12</sup> Nur Rima Cessio Magistri and Nyoman Serikat Putra Jaya, Tinjauan Yuridis terhadap Perlindungan Hukum Korban Tindak Pidana Penusukan dalam Peradilan Pidana, *Jurnal Pembangunan Hukum Indonesia* 2, no 1, 2020, p. 89.

<sup>13</sup> Mohammad Abduh Jerusalem, Mohammad Abduh Jerusalem, *Pengaturan Victim Impact Statement Yang Berkeadilan Bagi Korban*, Universitas Brawijaya, Malang, 2020, p. 58.

financial consequences. For example, in the United States, guidelines for judges include categories of physical injury such as "bodily injury" and "serious bodily injury," which assist judges in determining sentences based on the level of injury suffered by the victim; b) Benefiting Victims; VIS gives victims access to express their suffering in a forum that acknowledges their presence and importance in the criminal justice process. This provides victims with the opportunity to speak without interruption, receive recognition of their suffering, and can also serve as emotional therapy, as expressed by victims who feel "healed" after reading their VIS in court; c) Explaining the Impact of Crime on Offenders; VIS provides victims with the opportunity to explain the impact of the crime on them to the offender. This is considered helpful in enabling the defendant to understand and may evoke empathy in the offender towards the victim; d) Enhancing Perceptions of Justice in Sentencing; Victims being allowed to speak in the sentencing process has the same rationale as why defendants are allowed to speak. Defendants are given the opportunity to speak to ensure justice is served and to conduct the sacred ritual of the trial. By providing victims with the same opportunity to speak, it ensures perceptions of justice.

The enactment of the Victim Protection Act reinforces the commitment to strengthening victim protection, regulating various aspects including:<sup>14</sup> a) Victim Impact Statements (VIS) required in the preparation of pre-sentencing reports. These reports serve as a basis for judges' consideration in making decisions and include verification of various losses suffered by victims, including financial, social, psychological, and medical losses. This helps judges understand the broader impact of the crime on the victim; b) Protection for victims and witnesses, including the Witness Protection Program, which provides additional protection for victims and witnesses who may face risks due to their involvement in the legal process; c) Restitution for victims in the form of compensation for losses suffered by victims, which must be paid by the perpetrator. Restitution is considered in the granting of probation and conditional release for perpetrators. This aims to hold perpetrators accountable for the impact of their actions; d) Guidelines for the protection and treatment of victims and witnesses to mitigate various problems faced by those dealing with the law. With these guidelines, it is hoped that the legal process can proceed better, respecting the rights and well-being of victims and witnesses.

The implementation of VIS as part of the pre-sentencing report preparation, which serves as a consideration for judges, provides an opportunity for judges to evaluate the victim's losses more deeply. This highlights the importance of actively involving victims in the judicial process, ensuring that justice is served fairly and comprehensively. From a psychological perspective, a criminal justice system that fails to provide space for victim participation in the legal process will result in the non-fulfillment of victims' rights and exacerbate their feelings of powerlessness. Victim involvement and the opportunity to express concerns are crucial for achieving satisfaction with justice and supporting psychological healing and recovery.<sup>15</sup> The submission of VIS may be made in written or oral form. The victim may personally read their VIS or appoint another person to do so on their behalf, subject to their consent. Consequently, there are multiple options available for

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<sup>14</sup> Asep N. Mulyana, *Asep N. Mulyana, Embodiement Victim Impact Statement dalam Kekerasan Seksual Terhadap Anak-Anak dan Perempuan*, Depok: RajaGrafindo Persada, 2023, p. 78.

<sup>15</sup> *Ibid.* p. 91.

presenting and reading VIS in court, including:<sup>16</sup> a) Reading the VIS directly; b) Authorizing a representative appointed by the victim to read the VIS.

The Victim Impact Statement (VIS) presented by the victim during the trial serves as a critical component of the judicial process. Specifically, the statement provides a nuanced understanding of the psychological trauma experienced by the victim, particularly in cases involving sexual violence. The process of listening to this statement is imperative to ensure that the victim feels acknowledged, heard, and understood throughout the trial. Additionally, forensic psychologists can provide invaluable support to victims by assessing and documenting the psychological impact of sexual violence crimes. The evaluation outcomes will inform the development of a more comprehensive and detailed victim impact statement, thereby enhancing the court's understanding of the victim's experiences. The statement empowers victims to share their experiences in a comfortable and secure environment.

The judicial process can be intimidating and traumatic for victims; nonetheless, the victim impact statement can reduce the risk of re-victimization by acknowledging and considering the victim's experiences and suffering within the legal framework. The support of forensic psychologists is equally essential in assisting victims in preparing and presenting their statements in a clear and structured manner, thereby enabling them to effectively articulate the impact of their experiences.<sup>17</sup>

The recognition afforded by the judicial system to victims and their impact statements is of paramount importance, as it can satisfy several fundamental needs of victims, including:<sup>18</sup> a) Voice: Victims feel empowered to share their stories and experiences in a more open environment, where they can receive acknowledgment of what happened to them; b) Validation: This acknowledgment also shows that the victim's experiences are believed and understood, providing a greater sense of justice for the victim; c) Vindication: Victims feel that what happened to them is acknowledged and recognized as a legitimate event, providing relief from feelings of injustice they may have experienced.

While VIS may not always lead to more severe sentencing, and the process can potentially re-traumatize victims, particularly in the absence of adequate support, VIS also affords victims the opportunity to articulate their emotions and experiences, thereby contributing to their psychological recovery. Consequently, VIS holds value in the sentencing process. The benefits of VIS include:<sup>19</sup> a) Reducing feelings of revenge, alienation, and dissatisfaction among victims towards the criminal justice system, while assisting courts in making compensation or restitution orders; b) Approaching balanced justice, aiding in the determination of suitable charges and reducing inappropriate charges; c) Providing more information about the harm suffered by victims of crime, offering an opportunity for victims to participate in the criminal justice process and ensuring their voices are heard; d) Increasing victims' trust and satisfaction with the criminal justice process, serving a communicative function for various parties involved in the case; e) Enhancing justice by assisting judges in determining proportional and fitting sentences; f) Having an instrumental function that directly influences, serving as a tool to understand the harm

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<sup>16</sup> *Ibid.* p. 87.

<sup>17</sup> Aulia Pasca Diprina, dkk, Pernyataan Dampak Korban (Victim Impact Statement), Dalam Tindak Pidana Kekerasan Seksual, *Badamai Law Journal*, 9 no 2. p. 247.

<sup>18</sup> Asep N. Mulyana, *Op. Cit.*, p. 92.

<sup>19</sup> Aulia Pasca Diprina, dkk, *Op. Cit.* p. 98.

suffered by victims and providing necessary information for determining suitable sentences; g) Providing a space for victims to express their suffering, potentially eliciting a response from perpetrators to express remorse and apologize to victims during sentencing; h) Increasing victim satisfaction and cooperation with the criminal justice system, indirectly enhancing the overall effectiveness of the justice system; i) Enhancing the transformative potential of criminal sanctions for offenders, increasing the accuracy of sentence determination based on crime severity, and raising professional awareness among criminal justice practitioners about the actual effects of crime.

The resolution of criminal cases in Indonesia often fails to satisfy the public, particularly victims, as many judicial decisions are deemed too lenient towards perpetrators. This condition is evident in the verdict of the Padang High Court Number 119/PID.Sus/2024/PT.PDG, which drew attention due to the significant reversal of the defendant's sentence. Initially, the defendant received a relatively severe prison sentence, reflecting efforts to protect the victim. However, upon appeal, the decision was overturned, and the defendant was acquitted despite a forensic examination (*visum et repertum*) revealing old injuries caused by blunt objects, resulting in damage to the victim's blood vessels. This acquittal sparked criticism from various stakeholders, including the Padang Legal Aid Institute, which questioned the judge's decision and viewed it as a form of injustice towards the victim.

This case reflects public concerns regarding Indonesia's criminal justice system, which sometimes fails to impose proportionate punishments on perpetrators, leading to dissatisfaction and a sense of injustice, particularly among victims.<sup>20</sup> Related to the discussion above, the purpose of VIS is to serve as a consideration for judges in determining a suitable and proportional punishment for perpetrators, taking into account the degree of the perpetrator's guilt and the consequences suffered by the victim. This aims to establish a balance between the criminal act committed by the perpetrator against the victim.<sup>21</sup>

The effect of VIS on cases of sexual violence is:<sup>22</sup> a) Assisting judges in understanding the psychological impact on victims: VIS enables sexual assault victims to directly explain their experiences in court, including psychological impacts such as fear, anxiety, depression, PTSD (Post-Traumatic Stress Disorder), or even suicidal thoughts. These psychological impacts are often invisible but have long-term consequences on the victim's life. VIS also helps judges consider the severity of the victim's suffering due to the perpetrator's crime, ensuring that the punishment is proportional to the impact experienced by the victim; b) Reducing re-victimization in the judicial process: Sexual assault victims often experience re-victimization or re-traumatization when testifying in court. Harsh interrogation, distrust from law enforcement, and social stigma can discourage victims from reporting their cases. With VIS, victims can provide written statements about their experiences and impacts without facing intense pressure during examination. Additionally, VIS can serve as a tool to voice the need for protection for victims, such as ensuring security from threats or intimidation by the perpetrator or related parties. This is crucial, especially in cases where victims remain vulnerable or are coerced into withdrawing their reports; c) Strengthening arguments for restitution and compensation: In sexual assault cases, victims often suffer

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<sup>20</sup><https://lbhpadang.org/ada-apa-dengan-pengadilan-tinggi-padang-merubah-vonis-hukuman-bersalah-pelaku-kekerasan-seksual-menjadi-putusan-bebas/>

<sup>21</sup>Asep N. Mulyana, *Op. Cit.*, p. 101.

<sup>22</sup>Anggi Mustavia Maulani dan Rusmilawati Windari, *loc.cit.*



significant financial losses, such as: 1) Physical medical costs due to injuries suffered; 2) The cost of psychological therapy for trauma recover; 3) Loss of employment or decreased productivity due to mental distress; 4) Legal costs if the victim must fight for justice in court. d) VIS enables victims to elaborate on these losses in detail, allowing judges to consider granting restitution (compensation from the perpetrator) or compensation from the state to help victims rebuild their lives; e) Providing a sense of justice and recovery for victims; VIS plays a role not only in the legal aspect but also in the psychological recovery of victims. By being given the opportunity to voice their experiences and suffering, victims can feel more valued within the criminal justice system. This becomes part of the emotional and social recovery process, as victims are not treated merely as evidence in the trial but also as individuals with a right to justice. Furthermore, VIS can help shift societal perspectives on sexual violence cases by increasing awareness of the actual impact of these crimes and supporting advocacy efforts for more victim-centered policies.

## CONCLUSION

Legislation that regulates victim protection, including Law No. 12 of 2022 on Sexual Violence Crimes, has provided the legal basis for the use of VIS in sexual violence cases. Sexual violence leaves long-lasting trauma that can affect the victim's mental health, social relationships, and emotional stability. If not properly addressed, victims may face situations that could negatively impact themselves, even potentially leading them to engage in similar actions in the future. However, the effectiveness of VIS in the justice system still faces various challenges. The lack of understanding among law enforcement and the limited support for victims in delivering their VIS hinder its optimal implementation in court. In the decision of the Padang High Court Number 119/PID.Sus/2024/PT.PDG, where the perpetrator was acquitted despite sufficient evidence, this case underscores the importance of implementing VIS in Indonesia's criminal justice system. To this day, VIS has not been applied in Indonesia, but this case reflects the need for a better mechanism to ensure that victims' rights are truly upheld in the judicial process.

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