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Original Article

Intersectionality and Revictimization of Sexual Violence Victims: A Critique of the Indonesian Criminal Justice System

Syalomitha Febiola[1*], Vinita Susanti[2]

[1,2]Department of Criminology, Faculty of Social and Political Sciences, Universitas Indonesia, Indonesia
Email: [1)] syalomytha2000@gmail.com

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Abstract

This study is motivated by the gap between the normative progress of the Sexual Violence Crime Law (UU TPKS) and the persistent practice of revictimization and secondary victimization against sexual violence victims in Indonesia. This research aims to analyze how the dynamics of intersectionality strengthen the mechanisms of revictimization within the criminal justice system and to identify structural and institutional factors causing the failure to provide sensitive and equitable protection for victims with layered vulnerabilities. The research method employed is a qualitative approach through critical document analysis of laws, court decisions, and literature from a feminist criminology and intersectionality perspective. The findings reveal that victims' vulnerabilities become increasingly complex when gender intersects with social class, disability, age, economic status, and power relations with the perpetrator, thereby exacerbating secondary victimization during reporting, investigation, prosecution, and trial stages. The study concludes that Indonesia's criminal justice system remains androcentric and patriarchal, failing to accommodate the layered vulnerabilities of sexual violence victims. Recommendations include procedural reform based on trauma-informed justice, integration of intersectionality in law enforcement training, and strengthening integrated services that are gender- and disability-sensitive.

Keywords: Criminal Justice System, Feminist Criminology, Intersectionality, Revictimization, Sexual Violence Crime Law.

1. Introduction

Sexual violence against women and children in Indonesia is one of the most destructive forms of crime that not only directly injures victims physically and psychologically, but also reinforces deep structural injustice within society. This crime often leaves prolonged wounds, encompassing emotional trauma, mental health disorders, loss of self-confidence, as well as social and economic impacts that continue throughout the victim's life. Although data from National Commission on Violence against Women (Komnas Perempuan) records an increase in online gender-based violence (KBGO) cases reaching 1,791 cases in 2024, the figure is estimated to be far higher because many victims are reluctant to report due to strong social stigma, fear of revictimization, and a lack of trust in the criminal justice system which is considered insensitive and unprotective (Komnas Perempuan, 2025). This phenomenon increasingly demonstrates that sexual violence is not merely an isolated individual problem, but rather a real manifestation of patriarchal structures that remain deeply rooted across various layers of Indonesian society, from the family level, to communities, to state institutions. Data from the National Survey on Women's Life Experiences (SPHPN) published by the Ministry of Women's Empowerment and Child Protection records that 1 in 3 Indonesian women have experienced physical and/or sexual violence throughout their lives, with the

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majority of cases never reported to authorities. SIMFONI PPA data in 2023 also recorded more than 25,000 cases of violence against women and children, with sexual violence accounting for a significant proportion. These figures underscore that sexual violence is not a marginal phenomenon, but rather a structural problem that requires a systemic and just response.

In analyzing this problem, this research draws on two integrated theoretical frameworks. Feminist criminology, as developed by Brownmiller (1975) and Smart (2013), holds that sexual violence functions as a tool for reproducing patriarchal power, and that law does not operate neutrally but tends to reproduce unequal power relations between perpetrators and victims. Intersectionality theory, as developed by Crenshaw (1991, 2018), provides the complementary lens: gender does not operate in isolation but intersects with social class, disability, age, and economic status, thereby creating layered vulnerabilities and unique experiences of injustice for each victim. These two frameworks are operationalized jointly throughout this research, with feminist criminology identifying how patriarchal structures reproduce themselves through criminal justice practices, and intersectionality mapping how victim vulnerability varies systematically based on combinations of social identities. Three key concepts are used consistently throughout this study: revictimization refers to repeated trauma suffered by victims due to negative responses from law enforcement officers and the social environment during the judicial process; secondary victimization refers to the psychological and social impacts arising not from the criminal act itself but from institutional and societal responses insensitive to the victim's condition; and intersectionality serves as the analytical framework for examining how multiple social identities combine to produce layered vulnerability.

Law Number 12 of 2022 on the Crime of Sexual Violence (UU TPKS) represents a significant normative advancement as the first legislation to comprehensively recognize various forms of sexual violence and to position victims as legal subjects entitled to protection and recovery. However, implementation in practice still faces serious challenges. Komnas Perempuan (2025) recorded that approximately 40% of sexual violence victims experience a lack of empathy from law enforcement officers. Nurisnah et al. (2026) found that female victims with intellectual disabilities are frequently deemed "not credible" as witnesses, causing their cases to be terminated at the initial investigation stage without adequate handling. Susanti (2024) revealed that victims from lower economic classes face significant barriers throughout the reporting and investigation process, including family pressure to settle outside court in order to preserve reputation. The LBH Makassar (2024) case involving deaf students at an SLB showed that the absence of sign language interpreters and officers' limited understanding of disability caused the investigation to proceed slowly and traumatically. A similar pattern was found in a Bandung case involving a disabled teenager as a victim of gang rape (Kemen PPPA, 2025). Empirical evidence from East Java further indicates that victim-blaming persists in legal proceedings, particularly affecting socio-economically disadvantaged plaintiffs, with questions from defense counsel highlighting victims' economic backgrounds compounding stigma and trauma (Nasution et al., 2026). Research by Cakra Wikara Indonesia (2024) documented that weak inter-agency coordination forces victims to repeatedly recount their traumatic experiences across different stages of the legal process, a burden that falls most heavily on victims with limited mobility and economic resources. Rechtsvinding BPHN (2025) concluded that minimal training in trauma-informed care for investigators and judges causes the judicial process to remain oriented toward proving criminal elements rather than protecting and recovering victims.

Despite the normative progress represented by UU TPKS, the above empirical findings consistently demonstrate a wide justice gap between legal provisions and actual practice,

particularly for victims with layered vulnerabilities across all stages of the criminal justice process.

Existing studies on sexual violence in Indonesia have made important contributions, yet they leave a specific and consequential gap that this research addresses. Most prior studies either analyze revictimization from a single gender perspective without accounting for how disability, class, or age compound vulnerability, or focus on one isolated stage of the judicial process rather than examining the entire chain from reporting through trial. No study has systematically mapped the intersectional mechanisms of revictimization across the full criminal justice process in the Indonesian context, nor has any study empirically identified the specific structural and institutional factors, such as inadequate trauma-informed training, weak inter-agency coordination, and the absence of disability accommodations, that collectively produce the justice gap documented above. This research fills that gap by applying an integrated feminist criminology and intersectionality framework to analyze the complete chain of criminal judicial proceedings, with layered vulnerability as the primary analytical variable. The novelty lies not only in the theoretical integration, but in the application of this framework to a comprehensive, multi-stage empirical analysis that prior Indonesian scholarship has not undertaken.

With regard to the preceding issues, this research addresses two central problems: first, how intersectionality dynamics reinforce mechanisms of revictimization and secondary victimization against sexual violence victims in the practice of Indonesia's criminal justice system; and second, what structural and institutional factors cause the failure of the criminal justice system to provide sensitive and just protection for victims with layered vulnerabilities. The research aims to analyze these dynamics and to identify those factors, with the ultimate goal of offering an intersectional analytical framework as a more inclusive conceptual foundation for human rights-based legal reform in Indonesia.

2. Literature Review

Feminist criminology becomes the primary foundation in analyzing sexual violence as a manifestation of patriarchal power structures. According to Smart (1976), criminal law is not a neutral instrument, but rather a tool that reproduces unequal gender relations, in which women are often positioned as objects and victims, while men are positioned as dominant subjects. In the Indonesian context, this approach is relevant for critiquing how the criminal justice system tends to reinforce secondary victimization through victim-blaming processes that are insensitive to victims' trauma (Brownmiller, 1975; Susanti, 2024).

The theory of intersectionality introduced by Crenshaw (1991, 2018) becomes the central analytical framework in this research. Crenshaw affirms that the experience of injustice cannot be understood through only one category (gender), but must be seen as the intersection of various systems of oppression such as social class, disability, age, economic status, ethnicity, and power relations. In cases of sexual violence, intersectionality explains why victims with layered vulnerabilities experience more severe revictimization compared to victims who have social privilege (Collins, 2013; Nurisnah et al., 2026).

The concept of the matrix of domination developed by Collins (2000) complements intersectionality theory by showing that patriarchal power does not operate separately, but functions simultaneously through various domains (structural, disciplinary, hegemonic, and interpersonal). In Indonesia's criminal justice system, this matrix of domination is clearly visible when law enforcement officers apply the same standards to all victims, without

considering different layers of vulnerability, thereby worsening injustice (Crenshaw, 1991; Susanti, 2024).

The theory of secondary victimization (Williams, 1984) and revictimization explains how the judicial system itself can become a source of secondary trauma for victims. Reporting, investigation, prosecution, and trial processes that are insensitive, stigmatizing, and victim-blaming cause victims to experience additional psychological, social, and economic harm. From an intersectional perspective, this secondary victimization worsens when victims come from marginalized groups (Armstrong et al., 2018; Nurisnah et al., 2026).

The theory of justice gap in feminist criminology (Gartner et al., 2014) further strengthens the analysis that although legal norms have become progressive (such as UU TPKS), access to substantive justice for sexual violence victims remains very limited. This justice gap is not only procedural in nature, but also structural, because the criminal justice system is still dominated by androcentric culture that ignores the special needs of victims with layered vulnerabilities (Komnas Perempuan, 2025; Susanti, 2024).

The trauma-informed justice approach becomes important as a critique of conventional judicial practices. This model emphasizes the understanding that the trauma of sexual violence victims is complex and layered, so the legal process must be designed to avoid re-traumatization (Nurisnah et al., 2026; UN Women, 2012). The failure to apply this approach in Indonesia's judicial system is one concrete piece of evidence of the institution's inability to respond to intersectionality dynamics.

The combination of feminist criminology theory, intersectionality, matrix of domination, secondary victimization, and justice gap provides a comprehensive analytical framework for answering the research questions. These theories not only explain why revictimization occurs, but also reveal the structural and institutional roots that cause the failure of the criminal justice system to provide sensitive and just protection for sexual violence victims with layered vulnerabilities.

3. Methods

This research was conducted through qualitative methods, with the research approach carried out under a critical-constructivist paradigm. This paradigm was chosen because the research aims not only to describe phenomena, but also to critique the patriarchal power structures and institutional injustice underlying the revictimization of sexual violence victims. The qualitative approach allows the researcher to explore deep meanings from victims' experiences, law enforcement practices, and intersectional dynamics occurring within the criminal justice system.

Data collection in this research was conducted using document analysis and critical literature study techniques. Primary data came from court decisions in sexual violence cases for the period 2022-2025 at District Courts in Jakarta, Semarang, and Surabaya, selected through purposive sampling based on criteria of cases involving layered vulnerabilities (disability, poverty, child age, or power relations). Secondary data were obtained from annual reports of Komnas Perempuan, Komnas HAM, the Witness and Victim Protection Agency (LPSK), and policy documents related to the implementation of UU TPKS. In addition, the researcher also collected scientific articles, credible news reports, and official statistical data to enrich contextual understanding.

The research data were then analyzed through the following steps. First, repeated reading of all documents was conducted for data familiarization. Second, initial coding was performed to identify patterns of revictimization, secondary victimization, and manifestations

of intersectionality in the judicial process. Third, coding was conducted thematically by grouping data into main themes, namely intersectionality dynamics, mechanisms of revictimization at each stage of the judicial process, structural-institutional factors, and justice gap. Fourth, critical interpretation was carried out using the theoretical frameworks of feminist criminology, intersectionality (Crenshaw, 1991), matrix of domination (Collins, 2013), and secondary victimization (Williams, 1984). Finally, data triangulation across sources was conducted to enhance the credibility and validity of findings.

Analysis was conducted manually with the assistance of NVivo software to help manage large qualitative data. This approach ensures that the research not only describes phenomena, but is also able to uncover the structural roots of problems and provide evidence-based critical policy recommendations.

4. Results and Discussion

4.1. Research Results

4.1.1. The Influence of Intersectionality Dynamics in Reinforcing Mechanisms of Revictimization and Secondary Victimization Against Sexual Violence Victims in the Practice of Indonesia's Criminal Justice System

Intersectionality dynamics play a very significant role in reinforcing mechanisms of revictimization and secondary victimization against sexual violence victims in Indonesia. Although the Law on the Crime of Sexual Violence (UU TPKS) has provided a more progressive normative framework, the practice of the criminal justice system still demonstrates failure in providing protection that is sensitive to victim vulnerabilities. Victims who experience the intersection of various forms of injustice including gender with disability, social class, age, or power relations often face layered trauma that originates not only from the perpetrator, but also from the legal process itself (Sukmayoga Wiweka et al., 2024). This phenomenon makes intersectionality an important lens for understanding why revictimization continues to recur in the criminal justice system.

The layered vulnerabilities experienced by victims cannot be understood in isolation. Gender as the primary category interacts with other factors, creating unique and heavier experiences of injustice. Female victims with disabilities, child victims from poor families, or victims who have power relationships with perpetrators often experience greater barriers in accessing justice. This condition demonstrates that a uniform and formally neutral legal approach is no longer adequate for handling the complexity of sexual violence cases in Indonesia.

To understand these mechanisms in depth, an analytical framework that integrates feminist criminology perspectives with intersectionality theory is required. This approach allows us to reveal not only how revictimization occurs, but also why the criminal justice system tends to worsen victims' trauma rather than providing protection and recovery. This analysis becomes increasingly relevant given that empirical data shows high rates of sexual violence and low rates of success for victims in obtaining substantive justice.

Feminist criminology becomes the primary foundation in analyzing sexual violence as a manifestation of patriarchal power structures. According to Smart (2013), criminal law is not a neutral instrument, but rather a tool that reproduces unequal gender relations, in which women are often positioned as objects and victims, while men are positioned as dominant subjects. In the Indonesian context, this approach is relevant for critiquing how the criminal

justice system tends to reinforce secondary victimization through victim-blaming processes that are insensitive to victims' trauma (Brownmiller, 1975; Susanti, 2024).

The theory of intersectionality introduced by Crenshaw (1991, 2018) becomes the central analytical framework. Crenshaw affirms that the experience of injustice cannot be understood through only one category (gender), but must be seen as the intersection of various systems of oppression such as social class, disability, age, economic status, ethnicity, and power relations. In cases of sexual violence, intersectionality explains why victims with layered vulnerabilities experience more severe revictimization compared to victims who have social privilege (Collins, 2013; Nurisnah et al., 2026).

The concept of the matrix of domination developed by Collins (2013) complements intersectionality theory by showing that patriarchal power does not operate separately, but functions simultaneously through various domains (structural, disciplinary, hegemonic, and interpersonal). In Indonesia's criminal justice system, this matrix of domination is clearly visible when law enforcement officers apply the same standards to all victims, without considering different layers of vulnerability, thereby worsening injustice (Crenshaw, 1991; Susanti, 2024).

The theory of secondary victimization (Williams, 1984) and revictimization explains how the judicial system itself can become a source of secondary trauma for victims. Reporting, investigation, prosecution, and trial processes that are insensitive, stigmatizing, and victim-blaming cause victims to experience additional psychological, social, and economic harm. From an intersectional perspective, this secondary victimization worsens when victims come from marginalized groups (Armstrong et al., 2018; Nurisnah et al., 2026).

Komnas Perempuan (2024) recorded 445,502 cases of violence against women throughout 2024, with sexual violence accounting for 26.9% of total cases. This figure shows that sexual violence remains one of the most dominant forms of gender-based violence in Indonesia. Many victims experience revictimization not only because of the perpetrator's actions, but also due to the attitudes of law enforcement officers who lack empathy, slow processes, and procedures that are insensitive to victims' trauma conditions. This phenomenon further worsens victims' psychological condition and reduces their trust in the criminal justice system as a whole. Furthermore, the slow response of officers is often caused by minimal understanding of the complex dynamics of sexual violence, causing victims to feel that the legal process becomes an additional heavy burden.

Victims with intellectual disabilities are often immediately considered "not credible" as witnesses from the earliest stage of investigation. In Makassar (2024), a deaf student from a Special School (SLB) became a victim of sexual harassment by her own teacher. The investigation process proceeded very slowly due to the unavailability of competent sign language interpreters, combined with invasive and repeated questions that further deepened the victim's trauma. A similar case occurred in Bandung (2025), where a disabled teenager became a victim of gang rape. The perpetrators exploited the victim's vulnerability, while the legal process actually worsened her psychological condition due to the lack of a safe space and the absence of adequate trauma-informed assistance during the examination process. This condition demonstrates how far the judicial system is from the principles of inclusive accommodation for victims with special needs.

The social class factor also reinforces the revictimization dynamics experienced by sexual violence victims. Victims from poor families in rural areas often face very strong social pressure from family and community to resolve cases peacefully outside of court. The main reason frequently cited is to preserve the family's reputation and avoid prolonged social stigma. The report by Komnas Perempuan (2024) states that approximately 40% of victims

experience a lack of empathy from law enforcement officers, and many of them choose to stop the legal process because they cannot navigate the complicated and expensive bureaucracy. As a result, victims from lower classes not only lose access to justice, but also experience prolonged economic and psychological harm.

At the trial stage, the practice of victim-blaming remains a very common and difficult-to-eliminate problem. Questions from the defendant's legal counsel that highlight the victim's clothing, behavior, or background are often used to steer opinion toward the idea that the victim bears partial responsibility for the violence experienced. This particularly occurs with victims from lower social classes or those with disabilities who are considered more vulnerable to stigma. The Kendari case (2025) serves as a concrete example, where a teacher committed sexual harassment against a student. The legal process moved slowly, the victim experienced prolonged stigma from the school environment and community, and experienced repeated trauma due to the intersection of gender, child age, and the power relationship between teacher and student. This condition further weakens the victim's position at trial.

Various cases in the field clearly illustrate that intersectionality not only worsens victim vulnerability, but also directly reinforces mechanisms of revictimization and secondary victimization at every stage of the criminal judicial process. Victims who experience the intersection of more than one dimension of injustice such as gender with disability, low social class, child age, or power relations with the perpetrator tend to receive treatment that is far more unjust compared to victims from more privileged groups. The criminal justice system that still applies a uniform and formally neutral approach without considering these differences in vulnerability ultimately fails to realize sensitive and just protection. As a result, the legal process that should serve as a means of seeking justice instead becomes a source of prolonged additional trauma for victims.

Victims with layered vulnerabilities often experience systematic discriminatory treatment from the reporting stage through to the trial. Law enforcement officers tend to apply the same standards to all victims, without providing special accommodation for those with intellectual or sensory disabilities or economic limitations. This causes victims to feel re-interrogated, to have their testimony doubted, and even to be blamed for the events that befell them. This condition reveals how a homogeneous legal approach fails to capture the complexity of victims' experiences shaped by intersectionality.

The judicial system still dominated by androcentric and patriarchal culture tends to prioritize the perpetrator's perspective over the victim's perspective. This approach is reflected in rigid procedures, invasive questions, and the minimal availability of safe spaces during the examination process. Victims from marginalized groups often feel that the legal system is not a place to seek justice, but rather an arena that worsens their emotional and social wounds. This phenomenon further weakens public trust in criminal judicial institutions as a whole.

This affirms that normative legal reform alone, such as the passage of UU TPKS, will not be sufficient without deep structural and institutional changes within the judicial system. Progress at the legislative level must be accompanied by organizational culture transformation, capacity building for officers, and the provision of victim-friendly infrastructure. Without these changes, UU TPKS risks becoming merely symbolic and failing to have a substantive impact on the protection of sexual violence victims.

The trauma-informed justice approach becomes very important as a fundamental critique of conventional judicial practices that are still in effect today. This model emphasizes the understanding that the trauma of sexual violence victims is complex, layered, and long-term in nature, so that the entire legal process must be designed in such a way as to avoid re-traumatization (UN Women, 2012; Nurisnah et al., 2026). The failure to apply this approach

in Indonesia's judicial system is concrete evidence of the institution's inability to respond to the intersectionality dynamics experienced by victims.

The combination of feminist criminology theory, intersectionality, matrix of domination, secondary victimization, and justice gap provides a comprehensive and robust analytical framework. These theories not only explain why revictimization continues to occur, but also successfully reveal the structural and institutional roots that are the primary causes of the criminal justice system's failure. Through this lens, it can be understood that the problems faced by sexual violence victims with layered vulnerabilities are systemic in nature, not merely the mistakes of individual officers.

The above analysis demonstrates that intersectionality dynamics reinforce revictimization mechanisms through a complex interaction between androcentric patriarchal structures and institutional failure to accommodate victims' layered vulnerabilities. Without a deep understanding of the intersection of various forms of oppression, Indonesia's criminal justice system will continue to reproduce the same patterns of injustice over time. As a result, legal reforms such as UU TPKS will only be symbolic in nature and will fail to substantively protect victims and deliver the justice they need. Based on this explanation, intersectionality is not merely a theoretical analytical tool, but an empirical reality that demands fundamental changes in the way the criminal justice system operates. Only by integrating this perspective fully into policies, training, and daily practices can sensitive and just protection for sexual violence victims with layered vulnerabilities be achieved.

4.1.2. Structural and Institutional Factors Causing the Failure of the Criminal Justice System to Provide Sensitive and Just Protection for Sexual Violence Victims Who Have Layered Vulnerabilities

The failure of Indonesia's criminal justice system to protect sexual violence victims with layered vulnerabilities is not merely a procedural or technical problem, but rather reflects a failure that is systemic and profound. Although Law Number 12 of 2022 on the Crime of Sexual Violence (UU TPKS) has brought significant normative progress, the reality in the field shows that the implementation of this law remains far from expectations. Victims with layered vulnerabilities, such as women with disabilities, victims from lower economic classes, children, or those who have power relations with perpetrators, often experience revictimization and secondary victimization that actually originate from the judicial process itself. This phenomenon reveals the existence of structural and institutional gaps that need to be explored in depth.

These gaps occur because the criminal justice system has not yet been fully able to accommodate the complexity of victims' experiences shaped by the intersection of various dimensions of social injustice. The uniform and formally neutral legal approach often fails to capture the reality of these layered vulnerabilities. As a result, victims not only experience trauma from the sexual crime, but also additional trauma from the way the system treats them during the legal process. This condition further weakens public trust in judicial institutions and undermines the goal of restorative justice that should be the spirit of criminal law reform in Indonesia.

To understand the root of these problems, an analysis that dissects structural and institutional factors separately yet in an interconnected manner is required. Structural factors refer to the broader values, norms, and social structures that shape the way the judicial system operates, while institutional factors relate to mechanisms, capacities, and organizational culture within law enforcement institutions themselves. Both dimensions reinforce each other and are the primary reasons why sensitive and just protection is difficult to achieve for victims with layered vulnerabilities.

Several structural and institutional factors are the primary causes of Indonesia's criminal justice system's failure to provide sensitive and just protection for sexual violence victims with layered vulnerabilities. Structurally, the still-strong patriarchal culture is the root cause. Criminal law and judicial practices tend to be androcentric, so that the male perspective becomes the default measure, while the experiences and needs of female victims are often ignored or even blamed (Brownmiller, 1975; Smart, 2013). This condition is further worsened by intersectionality dynamics, where gender intersects with social class, disability, age, economic status, and power relations, creating layers of vulnerability that are not accommodated by the system (Collins, 2013; Crenshaw, 1991). As a result, victims who have more than one dimension of vulnerability often experience double injustice, both from perpetrators and from institutions that should protect them.

Furthermore, the existing legal structure still shows formalist and legalistic tendencies, which place the proof of criminal elements as the primary objective, without being balanced by a victim-centered approach. In practice, this is evident in the still-dominant evidentiary standards that demand physical evidence or direct witnesses, whereas in many sexual violence cases such evidence is difficult to obtain due to the private nature of the crime, which often occurs in private spaces and within unequal power relations. As a result, the victim's subjective experience is often considered insufficient as a basis for evidence, thereby increasing the likelihood of impunity for perpetrators.

Furthermore, social constructions regarding morality and stigma against victims also play a significant role in weakening the victim's position in the judicial system. Victims are often confronted with victim-blaming, where the victim's behavior, manner of dress, or personal relationships are used as grounds to question their credibility. This stigma does not only exist in society, but can also become internalized in the mindset of law enforcement officers, thereby affecting the examination process and assessment of cases. In this context, the law does not stand as a neutral instrument, but rather contributes to reproducing existing social inequality.

On the other hand, the suboptimal integration of victim protection policy within the national legal framework is also an important structural issue. Although various regulations governing victim protection exist, their implementation is often partial and poorly coordinated. Regulatory fragmentation and weak harmonization among regulations result in the absence of uniform standards in handling sexual violence victims, especially those with layered vulnerabilities. This shows that the problem lies not only in the normative aspect, but also in the policy design that has not yet fully adopted the perspective of substantive justice.

Thus, the problems faced by sexual violence victims with layered vulnerabilities cannot be understood solely as the failure of individual officers, but rather as a reflection of the broader social and legal structure that is still gender-biased and not yet inclusive. In this context, reform of the criminal justice system requires an approach that focuses not only on procedural changes, but also on a paradigm transformation that recognizes the complexity of victims' experiences and places victim protection and recovery as primary objectives.

From the institutional side, there are several crucial factors that are interrelated and mutually reinforcing. These factors are explained as follows:

1) Very weak inter-agency coordination causes victims to have to repeatedly recount their traumatic stories at various stages of the legal process, from reporting at the police, to investigation, prosecution, and trial. This repetition is not only physically exhausting, but also highly damaging to the psychological condition of victims who have already experienced severe trauma. The lack of effective coordination mechanisms among

police, prosecutors, courts, and social service agencies is one of the main obstacles to providing fast and sensitive protection.

2) Minimal training in trauma-informed care and intersectionality perspectives for investigators, prosecutors, and judges causes the interrogation process to often be invasive and insensitive to the condition of victims with disabilities or layered vulnerabilities. Many officers still use conventional approaches that focus solely on proving criminal elements, without considering the psychological impact on victims. As a result, victims feel that the legal process itself becomes a source of new and deeper trauma than the crime they experienced.
3) Limitations in service infrastructure constitute a very significant institutional factor. The uneven distribution of Integrated Service Units for Women and Child Protection (UPTD PPA), limited safe spaces, lack of interpreters for victims with sensory disabilities, and minimal professional psychological and legal assistance further worsen access to justice for victims. In many regions, especially outside Java, these supporting facilities are almost nonexistent, so victims from marginalized groups are often forced to travel long distances or even give up midway through the process.
4) The still masculine and hierarchical organizational culture within judicial institutions. A more empathetic and victim-centered approach is often considered less professional or even seen as a weakness by some officers. In such a work environment, the legal process remains oriented toward proving criminal elements rather than victim recovery and protection. This causes the victim's perspective to rarely become a primary priority in handling sexual violence cases.

Based on the above factors, the consequence is that many victims from marginalized groups choose not to continue their cases due to psychological, social, and economic burdens that are too heavy. These burdens are not only temporary in nature, but can persist for a long time and affect all aspects of the victim's life, including mental health, education, employment, and social relationships with family and community. This condition ultimately weakens the legal reform efforts that have been made through the passage of UU TPKS.

Empirically, data from Komnas Perempuan (2024) shows that despite the passage of UU TPKS, rates of revictimization and justice gap remain high, especially for victims with disabilities and victims from lower economic classes. Cases across various regions show that victims are often considered "not credible" as witnesses, the investigation process moves slowly, and social pressure to make peace outside of court remains very strong. This phenomenon illustrates that normative progress has not yet been followed by substantial changes in practice in the field.

Furthermore, the patriarchal culture embedded in society further reinforces this institutional failure. Social norms that place women as parties who must preserve family honor often make victims reluctant to report cases or compelled to accept resolutions outside the legal process. The interaction between these social norms and the weaknesses of the judicial system creates a vicious cycle that is difficult to break, in which victims with layered vulnerabilities become the most disadvantaged group.

The failure of the criminal justice system to provide sensitive and just protection is not a singular problem, but the result of a complex interaction between structural and institutional factors. Without reform that addresses the roots of patriarchy, organizational culture, and improvements in capacity and inter-agency coordination, protection for sexual violence victims with layered vulnerabilities will be difficult to achieve. This demands more serious commitment from all relevant parties to make deeper systemic changes.

Based on the above analysis, it can be understood that the failure of the criminal justice system to protect sexual violence victims with layered vulnerabilities is not merely a technical mistake, but rather the result of a combination of deep patriarchal structures and systemic institutional weaknesses. Without reform that addresses the root causes of these problems, the implementation of UU TPKS will continue to be symbolic in nature and will fail to deliver substantive justice for victims.

4.2. Discussion

The overall findings of this research confirm and extend the feminist criminology argument that the criminal justice system does not operate neutrally, but rather reproduces unequal power structures (Smart, 2013). In the Indonesian context, this manifests concretely in the patterns of revictimization and secondary victimization experienced by sexual violence victims, especially those with layered vulnerabilities. These findings are consistent with the studies of Nurisnah (2026) and Susanti (2024), which show that the judicial system tends to prioritize the interests of proving criminal elements over victim protection and recovery.

The use of Crenshaw's (1991, 2018) intersectionality theory in this research proves capable of revealing dimensions of injustice that cannot be captured by a single-gender approach. The finding that victims with disabilities are considered "not credible" as witnesses, for example, cannot be explained solely by the gender factor, but by the intersection of gender and disability that simultaneously weakens the victim's position before the law. This reinforces Collins's (2013) argument that patriarchal power operates through a matrix of domination that functions simultaneously across various domains, not merely on one axis of oppression.

What distinguishes the findings of this research from previous studies is the identification that revictimization does not only occur at one stage of the judicial process, but rather continues from the reporting stage through to the trial. This condition demonstrates that secondary victimization in the Indonesian context is systemic and institutional in nature, not merely the individual behavior of insensitive officers. This finding underscores the need for reform that addresses structural roots, not merely surface-level procedural improvements.

From a policy perspective, the findings of this research reveal a significant gap between the normative progress of UU TPKS and the reality of its implementation in the field. Although UU TPKS has recognized various forms of sexual violence and placed victims as legal subjects, that spirit has not yet been transformed into everyday judicial practice. This demonstrates that formal legal reform without being accompanied by organizational culture transformation and capacity building for officers will only be symbolic in nature (Rechtsvinding BPHN, 2025). This condition also reinforces the argument that the justice gap experienced by victims with layered vulnerabilities is a product of the interaction between remaining normative weaknesses, institutional failure, and deeply rooted patriarchal social structures.

The theoretical implication of this research lies in strengthening the argument that an intersectional approach is not only academically relevant, but also practically urgent in the context of reforming Indonesia's criminal justice system. Integrating this perspective into officer training, the design of legal procedures, and policy evaluation is a minimum prerequisite for sensitive and just protection for sexual violence victims with layered vulnerabilities to be substantively realized. Without this step, reform efforts will continue to be trapped in cosmetic changes and fail to address the real experiences of the most vulnerable victims.

5. Conclusion

This research yields two principal conclusions. First, intersectionality dynamics are proven to reinforce mechanisms of revictimization and secondary victimization in Indonesia's criminal justice system. The intersection of gender with economic class, disability, age, and power relations causes victims with layered vulnerabilities to face repeated trauma through uniform legal processes, victim-blaming, invasive interrogation, and the absence of adequate accommodation. The judicial system itself thereby functions as a source of systemic secondary victimization rather than a site of protection and recovery. Second, the failure of the criminal justice system to provide sensitive and just protection for these victims stems from a combination of structural and institutional factors: the dominance of androcentric patriarchal culture, weak inter-agency coordination, minimal training in trauma-informed care and intersectionality perspectives, limited UPTD PPA service infrastructure, and a masculine and hierarchical organizational culture. These factors collectively produce a wide justice gap in which the normative progress represented by UU TPKS has not yet translated into substantive protection for the most vulnerable groups of victims.

Based on these conclusions, this research advances the following recommendations, organized by priority. At the procedural level, all stages of the criminal judicial process require reform grounded in trauma-informed justice and intersectionality perspectives, including the development of interrogation guidelines sensitive to disability and layered vulnerabilities. At the institutional capacity level, mandatory and regular training on gender, intersectionality, and trauma-informed care is needed for all law enforcement officers, delivered in collaboration with non-governmental organizations and academics. Inter-agency coordination must be strengthened through formal cooperation mechanisms and integrated information systems. At the infrastructure level, integrated services must be expanded by increasing the number of UPTD PPAs to the district and city level, accompanied by the provision of safe spaces, disability interpreters, and professional psychological and legal companions. At the cultural and normative level, the organizational culture of judicial institutions must shift from a perpetrator-centered to a victim-centered orientation through revision of internal guidelines and performance indicators that prioritize empathy and restorative justice. This institutional transformation must be accompanied by sustained social campaigns to reduce stigma and strengthen public awareness of intersectionality in understanding gender-based violence. Finally, this research calls for further evidence-based studies that directly incorporate the voices of victims in policy formulation, as victim participation remains a critical but underutilized foundation for meaningful legal reform in Indonesia.

6. References

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