

Legal Protection for Victims of Sexual Harassment Crimes in The Law Enforcement Process by The Asahan Resort Police

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Abstract

This study discusses the urgency of implementing legal protection for victims of sexual abuse in the law enforcement process by the Asahan Resort Police. Sexual abuse cases are a form of violation of human dignity that often causes physical and psychological suffering for victims. In practice, many victims do not receive maximum legal protection due to the weak implementation of laws and regulations, the low sensitivity of law enforcement officials, and the still strong patriarchal culture in society. The purpose of this study is to analyze the importance of legal protection for victims of sexual abuse and to examine the role and responsibilities of the police in ensuring justice for victims at the regional level, particularly in the jurisdiction of the Asahan Resort Police. The research method used is a normative juridical approach by examining various laws and regulations such as Law Number 12 of 2022 concerning Sexual Violence Crimes (TPKS Law), Law Number 31 of 2014 concerning Witness and Victim Protection, and internal regulations of the Indonesian National Police. The results of the study show that the application of legal protection for victims of sexual abuse is of high urgency in realizing a sense of justice and preventing victims from being revictimized. The Asahan Police Resort has a strategic role as the front line in the law enforcement process, so it is necessary to increase the capacity of the apparatus, apply victim-oriented procedures, and collaborate with victim assistance institutions such as the LPSK and DP3A. In conclusion, the effective implementation of legal protection for victims of sexual abuse is not only a legal obligation, but also a form of respect for human rights and gender justice. Through a humane law enforcement mechanism that is sensitive to victims and in accordance with the principles of substantive justice, it is hoped that the Asahan Resort Police can set an example of the implementation of legal protection that favors victims and strengthens public trust in the criminal justice system in Indonesia

Keywords: *Asahan Resort Police, Legal Protection, Law Enforcement, Sexual Abuse, Victims*

Abstrak

Studi ini membahas urgensi penerapan perlindungan hukum bagi korban kekerasan seksual dalam proses penegakan hukum oleh Kepolisian Resor Asahan. Kasus kekerasan seksual merupakan bentuk pelanggaran martabat manusia yang seringkali menyebabkan penderitaan fisik dan psikologis bagi korban. Dalam praktiknya, banyak korban tidak mendapatkan perlindungan hukum maksimal karena lemahnya penerapan hukum dan peraturan, rendahnya sensitivitas petugas penegak hukum, dan masih kuatnya budaya patriarki dalam masyarakat. Tujuan penelitian ini adalah untuk menganalisis pentingnya perlindungan hukum bagi korban kekerasan seksual dan untuk meneliti peran dan tanggung jawab kepolisian dalam memastikan



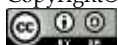
keadilan bagi korban di tingkat daerah, khususnya di wilayah hukum Kepolisian Resor Asahan. Metode penelitian yang digunakan adalah pendekatan yuridis normatif dengan meneliti berbagai hukum dan peraturan seperti Undang-Undang Nomor 12 Tahun 2022 tentang Kejahatan Kekerasan Seksual (UU TPKS), Undang-Undang Nomor 31 Tahun 2014 tentang Perlindungan Saksi dan Korban, dan peraturan internal Kepolisian Nasional Indonesia. Hasil penelitian menunjukkan bahwa penerapan perlindungan hukum bagi korban pelecehan seksual sangat mendesak dalam mewujudkan rasa keadilan dan mencegah korban menjadi korban kembali. Kepolisian Resor Asahan memiliki peran strategis sebagai garda terdepan dalam proses penegakan hukum, sehingga perlu meningkatkan kapasitas aparat, menerapkan prosedur yang berorientasi pada korban, dan berkolaborasi dengan lembaga bantuan korban seperti LPSK dan DP3A. Kesimpulannya, implementasi perlindungan hukum yang efektif bagi korban pelecehan seksual bukan hanya kewajiban hukum, tetapi juga bentuk penghormatan terhadap hak asasi manusia dan keadilan gender. Melalui mekanisme penegakan hukum yang manusiawi, peka terhadap korban, dan sesuai dengan prinsip-prinsip keadilan substantif, diharapkan Kepolisian Resor Asahan dapat menjadi contoh implementasi perlindungan hukum yang berpihak pada korban dan memperkuat kepercayaan masyarakat terhadap sistem peradilan pidana di Indonesia.

Kata kunci: Kepolisian Resor Asahan, Perlindungan Hukum, Penegakan Hukum, Pelecehan Seksual, Korban

Introduction

Law enforcement is one of the state's main instruments in maintaining social order, protecting the interests of society, and upholding the values of justice. In the process of criminal law enforcement, there are various parties involved, ranging from law enforcement officials, perpetrators of criminal acts, to victims and witnesses. Until now, law enforcement in Indonesia has tended to focus more on punishing perpetrators of criminal acts (offender oriented). Sexual harassment is a form of violence that degrades human dignity, especially against women and children. This phenomenon continues to increase in various regions, including in Asahan Regency, North Sumatra. Cases of sexual harassment not only cause physical suffering, but also cause deep and prolonged psychological trauma to the victims. Although Indonesia has various regulations governing the protection of victims of sexual violence, in practice there are still various obstacles in the law enforcement process, especially at the police level as the initial point of case handling.

The police, as law enforcement officers, have the primary authority to investigate reports of sexual abuse crimes. However, in reality, many victims are reluctant to report because they fear not receiving adequate protection, feeling blamed, or experiencing social stigma from their surroundings. This situation shows that the legal protection system for victims is not yet fully effective, both in terms of regulations and implementation in the field. Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS Law) provides a strong legal basis for the protection of victims. This law regulates the rights of victims to obtain legal protection, medical services, psychological assistance, and legal aid without discrimination. In addition, law enforcement officials, including the Asahan Resort Police, are obliged to carry out legal proceedings professionally and from a victim-centred perspective, as mandated by the law.



However, in its implementation, various obstacles are still encountered, such as a lack of understanding among officials regarding a victim-centred approach, a limited number of female investigators, and minimal cooperation between the police and victim support services. This situation has the potential to hinder the fulfilment of victims rights and cause distrust of the police institution. Therefore, research on legal protection for victims of sexual abuse in the law enforcement process by the Asahan Resort Police is important to conduct. This research is expected to describe the extent to which the police have implemented victim protection principles in accordance with applicable laws and regulations, as well as identify obstacles encountered and solutions that can be pursued to strengthen an effective, humane, and fair legal protection system. Based on the description of the background of the problem, this study is entitled "Legal protection for victims of sexual abuse in the law enforcement process by the Asahan Resort Police".

Methods Research

This study is normative law (juridical normative), which is research that focuses on positive legal norms, legal principles, doctrines, and laws and regulations relevant to legal protection for victims and witnesses in the law enforcement process by the police. This research is descriptive-analytical in nature, meaning that it not only describes the positive legal provisions regarding the protection of victims and witnesses, but also critically analyses the effectiveness of the application of these provisions in law enforcement practice. Thus, this study seeks to identify gaps between the applicable normative law and the reality in practice, particularly in relation to the role of the police as the spearhead of criminal law enforcement. The literature study serves to find the conceptual, normative, and juridical bases that can be used as a basis for analysis. Therefore, the researcher examined primary legal materials in the form of legislation, including: Law No. 8 of 1981 on Criminal Procedure (KUHAP), Law No. 2 of 2002 on the Indonesian National Police, and Law No. 13 of 2006 as amended by Law No. 31 of 2014 on the Protection of Witnesses and Victims. In addition, the researchers also used secondary legal materials such as books, legal journals, scientific articles, and research results discussing legal protection, the rights of victims and witnesses, and the role of the police in the criminal justice system. These secondary legal materials are important because they can provide critical and comprehensive views from experts on the application of law in practice. As a supplement, tertiary legal materials such as legal dictionaries, legal encyclopaedias, and indexes of legislation were also used. These sources helped to clarify the legal terms or concepts used in the research. By using this literature study, the researcher was able to develop a systematic and in-depth legal argument, so that the research was more focused and in accordance with the scientific framework applicable in normative legal research.

Results and Discussion

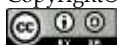
Legal Protection for Victims of Sexual Abuse in the Law Enforcement Process by the Asahan Resort Police

Legal protection for victims of sexual abuse crimes is an important aspect of the criminal justice system that guarantees victims' rights to justice, security, and recovery. In the context of national law, the concept of legal protection not only covers protection during the judicial process, but also before and after the process takes place. This protection is crucial considering that sexual abuse crimes often leave deep psychological, social, and economic impacts on victims.



Normatively, regulations regarding legal protection for victims of sexual abuse crimes have been stipulated in various laws and regulations, such as Law Number 12 of 2022 concerning Sexual Violence Crimes (TPKS Law), Law No. 31 of 2014 concerning Amendments to Law No. 13 of 2006 concerning Witness and Victim Protection, and National Police Chief Regulation No. 6 of 2019 concerning Criminal Investigation. These provisions provide a strong legal basis () for law enforcement officials, particularly the police, to protect victims of sexual abuse from the reporting stage to the enforcement of law in court. In practice, the Asahan Resort Police (Polres), as part of the National Police, has the authority to receive reports, conduct investigations, and guarantee the safety and confidentiality of victims' identities. However, the implementation of legal protection for victims often faces obstacles, both structural and cultural. Structural obstacles include the limited number of female investigators, the suboptimal performance of the Women and Children's Services (PPA) unit, and the lack of training for investigators in handling cases from the victim's perspective. Meanwhile, cultural obstacles arise due to the strong patriarchal culture in the Asahan community, which often causes victims to be reluctant to report because they are afraid of being blamed or ostracized.

This situation results in many cases of sexual abuse going unreported, making it difficult to achieve justice for victims. In this case, the Asahan Police need to ensure the implementation of a victim-centred approach in every stage of case handling, as mandated in Article 65 of the TPKS Law. In addition, the role of the Women and Children's Service Unit (PPA) under the Asahan Police is very important in providing friendly and safe services for victims. This unit is not only tasked with receiving reports, but also providing legal and psychological assistance, in collaboration with other institutions such as the Women's Empowerment and Child Protection Agency (DP3A), the Witness and Victim Protection Agency (LPSK), and civil society organisations. This inter-agency cooperation is necessary so that the legal protection provided is not merely formalistic, but is able to provide a real sense of security and justice for victims. From a regulatory perspective, Articles 67 to 74 of the TPKS Law emphasise that every victim has the right to protection from threats, legal assistance, recovery services, and the right to restitution and compensation. In the context of implementation at the regional level, including by the Asahan Police, legal protection also includes the obligation of investigators to guarantee the confidentiality of the victim's identity, prevent direct contact with the perpetrator, and provide victims with regular updates on the progress of the case. However, various studies show that in practice, there are still frequent implementation obstacles, such as a lack of coordination between law enforcement agencies, limited budgets for victim recovery, and the suboptimal implementation of the Violence Case Information System (SIK-Kekerasan), which is supposed to facilitate case monitoring. Therefore, increasing the capacity of police institutions and human resources is an urgent need so that legal protection for victims of sexual abuse can be effective. By strengthening the regulation and implementation of legal protection at the police level, especially in the Asahan Police, it is hoped that victims of sexual abuse can obtain a sense of security, justice, and full recovery. The state, through the police, has a constitutional responsibility to protect citizens from all forms of violence and abuse, and to ensure that the law enforcement process is carried out in accordance with the principles of humanity, justice, and gender equality.



The Urgency of Implementing Legal Protection for Victims of Sexual Abuse Crimes in the Law Enforcement Process by the Asahan Police

Legal protection for victims of sexual abuse crimes is an urgent need that must be met in the Indonesian criminal justice system. This is because sexual abuse crimes not only cause physical harm, but also deep psychological, social, and moral wounds for the victims. In the context of law enforcement at the regional level, including by the Asahan Resort Police (Polres), the application of legal protection for victims is strategically important in realising substantive justice from the perspective of the victim. The importance of this legal protection is rooted in the principle that every citizen has the right to feel safe and receive fair treatment before the law. Legal protection for victims of sexual abuse is not merely an administrative or formal effort, but a form of state responsibility to protect the human dignity of victims as guaranteed in Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which affirms that every person has the right to protection of their personal self, family, honour, dignity and property. This constitutional principle forms the philosophical basis for the implementation of police duties, particularly in providing a sense of security to victims from the reporting stage to the investigation process.

The urgency of implementing legal protection has become even more apparent following the passing of Law No. 12 of 2022 on Sexual Violence Crimes (TPKS Law), which provides a new approach to protecting victims of sexual violence and abuse. This law emphasises that law enforcement officials are obliged to guarantee the confidentiality of victims' identities, provide legal and psychological assistance, and ensure that victims do not experience revictimisation during the legal process. In the context of the Asahan Police, this mandate requires a change in the pattern of case handling to be more sensitive to the needs of victims and oriented towards recovery.

Facts on the ground show that victims of sexual abuse in the Asahan region often face various obstacles in obtaining justice. There are still practices where victims' statements are doubted, they are treated inhumanely, or even blamed for the incidents that befell them. The phenomena of victim blaming and revictimisation exacerbate the suffering of victims and undermine public trust in the police institution. Therefore, the implementation of effective legal protection is not only a procedural necessity but also a moral one to restore the police's function as protectors and guardians of the community. In addition to cultural barriers, there are also structural obstacles such as the lack of female investigators, minimal training on gender-based case handling, and limited facilities at the Asahan Police Women and Children's Service Unit (PPA). In fact, the presence of female investigators and safe examination rooms are important components in creating a conducive atmosphere for victims to provide statements. If this aspect is ignored, legal protection for victims will remain merely a norm, without real implementation in the field.

The urgency of implementing legal protection is also related to efforts to achieve substantive justice, namely justice that not only focuses on formal law enforcement but also pays attention to victim recovery and social balance. Through the implementation of victim-oriented legal protection, the police not only enforce the law but also carry out humanitarian functions. In this case, the Asahan Resort Police are expected to be pioneers in enforcing the law in favour of victims, by ensuring that the entire investigation process is carried out professionally, empathetically, and free from gender bias. In addition, the implementation of effective legal



protection also plays an important role in building public trust in law enforcement officials. When the public sees that victims of sexual abuse are treated humanely, fairly, and safely, they will have the courage to report incidents. This is very important in breaking the chain of sexual violence, which has been largely hidden due to fear and social stigma. Thus, the urgency of implementing legal protection not only impacts the protection of individual victims but also contributes to the enforcement of social justice in society.

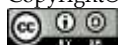
To achieve this, the Asahan Police need to strengthen coordination with other institutions such as the Witness and Victim Protection Agency (LPSK), the Women's Empowerment and Child Protection Agency (DP3A), and local legal aid institutions. Synergy between these institutions can ensure that victims are not only protected during the legal process but also receive psychological and social recovery services. The local government is also expected to provide support through policies and special budget allocations for services for victims of sexual violence at the police level. Thus, the urgency of implementing legal protection for victims of sexual abuse by the Asahan Police is non-negotiable. Legal protection must be understood not as a procedural burden, but as the core of fair law enforcement. Police officers need to enforce the law with a humanitarian perspective, uphold the dignity of victims, and ensure that every investigative action reflects the values of justice, empathy, and professionalism. Only in this way can the law truly serve as a protector for those who are most vulnerable, while strengthening public trust in law enforcement institutions in this modern era.

Conclusion

Legal protection for victims of sexual abuse is a very important aspect in ensuring justice and restoring the rights of victims in the law enforcement process. In the context of law enforcement by the Asahan Resort Police, the urgency of implementing legal protection arises from the prevalence of sexual abuse cases that have not been optimally handled, whether due to patriarchal cultural factors, the limited capacity of law enforcement officials, or a lack of understanding of the victim's perspective. Law No. 12 of 2022 concerning Sexual Violence Crimes (TPKS Law) has provided a strong normative basis for guaranteeing the rights of victims, such as the right to physical, psychological and legal protection, as well as the right to receive assistance and recovery. However, implementation in the field still faces various obstacles, especially in the investigation and inquiry stages at the police level. Therefore, strengthening the effectiveness of legal protection needs to be realised through increasing the capacity of police officers, inter-agency cooperation (especially with the LPSK and DP3A), and a gender- and victim-based approach. Thus, the application of effective legal protection is not only a normative obligation, but also an urgent need to ensure that victims of sexual abuse obtain substantive justice. The Asahan Resort Police, as the front line of law enforcement, has a strategic role in developing a more sensitive, fair, and victim-oriented handling system. Only through the application of strong and consistent legal protection can public trust be restored.

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