



## The Persistence of Victim Blaming in Child Rape Trials: A Victimological Analysis of the Banjarmasin High Court Acquittal

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DOI: [doi.org/10.5281/zenodo.18662151](https://doi.org/10.5281/zenodo.18662151)

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| Received: 10-09-2025 | Revised: 08-12-2025 | Accepted: 10-02-2026 || Published On: 17-02-2026

**Abstract:** This study examines the extent to which victim blaming shapes judicial reasoning in child rape trials, focusing on the acquittal in Decision No. 42/PID/2017/PT Bjm and addressing a gap in systematic appellate-level analyses of PERMA No. 3 Tahun 2017 implementation. It employs doctrinal legal analysis combined with qualitative content analysis of two primary decisions—Decision No. 20/Pid.B/2017/PN Mrh and the aforementioned appellate ruling—and evaluates them against relevant normative frameworks, including the Criminal Code (KUHP), the Criminal Procedure Code (KUHP), and Undang-Undang Tindak Pidana Kekerasan Seksual. The findings indicate that the appellate panel systematically shifted the evidentiary burden onto the child victim by privileging her conduct while discounting non-physical forms of coercion and psychiatric evidence of trauma. This pattern operationalises notions of victim precipitation and conflicts with procedural and protective norms, thereby producing secondary victimisation through courtroom rhetoric that denigrates victims. Conceptually, the article advances an integrated analytical framework that combines the ideal-victim construct, victim blaming, and secondary victimisation to interpret appellate reasoning, thereby refining the role of victimology as a trauma-informed evaluative lens for judicial texts. Juridically, the findings reveal a structural tension between appellate practice and KUHP's recognition of psychological harm as valid evidence, as well as PERMA No. 3 of 2017's prohibition of victim-blaming conduct, with broader implications for child protection, judicial integrity, and public confidence in the justice system. The study therefore recommends targeted reforms: explicit statutory recognition of non-physical coercion and psychiatric evidence; enforceable ethical sanctions and monitoring mechanisms to ensure PERMA compliance; trauma-informed judicial training; and



harmonised institutional measures that internalise child-protection principles, including the integration of Islamic law-informed recommendations within a broader institutional harmonisation framework to ensure alignment with national pro-victim legal reform.

**Keywords:** Child Rape; Judicial Reasoning; Secondary Victimization; Victim Blaming; Victimology.

## Introduction

Victim blaming in judicial consideration of child sexual-violence cases is a critical legal concern because judges' assessments of victims and of the evidence often determine victims' access to justice.<sup>1</sup> Current epidemiological data underscore the urgency of improving judicial responses. According to estimates from UNICEF, as cited by Cécile Miele et al.<sup>2</sup>, more than 370 million women alive today experienced rape or other forms of sexual violence before the age of 18; when non-contact forms of violence (e.g., verbal harassment, exposure to pornography) are included, the figure rises to approximately 650 million—about one in five children. Data from the Institute for Health Metrics and Evaluation (IHME), as reported by Jack Cagney et al.<sup>3</sup>, indicate that the 2023 prevalence of sexual violence against children was 18.9% (95% UI: 16.0–25.2) among girls and 14.8% (95% UI: 9.5–23.5) among boys, with regional estimates as high as 26.8% in South Asia. These figures not only confirm the magnitude of this public-health crisis but also underscore the need for legal review: victim-blaming practices within the judiciary can alter the interpretation of evidence, influence verdicts, and exacerbate injustice for victims.

Empirical evidence from Indonesia indicates an alarming trend in child sexual violence. The 2024 National Survey on the Life Experiences of Children and Adolescents (SNPHAR), conducted by the Ministry of Women's Empowerment and Child Protection (Kemen PPPA), found that 9% of children aged 13–17 years had experienced one or more forms of sexual violence in their lifetime, and 4% had experienced such violence in the previous 12 months.<sup>4</sup> KemenPPPA data from 2023,

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<sup>1</sup> Maritha Jacobsson, Stefan Sjöström, and Valentin Öckinger, “Victim Blaming as Collateral Damage: Professionals on Court Hearings in Cases of Rape, Assault, and Fraud,” *Journal of Law and Society* 52, no. 2 (2025): 229–248, <https://doi.org/10.1111/jols.12530>.

<sup>2</sup> Cécile Miele et al., “International Guidelines for the Prevention of Sexual Violence: A Systematic Review and Perspective of WHO, UN Women, UNESCO, and UNICEF’s Publications,” *Child Abuse & Neglect* 146 (2023): 106497, <https://doi.org/10.1016/j.chiabu.2023.106497>.

<sup>3</sup> Jack Cagney et al., “Prevalence of Sexual Violence against Children and Age at First Exposure: A Global Analysis by Location, Age, and Sex (1990–2023),” *The Lancet* 405, no. 10492 (2025): 1817–1836, [https://doi.org/10.1016/S0140-6736\(25\)00311-3](https://doi.org/10.1016/S0140-6736(25)00311-3).

<sup>4</sup> KemenPPPA, “Survei Nasional Pengalaman Hidup Anak Dan Remaja SNPHAR 2024,” 2024, <https://pameranfoto.kemenpppa.go.id/wp-content/uploads/2024/12/20241215-SNPHAR-2024-20241215-0826-1-side.pdf>.

as cited by Anita Permata Dewi,<sup>5</sup> recorded approximately 2,370 female victims of sexual violence, representing roughly 35% of all reports involving child victims. An increase in reporting does not necessarily indicate a decline in incidence: low perpetrator accountability and victims' fear of reporting—driven by stigma, threats, or inadequate institutional responses—suggest that the true incidence is likely substantially higher. Previous studies further indicate that both formal and informal responses to victims often reinforce barriers to reporting and distrust of protection mechanisms. Jodie Murphy-Oikonen et al.<sup>6</sup> and Sophie Stewart et al.<sup>7</sup> demonstrate that these factors reduce victims' access to justice despite the expansion of complaint channels.

The high prevalence of, and low reporting rates for, child sexual violence should be understood not only as crime statistics but also as indicators of systemic failure, including secondary victimisation that occurs within judicial processes. The victimology framework emphasises a comprehensive analysis of victims' experiences, vulnerability factors, victimisation mechanisms, and the secondary impacts produced by institutional responses. Rebecca Stringer<sup>8</sup> and Sara Thunberg<sup>9</sup> underscore the value of this framework for understanding how legal processes can compound trauma. Victim blaming—shifting attention to the victim's behaviour or character rather than the perpetrator's actions—is a form of secondary victimisation that impedes access to justice and recovery.<sup>10</sup> Within the justice system, the language, factual assumptions, and evidentiary emphasis of state actors, including judges, can reinforce these structural

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<sup>5</sup> Anita Permata Dewi, “Kementerian PPPA: Kekerasan Seksual Mendominasi Kekerasan Pada Anak,” ed. Risbiani Fardaniah, ANTARA, March 19, 2024, <https://www.antaranews.com/berita/4017072/kementerian-pppa-kekerasan-seksual-mendominasi-kekerasan-pada-anak>.

<sup>6</sup> Jodie Murphy-Oikonen et al., “Unfounded Sexual Assault: Women’s Experiences of Not Being Believed by the Police,” *Journal of Interpersonal Violence* 37, no. 11–12 (2022): 8916–8940, <https://doi.org/10.1177/0886260520978190>.

<sup>7</sup> Sophie Stewart et al., “‘I Thought I’m Better off Just Trying to Put This behind Me’ – a Contemporary Approach to Understanding Why Women Decide Not to Report Sexual Violence,” *The Journal of Forensic Psychiatry & Psychology* 35, no. 1 (2024): 85–101, <https://doi.org/10.1080/14789949.2023.2292103>.

<sup>8</sup> Rebecca Stringer, “Rape Myths, Rape Law and Mendelsohn’s Victimology: Law’s ‘Bio-Psycho-Social’ Witness,” *Feminist Legal Studies* 33, no. 1 (2025): 47–69, <https://doi.org/10.1007/s10691-024-09548-x>.

<sup>9</sup> Sara Thunberg, “Victimization, Positioning, and Support. Young Victims’ Experiences of Crime” (Örebro University, 2020), <https://avhandlingar.se/avhandling/7863023ad0>.

<sup>10</sup> Louisa Pauline Witte and Aleya Flechsenhar, “‘It’s Your Own Fault’: Factors Influencing Victim Blaming,” *Journal of Interpersonal Violence* 40, no. 9–10 (2025): 2356–2380, <https://doi.org/10.1177/08862605241270030>; Sebastian Jon Holmen, “Situational Crime Prevention, Advice Giving, and Victim-Blaming,” *Philosophia* 52, no. 2 (2024): 325–340, <https://doi.org/10.1007/s11406-024-00729-1>.

barriers.<sup>11</sup> Therefore, evaluations that link prevalence data, reporting barriers, and judicial practices (including victim-blaming) are essential for formulating policy recommendations that advance victim-centred justice.<sup>12</sup>

Several empirical studies have identified factors that perpetuate victim blaming. Carol Murray et al.<sup>13</sup> found that acceptance of modern rape myths and certain moral values predicts victim-blaming attitudes in urban communities. Rona Kaufman<sup>14</sup> and Naveed Akram et al.<sup>15</sup> highlight the role of patriarchal culture and the media in reinforcing these myths, which make victims reluctant to report because of fear of stigmatisation. Louisa Pauline Witte and Aleya Flechshenhar<sup>16</sup> identify gender bias and stereotypes as key drivers and recommend comprehensive sex education and measures to promote gender equality to reduce victim-blaming attitudes. An analysis of first-instance court decisions further demonstrates the judiciary's impact on victims. For example, R. Ayu Miya Ratih Ardhya Garini & Sri Kusriyah<sup>17</sup> found that rulings in the Pemalang District Court often treated the victim's role as a mitigating factor in the perpetrator's sentence. In contrast, international work, such as that by Maritha Jacobsson et al. in Sweden, highlights different dynamics around motives for reporting and victims' experiences; these authors argue that understanding these dynamics can help design community-level interventions that encourage reporting and strengthen collective protection of victims' rights.

A significant gap in the literature—namely, the dominant focus on public attitudes, media representations, or first-instance rulings—becomes particularly problematic when considered alongside the role of appellate decisions, which formalise legal reasoning, shape jurisprudence, and send practical signals to trial courts and law

<sup>11</sup> Vincentius Setyawan and Bariah Safrut, 'Rethinking Law and Justice: The Core Principles of Critical Legal Studies against Legal Formalism', *NUSANTARA: Journal Of Law Studies* 4, no. 2 (October 2025): 74–85, <https://doi.org/10.5281/zenodo.17332128>.

<sup>12</sup> Jo-Anne Wemmers, Isabelle Parent, and Marika Lachance Quirion, "Restoring Victims' Confidence: Victim-Centred Restorative Practices," *International Review of Victimology* 29, no. 3 (2023): 466–486, <https://doi.org/10.1177/02697580221128830>; Cynthia Chukwufumnanya Izu, Sesan Fabamise, and Oriola Oyewole, "Re-Conceptualising the Theory of Justice and the Needs of Victims of Sexual Violence in Nigeria: An Appraisal of a Victim Centered Approach," *F1000Research* 13 (2024): 1288, <https://doi.org/10.12688/f1000research.153823.1>.

<sup>13</sup> Carol Murray, Carlos Calderón, and Joaquín Bahamondes, "Modern Rape Myths: Justifying Victim and Perpetrator Blame in Sexual Violence," *International Journal of Environmental Research and Public Health* 20, no. 3 (2023): 1663, <https://doi.org/10.3390/ijerph20031663>.

<sup>14</sup> Rona Kaufman, "Patriarchal Violence," *Buffalo Law Review* 71, no. 3 (2023): 509–77.

<sup>15</sup> Naveed Akram, Musarat Yasmin, and Ayesha Sohail, "Perpetuation of Rape Myths through News Reporting on Intimate Partner Violence: A Transitivity Analysis of Asma Aziz Case," *Women's Studies International Forum* 109 (2025): 103038, <https://doi.org/10.1016/j.wsif.2024.103038>.

<sup>16</sup> Witte and Flechsenhar, "It's Your Own Fault?: Factors Influencing Victim Blaming."

<sup>17</sup> R. Ayu Miya Ratih Ardhya Garini and Sri Kusriyah, "Role of Victims in Criminal Action of Rape Against Children in Pemalang State Court," *Law Development Journal* 3, no. 1 (2021): 93–99, <https://doi.org/10.30659/ldj.3.1.93-99>.

enforcement. The absence of appellate-level studies means scholars have paid insufficient attention to judicial moments when judges' arguments can either reinforce or counteract victim-blaming practices; consequently, prevalence figures and reporting barriers cannot be explained solely as social phenomena but also reflect failures of the justice system.

This empirical gap is even more consequential in the context of national norms in Indonesia: there is a tension between the victim-protection guidelines set out in Supreme Court Regulation (PERMA) No. 3 of 2017 and the concrete judicial practices observed in Indonesian courts. To examine that tension both empirically and normatively, the following section analyses the appellate acquittal decision Acquittal decision No. 42/PID/2017/PT Bjm from the Banjarmasin High Court as a case study. The analysis will (1) identify patterns of judges' argumentation and rhetoric at the appellate level that constitute mechanisms of secondary victimisation, (2) assess the consistency of judges' considerations with the principles of PERMA No. 3 of 2017, and (3) explore the implications for access to justice and recommendations for criminal-justice policy.

## Literature Review

Victimology originated in classical scholarship that exposed mechanisms of victim neglect in judicial practice. Early scholars emphasised victims' rights and vulnerability factors: Benjamin Mendelsohn stressed victims' rights and advocacy,<sup>18</sup> while Hans von Hentig focused on classifying victims by levels of vulnerability and on the roles of personal, social, and situational factors.<sup>19</sup> Nils Christie's concept of the "ideal victim" explains why some victims receive greater sympathy while others—including many survivors of sexual violence—are marginalised because they do not meet those criteria.<sup>20</sup> This framework helps explain how sociocultural assessments of victims can translate into victim-blaming practices within legal proceedings.

Combining these concepts, victim blaming is a specific manifestation of secondary victimisation—that is, additional harm experienced by victims because of institutional or societal responses.<sup>21</sup> The practical definition of secondary victimisation, as

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<sup>18</sup> Stringer, "Rape Myths, Rape Law and Mendelsohn's Victimology: Law's 'Bio-Psycho-Social' Witness."

<sup>19</sup> William G. Doerner and Steven P. Lab, *Victimology*, 9th ed. (New York: Routledge, 2020), <https://doi.org/10.4324/9780367816582>.

<sup>20</sup> Lisa J Long, "The Ideal Victim: A Critical Race Theory (CRT) Approach," *International Review of Victimology* 27, no. 3 (2021): 344–362, <https://doi.org/10.1177/0269758021993339>.

<sup>21</sup> Caitlin P. Carroll, "The 'Lottery' of Rape Reporting: Secondary Victimization and Swedish Criminal Justice Professionals," *Nordic Journal of Criminology* 22, no. 1 (2021): 23–41, <https://doi.org/10.1080/2578983X.2021.1900516>; Antony Pemberton and Eva Mulder, "Bringing Injustice Back in: Secondary Victimization as Epistemic Injustice," *Criminology & Criminal Justice* 25, no. 4 (2023): 1181–1200, <https://doi.org/10.1177/17488958231181345>.

articulated by Mary P. Koss in Suiane M. Tavares et al.<sup>22</sup>, emphasises treatment that casts doubt on the victim's statements or places blame on the victim, producing repeated psychosocial harms. Contemporary empirical research links rape myths, gender bias, and moral stereotypes to victim-blaming tendencies.<sup>23</sup> At the same time, child-focused studies show that behaviours reasonably understood as age-appropriate responses (e.g., fear, delayed disclosure, presence at a location without supervision) are often treated as credibility-undermining evidence.<sup>24</sup> Thus, these concepts operate together: the "ideal victim" becomes a social norm that filters which victims are considered "worthy" of belief; victim blaming translates that norm into factual arguments in court; and secondary victimisation is the institutional consequence that reinforces injustice.

Situating victimology as an analytical lens becomes especially important when combined with a trauma-informed approach and a critical appraisal of legal institutions. This combined approach not only clarifies victims' experiences but also serves as an evaluative tool to assess whether judicial practices respect victims' psychological needs and avoid stigmatising language or procedures.<sup>25</sup> Within this framework, critical victimology requires two concurrent tasks: (1) a textual analysis of judges' rhetoric and of prosecution and defence arguments to identify patterns of disproportionate scrutiny or marginalisation of victims; and (2) an evaluation of legal norms and procedural practices to determine whether they mitigate or reinforce secondary victimisation.

Indonesia's positive legal framework provides important normative benchmarks for victimology-informed assessments, but it must be read alongside the analytic tools of victimology. Normatively, Article 285, Criminal Code (KUHP) defines rape in terms of nonconsensual sexual intercourse obtained by force or threat and prescribes a

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<sup>22</sup> Suiane M. Tavares et al., "Development and Validation of the Secondary Victimization Scale," *Psychological Reports* 126, no. 5 (2023): 2594–2615, <https://doi.org/10.1177/00332941221092652>.

<sup>23</sup> Witte and Flechsenhar, "It's Your Own Fault?: Factors Influencing Victim Blaming"; Murray, Calderón, and Bahamondes, "Modern Rape Myths: Justifying Victim and Perpetrator Blame in Sexual Violence."

<sup>24</sup> Eunice Magalhães et al., "Why Are Men More Likely to Endorse Myths About Child Sexual Abuse Than Women? Evidence From Disposition and Situation-Based Approaches," *Child Maltreatment* 27, no. 3 (2022): 356–65, <https://doi.org/10.1177/1077559520988353>; Trinita Meiliana and Yeby Ma'asan Mayrudin, "Dynamics of Gender Justice in the State's Negation of Victims of Sexual Violence," *Gender Equality: International Journal of Child and Gender Studies* 10, no. 2 (2024): 153–167, <https://doi.org/10.22373/equality.v10i2.24218>.

<sup>25</sup> Wemmers, Parent, and Lachance Quirion, "Restoring Victims' Confidence: Victim-Centred Restorative Practices"; Nicola Cogan et al., "A Journey towards a Trauma Informed and Responsive Justice System: The Perspectives and Experiences of Senior Justice Workers," *European Journal of Psychotraumatology* 16, no. 1 (2025): 2441075, <https://doi.org/10.1080/20008066.2024.2441075>.

maximum penalty of twelve years' imprisonment.<sup>26</sup> This article regulates the elements of the crime of rape and recognises that violence is not only physical but also psychological.<sup>27</sup> The provisions on evidence in the Criminal Procedure Code (KUHAP) regulate evidence, including documentary evidence and the procedures for assessing evidence to ensure fair and comprehensive proof, and establish the principle of evidence assessment that should prevent the victim's experience from being ignored.<sup>28</sup> Furthermore, PERMA No. 3 of 2017 concerning Guidelines for Adjudicating Cases of Women in Conflict with the Law provides explicit ethical and technical guidance for judges: it prohibits demeaning or victim-blaming statements and requires victim-friendly procedures during examination.<sup>29</sup> Law No. 12 of 2022 concerning Sexual Violence Crimes (TPKS Law) strengthens the normative framework by recognising multiple forms of sexual violence and by guaranteeing victims' rights to protection and confidentiality.<sup>30</sup> However, a critical reading suggests these provisions may be undermined in practice when judges' interpretations place a disproportionate burden on victims—for example, by requiring physical evidence or by construing child victims' behaviour as evidence of dishonesty.

To strengthen the dialogue between theory and norms, this review proposes an integrated analytical framework: (a) employ the ideal victim category to identify normative assumptions that shape victim credibility; (b) detect manifestations of victim-blaming in the language, factual premises, and evidentiary emphasis of judgments; and (c) assess consequences as forms of secondary victimisation by examining procedural and substantive impacts on access to justice. The framework is particularly sensitive to child victims, accounting for developmental vulnerability, power asymmetries, and standards of proof that require trauma-informed interpretation, so that analysis of appellate court decisions explains not only what judges say but also why those arguments operate to the detriment of child victims and how existing norms should address these tendencies.

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<sup>26</sup> Soenarto Soerodibroto, *KUHP Dan KUHAP Dilengkapi Yurisprudensi Mahkamah Agung Dan Hoge Raad*, ed. Harry Hersugiarto and Darwin Tampubolon, 20th Print (Jakarta: RajaGrafindo Persada, 2019).

<sup>27</sup> Anis Widyawati, "Criminal Policy of Adultery in Indonesia," *Journal of Indonesian Legal Studies* 5, no. 1 (2020): 171–186, <https://doi.org/10.15294/jils.v5i1.36786>.

<sup>28</sup> Soerodibroto, *KUHP Dan KUHAP Dilengkapi Yurisprudensi Mahkamah Agung Dan Hoge Raad*.

<sup>29</sup> Mahkamah Agung, "Peraturan Mahkamah Agung (PERMA) Nomor 3 Tahun 2017 Tentang Pedoman Mengadili Perkara Perempuan Berhadapan Dengan Hukum," 2017, <https://jdih.mahkamahagung.go.id/legal-product/perma-nomor-3-tahun-2017/detail>.

<sup>30</sup> Prianter Jaya Hairi and Marfuatul Latifah, "Implementasi Undan-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual," *Negara Hukum* 14, no. 2 (2023): 163–79, <https://doi.org/10.22212/jnh.v14i2.4108>; Suwarjin Suwarjin and Aadil Ahmad Shairgojri, "The Sexual Violence Criminal Law (TPKS Law) in Preserving the Family in the Maqasid Sharia Perspective," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 10, no. 1 (2024): 55–68, <https://doi.org/10.29300/mzn.v10i1.2943>; Cindy Kang, "Urgensi Pengesahan RUU PKS Sebagai Upaya Perlindungan Hukum Bagi Korban Revenge Porn," *Jurnal Yustika: Media Hukum Dan Keadilan* 24, no. 1 (2021): 49–62, <https://doi.org/10.24123/yustika.v24i01.4601>.

## Method

This study employs a normative-doctrinal legal research design to assess whether judges' reasoning conforms to applicable legal norms and victim-protection standards.<sup>31</sup> The primary sources are two court decisions: Marabahan District Court Decision No. 20/Pid.B/2017/PN Mrh and Banjarmasin High Court Decision No. 42/PID/2017/PT Bjm. Secondary sources include the Criminal Code, the Criminal Procedure Code, PERMA No. 3 of 2017, and Law No. 12 of 2022 (TPKS Law). A doctrinal approach was adopted to identify applicable norms and to critically evaluate whether judicial reasoning aligns with the principle of victim protection.<sup>32</sup> Analysis consisted of a qualitative content analysis of the verdict texts and a comparative examination of first-instance and appellate judgments. The evaluation focused on compliance with PERMA No. 3 of 2017 (prohibiting victim-blaming and requiring victim-friendly procedures), evidentiary principles in the Criminal Procedure Code—including recognition of non-physical forms of violence—and principles of non-discrimination and a victim-centred, trauma-informed approach. The unit of analysis was judges' reasoning, operationalised through indicators such as victim-blaming language, exclusive demands for physical evidence, minimisation of victims' losses, or, conversely, language that evidences protection or partiality.<sup>33</sup> Findings from each judicial level were compared to determine whether the appellate decision reinforced or mitigated the risk of secondary victimisation. Finally, results were evaluated against positive law to formulate conclusions and policy recommendations.<sup>34</sup>

## Results and Discussion

### Summary of Considerations for the Decision

The incident began between July and September 2016, when S (initials), a 14-year-old girl, was repeatedly raped in her own home by seven perpetrators (in two separate cases). According to witness statements and initial reports, the perpetrators took advantage of the fact that the victim was often home alone, forcing S into a room before taking turns assaulting her. This happened six times, with several days between each incident. In one incident, the victim even suffered bruising to her private parts, which was later documented in a medical report. The victim's parents only realised that something serious had happened

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<sup>31</sup> Faraji M. Rushagama, “Combined Doctrinal and Qualitative Approach in Legal Researches: An over View,” *International Journal of Innovative Science and Research Technology* 9, no. 1 (2024): 1780–1785, <https://doi.org/10.5281/zenodo.10634265>.

<sup>32</sup> Sanne Taekema, “Methodologies of Rule of Law Research: Why Legal Philosophy Needs Empirical and Doctrinal Scholarship,” *Law and Philosophy* 40, no. 1 (2021): 33–66, <https://doi.org/10.1007/s10982-020-09388-1>.

<sup>33</sup> Rika Preiser et al., “Qualitative Content Analysis,” in *The Routledge Handbook of Research Methods for Social-Ecological Systems*, ed. Reinette Biggs et al. (London, UK: Routledge, 2021), 270–81, <https://doi.org/10.4324/9781003021339-23>; Mendra Wijaya et al., *Metodologi Penelitian: Kombinasi Pendekatan Kuantitatif, Kualitatif Dan Mixed Methods* (Medan: PT Media Penerbit Indonesia, 2025).

<sup>34</sup> Hiba Al Abiad and Ayman Masadeh, “Law Comparison as a Research Method in Legal Studies, and Its Importance in Promoting Uniformity in Legal Systems,” in *BUID Doctoral Research Conference 2023: Multidisciplinary Studies*, ed. Khalid Al Marri et al. (Cham: Springer Cham, 2024), 446–454, [https://doi.org/10.1007/978-3-031-56121-4\\_42](https://doi.org/10.1007/978-3-031-56121-4_42).

when they noticed changes in S's behaviour. She became quiet, cried often, and showed significant signs of physical and psychological trauma. After receiving a complaint from the victim's family, the local police conducted an initial investigation, arrested seven suspects, and forwarded the case to the Marabahan District Court.<sup>35</sup>

At the Marabahan District Court, the case file was opened with joint charges against the seven perpetrators for the crime of rape in accordance with Article 285 in conjunction with Article 55 paragraph (1) in conjunction with Article 64 of the Criminal Code. At the first hearing, the victim S testified, and psychological assistance and psychiatric examination were provided, which then resulted in the issuance of a Psychiatric Certificate No. 441/11322IPF.2/RS.AS, as well as a medical report supporting the existence of physical violence. The public prosecutor presented evidence that the violence and threats had been proven to have been repeated, while the panel of judges asked in-depth questions about the chronology of events and the victim's reaction. All supporting witnesses, including medical personnel and forensic psychologists, confirmed the victim's trauma and depression after the incident. After several hearings, the Marabahan District Court decided in Decision No. 20/Pid.B/2017/PN Mrh to sentence each perpetrator to seven years in prison, because the evidence of coercion, threats, and vulnerability of the underage victim was sufficiently convincing.<sup>36</sup>

In the first instance ruling, the Marabahan District Court judges confirmed that the elements of physical and psychological violence had been fulfilled. The judges' considerations were based on the victim's consistent testimony, medical evidence of injuries, and a psychiatric report indicating trauma. The judges rejected the defence's argument that the victim "consented" or "invited" the rape, because the victim's age, which was under 18, negated the concept of absolute consent in the Criminal Code. The evidence of the perpetrators' cooperation was also highlighted, especially the fact that their actions were organised and carried out repeatedly.<sup>37</sup> This ruling reflects the application of the principle of victim-centred justice by placing strong emphasis on the psychological and physical condition of the victim, where all forms of coercion are recognised as elements constituting the crime of rape, not just apparent physical violence.<sup>38</sup>

In sharp contrast to the first instance verdict, in Appeal No. 42/PID/2017/PT Bjm dated August 22, 2017, the panel of judges at the Banjarmasin High Court acquitted all seven perpetrators. The appellate judges' considerations focused on the victim's attitude and "circumstances": among other things, that the rape occurred in the victim's home, which she had opened herself, that the victim had removed her pants, and that there was no indication that the perpetrators intended to prevent pregnancy, leading the judges to conclude that the elements of coercion or threat were "insufficiently proven." The judges also stated that S's testimony was "unreliable" because, logically, it was considered impossible for the perpetrators to have carried out several actions described by the victim, and stated that the

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<sup>35</sup> Mahkamah Agung, "Putusan Nomor 20/Pid.B/2017/PN Mrh," 2017, <https://putusan3.mahkamahagung.go.id/direktori/putusan/53c5626bb26805ff30e957a7e0072969.html>.

<sup>36</sup> Mahkamah Agung.

<sup>37</sup> Mahkamah Agung.

<sup>38</sup> Wemmers, Parent, and Lachance Quirion, "Restoring Victims' Confidence: Victim-Centred Restorative Practices."

Mental Health Certificate was disregarded because it was "irrelevant" to the evidence.<sup>39</sup> This verdict is rife with victim-blaming and secondary victimisation, as it prioritises stereotypes about the victim's behaviour over the substance of the coercion she experienced,<sup>40</sup> also disregards the guidelines of PERMA No. 3 of 2017, and raises significant questions regarding the protection of victims' rights at the judicial level.

### **Victim Precipitation, the Ideal Victim, and Secondary Victimisation: A Synthesis**

According to Christie's ideal victim theory, as cited in Lisa J. Long,<sup>41</sup> weak, helpless, and innocent victims should receive full sympathy (such as minors). However, in the Banjarmasin High Court's appeal decision, the panel of judges shifted S's status from ideal victim to someone who contributed to the crime she experienced. The judges' consideration that the victim opened the door herself or took off her pants was not a relevant factor in proving coercion, but rather an attempt to justify that the victim invited the rape. According to von Hentig, the victim's vulnerability is more influenced by situational conditions (alone at home, young age) than post-incident behaviour.<sup>42</sup> By emphasising the element of the victim's "willingness," the appeals court judge negated the elements of psychological and situational coercion, thereby using the logic of victim precipitation to shift the moral and legal burden from the perpetrator to the victim, i.e., the way the victim is considered to have provoked the crime.<sup>43</sup>

The judges of the Banjarmasin District Court explicitly created secondary victimisation through victim-blaming rhetoric. Statements such as "the victim took off her pants herself," "wanted to have sex," and criticism that the victim "did not report immediately" are clear examples of how the judicial institution politicised the victim's trauma to justify its decision. The theory of secondary victimisation emphasises that victims of sexual violence have experienced primary trauma,<sup>44</sup> and the attitude of doubting their testimony at the judicial stage triggers secondary trauma, which is a violation of the principle of trauma-informed justice.<sup>45</sup> By ignoring the fact that the victim was a minor and vulnerable to pressure, the

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<sup>39</sup> Mahkamah Agung, "Putusan Nomor 20/Pid.B/2017/PN Mrh."

<sup>40</sup> Carroll, "The 'Lottery' of Rape Reporting: Secondary Victimization and Swedish Criminal Justice Professionals"; Tavares et al., "Development and Validation of the Secondary Victimization Scale"; Magalhães et al., "Why Are Men More Likely to Endorse Myths About Child Sexual Abuse Than Women? Evidence From Disposition and Situation-Based Approaches."

<sup>41</sup> Long, "The Ideal Victim: A Critical Race Theory (CRT) Approach."

<sup>42</sup> Stringer, "Rape Myths, Rape Law and Mendelsohn's Victimology: Law's 'Bio-Psycho-Social' Witness."

<sup>43</sup> Wayne Patherick, Arathi Kannan, and Nathan Brooks, "Victim Precipitation: An Outdated Construct or an Important Forensic Consideration?," *Journal of Forensic Psychology Research and Practice* 21, no. 3 (2021): 214–229, <https://doi.org/10.1080/24732850.2020.1850087>.

<sup>44</sup> Tavares et al., "Development and Validation of the Secondary Victimization Scale."

<sup>45</sup> Cogan et al., "A Journey towards a Trauma Informed and Responsive Justice System: The Perspectives and Experiences of Senior Justice Workers."

judge's statement violated the victim's dignity, reinforced rape myths, and caused additional fear for the victim and other witnesses who might be hesitant to report.<sup>46</sup>

Victim blaming in the appeal decision was not only rhetorical, but had a real psychological and social impact on S. The court's rejection of the victim's testimony prolonged the period of posttraumatic stress, triggered depression, and increased the risk of anxiety disorders and Posttraumatic Stress Disorder (PTSD).<sup>47</sup> Socially, the stigma attached through the judge's ruling can marginalise the victim S from the school environment and community, break her self-confidence, and damage her family's image. This is a form of victim precipitation that forces victims to hide their identities.<sup>48</sup> Based on the findings of Charlotte Omane Kwakye-Nuako,<sup>49</sup> this stigma hinders victims' access to psychosocial support and slows down the recovery process, while also undermining public trust in the justice system.

Psychological Assessment Letter No. 441/11322IPF.2/RS.AS is valid evidence according to Article 184 paragraph (1) letter c of the Criminal Procedure Code, which shows the victim's trauma and depression. However, the appeal judge deemed this letter "irrelevant",<sup>50</sup> even though victim-centred justice theory demands full recognition of psychological evidence as an integral part of proving coercion.<sup>51</sup> By disregarding this evidence, the panel of judges disrespected the medical profession and forensic psychologists and ignored the vulnerability of the victim. This practice undermines the principle of substantive justice and contradicts the spirit of the Criminal Procedure Code to guarantee

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<sup>46</sup> Caroline Lilley et al., "Intimate Partner Rape: A Review of Six Core Myths Surrounding Women's Conduct and the Consequences of Intimate Partner Rape," *Social Sciences* 12, no. 1 (2023): 34, <https://doi.org/10.3390/socsci12010034>.

<sup>47</sup> Anabelle Paulino et al., "Post-Traumatic Stress Disorder and the Risk of Violent Crime Conviction in Sweden: A Nationwide, Register-Based Cohort Study," *The Lancet Public Health* 8, no. 6 (2023): 432–441, [https://doi.org/10.1016/S2468-2667\(23\)00075-0](https://doi.org/10.1016/S2468-2667(23)00075-0); Laura Vargas et al., "Extortion Experiences of Recent Adult Immigrants from Latin America: Self-Reported Prevalence, Associated Costs, and Current Mental Health," *Injury Epidemiology* 11, no. 1 (2024): 43, <https://doi.org/10.1186/s40621-024-00524-2>.

<sup>48</sup> Patherick, Kannan, and Brooks, "Victim Precipitation: An Outdated Construct or an Important Forensic Consideration?"

<sup>49</sup> Charlotte Omane Kwakye-Nuako et al., "Exploration of Factors Influencing Court Outcomes in Cases Involving Minors as Victims in Ghana," *Child Abuse & Neglect* 133 (2022): 105853, <https://doi.org/10.1016/j.chiabu.2022.105853>.

<sup>50</sup> Mahkamah Agung, "Putusan Nomor 20/Pid.B/2017/PN Mrh."

<sup>51</sup> Wemmers, Parent, and Lachance Quirion, "Restoring Victims' Confidence: Victim-Centred Restorative Practices"; Izu, Fabamise, and Oyewole, "Re-Conceptualising the Theory of Justice and the Needs of Victims of Sexual Violence in Nigeria: An Appraisal of a Victim Centered Approach"; Elfa Murdiana et al., "The Victim's Best Interest Principle in Islamic Law: An Examination of the Substance of Sexual Violence in Muslim Majority Countries in the Contemporary Era," *MILRev: Metro Islamic Law Review* 5, no. 1 (2026): 33–60, <https://doi.org/10.32332/milrev.v5i1.10654>.

material truth,<sup>52</sup> especially in cases involving victims who are vulnerable to crime, such as children.

PERMA No. 3 of 2017 stipulates that judges are prohibited from displaying attitudes or making statements that demean or blame women victims of violence.<sup>53</sup> However, in the appeal decision, the judge openly accused S of "wanting" to be raped and "neglecting to report it," thereby violating Article 5 letter d and Article 6 of PERMA.<sup>54</sup> Normatively, this violation should have triggered internal corrective mechanisms, such as the right of victims to object or even ethical sanctions for judges. However, no normative sanctions were applied, indicating weak oversight of the guidelines' implementation. This analysis shows that without sanctions enforcement and ongoing training, PERMA remains merely a rhetorical document with no impact on appellate trial practices.

To systematize the foregoing analysis, the following table synthesizes the interplay between Ideal Victim Theory, Victim Precipitation, and Secondary Victimization, and maps their concrete manifestation in the Banjarmasin High Court appeal decision. By aligning the theoretical foundations of Nils Christie and Hans von Hentig with the normative framework of PERMA No. 3 Tahun 2017, the table clarifies how the judicial reasoning shifted the victim's status, minimized psychological coercion, and reproduced secondary victimisation. This structured presentation demonstrates that the appeal judgment was not merely flawed in evidentiary assessment but reflected a broader victim-blaming logic with significant legal and psychosocial consequences.

Table 1. Victim Precipitation, Ideal Victim, and Secondary Victimization – Concise Analytical Synthesis

Concept	Key Theorist(s)	Application in the Banjarmasin Appeal Decision	Legal & Psychosocial Implications
Ideal Victim Theory	Nils Christie (as cited in Lisa J. Long)	The minor victim (S) was shifted from an "ideal victim" (weak, innocent, deserving sympathy) to a party perceived as contributing to the crime.	Loss of judicial sympathy; weakening of victim credibility and protection.
Victim Precipitation Theory	Hans von Hentig	The court emphasized the victim's alleged "willingness" (opening the door, removing clothes), ignoring situational and psychological coercion.	Moral and legal burden shifted from the perpetrator to the victim; negation of the coercion

<sup>52</sup> Demson Tiopan, "Implementation of the Principle of Justice in the Formation and Substance of Government Regulation," *Dialogia Iuridica* 15, no. 1 (2023): 076–093, <https://doi.org/10.28932/di.v15i1.7449>.

<sup>53</sup> Mahkamah Agung, "Peraturan Mahkamah Agung (PERMA) Nomor 3 Tahun 2017 Tentang Pedoman Mengadili Perkara Perempuan Berhadapan Dengan Hukum."

<sup>54</sup> Mahkamah Agung, "Putusan Nomor 42/PID/2017/PT Bjm," 2017, <https://putusan3.mahkamahagung.go.id/direktori/putusan/2d6743dc0d9a005d64b60282a3aed d7f.html>.

			elements.
Secondary Victimisation	Contemporary victimology theory	Judicial statements such as “the victim wanted sex” and “did not report immediately” reflect victim-blaming rhetoric.	Re-traumatization, reinforcement of rape myths, social stigma, and diminished public trust in justice.
Trauma- Informed & Normative Framework	PERMA No. 3 Tahun 2017	Psychological Assessment Letter No. 441/11322IPF.2/RS.AS was deemed “irrelevant,” and the judge’s remarks contradicted protections against blaming women victims.	Undermining of psychological evidence, violation of judicial ethical standards, and weakened implementation of victim-centred justice.

Source: Author’s Interpretation

The table demonstrates that the Banjarmasin appeal decision reflects a systematic convergence of victimological distortion and normative deviation. Drawing on Nils Christie’s concept of the ideal victim, the minor complainant should have been positioned as vulnerable and deserving of full legal protection; however, the court reclassified her as a contributing actor, thereby eroding her credibility. Through the lens of Hans von Hentig’s victim precipitation theory, the judges’ emphasis on the victim’s alleged “willingness” illustrates a misapplication of situational vulnerability by shifting the burden of responsibility from the perpetrator to the child victim. This reasoning was further compounded by secondary victimisation, as judicial rhetoric reproduced rape myths and deepened psychological harm. Moreover, by disregarding psychological evidence and failing to adhere to the standards set out in PERMA No. 3 Tahun 2017, the decision undermined trauma-informed justice principles and weakened institutional accountability. Collectively, the table reveals that the ruling was not only legally problematic but also structurally incompatible with contemporary victim-centred justice standards.

### Lessons from International Practice

The findings of the analysis show that the evidence of sexual violence is still too focused on visible physical violence, while aspects of psychological coercion and victim vulnerability (especially children) are ignored. Therefore, the standard of proof must be revised to include a broader definition of violence that encompasses not only bruises or wounds, but also emotional distress, fear, and the victim's inability to give free consent. Article 285 of the Criminal Code should be amended to include a clause on non-physical coercion, while Articles 184 to 187 of the Criminal Procedure Code should be interpreted to explicitly recognise psychiatric evidence as valid explicitly.<sup>55</sup> Training for judges and investigators must

<sup>55</sup> Soerodibroto, *KUHP Dan KUHAP Dilengkapi Yurisprudensi Mahkamah Agung Dan Hoge Raad*; Itok Dwi Kurniawan, “The Urgency of Providing Restitutions for Victims of Sexual Violence,” *NUSANTARA: Journal of Law Studies* 2, no. 2 (2023): 112–117.

include modules on trauma-informed interviewing and objective criteria for assessing victim testimony.<sup>56</sup> Thus, the burden of proof no longer traps victims in the logic of "there must be clear physical violence," but rather prioritises the victim's context and the perpetrator's intent.

The acquittal ruling by the Banjarmasin High Court contains normative distortions that indicate weaknesses in the Indonesian judicial system, the absence of effective internal correction mechanisms when judges violate the PERMA No. 3 of 2017 guidelines, and a lack of accountability for victim-blaming practices. This ruling proves that even though norms exist, without the enforcement of ethical sanctions and independent oversight, guidelines become nothing more than rhetorical documents. This reflects structural problems, including the low availability of statistical data on gender-based violence cases, the lack of access to legal assistance for victims, and the lack of evaluation of appeals by separate judicial institutions. These weaknesses require institutional reform, including the establishment of a decision oversight unit focused on violations of victims' rights and increased public transparency regarding the appeal process.

Several jurisdictions have adopted the principle of victim-centred justice, placing victims at the centre of the judicial process. Sweden, for example, integrates victim advocates into every stage of the investigation and provides access to trauma therapy immediately after reporting.<sup>57</sup> Canada, which recognises psychiatric evidence as equivalent to physical forensic evidence and requires judges to undergo regular training on gender-based violence and children's rights,<sup>58</sup> and Nigeria, which evaluates victim consent based on objective criteria—such as age, coercion, and power dynamics—rather than the subjective perceptions of judges.<sup>59</sup> These practices can be used as a reference to strengthen the judiciary in Indonesia through the formalisation of victim advocates, mandatory verification of psychological reports, and special accreditation requirements for judges handling cases of sexual violence against children,<sup>60</sup> in line with international instruments such as the Istanbul Protocol, which provides forensic and psychiatric guidelines for investigating and documenting psychological trauma to strengthen the recognition of non-physical evidence in child rape cases and prevent victim blaming in court.<sup>61</sup>

Research findings in China show that victim blaming is influenced by sociocultural factors, particularly rape myths, which shape attribution of blame and weaken perpetrator

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<sup>56</sup> Cogan et al., "A Journey towards a Trauma Informed and Responsive Justice System: The Perspectives and Experiences of Senior Justice Workers."

<sup>57</sup> Carroll, "The 'Lottery' of Rape Reporting: Secondary Victimization and Swedish Criminal Justice Professionals."

<sup>58</sup> Yimin Chen et al., "Canadian Gender-Based Violence Prevention Programs: Gaps and Opportunities," *Violence Against Women*, 2024, <https://doi.org/10.1177/10778012241259727>.

<sup>59</sup> Izu, Fabamise, and Oyewole, "Re-Conceptualising the Theory of Justice and the Needs of Victims of Sexual Violence in Nigeria: An Appraisal of a Victim Centered Approach."

<sup>60</sup> Zul Fahmi, "Preventing Violence Against Women and Children in Mandailing Natal Regency: A Criminological Perspective," *Saree: Research in Gender Studies* 7, no. 2 (2025): 152–67, <https://doi.org/10.47766/saree.v7i2.6265>.

<sup>61</sup> Zeynep Koseoglu, "Launch of the Revised Istanbul Protocol," *Torture Journal* 32, no. 3 (2022): 89–89, <https://doi.org/10.7146/torture.v32i3.133934>.

responsibility.<sup>62</sup> Research in Malaysia confirms that patriarchal norms institutionalised in law and judicial practice make victim-blaming a mechanism for absolving perpetrators.<sup>63</sup> These two findings reinforce this study's analysis that victim blaming in court decisions is a structural problem—related to norms, institutions, and judicial culture—rather than merely an error in assessing evidence. Therefore, the proposed reforms must go beyond technical changes to the rules of evidence and target the transformation of court culture, legal education, and accountability mechanisms.

Based on comparisons and analysis of weaknesses, several strategic steps need to be taken, namely (1) revising the Criminal Code and Criminal Procedure Code to include definitions of non-physical coercion and ensure the recognition of psychological evidence; (2) strengthening PERMA No. 3 of 2017 by adding administrative sanctions for judges who violate the guidelines, as well as integrating the principles of international guidelines in the Istanbul Protocol; (3) establishing a Victim Advocacy Unit in every court of appeal to ensure legal and psychosocial assistance; (4) disseminating international best practices through intensive training for judges. In addition, it is also necessary to encourage the PKS draft law to regulate an independent review mechanism for appeal decisions that contain elements of victim blaming; and (5) establish a multidisciplinary assessment mechanism—for example, a panel consisting of a specialist judge, a psychologist, a doctor, and an independent observer—so that the victim's condition, vulnerability, and testimony can be assessed more carefully and sensitively. The results of the assessment can be used as consideration in the examination process and in determining protective measures.

In addition, it is necessary to establish a mechanism for independent review of appeal decisions that contain elements of victim-blaming under the TPKS Law. Although in 2022 the PKS draft law was passed into the TPKS Law, research by Trinita Meiliana & Yeby Ma'asanMayrudin found that the law's implementation still shows victim-blaming, as victims often do not feel justice or legal certainty, and their rights are ignored. Thus, the Indonesian criminal justice system can move towards a victim-centred justice paradigm, ensuring that victims receive fair and dignified treatment and that their rights are effectively protected.

Training is needed for judges, especially in handling sexual crime cases. This includes regular workshops, trial simulations, and actual case studies that teach trauma-informed interviewing techniques, recognition of gender bias and rape myths, and how to assess psychological evidence from victims. The Supreme Court can collaborate with forensic psychology institutions and international organisations to develop certification modules for victim-friendly judges. This certification is a prerequisite for judges handling child sexual abuse cases. Periodic evaluations and external audits at each appellate court ensure consistent implementation of the material.

The TPKS Law must comprehensively regulate victims' rights, including the right to confidentiality of identity, the right to be free from degrading statements during the judicial

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<sup>62</sup> Ziyi Li and Yong Zheng, "Blame of Rape Victims and Perpetrators in China: The Role of Gender, Rape Myth Acceptance, and Situational Factors," *Sex Roles* 87, no. 3–4 (2022): 167–84, <https://doi.org/10.1007/s11199-022-01309-x>.

<sup>63</sup> Haezreena Begum binti Abdul Hamid, "Exploring Victim Blaming Attitudes in Cases of Rape and Sexual Violence: The Relationship with Patriarchy," *Malaysian Journal of Social Sciences and Humanities (MJSSH)* 6, no. 11 (2021): 273–284, <https://doi.org/10.47405/mjssh.v6i11.1147>.

process, and the right to psychosocial recovery. For example, a specific article could prohibit all parties (including judges, prosecutors, and legal advisors) from using language that corners victims, with administrative or ethical sanctions for violators. In addition, the TPKS Law must include provisions for mandatory legal and psychological assistance from the investigation stage through the execution of the verdict, to ensure that victims do not experience secondary victimisation. Thus, this law will become a comprehensive legal umbrella that integrates procedural and substantive protection for victims of sexual violence throughout the criminal justice system.

Considering the national context, Indonesia is a country with a plurality of legal systems,<sup>64</sup> where the relationship among positive law, customary law, and Islamic law coexists to shape the handling of criminal cases.<sup>65</sup> Islamic legal norms or interpretations in practice can reinforce stigma against victims, or conversely, provide an alternative source of protection.<sup>66</sup> The Islamic law-based recommendations proposed in this study should be placed within the framework of institutional harmonisation, by internalising the principles of child protection and victim dignity, such as public interest, protection, and justice from an Islamic jurisprudence perspective, into judicial practice guidelines, judge training modules, and victim assistance policies.<sup>67</sup> Placing such recommendations as a bridge between empirical findings and policy measures strengthens the legitimacy of reform. It ensures that religious recommendations are not understood in isolation but as a contribution to a more just and pro-victim national legal system.

## Conclusion

Based on a normative analysis of the appellate ruling, Decision No. 42/PID/2017/PT Bjm, this study identifies its core contribution: not merely documenting the persistence of victim blaming but demonstrating how appellate-level judicial reasoning structurally reproduces that practice through narrow interpretations of coercion and evidentiary standards. In the decision under review, the panel of judges privileged physical evidence and scrutinised the victim's conduct (for example, "opening the door," "removing clothing," and "failing to report immediately"), thereby effectively shifting the burden of proof onto the victim and normalising secondary victimisation. Normatively, this approach conflicts with the protective provisions of Article 285 of the Criminal Code, the evidentiary framework set out in Articles 184–187 of the Criminal Procedure Code, the victim-sensitive guidelines embodied in

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<sup>64</sup> Keebet von Benda-Beckman, "Relational Social Theories and Legal Pluralism," *Indonesian Journal of Socio-Legal Studies* 1, no. 1 (2021): Article 2, <https://doi.org/10.54828/ijsls.2021v1n1.2>.

<sup>65</sup> Junaidi Lubis et al., *Pengantar Hukum Pidana*, ed. Yasmirah Mandasari Saragih and Ade Sathya S. Ishwara (Kota Tangerang: Adikara Cipta Aksa, 2025).

<sup>66</sup> Nur Azisa et al., "Psychological Recovery of Crime Victims within Contemporary Restorative Justice: An Islamic Legal Perspective," *MILRev: Metro Islamic Law Review* 4, no. 2 (2025): 1098–1127, <https://doi.org/10.32332/milrev.v4i2.11184>.

<sup>67</sup> Sumardi Efendi and Dar Kasih, "Upaya Penanggulangan Kekerasan Seksual Terhadap Anak Di Aceh Barat Dalam Persepektif Hukum Islam," *Legalite: Jurnal Perundang Undangan Dan Hukum Pidana Islam* 7, no. 2 (2022): 88–100, <https://doi.org/10.32505/legalite.v7i2.4705>.

PERMA No. 3 Tahun 2017, and the protective objectives of the Undang-Undang Tindak Pidana Kekerasan Seksual. The systemic implications are far-reaching: beyond weakening child protection, such restrictive interpretive practices erode judicial integrity and diminish public trust in the justice system. Accordingly, this study advances both normative and operational recommendations, including revising evidentiary standards to recognise non-physical forms of coercion and psychiatric evidence; strengthening monitoring and accountability mechanisms to ensure compliance with PERMA No. 3 of 2017; implementing trauma-informed training for justice actors; and harmonising legal norms by internalising child-protection and victim-dignity principles—including protections informed by Islamic law—within judicial guidelines, judicial training modules, and victim-assistance policies. For future research, empirical socio-legal studies are recommended to examine patterns of victim-blaming reasoning across multiple appellate decisions, as well as qualitative interviews with judges, prosecutors, and victims to assess the practical implementation of trauma-informed justice. Comparative studies between jurisdictions and interdisciplinary research integrating psychology, victimology, and Islamic legal theory would further enrich understanding of how coercion and vulnerability are judicially constructed. Situating Islamic law-based recommendations within an institutional harmonisation framework reinforces the legitimacy of reform and ensures that such measures support, rather than stand apart from, the development of a more just and victim-centred national legal system.

### **Acknowledgement**

The authors express their gratitude to the editor and the anonymous reviewers of *Nusantara: Journal of Law Studies* for their thorough evaluation and constructive feedback, which substantially improved this manuscript.

### **Author Contributions Statement**

Liantha Adam Nasution conceived and designed the study, developed the methodology, conducted data analysis, and drafted the original manuscript. Zul Fahmi contributed substantially to methodology development, data analysis, validation, and critical revision of the manuscript. Sumardi Efendi and Ahmad Rozali contributed to data collection, investigation, validation, and interpretation. Maulana Muklis assisted with data curation and manuscript review. Muhammad Asim Rafiq assisted with manuscript editing and review. All authors reviewed and approved the final version of the manuscript.

### **AI Usage Statement**

The authors declare that artificial intelligence (AI)-assisted tools were used during the preparation of this manuscript. Grammarly was employed for grammar checking and language refinement. Use of these tools was strictly limited to linguistic and editorial purposes. All intellectual content, data analysis, interpretation of results, and conclusions were produced solely by the authors, who retain full responsibility for the accuracy, integrity, and originality of the work.

## Conflict of Interest

The authors declare that they have no conflicts of interest related to the publication of this manuscript.

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