

Dynamics of Revictimization of Victims of Sexual Violence at the Law Enforcement Stage: A Victimological Analysis

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Abstract: This article analyzes the revictimization of sexual violence victims during law enforcement through a victimology perspective. The research uses normative legal methods with a statutory and conceptual approach. The results show that the legal process can lead to further suffering through denial of reports, victim-blaming questions, repetition of statements, disclosure of identities, lack of support, and unsafe encounters with perpetrators. Revictimization occurs when victims are positioned as evidence, rather than as subjects with rights to security, information, participation, and recovery. The success of law enforcement must therefore also be assessed by the system's ability to prevent re-traumatization and maintain the victim's dignity.

Keywords: revictimization; victims of sexual violence; law enforcement; victimology; victim protection.

1. Introduction

Sexual violence is a violation of the victim's body, autonomy, dignity, sense of safety, and equality. Its impacts can develop into psychological disorders, damaged social relationships, interruption of education or employment, and loss of trust in institutions. The National Commission on Violence Against Women's 2024 CATAHU recorded 330,097 cases of gender-based violence against women throughout 2024. This figure represents documented cases, not the total number of incidents, as reporting barriers remain strong.¹

Reporting should be a gateway for victims to obtain protection, justice, and reparation. However, the legal process can create new suffering when institutional responses repeat the power relations experienced by victims. This suffering arises through doubtful attitudes, vulgar questions, pressure to reconcile, repetition of chronology, disclosure of identities, or unprotected meetings with perpetrators. Neglecting victims' psychological well-being and rights can have negative impacts and erode trust in the justice system.²

In victimology, this situation is called secondary victimization. Primary victimization stems from the perpetrator's actions, while secondary victimization arises from the responses of families,

¹National Commission on Violence Against Women, Executive Summary of CATAHU 2024: Organizing Data, Sharpening Direction (Jakarta, 2025), 1–3.

²David Brain Siregar, Juanrico AS Titahelu, and Denny Latumaerissa, "The Impact of Revictimization on Survivors of Sexual Violence," *PATTIMURA Law Study Review* 1, no. 1 (2023): 22–24.

communities, the media, service providers, and authorities after the incident. Further trauma often arises from insensitive procedures and the failure of institutions to recognize victims as rights holders.

Developments in national law indicate a shift toward more victim-oriented protection. Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence places handling, protection, and recovery as victims' rights. This regulation affirms the right to information, assistance, protection from threats, restitution, and recovery services. Normative criminal proceedings must be accompanied by measurable protection and recovery.³

During the trial, Supreme Court Regulation No. 3 of 2017 requires judges to identify gender inequalities and ensure equal access to justice. Judges are not permitted to display condescending attitudes, condone discrimination, or inquire about the victim's sexual history without due regard. Without judicial oversight, cross-examination can shift from a test of facts to an assessment of the victim's morality and character.

Although legal instruments have evolved, changing norms have not automatically transformed investigative practices and organizational culture. The criminal justice system has historically been built on identifying perpetrators, proving guilt, and imposing penalties. This orientation requires victims to act as reporters and providers of information, but their needs for safety, information, support, and recovery are not always central to the process. Victims are present as witnesses but can remain marginalized as legal subjects.

Re-victimization arises not only from overt acts of violence but also from administrative routines considered normal. Victims may be moved from one officer to another, repeat their stories without coordination, wait without certainty, receive limited information, or be asked to verify the threats themselves. Seemingly neutral procedures can have discriminatory effects when they ignore trauma, age, disability, economic dependency, and power relations.

Yustiningsih's study of child victims of sexual violence shows that the obligation to remember and recount events at various stages of the trial can prolong trauma, instill fear, and encourage victims or their families to avoid the legal process. Traumatic memories are not always structured linearly, so fragmented accounts do not necessarily indicate deception.⁴

Based on these issues, this article questions how revictimization of sexual violence victims occurs during law enforcement and how this phenomenon is explained through a victimology perspective. The discussion is limited to revictimization as secondary victimization and its manifestations during the law enforcement process.

³Indonesia, Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, Articles 66–70.

⁴Indriastuti Yustiningsih, "Legal Protection for Child Victims of Sexual Violence from Re-victimization," *Lex Renaissance* 5, no. 2 (2020): 295–300.

2. Research methods

This study uses a normative legal research method with a statutory approach and a conceptual approach. The statutory approach is carried out by examining provisions governing the handling, protection, examination, and recovery of victims of sexual violence, particularly Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, Supreme Court Regulation Number 3 of 2017, and Prosecutor's Guidelines Number 1 of 2021. The conceptual approach is used to examine the concepts of victimology, secondary victimization, victim-oriented approaches, and trauma-based examinations as the basis for analyzing revictimization in the law enforcement process.

The legal materials used consist of primary legal materials in the form of laws and institutional guidelines, as well as secondary legal materials in the form of books, journal articles, monitoring reports, and relevant research results. The legal materials were collected through literature and document studies, then analyzed descriptively and qualitatively through the stages of inventory, classification, interpretation, and comparison between the normative obligations of officials and practices recorded in the literature. The analysis is directed at identifying the forms, causes, and impacts of revictimization at each stage of law enforcement and formulating a victim protection framework oriented towards preventing recurrent trauma.

3. Revictimization as Secondary Victimization in the Law Enforcement Process

3.1. The concept of revictimization in a victimology perspective

Victimology broadens the analysis of criminal law from the perpetrator and the crime to the victim's position, the process of victimization, harm, and reparation. Victims are not merely sources of information for evidence, but also stakeholders in how reports are received, statements are obtained, identities are protected, and reparations are granted. The quality of law enforcement is therefore also determined by the institutional treatment of victims.

Revictimization is the continued suffering following primary victimization, which can be psychological, social, economic, or procedural. This situation occurs when victims are disbelieved, blamed, humiliated, deprived of confidentiality, or subjected to actions that reactivate the trauma without a proportionate need for proof. Revictimization represents new harm resulting from social and institutional responses.

One mechanism of revictimization is victim blaming, which shifts responsibility onto the victim through questions about clothing, nighttime activities, relationship with the perpetrator, sexual history, or delay in reporting. These questions rely on the myth that victims must fight back, report immediately, be consistent, and display specific emotions. However, victims may freeze, remain silent, experience fragmented memories, or become dependent on the perpetrator.

Revictimization is also related to an offender-oriented system. In this orientation, the victim's experience is selected only to the extent that it is useful in proving the elements of the crime,

while the impact, protection needs, and recovery plans are treated as secondary issues. Paradoxically, the victim is at the center of the evidence but at the margins of decision-making. A victim-centered approach must be translated into standards for investigations, data protection, service coordination, risk assessment, and victim engagement.

A trauma-informed approach requires officers to understand that violence affects how victims remember, speak, and react. Consistency of testimony is always tested without intimidation or the assumption that a particular response is a prerequisite for truth. Questions should be open-ended, relevant, non-repetitive, and accompanied by information about the purpose of the examination and support options.

During the investigation process, the impact of revictimization can include anxiety, shame, depression, fear, and loss of trust in the authorities. Siregar, Titahelu, and Latumaerissa emphasize that formal legal practices that ignore victims' rights can make the legal system a source of new victimization.⁵ The impact is also systemic, as a victim's negative experience can spread as social media, leading others to choose not to report. For child victims, repeating their stories and meeting with the perpetrator requires a safe space, support, integrated recording of statements, and restrictions on the number of questionings.⁶

3.2. Manifestation of revictimization at the law enforcement stage

At the reporting stage, revictimization occurs when officers dismiss or belittle the report, question the victim's morality, or encourage amicable settlements. Victims may also be asked to repeat their stories to multiple officers. Uncoordinated repetition relives traumatic experiences and undermines trust in the legal process.

During inquiries and investigations, revictimization includes vulgar or repetitive questioning, shouting due to inconsistent testimony, reenactments of incidents, and unaccompanied questioning. Identity leaks and confrontations with perpetrators without a risk assessment also increase stress. Prevention requires trained interviewers, a safe space, cross-stage documentation, and restrictions on repetition of testimony.

At the prosecution stage, revictimization occurs when the victim is denied information about the case, is not involved in identifying losses, or is not assisted in filing for restitution. An indictment that diminishes the impact on the victim maintains its standing as evidence. Sensitive information should be limited, and stigmatizing language should be avoided.

During trials, victims face cross-examination and may be in close proximity to the perpetrator. Questions about sexual history or morality can divert judgment from the victim's character. Supreme Court Regulation No. 3 of 2017 provides a basis for judges to avoid stereotyping and reject derogatory questions. Remote examinations, visual barriers, chaperones, and identity protection should be used as needed.

⁵Siregar, Titahelu, and Latumaerissa, "The Impact of Revictimization," 24–27.

⁶Yustiniingsih, "Legal Protection for Child Victims of Sexual Violence," 300–303.

After a verdict, revictimization can occur when the victim is unable to receive information about the outcome of the case, restitution, or the perpetrator's detention status. Punishment does not necessarily restore a sense of security. Recovery must therefore be medical, psychological, social, and economic.

Re-victimization can lead victims to withdraw their reports, refuse to appear, lose their ability to work or study, and lose trust in the law. Excessive pressure also reduces the quality of communication. A victim-centered approach is not a barrier to objectivity, but rather a prerequisite for obtaining more accurate information.

From a victimological perspective, revictimization marks a procedural failure. Prevention requires trauma-based protocols, support from the first report, identity protection, risk assessment, integrated records, and complaint mechanisms. Successful law enforcement must include accountability for perpetrators while ensuring the dignity, safety, participation, and recovery of victims.⁷

4. Legal protection framework to prevent re-victimization

4.1. Victims' rights as procedural limits for law enforcement

Preventing revictimization cannot simply be viewed as an individual ethical responsibility of officers. It must be understood as a legal obligation that limits how the state obtains information, manages evidence, and treats victims. Access to justice is only meaningful when the substance of the law, the law enforcement structure, and the legal culture work in concert. Norms that recognize victims' rights lose their effectiveness if officers continue to perceive doubt, fear, or unclear memories as signs of untrustworthiness. Therefore, victim protection must be the framework from the first report, not an additional service after the evidentiary process is complete.⁸

Law Number 12 of 2022 establishes treatment, protection, and recovery as a series of interrelated rights. Consequently, receiving a report must include an explanation of rights, a risk assessment, guarantees of confidentiality, access to counsel, and referrals to services. Victims should not be burdened with finding a psychologist, safe house, legal assistance, or information on case developments on their own. Any transfer of care between institutions must also be accompanied by a controlled transfer of information to prevent victims from repeatedly reporting the incident to different officers.⁹

At the prosecution stage, Prosecutor's Guideline Number 1 of 2021 directs prosecutors to recognize unequal relationships, avoid inflammatory questions, protect identities, and pay attention to the physical and psychological well-being of women and children. These guidelines

⁷Siregar, Titahelu, and Latumaerissa, "The Impact of Revictimization," 26–28.

⁸Sayyidatihiyaa Afra Geubrina Raseukiy and Yassar Aulia, "Opening Horizons to Access to Justice for Victims of Sexual Crimes in Indonesia: A Paradigmatic Review of Law Enforcement," *National Law Magazine* 49, no. 1 (2019): 151–179, <https://doi.org/10.33331/mhn.v49i1.96>.

⁹Indonesia, Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, Articles 66–70.

are crucial because prosecutorial decisions not only determine the formulation of charges but also determine whether the victim's experiences are fully reflected in the case. Charges that only cite the perpetrator's actions without describing the victim's losses and vulnerabilities risk eliminating the basis for protection, restitution, and rehabilitation.¹⁰

Victims' rights also serve as a test for procedural measures. Questions about the victim's personal life, relationship history, clothing, or behavior may only be asked if they are directly related to the case. Officials must be able to explain the relevance, necessity, and proportionality of each sensitive question. This test prevents the examination from devolving into a moral judgment. Within a victim-centered framework, victims are still asked to provide necessary information, but the process must not remove the victim's control over security, support, and choice of how to provide information.

Such protection does not diminish the principle of objectivity. On the contrary, a safe examination environment enhances the victim's ability to concentrate, remember, and communicate. Minor inconsistencies should be examined, taking into account time lag, stress, age, disabilities, and the effects of trauma. Authorities may still critically examine testimony, but such examination must be directed at relevant facts and conducted without threats, ridicule, yelling, or unnecessary repetition.

4.2. Coordination of services, assistance, and restitution

Re-victimization often occurs because victim care is fragmented across multiple institutions. The police focus on investigations, the prosecutor's office on prosecution, and the courts on case hearings, while medical, psychological, social, and protection services are handled by other institutions. Separation of functions is necessary, but without coordination, it creates a vacuum: victims don't know who is responsible, case information is disconnected, and urgent needs go unaddressed. Therefore, every case requires a case manager who ensures continuity of information and services from the reporting stage to the post-verdict stage.

Monitoring of the implementation of Prosecutor's Guideline Number 1 of 2021 shows that some prosecutors have provided counsel, attempted remote examinations, rejected discriminatory statements, and assisted with restitution applications. However, the study also found uneven understanding, delays in restitution calculations, weak inter-agency synergy, and the need for information integration to prevent victims from repeating the chronology at each stage. These findings indicate that the existence of norms does not automatically result in uniform service.¹¹

Coordination should begin with an initial assessment that includes threat risks, health needs, psychological conditions, communication barriers, economic dependency, and special needs. Assessment results should not be shared unrestrictedly. Only information relevant to each

¹⁰Attorney General's Office of the Republic of Indonesia, Guideline Number 1 of 2021 concerning Access to Justice for Women and Children in Handling Criminal Cases (Jakarta, 2021), 8–15.

¹¹Indonesia Judicial Research Society et al., Study of Monitoring and Evaluation of the Implementation of Attorney General's Guidelines No. 1 of 2021 concerning Access to Justice for Women and Children in Handling Criminal Cases (Jakarta: IJRS, 2025), 33–35.

institution's tasks should be accessible, while identities and sensitive data should be protected with an auditable access trail. Recording statements can be used with the victim's consent to reduce redundancy, as long as data security and the victim's right to correct errors are guaranteed.

Recovery must also be linked to restitution from the outset. Restitution is not a reward after a perpetrator has been convicted, but rather a form of recognition of the material and non-material losses suffered by the victim. Calculations should include medical expenses, psychological services, lost income, education costs, transportation, relocation, security, and other losses directly related to the crime. Apriyani's research shows that restitution applications can begin during investigations through the LPSK (Corruption Eradication Commission), but implementation faces limited expertise, uneven support from officials, and issues with payment execution.¹²

The advocate plays a strategic role in bridging the evidentiary interests and the victim's needs. The advocate should not be treated as a party obstructing the investigation. They should help the victim understand the questions, recognize their rights, communicate the need for a break, and ensure informed consent is given. In the context of universities and educational institutions, protection also includes continuing studies or employment, preventing academic intimidation, and separating the victim from potential pressure groups.

5. Victim and trauma-based law enforcement reconstruction

5.1. Trauma-perspective examination standards

Law enforcement reconstruction must begin with trauma-informed examination standards. This approach relies on safety, clarity of information, realistic choices, collaboration, and strengthening victim control. Authorities need to understand that victims may freeze, delay reporting, recall events fragmentarily, or display emotions that differ from general expectations. No single pattern of reactions can be used as a measure of truth. Credibility assessments must be based on the aggregate evidence, not on stereotypes about how victims “should” behave.

Operationally, examinations should be conducted by trained personnel, in a private setting, on a predictable schedule, and with the option of a companion. Victims should be given the opportunity to rest, request an examiner of a specific gender if available, and use communication aids for persons with disabilities. Face-to-face meetings with the perpetrator should only occur after a risk assessment and should not be imposed as a condition for proceeding with the case. During trials, judges may use remote examinations, visual barriers, or questioning restrictions to prevent intimidation and the disclosure of irrelevant information.¹³

¹²Maria Novita Apriyani, “Implementation of Restitution for Victims of Sexual Violence,” *Legal Treatise* 17, no. 1 (2021): 1–10, <https://doi.org/10.30872/risalah.v17i1.492>.

¹³Supreme Court of the Republic of Indonesia, Supreme Court Regulation Number 3 of 2017 concerning Guidelines for Adjudicating Cases of Women in Conflict with the Law, Articles 4–7.

The examination protocol should also define who may question the chronology. Ideally, there should be one main statement that is legally recorded and can be used across stages, with additional questions limited to any unclear points. Repetitions are only permitted when there is a concrete evidentiary need. Each repetition should be preceded by an explanation of the purpose, informed consent, and an assessment of the victim's condition. This pattern reduces the risk of re-traumatization without eliminating the suspect or accused's right to examine the evidence.

Information protection is an integral part. Victims' identities, medical records, psychological assessment results, safe house addresses, and digital materials should not be excessively disclosed in publicly accessible documents. Officials who disclose, copy, or distribute data without authorization must be subject to disciplinary and accountability mechanisms. Confidentiality is not simply an administrative issue; data leaks can trigger stigma, threats, job loss, school dropouts, and digital attacks that prolong victimization.

5.2. Institutional accountability and measures of success

Officer training is a prerequisite, but it is insufficient without organizational change. Every institution needs to have standard operating procedures, a list of trained inspectors, a supervisory mechanism, regular evaluations, and a secure complaint channel. Victim complaints about officer misconduct should be investigated by a unit independent of the officer being reported. Evaluation results should be used to improve procedures, not just resolve complaints individually. The IJRS study emphasized the importance of expanding training, improving coordination, establishing a common understanding of restitution, and refining guidelines to align with developments in the TPKS law.¹⁴

The metrics for law enforcement success must be expanded. Beyond the number of cases referred or convictions, institutions need to measure the time required to provide protection, the number of repeat hearings, the regularity of information provision, access to counsel, restitution requests, the continuity of recovery services, and the number of identity leaks. Assessments should also include victims' experiences of safety, respect, and involvement in decisions that directly affect them. These indicators allow for tangible monitoring of procedural quality.

A restorative approach should not be equated with pressure to reconcile. In cases of sexual violence, power imbalances, threats, economic dependence, or family relationships can make a settlement agreement less than free. Any settlement offer must be rigorously scrutinized and should not be used to deny a report or terminate protection. The primary goals are perpetrator accountability, fulfillment of victims' rights, and prevention of recurrence. A system that forces victims to choose between criminal proceedings and personal safety essentially creates new victimization.

¹⁴Indonesia Judicial Research Society et al., *Monitoring and Evaluation Study*, 31–35.

At the regional level, the state must ensure the availability of psychologists, medical personnel, translators, disability advocates, legal aid, safe houses, and transportation costs. The lack of services outside large cities makes victims' rights dependent on their place of residence. Strengthening regional service units must be accompanied by a clear budget and a referral mechanism to the LPSK (Lembaga Penitentiary and Victim Protection Agency). When resources are limited, the first priority is immediate security, medical access, identity protection, and legal assistance from the moment a report is received.

The impact of revictimization doesn't stop with a single victim. Harmful experiences spread through families, communities, and social media, creating the perception that reporting is more dangerous than remaining silent. This situation reduces reporting, weakens evidence, and increases impunity. Therefore, preventing revictimization is essential for effective law enforcement. A system that respects victims is not only more humane but also better able to obtain accurate information and maintain victim participation throughout the process.¹⁵

For child victims, protection standards must be stricter. Examination must be age- and developmentally appropriate, involve competent counselors, limit contact with the perpetrator, and prevent retelling of the story. The child's best interests must not be overridden by administrative convenience. Investigators, prosecutors, and judges must make optimal use of recorded testimony and audiovisual aids to prevent the evidentiary process from becoming a recurring traumatic experience.¹⁶

6. Conclusion

Re-victimization of sexual violence victims in law enforcement occurs when procedures, attitudes of officials, and examination mechanisms actually cause further suffering for the victims. This can take the form of denial of reports, victim-blaming questions, repeated statements, identity leaks, minimal support, and meetings with perpetrators without adequate protection. These conditions demonstrate that victims are often still positioned as mere evidence, rather than as legal subjects with rights to security, information, participation, and reparation.

Preventing revictimization requires the implementation of a victim-centered, trauma-informed approach, from the reporting stage through post-conviction. Law enforcement officials need to strengthen coordination, maintain confidentiality, limit repeat investigations, provide assistance, and ensure access to restitution and recovery services. Therefore, the success of law enforcement is measured not only by the punishment of perpetrators but also by the system's ability to maintain the dignity and restore victims' well-being.

¹⁵David Brain Siregar, Juanrico Alfaromona Sumarezs Titahelu, and Denny Latumaerissa, "The Impact of Revictimization on Survivors of Sexual Violence in the Investigation Process," *PATTIMURA Law Study Review* 1, no. 1 (2023): 24–28.

¹⁶Indriastuti Yustiningsih, "Legal Protection for Child Victims of Sexual Violence from Re-victimization in the Criminal Justice System," *Lex Renaissance* 5, no. 2 (2020): 295–303.

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