

Comparative Legal Analysis of Victim Protection in Indonesia and the United States

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ABSTRACT

Sexual violence is a human rights violation with wide impact in private and public spaces. Indonesia has enacted Law Number 12 of 2022 on Sexual Violence Crimes, while the United States relies on the Violence Against Women Act and the Sex Offender Registration and Notification Act. Differences between civil law and common law traditions shape policy design and handling mechanisms. This study aims to compare legal regulation and handling mechanisms for sexual violence in Indonesia and the United States, identify the strengths and weaknesses of each system, and formulate recommendations for improvement. The research uses normative juridical method with statutory and functional comparative approaches. Primary legal materials include the Indonesian Sexual Violence Crimes Law and 18 U.S.C. §2242, while secondary materials include journals, books, and official documents. The analysis is comparative, prescriptive, and qualitative, with the American side limited to the federal level through 18 U.S.C. §2242 and SORNA. The findings show that Indonesia is more victim-oriented and restorative through broader definitions, restitution, and psychological support, yet implementation is constrained by patriarchal culture, limited institutional capacity, and inconsistent judicial interpretation. The United States emphasizes public safety through offender registration and monitoring, but faces federal-state fragmentation and empirical doubts about SORNA's deterrent effect. The novelty lies in a systematic comparison of post-UU TPKS Indonesia and the federal SORNA regime across a broader spectrum of sexual violence, including digital violence. The study concludes that neither system offers a complete model and proposes an operational mutual learning agenda.

Keywords: *Comparative Law, Sexual violence, SORNA, UU TPKS, Victim Protection.*

Perbandingan Hukum Perlindungan Korban Kekerasan Seksual di Indonesia dan Amerika Serikat

ABSTRAK

Kekerasan seksual merupakan pelanggaran hak asasi manusia yang berdampak luas di ruang privat dan publik. Indonesia telah mengesahkan Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual, sementara Amerika Serikat memiliki Violence Against Women Act dan Sex Offender Registration and Notification Act. Perbedaan tradisi hukum civil law dan common law memengaruhi desain kebijakan dan mekanisme penanganan. Penelitian ini bertujuan membandingkan pengaturan hukum dan mekanisme penanganan kekerasan seksual di Indonesia dan Amerika Serikat, mengidentifikasi kekuatan dan kelemahan masing-masing sistem, serta merumuskan rekomendasi perbaikan. Metode yang digunakan adalah yuridis normatif dengan pendekatan perundang-undangan dan perbandingan fungsional. Bahan hukum primer meliputi UU TPKS dan 18 U.S.C. §2242, sedangkan bahan sekunder meliputi jurnal, buku, dan dokumen resmi. Analisis dilakukan secara komparatif, preskriptif, dan kualitatif dengan batas kajian Amerika Serikat pada level federal melalui 18 U.S.C. §2242 dan SORNA. Hasil penelitian menunjukkan Indonesia lebih berorientasi pada korban dan keadilan restoratif melalui perluasan definisi, restitusi, dan dukungan psikologis, tetapi implementasinya terkendala budaya patriarkal, kapasitas kelembagaan, dan inkonsistensi interpretasi hakim. Amerika Serikat lebih menekankan keselamatan publik melalui registrasi dan pemantauan pelaku, tetapi menghadapi fragmentasi federal-negara bagian dan keraguan empiris atas efek penjeratan SORNA. Kebaruan penelitian terletak pada perbandingan sistematis pasca-UU TPKS dan rezim federal SORNA dengan cakupan kekerasan seksual yang lebih luas, termasuk kekerasan digital. Penelitian ini menyimpulkan tidak ada sistem yang lengkap dan menawarkan agenda pembelajaran timbal balik yang operasional.

Kata kunci: *Kekerasan Seksual, Perbandingan Hukum, Perlindungan Korban, SORNA, UU TPKS.*

INTRODUCTION

Sexual violence is a violation of human rights with wide impact in private and public spaces. In Indonesia, recent data show that prevalence remains alarming. A study of college students in East Java found that 56.8% of respondents had experienced sexual violence in various forms, including verbal and physical abuse.¹ This figure shows that sexual violence is not a marginal phenomenon. It is a structural problem that requires an adequate legal response. The United States faces similar challenges, although its regulatory framework has developed over a longer period, such as the Violence Against Women Act (VAWA) and the Sex Offender Registration and Notification Act (SORNA). Differences in legal systems between Indonesia, which follows civil law, and the United States, which follows common law, influence how both countries design policy and handling mechanisms.

Indonesia has taken a significant step through Law Number 12 of 2022 on Sexual Violence Crimes, known as The Law On Sexual Offences (*Undang-Undang Tindak Pidana Kekerasan Seksual*). This regulation expands the scope of sexual violence crimes, recognizes forms of violence previously not accommodated in the Criminal Code, and places the victim as the main subject of protection. Nevertheless, implementation still faces obstacles, including limited technical capacity among law enforcement officers, scarce resources in remote areas, and a strong patriarchal culture that often places victims in vulnerable positions. The United States has a more fragmented system between federal and state levels. SORNA requires offender registration in a national database and periodic data updates, yet disparities among states create inconsistency in handling and victim protection.

Previous studies have examined comparative law in sexual violence cases, but their focus has generally been limited to specific aspects. Saputra and Sutrisno compared legal protection mechanisms for child sexual violence victims between Indonesia and the United States, emphasizing differences in criminal procedure and consistency of court decisions.² Harley and Lewoleba focused their comparison on criminal liability for sexual violence offenders under Indonesian law and Texas law.³ Berliana and Hartantien analyzed criminal liability for deepfake porn perpetrators based on artificial intelligence in Indonesia and South Korea, a comparative study

¹ Evi Winingsih et al., "Sexual Violence among College Students in East Java: Patterns, Gender Perspectives, and Implications for Prevention," *Jurnal Konseling Dan Pendidikan* 12, no. 4 (December 31, 2024): 408–17, <https://doi.org/10.29210/1129100>.

² Rian Prayudi Saputra and Hafiz Sutrisno, "Legal Protection Mechanisms for Child Sexual Abuse Victims: Comparative Analysis of Indonesian and United States Criminal Procedures [PENA JUSTISIA: MEDIA KOMUNIKASI DAN KAJIAN HUKUM] Rian Prayudi Saputra, et Al: Legal Protection Mechanisms for Child Sex...", *Pena Justisia* 24, no. Juni (2025), https://doi.org/10.1007/978-1-4614-2179-5_5.

³ Airrique Bintang Merah Harley and Kayus Kayowuan Lewoleba, "A Comparisons of How Indonesian Law and Texas Law Address Criminal Responsibility for Sexual Violence Offenders," *Law Development Journal* 7, no. 4 (January 4, 2026): 783, <https://doi.org/10.30659/ldj.7.4.783-798>.

relevant to digital sexual violence.⁴ Orfan and Haryadi examined judges' considerations in sentencing elderly sexual violence offenders, highlighting restorative justice and humanitarian considerations.⁵ These studies offer valuable insights, yet none comprehensively compares regulatory frameworks and handling mechanisms between Indonesia and the United States after the enactment of The Law On Sexual Offences.

This study employs two conceptual lenses to frame the comparison. Indonesia is analyzed through the lens of victim-centered and restorative justice, which emphasizes victim recovery, the expansion of the definition of sexual violence, and the protection of victim rights throughout the legal process. This lens helps explain why the Sexual Violence Crimes Law introduces restitution, psychological support, and a broader scope of punishable conduct. The United States is analyzed through the lens of deterrence and public protection, which emphasizes offender monitoring, registration, and community safety. This lens helps explain why SORNA requires registration in a national database, periodic data updates, and post-sentencing supervision. These two lenses are not mutually exclusive. A legal system can combine victim protection with offender supervision, yet the balance between them shapes the design of legislation and the priorities of law enforcement. By making these lenses explicit, this study can assess whether each system achieves its stated objectives and how the two systems might learn from each other. The analysis in the Results and Discussion section therefore returns to these lenses when examining regulatory frameworks, handling mechanisms, and case studies.

The novelty of this study lies in its systematic juxtaposition of two different legal regimes, namely Indonesia with its civil law tradition that has recently updated its legal instrument, and the United States with its common law tradition that has institutional infrastructure and technology for offender monitoring. This study is not limited to one victim category or one form of crime. It covers a broader spectrum of sexual violence, including digital based violence. Thus, it can identify the strengths and weaknesses of each system more fully and formulate contextual mutual learning.

This study aims to compare legal regulation and handling mechanisms for sexual violence in Indonesia and the United States, identify the strengths and weaknesses of each system, and provide recommendations for future legal development. This comparison is expected to move beyond normative description and highlight implementation, institutional capacity, and victim access to justice. With this approach,

⁴ Ajeng Putri Berliana and Sinarianda Kurnia Hartantien, "Criminal Liability for AI-Based Deepfake Pornography Offenders in Indonesia and South Korea," *DE RECHT (Journal of Police and Law Enforcement)* 4, no. 1 (2026): 1–16, <https://doi.org/https://doi.org/10.55499/derecht.v4i1.399>.

⁵ Muhammad Rivando Orfan and Wahyu Tris Haryadi, "Judges' Considerations in Sentencing Elderly Perpetrators of Sexual Violence," *DE RECHT (Journal of Police and Law Enforcement)* 3, no. 2 (December 23, 2024): 32–49, <https://doi.org/10.55499/derecht.v2i3.392>.

the study contributes to academic discourse on harmonization and reform of sexual violence law in Indonesia.

LITERATURE REVIEW

Studies on the Indonesian Sexual Violence Crimes Law generally highlight implementation challenges that have not been fully resolved. Saputra and Sutrisno emphasize that Indonesia has a comprehensive legislative framework oriented toward restorative justice, yet court decision execution shows that only 34% genuinely accommodate the principle of the best interests of the child.⁶ This finding is reinforced by Harley and Lewoleba, who compare Indonesian law with Texas law. They note that Indonesia places greater emphasis on a restorative approach and a broad definition, including non-physical and psychological violence, while Texas prioritizes public safety through strict post-sentencing monitoring.⁷ In the context of victim protection in higher education, Riwanto et al. find that legal policy and collaborative governance can significantly reduce sexual violence on campus.⁸ They also note that Indonesia still needs to learn from practices in the United States, the Netherlands, and Canada, particularly in developing service guidelines that prioritize victims and sustained prevention campaigns.

On the United States side, literature on SORNA often addresses its effectiveness and social impact. Harris analyzes that sex offender registration and notification policies have a complex correlation with reductions in sexual violence, while also creating consequences for registrants and the wider community.⁹ Another study shows that SORNA was designed to unify previously fragmented registration systems across states, yet disparities in local implementation remain an unresolved problem.¹⁰ A direct comparison between Indonesia and the United States in criminal procedure for child victims of sexual violence finds that the United States is more consistent, reaching 78%

⁶ Saputra and Sutrisno, "Legal Protection Mechanisms for Child Sexual Abuse Victims: Comparative Analysis of Indonesian and United States Criminal Procedures [PENA JUSTISIA: MEDIA KOMUNIKASI DAN KAJIAN HUKUM] Rian Prayudi Saputra, et Al: Legal Protection Mechanisms for Child Sex...."

⁷ Harley and Lewoleba, "A Comparisons of How Indonesian Law and Texas Law Address Criminal Responsibility for Sexual Violence Offenders."

⁸ Agus Riwanto et al., "Addressing Campus Sexual Violence: A Collaborative Governance Approach to Legal Policy," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 6, no. 2 (December 30, 2023): 225–44, <https://doi.org/10.24090/volksgeist.v6i2.9523>.

⁹ Andrew J. Harris and Scott M. Walfield, "Variations in the Structure and Operation of SORN Systems," in *Sex Offender Registration and Community Notification Laws* (Cambridge University Press, 2021), 17–34, <https://doi.org/10.1017/9781108328425.003>.

¹⁰ John C. Navarro and Christina L. Shellabarger, "A Content Analysis of Sex Offender Registries: The Influence of the Sex Offender Registration and Notification Act (SORNA) on Registry Information," *Criminal Justice Policy Review* 34, no. 5 (October 2, 2023): 488–505, <https://doi.org/10.1177/08874034231187300>.

in procedural protection through constitutional interpretation, although it faces the challenge of federal-state fragmentation.¹¹

From these studies, it is evident that existing comparative research tends to focus on one victim category, such as children or college students, or on one specific aspect, such as criminal liability or criminal procedure. No study has systematically compared the regulatory framework and handling mechanisms for sexual violence as a whole between Indonesia after the enactment of The Law On Sexual Offences and the United States with SORNA as its main instrument. This gap is what the present study seeks to fill, namely by juxtaposing the two legal regimes more fully, covering a broader spectrum of sexual violence, including digital-based violence, and identifying contextual mutual learning for legal development in Indonesia.

RESEARCH METHODOLOGY

This study uses normative juridical research, namely a legal research method that examines legal norms in legislation and official documents. The approaches employed include the statute approach and the comparative approach. The statute approach analyses Law No. 12 of 2022 on Sexual Violence Crimes and 18 U.S.C. §2242. The comparative approach compares legal substance, handling mechanisms, and victim protection between Indonesia and the United States. This method is chosen because legal research aims to assess the coherence and consistency of legal norms. As argued by Wulandari, normative juridical research places legislation as the primary source of law and uses a statutory and comparative approach to examine legal gaps.¹²

The legal materials consist of primary materials, namely legislation and official regulations, including The Law on Sexual Offences and 18 U.S.C. §2242. Secondary materials include journal articles, books, and scientific papers. Tertiary materials include legal dictionaries and encyclopaedias. The collection technique uses library research, that is, identifying, inventorying, and systematizing relevant legal sources. This technique allows the researcher to trace the development of legal norms in both countries and to compare their implementation.¹³

The analysis is conducted using a comparative method, namely by juxtaposing the regulatory frameworks and handling mechanisms of both countries to identify

¹¹ Saputra and Sutrisno, "Legal Protection Mechanisms for Child Sexual Abuse Victims: Comparative Analysis of Indonesian and United States Criminal Procedures [PENA JUSTISIA: MEDIA KOMUNIKASI DAN KAJIAN HUKUM] Rian Prayudi Saputra, et Al: Legal Protection Mechanisms for Child Sex...."

¹² Putri Wulandari, "Normative Legal Research Methodology from the Experts' Perspective: A Comparative Analysis of Concepts and Approaches," *Archipel: Journal of Indonesian Interdisciplinary Studies* 1, no. 6 (February 28, 2026): 12–25, <https://doi.org/10.65739/archipel.v1i6.34>.

¹³ Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, 21st ed. (CV. Rajawali, 2022), <https://jdih.dprd.sukoharjokab.go.id/koleksi-buku/791>; Marzuki Peter Mahmud, *Penelitian Hukum*, 19th ed. (Jakarta: Kencana, 2019), <https://opac.perpusnas.go.id/DetailOpac.aspx?id=1409842>.

similarities and differences. The analysis also employs prescriptive analysis to provide recommendations for future legal development. This study uses qualitative analysis, that is, interpreting legal norms and comparing their application in practice. For comparative legal analysis, the study draws on the framework developed by J. Bell, who emphasizes functional comparison and contextual sensitivity in comparing legal systems.¹⁴ The comparison in this study is functional in nature, that is, it compares the function of victim protection and offender monitoring rather than the superficial wording of legal norms. Indonesia and the United States are worth comparing because both face the same problem of sexual violence, although they operate within different legal traditions, namely civil law in Indonesia and common law in the United States. This study limits the American side to the federal level through 18 U.S.C. §2242 and SORNA, and it does not attempt to cover the regulations of all fifty states. Such a limitation is necessary to keep the comparison focused and to avoid overgeneralization, given the significant variation in state-level implementation. This variation is treated as a limitation of the study rather than as a separate object of analysis.

RESULT AND DISCUSSION

Comparison of Regulatory Frameworks

The comparative analysis of regulatory frameworks reveals a fundamental divergence in legal philosophy between Indonesia and the United States. Indonesia, through Law Number 12 of 2022 on Sexual Violence Crimes, has shifted from its colonial legal heritage toward an approach focused on victims and covering non-physical and psychological violence. This orientation aligns with the restorative justice paradigm identified by Harley and Lewoleba, who note that Indonesian law prioritizes broader definitions and victim recovery over purely punitive measures.¹⁵ The statutory approach to the Sexual Violence Crimes Law confirms that this legislation expands the scope of punishable conduct and introduces restitution and psychological support mechanisms, thereby filling the gap left by the former Criminal Code. Conversely, the analysis of 18 U.S.C. §2242 and the SORNA framework shows that the United States prioritizes public safety through offender registration and post-sentencing monitoring. This finding is consistent with the comparative study by Harley and Lewoleba, which observes that Texas as a representative common law jurisdiction places greater emphasis on strict supervision and felony classification than on restorative outcomes. However, the statutory comparison also reveals a limitation in the American approach. The registration regime, although institutionally structured, does not automatically

¹⁴ John Bell, "Comparative Public Law in the United Kingdom," *Droit Public Comparé*, no. 1 (January 5, 2024): 1–24, <https://doi.org/10.35562/droit-public-compare.115>.

¹⁵ Harley and Lewoleba, "A Comparisons of How Indonesian Law and Texas Law Address Criminal Responsibility for Sexual Violence Offenders."

correlate with a reduction in recidivism. The literature reviewed earlier, particularly the meta-analysis by Zgoba and Mitchell, supports this critical note by showing that SORN laws have no significant impact on reducing recidivism among sexual violence offenders.¹⁶

Comparison of Handling Mechanisms

At the level of mechanisms, differences in institutional design between the two countries produce distinct implementation challenges. In Indonesia, the prescriptive analysis of the Sexual Violence Crimes Law reveals that patriarchal culture and social stigmatization function as policy constraints that discourage victims from reporting.¹⁷ This finding reinforces the earlier observation by Saputra and Sutrisno, who documented the persistent gap between legal norms and court decision execution in cases of sexual violence against children.¹⁸ The qualitative interpretation of legal materials also shows that implementing bureaucracies face excessive workloads and cognitive gaps, which produce operational ambiguity and weaken the law's victim protection mandate. Limited access to legal aid services in remote areas exacerbates this condition because victims in these regions struggle to reach adequate assistance. On the American side, the comparative analysis of federal and state mechanisms shows that the national legal framework sets minimum standards, yet compliance at the local level varies considerably. The fragmented federal-state structure creates inconsistency in registration requirements and monitoring intensity. This observation aligns with Harris's finding, which highlights the complex correlation between registration policies and reductions in sexual violence while acknowledging the social costs borne by registrants and communities.¹⁹

Comparative Case Studies

The cases in this section were selected purposively to illustrate how legal frameworks operate in practice rather than to provide a representative sample of all sexual violence cases in both countries. The Indonesian cases were chosen because they show the application of the Sexual Violence Crimes Law in different institutional

¹⁶ Kristen M. Zgoba and Meghan M. Mitchell, "The Effectiveness of Sex Offender Registration and Notification: A Meta-Analysis of 25 Years of Findings," *Journal of Experimental Criminology* 19, no. 1 (September 21, 2023): 71–96, <https://doi.org/10.1007/s11292-021-09480-z>.

¹⁷ Nurman Achmad et al., "Shame Culture and the Prevention of Sexual Harassment in University: A Case Study in Indonesia," *Research Journal in Advanced Humanities* 4, no. 4 (October 16, 2023): 90–98, <https://doi.org/10.58256/g7ms0h54>.

¹⁸ Saputra and Sutrisno, "Legal Protection Mechanisms for Child Sexual Abuse Victims: Comparative Analysis of Indonesian and United States Criminal Procedures [PENA JUSTISIA: MEDIA KOMUNIKASI DAN KAJIAN HUKUM] Rian Prayudi Saputra, et Al: Legal Protection Mechanisms for Child Sex...."

¹⁹ Harris and Walfield, "Variations in the Structure and Operation of SORN Systems."

settings and at different points in time, namely a case involving power relations in higher education and two court decisions issued before and after the law took effect. The American cases were chosen because they show how SORNA attaches to a federal sentence in enticement prosecutions. The analysis draws on court decisions, official documents, and press releases from the United States Department of Justice. These sources are used to identify the legal reasoning and the sentencing outcomes, while acknowledging that they do not capture the full range of state-level variation. Each case serves a specific analytical function, that is, to show how the legal framework is invoked, how judicial interpretation shapes outcomes, and how monitoring obligations are attached to sentences.

The Indonesian case involved a staff member of Universitas Mataram who was convicted of sexual violence against a female student participating in the Community Service Program. The Mataram High Court, in its decision numbered 146/PID.SUS/2025/PT MTR, upheld the twelve-year prison sentence and a fine of sixty million rupiah, with a subsidiary term of six months if the fine was not paid.²⁰ The court found that the perpetrator had committed intercourse and obscene acts not only against the main victim but also against several other witnesses, using a *modus operandi* of gaining trust by claiming to be able to treat them and demonstrating his abilities. The judgment explicitly considered the abuse of trust and the exploitation of the victim's vulnerability as aggravating factors, and it reinforced the view that coercion in sexual violence must be understood within the context of power relations rather than as a narrow physical act. This reasoning aligns with the broader pattern identified by National Commission on Women, which has emphasized that sexual violence in educational institutions is often enabled by hierarchical relationships and institutional reluctance to hold perpetrators accountable.²¹

Another case in Indonesia shows that the application of the Sexual Violence Crimes Law has not been fully consistent. In Decision Number 1245/Pid.B/2023/PN Mdn, the judge applied Article 12 in conjunction with Article 15 paragraph (1) of the Sexual Violence Crimes Law against a perpetrator of sexual violence against a person with a disability, meaning that the one-third increase in punishment from the maximum threat was accommodated.²² Conversely, in Decision Number 16/Pid.B/2021/PN Nga

²⁰ Gilang Pamungkas, "MA Perberat Vonis Agus Difabel Jadi 12 Tahun Bui Di Kasus Kekerasan Seksual," *DANDAPALA*, 2025, <https://dandapala.com/article/detail/ma-perberat-vonis-agus-difabel-jadi-12-tahun-bui-di-kasus-kekerasan-seksual>.

²¹ Komisi Nasional Perempuan, "Siaran Pers Komnas Perempuan Merespons Kasus Kekerasan Seksual Di Perguruan Tinggi," 2025, <https://komnasperempuan.go.id/public/siaran-pers-detail/siaran-pers-komnas-perempuan-merespons-kasus-kekerasan-seksual-di-perguruan-tinggi>.

²² Fifi Handayani and Bayu Prasetyo, "ANALISIS PERTIMBANGAN PUTUSAN PENGADILAN PADA TINDAK PIDANA PERSETUBUHAN TERHADAP PENYANDANG DISABILITAS," *JURNAL INOVASI HUKUM DAN KEBIJAKAN* 6, no. 1 (2025): 212–28, <https://ejournals.com/ojs/index.php/jihk/article/view/1406/1646>.

issued before the Sexual Violence Crimes Law took effect, the judge equated disability with a state of helplessness as defined in Article 89 of the Criminal Code, so the element of aggravated punishment was not fulfilled. The comparison of these two decisions confirms that the presence of the Sexual Violence Crimes Law has improved the normative framework, yet the quality of implementation depends heavily on judicial interpretation and the capacity of law enforcement officers. This finding reinforces Saputra and Sutrisno's observation that only about 34 percent of court decisions in Indonesia genuinely accommodate the principle of the best interests of the victim.²³

In the United States, case studies show how SORNA operates as a post-sentencing supervision instrument integrated with the federal judicial system. In the case of Michael Vance Culpepper, a fifty-six-year-old man was sentenced to ten years in prison plus twenty-five years of supervised release after conviction for coercion and enticement of two victims he believed to be thirteen and fourteen years old.²⁴ Culpepper used mobile phones and online applications to engage in explicit sexual communication, request photos, and arrange meetings. In addition to the principal sentence, the judge required Culpepper to register as a sex offender at his residence, workplace, and college in accordance with SORNA provisions. A similar case involved Richard Wesley Robinson, a seventy-four-year-old man sentenced to ten years in prison and twenty-five years of supervised release for enticing a twelve-year-old boy, documenting the sexual violence, and distributing explicit images via Snapchat.²⁵ Both cases show that SORNA does not stand alone as a registration regime. It connects with federal investigation, the Project Safe Childhood program, and reporting obligations after the offender leaves prison. Both American cases are federal enticement prosecutions. They show how SORNA attaches to a federal sentence, yet they do not capture state-level variation or implementation failure, so they are used only to illustrate the federal registration mechanism.

These three groups of cases reveal significant differences in emphasis. The Indonesian cases highlight the use of the Sexual Violence Crimes Law as a basis for punishment and victim protection, yet they face challenges in interpretive consistency and institutional capacity. The American cases highlight the integration of federal

²³ Saputra and Sutrisno, "Legal Protection Mechanisms for Child Sexual Abuse Victims: Comparative Analysis of Indonesian and United States Criminal Procedures [PENA JUSTISIA: MEDIA KOMUNIKASI DAN KAJIAN HUKUM] Rian Prayudi Saputra, et Al: Legal Protection Mechanisms for Child Sex...."

²⁴ "District of Maryland | Frederick County Man Sentenced to Federal Prison for Coercing and Enticing Minor to Engage in Sexual Activity | United States Department of Justice," accessed October 17, 2026, <https://www.justice.gov/usao-md/pr/frederick-county-man-sentenced-federal-prison-coercing-and-enticing-minor-engage-sexual>.

²⁵ "District of Maryland | Frederick County Man Sentenced to Federal Prison for Coercing and Enticing Minor to Engage in Sexual Activity | United States Department of Justice."

prosecution, post-sentencing monitoring, and registration infrastructure, yet they often neglect the dimension of victim recovery and impose social burdens on offenders who have completed their principal sentence. This difference aligns with Harris's finding that registration policies have a complex correlation with reductions in sexual violence and impose social costs that cannot be ignored.²⁶

Synthesis and Implications

The results of this normative juridical analysis support the study's central argument that no single legal system offers a complete model for addressing sexual violence. Indonesia has a statutory framework that is more victim-oriented and recognizes a broader spectrum of harm, including digital-based violence, yet its implementation remains constrained by cultural and institutional factors. The United States, conversely, has developed a more elaborate institutional infrastructure for offender monitoring and inter-agency collaboration, but its fragmented federal-state structure produces uneven protection and its registration regime faces empirical doubts regarding its deterrent effect.²⁷ These findings both confirm and extend previous comparative studies. They confirm Harley and Lewoleba's observation regarding the philosophical divide between restorative and public safety approaches, and they extend the critique offered by Zgoba and Mitchell by situating the American recidivism debate within a broader comparative context.²⁸ The prescriptive dimension of this analysis therefore points toward a mutual learning agenda. Indonesia can draw on American institutional practices, such as specialized investigators and trauma-informed procedures, while the United States may benefit from the victim-centered statutory design and restorative justice orientation that Indonesia has recently adopted. This reciprocal perspective is essential for developing a legal response that is coherent and grounded in the context of each country.

These implications can be translated into several concrete policy measures. For Indonesia, the priority is to institutionalize trauma-informed training for investigators and prosecutors, develop national standards for victim services that cover medical, psychological, and legal assistance, and establish cross-agency referral mechanisms that connect law enforcement, health providers, and social services. For the United States, a periodic evaluation of the SORNA regime is needed, including an assessment of its impact on recidivism, its social costs, and the consistency of implementation across states. Such an evaluation could inform adjustments that balance public safety

²⁶ Harris and Walfield, "Variations in the Structure and Operation of SORN Systems."

²⁷ "District of Maryland | Frederick County Man Sentenced to Federal Prison for Coercing and Enticing Minor to Engage in Sexual Activity | United States Department of Justice."

²⁸ Harley and Lewoleba, "A Comparisons of How Indonesian Law and Texas Law Address Criminal Responsibility for Sexual Violence Offenders"; Zgoba and Mitchell, "The Effectiveness of Sex Offender Registration and Notification: A Meta-Analysis of 25 Years of Findings."

with the reintegration of offenders who have completed their sentences. A joint learning platform between the two countries could also be developed, namely through comparative workshops, shared case studies, and collaborative research on digital sexual violence. These measures would move the mutual learning agenda from principle to practice.

CONCLUSION

This study confirms that Indonesia and the United States have developed distinct legal responses to sexual violence, each shaped by its legal tradition and institutional context. Indonesia, through Law Number 12 of 2022 on Sexual Violence Crimes, has adopted a victim-oriented framework that recognizes a broad spectrum of harm, including non-physical and digital-based violence. The United States, through 18 U.S.C. §2242 and SORNA, has built a more elaborate system for offender registration and post-sentencing monitoring. The comparative analysis of regulatory frameworks, handling mechanisms, and case studies shows that neither system offers a complete model. Indonesia faces implementation challenges rooted in patriarchal culture, limited institutional capacity, and inconsistent judicial interpretation. The United States struggles with federal-state fragmentation, uneven protection across jurisdictions, and empirical doubts about the deterrent effect of registration regimes. These findings support the argument for mutual learning, namely that Indonesia can draw on American institutional practices such as specialized investigators and trauma-informed procedures, while the United States may benefit from the victim-centered statutory design and restorative justice orientation that Indonesia has recently adopted.

Several limitations should be acknowledged. This study relies on normative juridical research with a statute and comparative approach, so it does not include empirical field data from interviews, surveys, or direct observation of court proceedings. The analysis is based primarily on legal documents, official regulations, and secondary literature, which means that the practical experiences of victims, law enforcement officers, and legal aid providers are not directly captured. The case studies, while illustrative, are limited in number and may not fully represent the diversity of cases across both countries. Access to certain legal materials, especially state-level regulations in the United States, was also constrained by availability and language barriers. These limitations mean that the findings should be read as a normative comparison rather than a comprehensive empirical assessment.

Future studies can address these gaps in several ways. Empirical research is needed to examine how the Sexual Violence Crimes Law is implemented in different regions of Indonesia, including the experiences of victims in rural and remote areas. Comparative studies involving other countries with different legal traditions, such as South Korea, Canada, or the Netherlands, could enrich the understanding of how legal systems balance punishment, prevention, and victim recovery. Longitudinal research

on recidivism and victim outcomes would help assess the long-term effectiveness of registration and monitoring policies in the United States. Research on digital sexual violence, including deepfake pornography and online grooming, is also urgently needed given the rapid development of technology. Finally, interdisciplinary studies combining legal analysis with criminology, psychology, and public health could offer a more holistic picture of how legal frameworks interact with social and institutional factors. These directions would strengthen the evidence base for legal reform and contribute to more coherent and contextually grounded responses to sexual violence.

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