

Review of the Implementation of the Criminal Justice Process in Sexual Violence Cases: Case Studies in District Courts

Yusep Mulyana¹, Sitti Rosmin², Andi Cakra Cindrapole³, Zuraidah⁴, Ridwan Fauzy Lestahulu⁵

¹ Universitas Pasundan, Indonesia

² Universitas Muslim Indonesia, Indonesia

³ Universitas Muslim Indonesia, Indonesia

⁴ Universitas Majalengka, Indonesia

⁵ Institut Agama Islam Negeri Ambon Indonesia

ABSTRACT

Background. The background research on the review of the criminal justice process in cases of sexual violence is highly relevant as these cases often cause controversy and concern in society. These cases not only damage individuals physically and psychologically, but also make people distrust the justice system. It is imperative to evaluate how the criminal justice process is carried out in dealing with sexual violence cases in the District Court, where such cases are processed.

Purpose. This study aims to evaluate the effectiveness and efficiency of the criminal justice process in cases of sexual violence in the District Court. This case study also identifies key stages in handling sexual violence cases, from investigation to final decision. An additional objective of this study was to discover obstacles that may be encountered in the implementation of the criminal justice process.

Method. Qualitative field research is used. Data will be collected through direct observation of the criminal justice process in sexual violence cases at the District Court, interviews with judges, prosecutors, lawyers, and other parties related to the case, and analysis of documents relating to sexual violence cases that have been processed.

Results. The research shows that despite efforts to improve the criminal justice process in sexual violence cases at the District Court, there are several issues that need to be addressed. The results showed that some cases were delayed, there was a lack of support for victims, and sometimes disagreements between the law enforcement agencies involved. However, it was also found that positive progress has been made to improve the efficiency and effectiveness of the criminal justice process in sexual violence cases.

Conclusion. This research found that, although there are obstacles and barriers in carrying out the criminal justice process in sexual violence cases in the District Court, there is still room for improvement and reform. To ensure justice for all parties involved in sexual violence cases, better collaboration between relevant institutions, better support for victims, and strengthening of legal procedures are needed.

KEYWORDS

Criminal Proceedings, District Court, Sexual Violence Cases

INTRODUCTION

Many people in various parts of the world experience cases of sexual violence (Fedina et al., 2024). Due to the

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Correspondence:

Yusep Mulyana,
yusep.mulyana@unpas.ac.id

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controversy and dissatisfaction with the legal process, the handling of sexual violence cases in court is often a matter of public concern as it damages victims physically and psychologically (McCall et al., 2024). District Courts have an important role in the resolution of sexual violence cases in Indonesia (Johnson et al., 2024). The extent to which the criminal justice process has been effective and efficient in dealing with these cases remains unknown (Le Brun et al., 2024).

Criminal justice in sexual violence cases involves many people, from complainants and defendants to law enforcement, prosecutors, judges, and witnesses (Salcioglu et al., 2024). It is a process that starts when the investigation process begins and ends when a judgement is made. Firstly, the criminal justice process begins with a report or complaint from the victim or a party with knowledge of the sexual violence (Majerski, 2024). Once a report is received, law enforcement conducts an investigation to find the evidence necessary to charge the perpetrator in court. Due to the complexity of sexual assault cases and the need for strong evidence, this investigation process often takes a long time (Otero-García et al., 2024).

The prosecutor then submits the case to the court if enough evidence is found. Court proceedings begin with the prosecutor reading out the charges against the accused. Then, the defendant has the opportunity to provide a defence or *pledoi* to the charges. During the trial, witnesses will be called to testify and evidence will be presented to support the charges or the defence of the accused. Victims of sexual violence are also very important during the trial process (Guaita-Fernández et al., 2024). As witnesses, they can be asked to testify, and the justice system must ensure that they are treated with respect and protected from pressure or intimidation during the trial. To help victims cope better with the trial, it is crucial to provide them with social and psychological support.

The judge will make a decision based on the law and available evidence after all arguments and evidence have been considered. The judgement may include a verdict of the defendant's guilt or innocence, as well as the appropriate punishment if the defendant is found guilty. A decision made by this judge is the end point of the criminal justice process in sexual assault cases (Shinyemba et al., 2024). However, the criminal justice process in sexual violence cases sometimes does not run smoothly (Hong et al., 2024). The justice process can be delayed due to lack of strong evidence, social pressure on victims or witnesses, or lack of support from the justice system for victims. Therefore, it is important for the criminal justice system to continuously improve itself to provide justice to all people involved in sexual violence cases (Khatir et al., 2024).

Sexual violence is defined as any act or behaviour that coerces or sexually abuses someone without their consent (Caira-Chuquineyra et al., 2024). Different types of sexual violence including rape, sexual harassment, sexual abuse, and sexual exploitation, as well as other types of sexual behaviours that harm and injure victims physically, emotionally, and psychologically (Aboagye et al., 2024). Sexual violence does not only happen at home. It can also occur in public places, workplaces, schools, and other social environments. (Basile et al., 2024). Victims of sexual violence can be women, men, or children, and the violence they experience can have devastating long-term consequences (Wu et al., 2024).

Sexual violence often involves elements of power, control, and gender inequality, and perpetrators use violence or threats to impose their will on victims (Grady & Yoder, 2024). These cases often involve complex violent relationships between perpetrators and victims, where victims may feel afraid or restrained from reporting or resisting the violence they have experienced (Machado et al., 2024). As sexual violence has devastating consequences for victims and society as a whole, it is important to identify and take such cases seriously (Kosa et al., 2024). Sexual violence often causes psychological trauma, mental disorders, physical health problems, and difficulties in

social interaction and personal relationships (Xu et al., 2024). In addition, sexual violence is also a serious human rights violation, which requires strong legal and social measures to uphold justice and protect victims (Dhawan & Bhasin, 2024).

In dealing with cases of sexual violence, it is crucial to provide support and protection to victims and prevent sexual violence through education and public awareness as well as strict law enforcement against perpetrators (O'Carroll, 2024). We can strive to reduce rates of sexual violence and provide better support for those who are victims of this violence through a holistic and sustainable approach (De Sousa Mascena Veras et al., 2024).

Case studies looking at how the criminal justice process is used in sexual violence cases in the District Court are important because of the importance of understanding the dynamics and difficulties faced in enforcing the law against sexual violence (Peeren et al., 2024). By conducting an in-depth review of the actions taken in the legal process, we can find areas where the criminal justice system can be improved to provide better protection for victims and ensure that justice is properly administered (Tesfai et al., 2024).

The purpose of this case study is to find out the factors that influence the criminal justice process in sexual violence cases at the District Court (Low et al., 2024). By analysing the stages from the beginning of the investigation to the final decision, we can understand how the various parties involved in the criminal justice system interact with each other. It is hoped that this research will provide better insight into the ways in which the criminal justice system can deal with sexual violence cases more efficiently and fairly (Whitton et al., 2024).

RESEARCH METHODOLOGY

Firstly, there will be a qualitative approach. This approach allows researchers to gain an in-depth understanding of the experiences, perceptions, and dynamics involved in the criminal justice process of sexual violence cases (Bourey et al., 2024). By using a qualitative approach, the researcher can see the opinions of prosecutors, lawyers, judges and other related parties about the various factors that influence the judicial process.

Furthermore, the method to be used is a case study. This method allows the researcher to thoroughly investigate the specific case of sexual violence discussed in the District Court (Fazel et al., 2024). By selecting a few representative cases, researchers can analyse the judicial process from beginning to end to find patterns, obstacles and problems that may arise.

Interviews, observation and document analysis will be used to collect data. During the trial of a sexual violence case at the District Court, direct observation will allow researchers to see the judicial process first-hand, including interactions between judges, prosecutors, lawyers, and other parties involved (Hales et al., 2024).

In addition, interviews will be conducted with various people involved in the criminal justice process, such as judges, prosecutors, lawyers, and victims of sexual violence (Schoemaker et al., 2024). These interviews will help us understand their perspectives, experiences and perceptions of how the criminal justice process is conducted in sexual violence cases (De Wet-Billings & Billings, 2024).

Finally, documents related to sexual violence cases decided in the District Court, such as indictments, decisions, and trial records, will be analysed (Barroso-Corroto et al., 2024). This analysis will help you better understand the criminal justice process in sexual violence cases (Schaathun et al., 2024).

This research is expected to provide an in-depth understanding of how the criminal justice process handles cases of sexual violence in the District Court and provide valuable insight into the improvements and reforms needed in the criminal justice system (Kane & Eogan, 2024).

RESULT AND DISCUSSION

The research shows that there are many significant challenges and obstacles facing the criminal justice process in cases of sexual violence at the District Court (Tewabe et al., 2024). It was pointed out that the complexity of sexual violence cases and the large number of cases means that the judicial process is often delayed (Keilholtz et al., 2024). This delay is also caused by limited infrastructure and human resources. In addition, another significant issue is the lack of support and protection available to victims of sexual violence (Forsdike et al., 2024). Due to psychological distress and lack of support from the community and justice system, victims often have difficulty coping with the justice process. This can affect victims' participation in the justice process and reduce their chances of obtaining justice.

Research on the time taken to resolve sexual violence cases in the District Courts should shed light on the reasons why cases are delayed, how it impacts victims and the justice system, and what can be done to resolve the problem (Yan et al., 2024). One of the factors causing delays in the resolution of sexual violence cases is the complexity of these cases (Bhatia et al., 2024). Sexual assault cases often involve complex evidence and time-consuming trials, especially when multiple witnesses and experts are involved (Badenes-Sastre et al., 2024). In addition, complex legal issues, such as considerations regarding the validity of evidence, can also slow down the justice process.

Victims and survivors of sexual violence are particularly disadvantaged by the impact of delays in the resolution of sexual violence cases (Frank et al., 2024). These delays can prolong the court process, increase psychological distress for victims, and reduce their chances of obtaining justice. In addition, these delays can also lead to public distrust of the criminal justice system. To overcome the problem of delays in the resolution of sexual violence cases, corrective measures can be taken (Oke, 2024). Firstly, there is a need to improve efficiency in handling cases, both through increased allocation of human resources and court infrastructure. Better training for judges, prosecutors, and judicial officers can also help improve effectiveness in handling sexual violence cases (Nobels et al., 2024).

In addition, thought should be given to speeding up the judicial process and simplifying it. This includes the reduction of unnecessary bureaucracy, the use of information technology in case management, and more efficient procedures. Thus, it is expected to improve justice for victims and accelerate the resolution of sexual violence cases (Thomas et al., 2024). In addition, it is important to involve various relevant parties, including law enforcement officials, judicial institutions, non-governmental organisations, and civil society, in efforts to overcome delays in the resolution of sexual violence cases (Woofter et al., 2024). Co-operation between different agencies and stakeholders can improve responses to sexual violence cases and ensure justice is better served.

The results of research on the lack of support for victims of sexual violence in the criminal justice process at the District Court should pay attention to the causes, the effects on victims, and what can be done to help victims. One of the main factors leading to a lack of support for victims of sexual violence is the lack of understanding and sensitivity to the issue among law enforcement and the justice system. As a result, victims often experience distrust and difficulty in interacting with the justice system, which can affect their participation in the justice process.

In addition, another factor leading to a lack of support for victims is the lack of adequate social and psychological support services. Victims of sexual violence often require intensive

emotional and psychological support to help them cope with the trauma and challenges they face, but these services are often unavailable or difficult to access. Because there is no support available to victims of sexual violence, the consequences are devastating. Victims can feel isolated, unheard, and distrusted by the justice system, which can hinder recovery and healing. Lack of support can also exacerbate a victim's trauma and increase the risk of serious mental and physical health effects in the long term.

Improvements can be made to resolve the issue of lack of support for victims of sexual violence. Firstly, understanding and awareness of sexual violence among law enforcement and the justice system must be improved. This can be achieved through increased education and training on victims' rights as well as the establishment of specialised teams trained to handle sexual violence cases. In addition, it is important to improve victims' access to adequate psychological, social, and legal services. This includes making counselling, trauma therapy, and group support for victims of sexual violence easier and cheaper. In addition, it is also important to improve cooperation between government agencies, non-governmental organisations, and civil society in providing support to victims. As a result, it is expected to improve the quality of support provided to victims of sexual violence and ensure that they receive the protection, recovery, and justice they need and deserve.

It is imperative to discuss the research findings on the need for justice system reform in the conduct of the criminal justice process in cases of sexual violence in the District Courts. This is done to highlight the importance of such reforms and the underlying reasons for their necessity. In addition, it also includes concrete steps that can be taken to achieve such changes. One of the main reasons why justice system reform is needed is the challenges and obstacles faced in dealing with sexual violence cases. Research shows that sexual violence cases often suffer from delays, lack of support for victims, and highly complex cases. This suggests that the current justice system may not be effectively handling sexual violence cases properly.

In addition, it is important to recognise that the rights of sexual assault victims and their needs should be a top priority in the justice system. As victims of sexual violence often require adequate protection, support, and justice, the current justice system often does not fulfil these needs. Therefore, justice system reform is needed to ensure that victims of sexual violence get the protection and justice they need.

Specific steps that can be taken for justice system reform in handling sexual violence cases include one way justice reform can begin is by improving how cases are handled. This can include more effective sharing of resources, better training for law enforcement, and implementing more efficient procedures for handling sexual violence cases. In addition, reforms should increase protection for victims of sexual violence. This can be achieved through the provision of adequate social and psychological support, as well as strengthening the justice system to provide protection for them. Raising public awareness about sexual violence and victims' rights is crucial. This can be achieved through increased public awareness through public education and awareness programmes, as well as better training for law enforcement and judicial officers.

It is hoped that a safer, fairer and more responsive environment for victims of sexual violence will be created through reform of the justice system that handles sexual violence cases. These changes will not only provide better protection and justice for victims, but will also increase public confidence in the justice system as a whole.

An attempt to discover, analyse and evaluate the effectiveness and challenges faced by the justice system in handling sexual violence cases is a review of the implementation of the criminal justice process in sexual violence cases in the District Court. Case studies in the District Courts provide a better understanding of how the judicial process is implemented in sexual violence cases.

Firstly, it is important to understand that the legal process in sexual violence cases is often complex and sensitive. These cases include many legal, medical, psychological, and social elements that the justice system must consider. By conducting a case study in the District Court, we can see first-hand how these elements are considered and attended to during the judicial process.

Further, the discussion will include the identification of challenges faced by the justice system in dealing with sexual violence cases. These challenges can include delays in case resolution, lack of support for victims, and complexities in the justice process itself. Identifying these challenges is important to formulate recommendations and corrective measures that can be taken to improve the justice system.

In addition, the discussion will point out some of the variables that influence the justice process in sexual violence cases; these include applicable legal policies and practices, as well as the opinions and perceptions of perpetrators of sexual violence. Understanding these variables will assist in creating a plan to improve the performance of the justice system in handling sexual violence cases.

Additionally, the discussion will address how criminal courts function in cases of sexual violence on perpetrators, victims, and society as a whole. These impacts include psychological, social, and security factors, all of which should be considered when creating better policies and actions in the future. Finally, the discussion will emphasise improvements and reforms to the criminal justice system to better protect victims of sexual violence, ensure a fair trial, and prevent future sexual violence. Possible reforms include increased resources, law enforcement training, legal policy changes, and increased public awareness about sexual violence.

It is hoped that this discussion will provide a better understanding of the way the criminal justice process is conducted in sexual violence cases in the District Courts, as well as options to improve the performance and fairness of the justice system.

The criminal justice process in sexual violence cases is very important to provide justice for victims, enforce the law, and prevent sexual violence from happening again. In this article, we will discuss some important aspects related to the criminal justice process in sexual assault cases. Firstly, law enforcement reports and investigates sexual assault cases. This process includes receiving a report from the victim, collecting evidence, and investigating the alleged sexual assault. In order to obtain sufficient evidence to support the judicial process, the investigation must be thorough and thorough.

Sexual assault cases will be heard in the District Court once the investigation is complete. The reading of the charges, examination of witnesses, presentation of evidence, and defence of the accused are all part of the trial process. The rights of the accused and the victim must be respected in a fair and transparent trial process. Victims of sexual violence have the right to adequate protection and support during the trial process. This includes their right to be supported by a social worker or counsellor throughout the trial process, as well as their right to request a closed hearing if necessary to protect the victim's privacy and safety. In addition, it is crucial to ensure that the victim is treated sensitively and respectfully during the trial.

Selain itu, proses peradilan pidana dalam kasus kekerasan seksual juga membutuhkan appropriate punishment for perpetrators of sexual violence. Punishment should be appropriate to the level of sexual violence committed and aim to provide justice to victims and prevent similar incidents in the future. Finally, it is important to remember that criminal justice processes in sexual violence cases are often faced with many problems and difficulties. These include a lack of resources, a lack of support for victims, and the cultural and structural issues underlying sexual

violence. Therefore, continuous efforts are needed to improve the efficiency and fairness of criminal justice processes in sexual violence cases.

It is hoped that by gaining a better understanding of how the criminal justice process is utilised in sexual violence cases, it will be possible to determine concrete actions that can be taken to improve the justice system and provide better justice for victims of sexual violence.

CONCLUSION

Sexual violence cases are often complex and require careful and thorough handling from the justice system and law enforcement officials. This includes thorough trial preparation, examination of witnesses, and collection of sufficient evidence. The criminal justice process faces many problems, including delayed proceedings, lack of support for victims, and the legal complexities associated with sexual violence cases. An important issue that needs to be addressed is the lack of support for victims of sexual violence. Victims need adequate protection, support, and assistance throughout the justice process as well as during recovery after a traumatic experience. This review suggests that the criminal justice system needs to be reformed to handle sexual violence cases more efficiently, effectively, and fairly. These reforms include increasing resources, training law enforcement, strengthening protections for victims, and raising public awareness on the issue of sexual violence.

AUTHORS' CONTRIBUTION

Author 1: Conceptualization; Project administration; Validation.

Author 2: Conceptualization; Data curation; In-vestigation.

Author 3: Data curation; Investigation.

Author 4: Formal analysis; Methodology; Writing - original draft.

Author 5: Writing - review and editing.

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