

EFFECTIVENESS OF LAW ENFORCEMENT OF THE CRIME OF RAPE IN THE CRIMINAL CODE AND THE DRAFT LAW OF THE CRIMINAL CODE

By

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ABSTRACT

This study examines the comparison of the effectiveness of law enforcement against the crime of rape between the current Criminal Code and the new Criminal Code Bill. This analysis focuses on the existing legal framework and the potential changes offered by the Criminal Code Bill, evaluating its implications for victim protection and the imposition of criminal sanctions for perpetrators of the crime of rape. The approach used in this study is a comparison of applicable laws with provisions in the draft law and a comparison with regulations in several foreign countries. This research aims to identify legal loopholes and challenges in the enforcement of rape laws based on the existing Criminal Code, as well as analyze the extent to which the Criminal Code Bill can overcome these weaknesses through more progressive norms. This research also analyzes the philosophical dynamics behind the formulation of the two legal frameworks, including considerations of the principle of legality and its shift towards a dualistic approach in punishment. This research is expected to provide concrete recommendations for improving law enforcement regulations and practices to improve the effectiveness of handling rape cases in Indonesia. This review will also discuss how the concept of criminal liability, including the vicarious liability aspect, is governed in both legal frameworks, as well as its implications for law enforcement in rape cases involving various legal subjects. The effectiveness of law enforcement in rape cases is crucial given the high crime rate in Indonesia, although data shows a slight decrease in crime rates in general.

Keywords: Law Enforcement, Criminal Offense, Criminal Code, Criminal Code Bill.

EFEKTIVITAS PENEGAKAN HUKUM TINDAK PIDANA PEMERKOSAAN DALAM KITAB UNDANG-UNDANG HUKUM PIDANA DAN RANCANGAN UNDANG UNDANG KITAB UNDANG-UNDANG HUKUM PIDANA

ABSTRAK

Penelitian ini mengkaji perbandingan efektivitas penegakan hukum terhadap tindak pidana pemerkosaan antara Kitab Undang-Undang Hukum Pidana yang berlaku saat ini dan Rancangan Undang-Undang Kitab Undang-Undang Hukum Pidana yang baru. Analisis ini berfokus pada kerangka hukum yang ada serta potensi perubahan yang ditawarkan oleh RUU KUHP, mengevaluasi implikasinya terhadap perlindungan korban dan penjatuhan sanksi pidana bagi pelaku kejahatan perkosaan. Pendekatan yang digunakan dalam penelitian ini adalah komparasi undang-undang yang berlaku dengan ketentuan dalam rancangan undang-undang serta perbandingan dengan regulasi di beberapa negara asing. Penelitian ini bertujuan untuk mengidentifikasi celah hukum dan tantangan dalam penegakan hukum pemerkosaan berdasarkan KUHP eksisting, sekaligus menganalisis sejauh mana RUU KUHP dapat mengatasi kelemahan tersebut melalui norma-norma yang lebih progresif. Penelitian ini juga menganalisis dinamika filosofis di balik perumusan kedua kerangka hukum tersebut, termasuk pertimbangan asas legalitas dan pergeserannya menuju pendekatan dualistis dalam pemidanaan. Penelitian ini diharapkan dapat memberikan rekomendasi konkrit untuk perbaikan regulasi dan praktik penegakan hukum guna meningkatkan efektivitas penanganan kasus pemerkosaan di Indonesia. Tinjauan ini juga akan membahas bagaimana konsep pertanggungjawaban pidana, termasuk aspek vicarious liability, diatur dalam kedua kerangka hukum tersebut, serta implikasinya terhadap penegakan hukum dalam kasus pemerkosaan yang melibatkan berbagai subjek hukum. Efektivitas penegakan hukum dalam kasus tindak pidana pemerkosaan menjadi krusial mengingat tingginya tingkat kriminalitas di Indonesia, meskipun data menunjukkan adanya sedikit penurunan angka kejahatan secara umum.

Kata Kunci: Penegakan Hukum, Tindak Pidana Pemerkosaan, Kitab Undang-Undang Hukum Pidana, Rancangan Undang Undang KUHP.

INTRODUCTION

In Indonesia, criminal law enforcement faces complex challenges, especially in maintaining public order and protecting justice in the midst of a diverse population and intense socio-political dynamics (Lubis, 2024). Problems such as corruption in law enforcement agencies, inequality of access to justice, and the evolution of forms of crime due to technological advances are significant obstacles in the implementation of criminal law policies (Lubis, 2024). Although criminal law regulations are constantly updated, as seen in the ITE Law which regulates the prohibition of the distribution of electronic information in the nature of insults or defamation, the public's understanding, including students, of the legal implications is still low, which can make them vulnerable as victims or perpetrators without being aware of the legal consequences (Siregar, n.d.). In this context, the optimization of criminal law enforcement requires a holistic approach that not only focuses on normative aspects (in abstracto), but also on its concrete implementation (in concreto) which involves

adequate resources and coordination between institutions (Ali, 2008). The integrity of law enforcement is crucial in creating public trust, but systemic corruption has undermined the effectiveness of law enforcement and justice in Indonesia (Lubis, 2024) (Purnomo & Soponyono, 2015).

This study will explore the effectiveness of law enforcement in cases of rape, both within the framework of the current Criminal Code and the upcoming Criminal Code Bill, by analyzing the factors that affect the implementation of the law. This study will discuss in depth how the existing and proposed legal framework is able to provide legal protection for victims of crimes, especially rape, and the extent to which the response of the criminal justice system can ensure the accountability of perpetrators (Wahyuni, 2010). Criminal law enforcement in Indonesia is faced with various dynamics, including challenges in handling cybercrime that is increasingly rampant, where the jurisdiction of Article 2 of the Criminal Code can be an obstacle when the perpetrator is abroad (Lubis, 2024). Problems in criminal law enforcement also include a lack of resources, training, and coordination between law enforcement agencies, which often hinder effective case handling (Lubis, 2024). On the other hand, the complexity of law enforcement is exacerbated by bureaucratic and procedural complexities that often slow down the judicial process, as revealed by Satjipto Raharjo that law enforcement in Indonesia is often pushed to a "slow track" (Hadi, 2022).

This multidimensional approach involves increasing legal literacy in the community, developing policies that are adaptive to technological changes, and strengthening the integrity of law enforcement apparatus to ensure the sustainable implementation of the values of truth and justice (Ariyanti, 2019). Nevertheless, increasing public legal awareness—including through digital education and harmonizing between formal law and legal awareness are essential to support the effectiveness of law enforcement in the digital era (Siregar, n.d.) (Lubis, 2024). Apart from efforts to reform and modernize the justice system, consistency in the implementation of regulations and equitable access to justice throughout Indonesia are still fundamental obstacles that require serious attention (Lubis, 2024). However, although this country is a state of law that requires all citizens and organizers to comply with the applicable rules, reality shows that violations of the law are still frequent, even by law enforcement officials themselves, which indicates the need for systemic improvement through legal substance, structure, and culture (Widayati, 2022). The justice crisis that Indonesia is experiencing in law enforcement indicates that the orientation of law enforcement solely on legal certainty ignores the aspect of justice that should be the main foundation (Anwar et al., 2021). In addition, law enforcement problems are also influenced by the quality of human resources and the integrity of their apparatus, which contributes to public doubts about the ability of the judicial system to provide impartial and effective justice (Makkarateng, 2022).

The urgency to address these challenges is further reinforced by the wave of public protests against perceived injustices in major cases, where the demand for transparency and

accountability is increasing rapidly (Lubis, 2024). Therefore, this study aims to evaluate the effectiveness of law enforcement in rape cases through a comparative analysis between the Criminal Code and the Criminal Code Bill, as well as identify legal loopholes and prospective improvement recommendations. In analyzing the effectiveness of law enforcement, it is necessary to pay attention to the three main components of the legal system, namely the structure, substance, and culture of the law, which are interrelated and affect each other (Lubis, 2024).

The legal substance component refers to the policies adopted, such as the Criminal Code, while the legal culture includes public perception and reaction to the law enforcement process (Yulianto & Muhammad, 2021). The legal structure, which includes law enforcement agencies, also plays a crucial role in determining the extent to which the law can be effectively enforced, as failure in one of the components can hinder the law's goal of creating order and justice (Rindiani, 2022). These components not only interact in the domestic sphere, but are also influenced by the dynamics of global criminal law enforcement, including in the handling of transnational crime cases that require strong international cooperation (Lubis, 2024). In this context, it is important to understand that effective law enforcement does not only depend on formal regulation, but also on progressive interpretation and implementation by law enforcers, in order to achieve substantive justice that goes beyond procedural justice (Rahmad & Hafis, 2021).

LITERATURE REVIEW

The effectiveness of law enforcement against the crime of rape is a crucial issue that touches on various dimensions, ranging from normative aspects to social and cultural implications. The discussion of this effectiveness requires an in-depth review of the philosophical and sociological foundations that form the applicable legal framework, especially the Criminal Code and the Criminal Code Bill, as well as their impact on victim protection and the enforcement of perpetrators. Legal protection for victims of violent crimes, including rape, not only includes physical but also psychological recovery aspects, considering that the impacts are often long-term and complex (Arsyad, 2022). The regulation of violent crimes, including rape, is explicitly regulated in the Criminal Code and other relevant legal regulations (Putra et al., 2020). The development of technology and information also affects the complexity of law enforcement in cases of sexual violence, demanding criminal law formulations that are adaptive to the spread of hate speech and disturbing content through digital media (Kamalludin & Arief, 2019). However, the reality in the field often shows that law enforcement still uses conventional methods, where judges as law enforcers tend to decide cases based on standard procedures and applicable laws and regulations, focusing on legal certainty (Haryono, 2019). This approach sometimes ignores the crucial dimensions of

restorative justice and rehabilitation for victims, requiring a review of existing sentencing standards (Sukarmini & Idrus, 2020).

This underscores the urgency of criminal law reform that not only includes punitive aspects, but also promotes a more holistic and victim-oriented approach (Kholiq et al., 2015). To realize substantive justice, law enforcement should apply progressive laws that go beyond formal legal justice based on legal articles (Haryono, 2019). This progressive legal approach emphasizes the consideration of morals, ethics, and societal justice values in every decision, in order to ensure that law enforcement is able to adapt to evolving social dynamics and provide relevant solutions to crime problems. In addition, in the context of law enforcement against the crime of rape, intensive rehabilitation for victims is a crucial element given the deep and ongoing psychological impact, especially on children, so an integrated law enforcement and rehabilitation integration mechanism is needed (Yusro et al., 2020). Law enforcement is a must carried out by the state to protect its citizens, considering that criminal acts are urgent social problems to be overcome in order to achieve a harmonious, orderly, and peaceful life as a form of peaceful society (Ariyanti, 2019). However, these law enforcement efforts often face challenges in their implementation, especially in distinguishing between legitimate criticism and defamatory acts that can be categorized as cyberbullying, as regulated in the ITE Law (Siregar, n.d.).

The application of Article 27 paragraph of Law Number 19 of 2016 concerning Information and Electronic Transactions, which prohibits the dissemination of information containing insults or defamation, often creates ambiguity of interpretation in law enforcement practices, making it difficult to determine the boundaries between free expression and criminal offenses (Siregar, n.d.). However, the high use of the internet among the younger generation, especially students, is also accompanied by an increase in cases of cyberbullying that often target them, as reported by Komnas Perempuan that 34% of cases of online gender-based violence are cyberbullying (Siregar, n.d.). Therefore, a comprehensive strategy is needed to improve digital literacy and understanding of the legal consequences of cyberbullying among students, as well as strengthen internal campus policies to prevent and handle such cases effectively (Siregar, n.d.). Further studies are needed to analyze how applicable criminal law norms, including the Criminal Code and the Criminal Code Bill, adopt the principles of restorative justice and victim protection comprehensively, especially in the face of the ever-evolving dynamics of cybercrime (Lubis, 2024).

Low understanding of digital regulations, including the Electronic Information and Transaction Act, correlates with high rates of cyberbullying, indicating the urgency of more effective legal education (Siregar, n.d.). This is in line with the increasing attention to the phenomenon of cybercrime, where cyberbullying has become a particular concern because of its potential disruption to students' learning processes and negatively impact their academic achievement (Siregar, n.d.). The phenomenon of cybercrime, including cyberbullying, also

indicates a shift in social problems from the real world to cyberspace, as described by Watts et al. as activities that are deliberately violently directed through the dissemination of harmful things (Rinaldi et al., 2023). Prevention of cybercrime, particularly cyberbullying, requires a multisectoral approach that involves consistent education, monitoring, and enforcement, given its pervasive negative impact on individuals and society (Siregar, n.d.). The Government of Indonesia, through its newly formed Cyber Police and Cyber Army, has demonstrated a commitment to addressing this threat, but challenges remain in formulating an adequate international legal framework for the effective handling of cybercrime (Lubis, 2024).

The establishment of these two units signifies recognition of the urgency of handling cybercrime, which is increasingly complex and organized, along with the increase in cases of cybercrimes such as online fraud and data breaches exacerbated by low digital literacy and inadequate cybersecurity infrastructure (Lubis, 2024). The increase in cybercrime cases also covers a broad spectrum from intellectual property theft to identity fraud and privacy violations, all of which utilize information technology as an instrument for illegal purposes (Idellie & Atok, 2023). Comprehensive cyber attack risk mitigation is also needed to protect critical data and assets from evolving threats (Herdiana et al., 2021). Applicable regulations, such as the Electronic Information and Transaction Act, are not yet fully adequate to address the complexity of cross-border cybercrime, which often involves perpetrators and victims in different jurisdictions, making it difficult for law enforcement processes and requiring stronger mutual legal aid agreements between countries (Lubis, 2024). This study will analyze the effectiveness of law enforcement against rape crimes within the framework of the Criminal Code and the Criminal Code Bill, as well as identify challenges and opportunities in optimizing victim protection and perpetrator action. The discussion will focus on comparing the relevant substance of criminal law, especially regarding the definition, criminal elements, and sanctions regulated in the two regulations, as well as analyzing the extent to which the revision in the Criminal Code Bill can provide more comprehensive protection for victims and higher effectiveness in prosecuting perpetrators.

METHODOLOGY

In addition, this research will also explore the implications of current law enforcement practices, including the role of law enforcement officials and the challenges they face in gathering evidence and processing rape cases that are often sensitive and complex. A normative-empirical approach will be used to examine the gap between formal legal provisions and their implementation on the ground, taking into account the perspectives of victims and legal practitioners. This research will also critically review the effectiveness of regulated criminal sanctions, as well as the potential application of restorative justice approaches in handling rape cases, taking into account aspects of perpetrator rehabilitation and victim

recovery. This kind of normative study starts from the vacuum of legal norms or diverse interpretations of existing laws and regulations, as also found in research on the legal protection of victims of cyberbullying (Permana et al., 2016).

A normative juridical approach with descriptive qualitative analysis will be applied to examine secondary data from literature studies, in order to understand the dynamics of criminal law application and the obstacles that may occur (Safitri & Pratama, 2021) (Hardinata, 2010). This analysis will involve reviewing various primary legal sources such as laws and court decisions, as well as secondary legal sources in the form of relevant scientific journals and books, in order to gain a deep understanding of the issue being researched (Lubis, 2024). This approach is very important to assess the extent to which existing regulations are able to accommodate the development of the modus operandi of the crime of rape, including those involving information technology. A normative juridical approach is also applied in reviewing the formulation of bribery crimes in the political field, examining secondary data in the form of primary and secondary legal materials to understand current and future criminal law policies (Pande, 2011). Descriptive research specifications aim to explain and describe the conditions or symptoms of an object identified with certain beliefs (Fauziah & Apriani, 2021). The focus is on the analysis of legal principles and principles, legal principles, theories, and legal doctrines from experts to find solutions to identified legal problems, be it vacuums, conflicts, or ambiguities of norms (Nurhayati et al., 2021).

Normative legal research methods are also relevant to identify normative aspects of juridical through an analytical descriptive approach, connecting legal materials to reach comprehensive conclusions (Fauziah & Apriani, 2021) (Ruslan, 2023).

RESULT AND DISCUSSION

The results of the study will present a comparison between the provisions of the Criminal Code and the Criminal Code Bill, highlighting the potential implications of the proposed changes on law enforcement and the protection of rape victims. This comparison will include an in-depth analysis of the definition of the crime of rape, the elements that make up it, and the types of sanctions established in both legal frameworks. In addition, the weaknesses and strengths of each regulation will also be identified in dealing with the complexity of rape cases, including the issue of consent, the use of technology, and the vulnerability of victims. This comparative analysis will reveal whether the Criminal Code Bill offers more inclusive and responsive protection against various forms of sexual violence, especially those that have not been adequately accommodated in the existing Criminal Code (Alpian, 2022). This study will also examine the potential disparity in judges' decisions in rape cases, considering the maximum nature of the criminal threat formulation and the judge's independent consideration in determining the severity or lightness of the punishment (Gulö, 2018). Furthermore, this study

adopts a social construction perspective to understand how sexual violence is interpreted in the Indonesian social and political context, especially in relation to entrenched patriarchal values and debates around its legal basis (Putri & Suyanto, 2021).

This research will also discuss the important role of Muhammadiyah in encouraging sexual violence protection policies, taking into account the basis of fiqh for child protection and the urgency of the ratification of the TPKS Bill (Faizin et al., 2022). This approach will also highlight how criminal law enforcement is currently facing the challenges of digital globalization and cybercrime that require strengthening legal infrastructure and international cooperation (Lubis, 2024). An analytical descriptive approach in this context will also analyze how the politics of criminal law affect the reforms in the RKUHP, especially in the evaluation of substances related to adultery offenses that show a paradigm shift in the national criminal law system (Z et al., 2023). The research will also evaluate the effectiveness of law enforcement against cases of sexual crimes involving children, given the increase in reported cases and their implications for the quality of the younger generation (Ristanti, 2022). This aspect is crucial to ensure that legal provisions are not only textually rigid, but also adaptive to social and technological dynamics (Lubis, 2024). The importance of legal protection for children from sexual abuse crimes will also be discussed comprehensively, considering the rampant cases in various regions and law enforcement efforts that have been carried out (R., 2016). The discussion will also include an evaluation of the effectiveness of existing criminal sanctions and potential reforms through the Criminal Code Bill, especially in the context of rape crimes involving children and adolescents (Arifin & Rozah, 2021).

The reform of the child protection law, such as Law Number 35 of 2014, aims to increase criminal sanctions and fines for perpetrators of sexual crimes against children in order to create a deterrent effect and restore the physical, psychological, and social condition of the victim (Utami, 2018). However, complexities arise when children or adolescents are suspected of committing these criminal acts, requiring an in-depth analysis of the implementation of children's rights as stipulated in the Convention on the Rights of the Child that has been ratified by Indonesia, especially in the context of the Juvenile Justice System Law and the Terrorism Law to ensure a comprehensive rehabilitation and reintegration process for underage offenders (Amaritasari, 2024). The regulatory update is expected to overcome the failure of the previous juvenile criminal justice system which was too legalistic and has not succeeded in reducing the recidivism rate (Haryaningsih & Hariyati, 2021). Therefore, this study will also examine specifically criminal responsibility for children involved in the crime of rape, taking into account the cognitive abilities and age of the perpetrator and comparing the perspective of Islamic criminal law with Law Number 11 of 2012 concerning the Juvenile Criminal Justice System to find optimal legal relevance (Nabilla et al., 2023) (Indratiwi & Leksono, 2023).

This study will elaborate in detail how the current legal framework, both the Criminal Code and the Criminal Code Bill, handles cases involving digital technology and increasingly

complex cybercrime (Siregar, n.d.). This aspect is crucial to ensure that legal provisions are not only textually rigid, but also adaptive to social and technological dynamics, particularly in the context of the protection of vulnerable victims. The study will also evaluate the implementation of law enforcement in cases of child sexual abuse, identify the challenges faced by law enforcement officials and propose recommendations for systematic improvement (Lubis, 2024). The discussion will further analyze how restorative approaches and human rights protection are integrated in the juvenile criminal justice process, particularly in the imposition of sanctions oriented to the best interests of the child and sustainable rehabilitation efforts (Patty et al., 2022) (Pratama et al., 2022). The increase in cases of children facing the law, including as victims and perpetrators, underscores the need for a comprehensive review of the effectiveness of existing regulations and the potential for relevant revisions (Sofyan, 2020). Therefore, this study aims to evaluate the effectiveness of law enforcement against the crime of rape in the current Criminal Code and compare it with the approach proposed in the Criminal Code Bill, in order to identify legal loopholes and recommend necessary improvements. This study uses a normative legal research method with an analytical descriptive approach, focusing on the analysis of literature materials and laws and regulations (Mahendra & Harefa, 2020). This approach is based on an in-depth literature study, including an analysis of primary and secondary legislation, as well as other relevant legal literature related to the crime of rape and victim protection (Chilmiati, 2014).

This method allows the identification of inconsistencies, ambiguities, or legal gaps within existing regulatory frameworks, while evaluating potential adaptations to social and technological developments, including cybercrime (Lubis, 2024) (Siregar, n.d.). In addition, this approach also analyzes how cybercrime, such as cyberbullying, has increased rapidly and poses significant challenges to existing law enforcement (Djanggih et al., 2018) (Lubis, 2024). This phenomenon requires a more adaptive and proactive legal response, including strengthening the regulation of the ITE Law and cross-sectoral collaboration between governments, legal institutions, and digital platform providers (Siregar, n.d.). Focus will also be given to the study of restorative justice as an alternative to resolving child criminal cases, which emphasizes the recovery of the victim's condition and the reintegration of the perpetrator rather than a purely retributive approach (Ju & Nurisman, 2022). This study aims to analyze the application of restorative justice in handling misdemeanor crimes, examine its potential application as an innovation in case resolution, and evaluate its effectiveness in recovering victim losses (Adiesta, 2021).

Nonetheless, the integration of restorative justice in the criminal justice system still faces substantial challenges, especially in serious cases such as rape, where aspects of victim recovery and perpetrator accountability must be carefully balanced (Capera, 2021). Retributive approaches that focus on retribution and punishment are often not able to comprehensively recover the losses and suffering experienced by victims, so alternatives oriented to victim

recovery such as restorative justice are needed (Flora, 2018). The application of this restorative justice is often faced with rejection from the perpetrator's family who object to compensation, so mediation involving third parties is crucial to reaching an agreement (Haga et al., 2023). Factors such as lack of socialization regarding restorative justice procedures and benefits can also hinder its implementation, especially in complex cases (Clifford & Arief, 2018). In addition, Tony F. Marshall identified that the success of the implementation of restorative justice depends heavily on the level of voluntariness of the parties involved and the community, as well as the weak availability of adequate resources and skills (Miftahuddin, 2023). These obstacles often arise due to resistance or lack of understanding from law enforcement and the community regarding the essence of restorative justice that focuses on recovery and reintegration rather than just punishment (Kencana et al., 2023).

Furthermore, the implementation of restorative justice at the investigation stage is also specifically regulated, requiring completion before the Notice of Commencement of Investigation is sent to the Public Prosecutor (Amin et al., 2020). However, some studies have shown that the application of restorative justice can be carried out by investigators after the notice of the commencement of the investigation is sent to the Public Prosecutor, provided that there is peace between the perpetrator and the victim (Amin et al., 2020). In practice, this restorative justice is not only applied to minor criminal cases, but also includes cases such as insult, persecution, fraud, embezzlement, negligence resulting in injury, unpleasant acts, even theft, and gambling (Fridoki, 2022). A review of the concept of restorative justice also needs to consider its goals of reducing the number of detainees, eliminating stigma, and reintegrating perpetrators into society, as well as reducing the workload of law enforcement officials and saving state finances (Fridoki, 2022). However, there are limitations to the application of restorative justice, especially for certain criminal acts such as rape that require special handling in the criminal justice system, to ensure victim protection and accountability of perpetrators (Husna & Pujiyono, 2023). Evidence in criminal cases, including the crime of rape, plays a crucial role in determining the judge's conviction to impose a sentence (Zubairy, 2021). This evidentiary process is often complex, relying on various types of evidence such as witness statements, letter evidence, and clues, all of which must be carefully verified to achieve material truth (Zubairy, 2021).

In the context of the crime of rape, the challenge of proof is further exacerbated by the nature of the crime that often occurs behind closed doors and leaves little physical evidence, so that the testimony of victims and witnesses becomes very vital but vulnerable to secondary victimization in the judicial process (Wahid, 2022). This process requires the judge to comprehensively examine all the evidence presented at the trial to obtain a strong conviction, in accordance with the principles contained in Article 184 of the Criminal Code (Masthuro, 2023). The application of the negative proof system also requires two absolute conditions, namely sufficient and valid evidence, and the judge's conviction, which is the main basis for

imposing a crime (Putra & Astuti, 2022). Thus, law enforcement in rape cases requires a more victim-sensitive approach and innovative evidentiary strategies to overcome the limitations of physical evidence, so that justice can be achieved holistically.

CONCLUSION

Therefore, it is important to ensure that all evidence, including forensic evidence, is used effectively to build a strong and irrefutable case. Forensic evidence has a very essential role in law enforcement efforts to declare someone guilty or have committed a criminal act with full conviction by the judge. The application of forensic evidence is also in line with the theory of negative evidence which requires not only valid and sufficient evidence, but also the conviction of the judge. The complexity of crimes, especially in rape cases, often makes it difficult for law enforcement officials to gather strong evidence, so forensic evidence is crucial to fill in the gaps and help achieve the material truth. The use of electronic evidence, such as CCTV footage, is also increasingly relevant in the evidentiary process, although this evidence has not been fully regulated in the Criminal Procedure Code. The use of biological forensic data, such as DNA, is also very important in identifying perpetrators and victims and determining the time of the occurrence of a criminal act, especially in cases involving sexual violence. The use of biological forensic data, such as DNA, is also very important in identifying perpetrators and victims and determining the time of the occurrence of a criminal act, especially in cases involving sexual violence. Nonetheless, challenges in the use of digital evidence, especially related to cybercrime, remain a serious obstacle for law enforcement officials, where perpetrators often try to eliminate digital footprints.

Therefore, improving the legal framework to accommodate digital evidence and strengthening digital forensic capacity in law enforcement agencies is urgent to ensure the effectiveness of law enforcement against criminal acts in the current digital era. One of the crucial aspects of digital evidence management is ensuring that the evidence meets the standards of validity, authenticity, completeness, reliability, and trustworthiness in order to be admissible in court, overcoming the documentation and coordination constraints that often undermine evidence. In addition, digital evidence handling procedures must also include strong and robust containment mechanisms to maintain the integrity and authenticity of evidence from manipulation or contamination.

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