

Protecting Victims Privacy in Cinematographic Works: A Juridical Analysis of Freedom of Expression in the Film 'Vina Sebelum 7 Hari'

Perlindungan Hak Privasi Korban dalam Karya Sinematografi: Analisis Yuridis terhadap Kebebasan Berekspresi dalam Film 'Vina Sebelum 7 Hari'

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Abstract

Films serve as educational media and convey moral messages, but they differ when they portray the true story of a victim of sexual violence by exposing their true identity without protection. The film "Vina Sebelum 7 Hari" depicts the real-life case of sexual violence experienced by Vina, with explicit scenes that depict the victim's traumatic experience and reveal her identity to the public. This potentially violates legal norms regarding the protection of the victim's identity, as stipulated in Article 69 (d) of Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence, the Pornography Law, the Broadcasting Law and the Protective data Personal law. The exposure of the victim's identity causes secondary psychological impacts, social stigma, and psychological distress for the victim and her family. Although the film is intended to have educational value and moral awareness, its presentation without adequate protection actually brings harm to the victim and society such as Article 69 letter (d) of Law No. 12 of 2022 concerning on the Crime of Sexual Violence, Article 10 of Law No. 44 of 2008 concerning on Pornography, Article 48 Paragraph 4 of Law No. 32 of 2002 concerning on Broadcasting and Law No. 27 of 2022 concerning on Personal Data Protection. This study uses a normative-juridical method and use analysis qualitative to discuss the legal protection of the identity of victims of sexual violence in the context of film screenings, examining aspects of TPKS, Pornography laws, Broadcasting law. Using secondary data source with primary, secondary and tertiary legal materials and using qualitative data analysis methods in order to produce more accurate reaserch.

Abstrak

Film berfungsi sebagai media pendidikan dan menyampaikan pesan moral, tetapi akan berbeda ketika sebuah film menggambarkan kisah nyata seorang korban kekerasan seksual dengan mengekspos identitas asli mereka tanpa perlindungan kepada korban. Film "Vina Sebelum 7 Hari" menggambarkan kasus kekerasan seksual di kehidupan nyata yang dialami Vina. Hal ini berpotensi melanggar norma hukum mengenai perlindungan identitas korban, sebagaimana diatur dalam Pasal 69 (d) UU No. 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual, UU Pornografi, dan UU Penyiaran dan UU Perlindungan Data Pribadi. Terungkapnya identitas korban menyebabkan dampak psikologis sekunder, stigma sosial, dan tekanan psikologis bagi korban dan keluarganya. Meskipun film ini dimaksudkan untuk kepentingan pendidikan dan kesadaran moral, penyajiannya tanpa perlindungan yang memadai justru membawa kerugian bagi keluarga Vina dan korban kekerasan seksual lainnya. Penelitian ini menganalisa menggunakan Peraturan perundang-undangan seperti Pasal 69 huruf (d) UU No.12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual, Pasal 10, UU No. 44 Tahun 2008 Tentang Pornografi, Pasal 48 Ayat 4 UU No.32 Tahun 2002 Tentang Penyiaran dan UU No. 27 tahun 2022 tentang Perlindungan Data Pribadi. Penelitian ini

menggunakan metode normatif-yuridis dan menggunakan analisis kualitatif data. Studi ini menekankan pentingnya melindungi hak identitas korban sebagai bagian dari hak asasi manusia, memastikan keselamatan dan kenyamanan mereka selama proses hukum dan pemulihan. Penelitian ini diharapkan dapat memberikan kontribusi teoritis dan praktis terkait perlindungan hukum identitas korban kekerasan seksual di media film.

INTRODUCTION

The TPKS Law concretely regulates the prevention of all forms of Sexual Violence, giving certain rights to victims. These rights include the right to handling, protection, and rehabilitation, and restoration of good name. Articles 67, 68, 69, and 70 of the TPKS Law No. 12 of 2022, explain the details of rights that include information about legal processes, health services, as well as the protection of identity and safety of victims.¹ Protection for victims of sexual violence and harassment is a great responsibility of the state and the state takes a leading role in fulfilling the rights of victims as part of legal protection efforts for victims of sexual violence.² This regulatory effort has also been coordinated with the central government and local governments, and has collaborated with the international scale so that the prevention and handling of victims of sexual violence can be carried out effectively.

However, although there are a series of clearly binding laws regarding the protection of victims of sexual violence, it is possible that there are parties who carry out exploitation or uncommendable actions who deliberately or unintentionally raise or present them in the public media, including in cinematographic works in the form of films and short videos that use the victim's real identity data. Film as the right tool to be used as a medium of information sharing, providing inspiration, motivation and space for self-reflection through stories raised from various realities of life. Film also plays a role as an educational medium in educating the nation because film can convey moral messages, knowledge and build the character and morals of its audience. However, it is different if the film raises the story from the true story of a person who is a victim of sexual violence and offends the story freely without covering the person's true identity.

The film, titled 'Vina Sebelum 7 Hari', raises the issue of sexual violence which in the film scenes clearly tells how Vina experienced sexual harassment committed by Egi as the perpetrator of Vina's harassment and murder on an Overpass in Talun District, Cirebon Regency in 2016. The scene of the film 'Vina Sebelum 7 Hari' tends to depict scenes of sexual harassment without looking at the sensitivity of the trauma of victims of sexual violence whose identities are known to the wider public. Of course, this is different from the purpose or existence of film as a medium to educate the nation.³

The screening of the film 'Vina Sebelum 7 Hari' shows the true identity of the victims of sexual violence. The negative impact of the screening of this film is multidimensional on the victims Exposure of identity openly not only has the potential to violate the law, but also causes secondary trauma to the victim and family, as well as exacerbates social stigma.⁴ Psychological

¹ Devika Claretta Angesti, "Perlindungan Hukum Hak Korban Tindak Pidana Kekerasan Seksual di Perguruan Tinggi," *JATIJAJAR LAW REVIEW* 1, no. 2 (January 2023), <https://doi.org/10.26753/jlr.v1i2.808>.

² Angesti, "Perlindungan Hukum Hak Korban Tindak Pidana Kekerasan Seksual di Perguruan Tinggi." Hal 127, *JATIJAJAR LAW REVIEW* 1, no. 2 (2023).

³ Eliya Habba, "Korban Yang Sempurna: Analisis Komputasional Sikap Yudisial Terhadap Korban Kekerasan Seksual," ICAIL Tahun 2023, Juni 19–23, Tahun 2023, Braga, Portugal DOI: [10.48550/arXiv.2305.05302](https://doi.org/10.48550/arXiv.2305.05302).

⁴ "Komnas Perempuan Angkat Bicara Soal Film Vina: Sebelum 7 Hari: Bukan Cuma Kekerasan Seksual, Tapi Femisida," [suara.com](https://www.suara.com/lifestyle/2024/05/12/090000/komnas-perempuan-angkat-bicara-soal-film-vina-sebelum-7-hari-bukan-cuma-kekerasan-seksual-tapi-femisida), accessed November 9, 2024, <https://www.suara.com/lifestyle/2024/05/12/090000/komnas-perempuan-angkat-bicara-soal-film-vina-sebelum-7-hari-bukan-cuma-kekerasan-seksual-tapi-femisida>. Diakses pada tanggal 09 November 2024

studies confirm that victims whose identities are exposed are more susceptible to psychological and social disorders.⁵

On the other hand, the psychology of other victims who have also experienced sexual violence recalls past traumas they have experienced. According to film critics in the country such as Nosa Normanda, commenting "*I would say, if the film was made with a more ethical approach, people would understand the content better. I think the success of the film can also be greater because everyone can come and watch, including victims of sexual violence. People who watch will realize that violence is wrong.*"⁶ Not to mention that based on the results of reviews and testimonials from the wider community who have watched the film "Vina Sebelum 7 Hari", this film seems to be femicidal, creating *Victim Blaming* for the victim and making the audience imagine the existence of a sexual scene that is considered quite brutal.

The legal norm of Article 69 letter (d), specifically explains that the right to protection for victims includes protection of the confidentiality of the victim's identity. The victim has the right to maintain and maintain the confidentiality of his identity from the public and parties who are not authorized over him. The legal norms in Article 69 letter (d) of the Law on the Protection of Victims' Identities are also part of human rights that must be maintained for the safety and comfort of victims during the legal process and recovery. This aims to provide comprehensive protection to victims of sexual violence so that they can feel safe and protected in the legal process and recovery.

In addition, the appointment of the Vina case, which was featured in the public media, has also injured 2 (two) other Articles. *First*, Article 10, Law No. 44 of 2008 concerning Pornography. *Prohibit showing yourself or others in a performance or in public that depicts sexual exploitation, sexual intercourse or other pornographic content.*⁷ As well as the *second article*, namely, Article 48 paragraph 4 of Law No. 32 of 2002 concerning Broadcasting. In this Article, it is emphasized that the guidelines for broadcasting behavior must be based on religious values, morals, laws and regulations, and other norms that are acknowledged and accepted by the general public and broadcasting institutions, while the standards of broadcast material must contain the following; a. respect for religious views, b. respect for personal matters, c. decency and decency, d. restrictions on sex scenes, violence, and sadism, e. protection of children, adolescents and women.⁸ The actual legal issue of the writing that arose due to the screening of this film is the inconsistency of the screening of the film 'Vina: Sebelum 7 Hari' with the principle of protecting the confidentiality of the identity of victims of sexual violence based on the TPKS Law, the Broadcasting Law, the Pornography Law in Indonesia and the Personal Data Protection Law.

Comparatively, the above norms are in line with the rules of ushul fiqhiyah, which was created by Shaykh Ibn 'Assyria in the work Maqosidu Shari'ah al-Islamiyah, namely the rules of *Dar'ul Mafasid Muqaddamun 'ala Jalbil Mashalih* where this rule explains that avoiding harm is more important than obtaining benefits or benefits. It means avoiding actions that in the future cause damage, be it moral, ethical, social, personal or public interests, much better than doing good things. The implementation of this rule emphasizes that avoiding greater damage (e.g. psychological disturbances for Vina and her family due to the disclosure of Vina, a victim of sexual violence) takes precedence over efforts to seek benefits such as moral education that may cause harm to Vina as a victim of sexual violence and her family.

⁴ Imelda Triadhari and Fania Rahmawati, *Dampak Psikologis Pada Korban Kekerasan Seksual di Lingkungan Kampus*, n.d.

⁵ Salsabila Putri Pertiwi, "Segudang Masalah Film 'Vina: Sebelum 7 Hari', Darurat Etika Dan Perspektif Korban," *Konde.Co*, May 15, 2024, <https://www.konde.co/2024/05/segudang-masalah-film-vina-sebelum-7-hari-darurat-etika-dan-perspektif-korban/>.

⁶ Pasal 10, UU No. 44 Tahun 2008 Tentang Pornografi

⁷ Pasal 48 Undang-Undang No. 32 Tahun 2002 Tentang Penyiaran

In the context of the Vina Sebelum 7 Hari film case, the screening of a film that contains the true story of a victim of sexual violence and their death without full protection of the victim's identity and rights becomes a complex legal and ethical issue. Although the film is intended to have educational value, freedom of expression and dissemination of information, the filmmakers should also balance with the principles of victim rights protection and applicable legal norms, including the law on Sexual Violence Crime (TPKS Law), the Broadcasting Law, the Pornography Law, and the Personal Data Protection Law (PDP Law) that have been regulated.

From the point of view of legal and ethical protection, the exploitation aspect of the victim's story for commercial purposes through the media and even in cyberspace can cause ongoing negative psychological effects not only on *the deceased* Vina and her family, but also on other victims of sexual violence in society. This is contrary to the principles of public interest and victim protection as guaranteed by national legal norms and shari'a principles that avoid mudharat (damage) over benefit.

The family of the deceased Vina, who can be said to be a public who are unfamiliar with legal protection, are not aware of the ongoing negative implications of this film. As a result, the film titled Vina Sebelum 7 Hari was used as an exploitation material that has high selling power in cyberspace. negative impact on the psychological psychology of the victim whose story is told in the film or other psychological victims of sexual harassment that may arise as a result of the screening of the film.⁹

Based on the above background, the author can formulate the following problem formulation, How is the legal protection in Indonesia provided the confidentiality of the identities of sexual violence victim? And the second question is does the screening of the vina sebelum hari movie comply with the principal of legal protection regarding the confidentiality of the victims identities according to the sexual violence crime law (TPKS), the broadcasting law, the pornography law and personal data and protection law?

This research offers new and in-depth thinking regarding the study of criminal law and media ethics in Indonesia, particularly through an interdisciplinary approach that integrates positive legal norms in Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS Law), Law Number 32 of 2002 concerning Broadcasting, Law Number 44 of 2008 concerning Pornography, and Law Number 27 of 2022 concerning Personal Data Protection (PDP Law) coupled with the principle of ushul fiqhiyah "*Dar'ul Mafasid Muqaddamun 'ala Jalbil Mashalih*" (avoiding harm is more important than gaining benefit). Different from previous studies that tend to be separated between media law analysis or victim protection in general, this research specifically examines the actual case of the screening of the film "Vina: Sebelum 7 Hari" (2024) as a representation of the exploitation of the identity of a victim of sexual violence based on a true story, by highlighting the violation of identity confidentiality Article 69 letter d of the TPKS Law, restrictions on scenes of violence and pornography Article 10 of the Pornography Law and Article 48 Paragraph 4 of the Broadcasting Law, and the risk of multidimensional secondary trauma, physical, psychological, and sociological, for victims, their families, and the wider community. This novelty is further enriched with a Sharia perspective, so that it not only reveals the legal uncertainty in the regulation of cinematography based on real tragedies, but also provides concrete recommendations for filmmakers, audiences, and law enforcement.

Therefore, in this study, the researcher wants to focus on discussing legal norms in the Sexual Violence Crime Law, the Broadcasting Law, the Personal Data Protection Law and even the Pornography Law as well as a comparison window among the laws that regulate the legal

⁹ "Film Vina: Sebelum 7 Hari menuai kontroversi di media sosial - Mengapa adegan kekerasan seksualnya tidak disensor?" BBC News Indonesia, May 12, 2024. <https://www.bbc.com/indonesia/articles/c51n4e11gxro>. Diakses pada tanggal 09 November 2024.

protection of the confidentiality of the identity of victims of sexual violence that occurred at the screening of films that raised the issue of victims of sexual violence in the film "Vina Sebelum 7 Hari". This problem needs to be handled seriously in this context the rights and protection of victims' identities are very crucial aspects to pay attention to and the background for researchers to research legal uncertainty in this aspect.

RESEARCH METOHODS

The research methods in this research refers to normative juridical research methods and The reason the researcher uses this method is because it this method helps researcher provide a legal overview as well as a juridical justification for a legal event and from this research method can also straighten and maintain the consistency of basic norms, principles, doctrines and laws and regulations which are certainly related to the case being studied. The type of data used in this research is secondary data. And the research used data analysis methods qualitative data because this methods presentend in a descriptive, interpretive and prescriptive manner. The qualitative method is a method that seeks to describe reality and their authenticity. Thus, data researchers understand the event and its authenticity. From the explanation above, the data analysis process used include; Data collection; data Categorization or classifications and Data conclusions.

Data collection is Collect all data sources during the research, both primary data sources such as Article 69 letter (d) of Law No. 12 of 2022 concerning on the Crime of Sexual Violence, Article 10 of Law No. 44 of 2008 concerning on Pornography, Articyle 48 Paragraph 4 of Law No. 32 of 2002 concerning on Broadcasting and Law No. 27 of 2022 concerning on Personal Data Protection. As well as secondary data sources such as scientific journals, theses and previous scientific research.¹⁰ Data categories or classifications It is the process of labeling data on certain parts of the text that are considered relevant to the issue of the problem being studied by the researcher.¹¹Data Interpretation and Conclusion is after all the data has been collected y the researcher and has been assigned classification code to distinguish each analysis data that is needed, the researcher then concludes and connects the analysis results with a broader theoretical, social and practical framework.¹²

RESULT AND DISCUSSION

According to Satjipto Raharjo, what is meant by legal protection is protection related to human rights (HAM) whose rights are taken by others, then the law plays a role in returning these rights to the person referred to as the victim.¹³ Legal protection can also be interpreted as protection so that the law is not interpreted as a regulation made by people who are authorized by the state to realize laws that are discriminatory or even not in accordance with the purpose of the law itself, namely the usefulness, justice and legal certainty and cannot be abused by law enforcement officials. This legal protection is a form of legal function as a guideline for the life of the community. Quoting from the opinion of Zudan Arif Fakhrullah, legal empowerment is a process of maximizing legal capabilities to present results and benefits that are in accordance with the legal goals that have been set and expected.¹⁴

An explanation of the legal protection theory for the case of confidentiality of the identity of victims of sexual violence in the film Vina: Sebelum 7 Hari. This theory, rooted in the Natural

¹⁰ Fazari Zul Hasmi Kanggas, "Metodologi Penelitian Hukum Dan Hukum Islam. 1," UNIDA Gontor Press, 2025.

¹¹ Kanggas, "Metodologi Penelitian Hukum Dan Hukum Islam. 1."

¹² Kanggas, "Metodologi Penelitian Hukum Dan Hukum Islam. 1."

¹³ Fatma Afifah and Sri Warjiyati, "Tujuan, Fungsi Dan Kedudukan Hukum," *Jurnal Ilmu Hukum Wijaya Putra* 2, no. 2 (2024): 142–52, <https://doi.org/10.38156/jihwp.v2i2.206>.

¹⁴ Romli, "Perlindungan Hukum", Palembang, Sumatra Selatan: CV. Doki Course and Training, 2024. Hal. 32

Law of Plato, Aristotle, and Zeno, can be used as an analytical tool to evaluate whether the film's screening violates the universal moral principle of protecting victims' human rights.

This philosophy underlies modern thinking such as that of Satjipto Raharjo, who views it as the restoration of the victim's human rights after being violated by others. The film *Vina: Sebelum 7 Hari* (2024) is adapted from the true case of the murder and rape of Vina in Cirebon (2016), where the victim's identity was exposed to the public through media and film, potentially violating confidentiality. As a result, if analyzed using the theory of legal protection, this film is considered contrary to the universal morality of protecting human dignity, because its negative impact can worsen psychological trauma and hinder the recovery of the victim and the victim's family. This research is also appropriate if it is linked to the theory Protecting the Identity of Victims of Sexual Violence.

Identity protection is a legal effort to safeguard of a person's personal data from being misused by other. Identity includes personal data such as name, address, identification number, biometric data, financial data, and other sensitive information that can directly identify a person and is not outside authorized for disclosure the authorities. According to Allan Westin, identity protection is the right to privacy as a request and recognition from an individual, group or institution to determine for themselves when, how and to what extent information about them will be informed to others.¹⁵

Identity, also referred to as personal data, is explained in Law No. 27 of 2022 concerning Personal Data Protection. Personal data is information about an individual that is identifiable or can be identified either independently or in combination with other information either directly or indirectly through electronic or non-electronic systems.¹⁶ Data owners have a strong right to know, access, correct and even their personal data. Meanwhile, data managers are obliged to maintain the confidentiality of someone's data if it is necessary to access a person's personal data from the legitimate owner reasons and purposes, and obtain consent from the legitimate owner of personal data before being able to process it.

1. Legal Protection in Indonesia for the Confidentiality of the Sexual Violence Victim's

The explanation regarding legal protection in Indonesia explicitly discusses the legal basis used in Indonesia. More broadly, the discussion of legal protection for the identity of victims of sexual violence in Indonesia also addresses the essence and substance including who is entitled to receive legal protection for the confidentiality of identity and in what categories of cases legal protection is needed concerning personal identity for victims of sexual violence.

The Protection of Identity confidentiality in Indonesia is regulated and discusses it in the 1945 Constitution, or more explicitly this regulation is discussed in Article 28G of the 1945 Constitution which states, that every citizen has the right to personal protection, family, honor, dignity, and property as well as the right to entitled to a sense of security and protection of identity confidentiality as part of personal protection and dignity¹⁷.

Equally important as the confidentiality of a person's personal identity, Indonesia has also detailed regulations regarding to the protection of the confidentiality of the identity of sexual

¹⁵ Jonathan Elkana Soritua Aruan, "Perlindungan Data Pribadi Ditinjau Dari Teori Perlindungan Hukum Dan Teori Perlindungan Hak Atas Privasi: Personal Data Protection Reviewed from Legal Protection Theory and Right to Privacy Protection Theory," *Jurnal Globalisasi Hukum* 1, no. 1 (2024): 1–22, <https://doi.org/10.25105/jgh.v1i1.19499>.

¹⁶ Aruan, "Perlindungan Data Pribadi Ditinjau Dari Teori Perlindungan Hukum Dan Teori Perlindungan Hak Atas Privasi."

¹⁵ Angesti, "Perlindungan Hukum Hak Korban Tindak Pidana Kekerasan Seksual di Perguruan Tinggi." *JATIJAJAR LAW REVIEW* 1, no. 2 (2023).

¹⁷ "UUD No. 28G UUD 1945" Database Peraturan | JDIH BPK, accessed October 18, 2025, <http://peraturan.bpk.go.id/Details/101646/uud-no-->.

violence victim's. Several specific laws include laws such as Article 17 paragraph 2, Number 23 of 2002 concerning on Child Protection where this law emphasizes that children who are victims of sexual violence have the right have their identities kept confidentiality and protected. Furthermore, Law Number 35 of 2014, which is an amendment to the Child Protection Law, reinforces this provision by requiring that the identities of victims not be published, as well as Law Number 12 of 2022 concerning the Crime of Sexual Violence crimes, which also guarantees the rights of victims, including the confidentiality of the identities of victims of sexual violence.¹⁸

Identity Confidentiality Protection This legal protection is based on the principle of the best interests of children and victims, emphasizes the recovery and mental protection of victims to prevent social stigma and the risk of victimization.¹⁹ The victim's identity must be kept confidential in any form of report or publication to prevent labeling, shame, trauma and further harassment.

Legal protection in Indonesia regarding the confidentiality of victims' identities has been specifically regulations and thoroughly regulated. Based on the Personal Data Protection Law No. 27 of 2022, the management of personal data of victims, especially children, must be carried out with parental consent and with special treatment.²⁰ The Law on the Juvenile Criminal Justice System or commonly referred to as (SPPA) according to article 19 paragraphs 1 and 2 requires the confidentiality of the identity of child victims of sexual violence in print and online media. The identities referred to in this article include the identity of the child, the victim, the child witness, the parent's name, address, face, and other things that can reveal the child's identity, the victim's child and the witness's child. As well as stipulate criminal sanctions of up to 5 years in prison and fines for those who violate this provision.²¹

Law No. 12 of 2022 concerning Sexual Violence provides the right to protection, handling, and recovery for victims, including the provision of legal services and the protection of victims' identities during the handling process. The role of the State has a significant impact on providing maximum legal protection to victims of sexual violence through regulations and preventive support mechanisms. As a state of law that upholds justice and welfare for all its people as written in Article 1 Paragraph 3 of the 1945 Constitution, this Article clearly states that the Indonesian state is a state of law. Empowering the country to have greater authority to prevent the rise of sexual violence cases, not only focusing on creating regulations and imposing sanctions on but also paying more attention to the process and outcome of the implementation of existing regulations outcome society.²²

The public and the media are also expected to maintain the confidentiality of victim's identity and be sensitive in delivery of information to protect the rights and dignity of the victims. The public and the media can act as preventers of sexual violence, including increasing the role of parents in educating about sexuality from an early age, the role of educational institutions, and the

¹⁸ Pengetahuan Undang-Undang yang terkkait dapat di akses melalui website <https://www.hukumonline.com/>

¹⁸ Clarysa Dwi Rahmawati, Wasis Suprayitno, and Kukuh Dwi Kurniawan, "Tinjauan Yuridis Sosiologis Perlindungan Identitas Anak Korban Kejahatan Seksual : (Studi Putusan Nomor 408/ Pid.Sus/2021/PN Mlg, Studi Putusan Nomor 673 /Pid.Sus/2019/PN Mlg, Dan Studi Putusan Nomor 572/ Pid.Sus/2021/PN Mlg)," *Indonesia Law Reform Journal* 2, no. 2 (November 2022): 254–73, <https://doi.org/10.22219/ilrej.v2i2.22076>.

¹⁹ "UU No. 27 Tahun 2022, tentang Perlindungan Data Pribadi.

²⁰ "UU No. 11 Tahun 2012, tentang Sistem Peradilan Pidana Anak.

²² Made Ananda Dwiprasetya, "Peran Dan Tanggung Jawab Pemerintah Kabupaten Buleleng Terhadap Penyandang Disabilitas Korban Kekerasan Seksual Di Kabupaten Buleleng" (Phd Thesis, Universitas Pendidikan Ganesha, 2025), <https://Repo.Undiksha.Ac.Id/Id/Eprint/23717>.

²² Muhammad Ilham, "Peran Media Sosial Dalam Mencegah Kekerasan Seksual Pada Anak," *Indonesia Of Jurnal Bussness Law*. Vol;4 No.1,2025. E-ISSN; 2809-8439, DOI;10.47709/ijbl.v4i1.5115

²³ Prianter Jaya Hairi and Marfuatul Latifah, "Implementasi Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual," *Jurnal Negara Hukum* 14, no. 2 (2023): 163–79.

role of technology that provides to sexual education from an early age as well as various forms of sexual violence and how to prevent them.²³ Thus, Indonesia has a comprehensive and layered legal protection mechanism to maintain the confidentiality of the sexual violence victim's identities as an effort to protect human rights and rehabilitate victims from the impact of sexual violence.

The author's opinion by, supported by several previous studies such as; Prianter Jaya Hairi.2023, with the title "Implementation of Law Number 12 of 2022 concerning the Crime of Sexual Violence".²⁴ That the Republic of Indonesia has established regulations, both in the form of government Regulations and Laws that govern the Crime of Sexual Violence in such detail and detail. However, its application has not been full effective. Since the enactment of Law Number 12 of 2022 concerning on the Crime of Sexual Violence (TPKS Law), the number of sexual violence victim in Indonesia is still quite high, what is even more concerning is number of victims whose personal identities are exposed to the public has not been fully²⁵ by all law enforcement officials (APH). Victim rescue efforts as is explained in the grains of the Article in the Sexual Violence Law No. 12 of 2022 as stated in Article 67 of the Law on Sexual Violence crimes, Victims' rights include: *a) hak atas penanganan, b) hak atas perlindungan, c) hak atas pemulihan*. It must first prioritize the prevention of these criminal acts rather than giving sanctions to the perpetrators.²⁶

The problem with the implementation process of the Law on Sexual Violence in Indonesia which has not been carried out optimally is due to many law enforcement officials refuse to use the law, particularly the 2022 TPKS Law, on the grounds that law enforcement officials prefer the previous legislation. The fatal flaw in the attitude of law enforcement officers in several cities who are reluctant to accept reports of sexual violence has resulted in victims often withdrawing their reports and preferring to tell them through their personal social media.²⁷

According in the author's opinion, the idea of progressive law require support from the government, law enforcement officers and various elements of Indonesian society itself. So this later it will make it easier for law enforcement officials to implement legal protections as explained in the Regulation and will automatically comply with Law No. 12 of 2022.

2. Principles of Legal Protection of Confidentiality of Victims' Identities According the Sexual Violence Crimes Law, the Broadcasting Law, the Pornography Law and Personal Data Protection Law

The provisions or principles of legal protection in Indonesia regarding the confidentiality of victims' identities have referred to and met the needs of the wider public concerning of victims' identities in public media. The public continues to urge the government to refine the draft law (RUU) related to the protection of victims of sexual violence as well as the protection of victims' identities. The reality is that the regulations and legal protections related to this have been detailed and codified into official regulations of the Indonesian state by the authorities responsible for making legislation.

This legal protection become the obligation of the state, law enforcement agencies, public social providers and the community not to disclose the identity of the victim carelessly and must be carried out under strict supervision and in accordance with procedures that protect the rights of the victim and the victim families. The following is a detailed explanation regarding the legal

²⁴ Tim Harian Kompas, "Pemberitaan Kasus Kekerasan Seksual Masih Rawan Lukai Korban," Kompas.id, July 29, 2023. <https://www.kompas.id/artikel/pemberitaan-kasus-kekerasan-seksual-masih-rawan-lukai-korban>.

²⁵ "UU No. 12 Tahun 2022," Tentang Tindak Pidana Kekerasan Seksual. Database Peraturan | JDIH BPK, accessed October 25, 2025, <http://peraturan.bpk.go.id/Details/207944/uu-no-12-tahun-2022>.

²⁶ Hairi and Latifah, "Implementasi Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual." *Jurnal Negara Hukum* 14, no. 2 (2023): 163–79.

²⁷ "Perlindungan Hukum Bagi Rakyat Di Indonesia Philipus M. Hadjon | Dinas Perpustakaan Dan Arsip Daerah DIY," accessed January 13, 2026, <https://balaiyanpus.jogjaprovo.go.id/opac/detail-opac?id=12369>.

protection principles for maintaining the confidentiality of victims' identities according to the Sexual Violence Crime Law (hereinafter referred to as 'TPKS'), the Broadcasting Law, and the Pornography Law in Indonesia explained as follows:

2.1. Law on sexual violence crimes (TPKS)

Law No. 12 of 2022 concerning the Sexual Violence crimes or often called the 'TPKS Law regulates the principles of protection of victims of sexual violence, including guarantees the confidentiality of the victim's identity. Article 69 letter (d), specifically explains that the right to protection for victims includes protection of the confidentiality of the victim's identity. Victims have the right to maintain and maintain the confidentiality of their identity from the public. This principle aims to protect victims from re-victimization, the intention is to maintain the confidentiality of Vina's identity in the film Vina; Before 7 Days, prevent the possibility of further threats, terror or further violence that may be carried out by the perpetrator or other parties assisting the perpetrator, wheter againts Vina and her family.

As for social stigma, which is also a negative impact of disclosure Vina's real identity, it may arise in the form of a public mindset in the environment where Vina and her family life. This affects their social and psychological lives. therefore, if the screening of this film pays more attention to the intent and purpose of the principles of the 'TPKS Law by covering up and concealing Vina's true identity in behind the screening of the film, it can encourage the victim's family to report and ensure the law can guarantee justice through an unbiased legal process or prevent external parties, including the media, from passing judgment that could influence public opinion during the trial process.

This law requires that the identity of the victim must be kept confidential in legal proceedings as weel as the dissemination of public information to maintain the dignity and privacy rights of the victim. This confidentiality of identity is also part of the right to justice and comprehensive victim recovery, including protection during the investigation and trial process.²⁸

2.2. Broadcasting Law

Article 48 Paragraph 4 of Law No. 32 of 2002 concerning on Broadcasting which emphasizes that contains affirming that the guidelines for broadcasting behavior must be based on religious values, morals, laws and regulations, and other norms that are acknowledged and accepted by the general public and broadcasting institutions, as for the standards of children's material, broadcasts must contain the following; a. respect for religious views, b. respect for personal matters, c. decency and decency, d. restriction of sex scenes, violence, and sadism, e. protection of adolescents and women.²⁹

Even the Lembaga Sensor Film (LSF) itself has issued a number of regulations and ethical guidelines in the film industry which are also based by Law Number 33 of 2009 concerning cinema.³⁰ Among them are prohibiting the broadcasting of pornography, violence, sexuality, narcotics and illegal drugs, gambling, blasphemy, and provocation. There are strict provisions regarding the disguise of the identity of victims, especially children and adolescents related to crimes, including sexual violence.

It is a different matter in the case of the screening of the film Vina which has successfully shown on the big screen of the cinema, ideally during the screening of the film titled Vina; before 7 days, broadcasting institutions should pay an important and more assertive, be more selective or even not display and allow the identity of victims of sexual violence to be revealed directly through

²⁸ Nathania Ariela Novita Sari, "Analisis Yuridis Penerapan Nilai-Nilai Keadilan Restoratif Di Dalam Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual" (Phd Thesis, Universitas Islam Sultan Agung Semarang, 2024), [Http://Repository.Unissula.Ac.Id/Id/Eprint/37869..](http://Repository.Unissula.Ac.Id/Id/Eprint/37869..)

²⁹ Pasal 48 Undang-Undang No. 32 Tahun 2002 tentang Penyiaran

³⁰ "Hukum No. 33 Tahun 2009, tentang Perfilman.

broadcasting. This is to protect the future and psychology of the victim. Broadcasters should consider the safety of victims and not expose or publish the victim's personal data that could lead to stigma or social pressure. Violations of this principle can lead to administrative and criminal sanctions according to the regulations.

2.3. Pornography Laws

Pornography Law No. 44 of 2008 concerning Pornography is a law in Indonesia that specifically regulates prohibitions and restrictions on pornography to protect the morals and decency norms of Indonesian society, especially to protect children and adolescents from the negative impact of pornography. In Law No. 44 of 2008 concerning Pornography, there is protection for victims of the spread of pornographic content, most of whose victims are children and women.

This law adheres to the principle of keeping the victim's identity confidential to prevent there is no bullying, stigma, and violation of victims' human rights. Article 4 of Law No. 44 of 2008 concerning Pornography, discusses the prohibition anyone to produce, create, reproduce, distribute, broadcast, import, export, offer, trade, rent, or provide pornographic content that explicitly contain sexual violence or child pornography.³¹

Article 69 of Law No. 44 of 2008 on Pornography explains that in handling pornography cases, all forms of victim identity and personal data must be kept confidential and not disclosed to the public through the media. This aims to protect the privacy and security rights of victims.³² Victims have the right to legal protection, including identity confidentiality, legal assistance, and victims' rights related to restitution and psychological rehabilitation. Strict law enforcement against perpetrators of pornography distribution perpetrators of the dissemination of pornographic content is also emphasized to ensure the safety and dignity of victims.

2.4. Personal Data Protection Law

Law No. 27 of 2022 concerning Personal Data Protection (PDP Law) establishes basic principles for protecting the confidentiality of victims' identities, as in Vina's case, including specific data such as criminal records or health information related to sexual violence, through data processing controls.³³

Article 4 of the PDP Law stipulates seven main principles: transparency (clear information regarding data processing), accountability (the controller is responsible), prudence (avoiding risks), limited purpose (only for specific functions), data minimization (collecting enough), accuracy (data is correct and up-to-date), and limited retention (deleting it when it is no longer needed).³⁴ Therefore, these principles should be mandatory for data controllers, including film producers and media outlets, to protect victims' identities in accordance with express consent for specific data (Article 20).

The subjective rights of victims are explained in Articles 11-19, including nine rights: data access, correction, deletion ("right to be forgotten"), revocation of consent, objection to automation, restriction of processing, compensation, and data portability. Specific data (criminal records, child data) is subject to strict processing, prohibiting distribution without a valid legal basis (Article 16), and relevant measures to prevent exposure of the identities of victims of sexual violence. Violators can be subject to administrative sanctions (warnings and fines of 2% of annual turnover, Article 57), imprisonment of up to 5 years/a fine of Rp 5 billion (Article 67), plus the establishment of a national PDP Council to oversee

³¹ Pasal 4 Undang-Undang No.44 Tahun 2008 Tentang Pornografi

³² Pasal 69 Undang-Undang No. 44 Tahun 2008 Tentang Pornografi

³³ Surat Keputusan Mahkamah Agung RI Nomor: 144/KMAISKNI/2007 tentang Keterbukaan Informasi di Pengadilan

³⁴ Pasal 4 UU No. 27 Tahun 2022 tentang Perlindungan Data Pribadi

To make it easier for many readers to understand, the author briefly explains the Sexual Crimes Law, the Broadcasting Law and the Pornography Law in the form of a comparison table between legal norms and evidence from the actual facts that occurring in the field.

NO	LAW	LEGAL NORMS	FACTS ON THE GROUND
1.	UU TPKS No. 12/2022	Provide a detailed definition of sexual violence, all form of victim protection including identity protection, and comprehensive legal protection and comprehensive legal procedures. Protect the victim's right and regulates gender-sensitive accompaniment.	Implementation is not yet optimal; Law enforcement officials (APH) sometimes refuse to use this law because there are no technical implementing regulations (guidelines/instructions). There is resistance in some areas (Medan, Banjarmasin, Makassar). The legal culture and operational support structure are still incomplete. ³⁵
2.	Broadcasting Law (No. 32/2002)	Regulating broadcasting oversight by the Indonesian Broadcasting Commission (KPI) in a preventive and regulatory manner, maintaining decency norms and broadcasting behavior standard	The Indonesian Broadcasting Commission (KPI) conducts oversight and sanctions to ensure broadcast programs comply with norms and regulations. However, the authority to issue permits based on administrative evaluation results is delayed. As a result, films that fall outside regulatory qualifications, such as Vina, are often shown in theaters before the seven-day deadline. ³⁶
3.	Pornography Law (No. 44/2008)	Regulate the prohibition of pornography with clear definitions and limits of moral boundaries of decency norms. Harsher criminal penalties.	Vina's film Before 7 Days is vulnerable to violating Article 4 because the scenes of sexual violence depicted are explicit and the exploitation of identity triggers trauma and social conflict. ³⁷
4.	Personal Data Protection Law (No. 27/2022)	• The PDP Law establishes basic principles such as legal certainty, transparency in the processing of personal data	The norms of Article 20, namely explicit consent, and Article 28, specifically the purpose, were violated in the

³⁵ Hairi and Latifah, "Implementasi Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual." *Jurnal Negara Hukum* 14, no. 2 (2023): 163–79.

³⁶ Muhammad Syukri, " Analisis hukum normatif UU No.32 Tahun 2002 Mengenai Peran KPI Sebagai Lembaga Pelayanan Publik dalam Hal Pengawasan Penyiaran di Indonesia," *UNES Law Review* 6, no. 4 (2024) (n.d.).

³⁷ Dr Firdaus Syam, Analisis Dan Evaluasi Undang-Undang Nomor 44 Tahun 2008 Tentang Pornografi, *Kementrian Hukum dan Hak Asasi Manusia RI, Badan Pembinaan Hukum Nasional*; Jakarta, (2010) n.d.

(Article 4), and regulates administrative sanctions up to a fine of 2% (two percent) of turnover or 5 years imprisonment. screening of the film *Vina Before 7 Days*, where the victim's identity (specific data in this case related to criminal records) was exposed without permission, triggering repressive demands and minimal implementation.

3. *Pros at Cons of Film Vina Sebelum 7 Hari*

According to the synopsis of the screening of the film *Vina Before 7 Days*, this film tells the story of Vina in the horror genre. "*Vina: Before 7 Days*" is an Indonesian film that was released in 2024, directed by Anggy Khrisna Umbara, adapted from the true story of Vina's tragic murder. The took place at the same place where Vina was murdered in 2016.

This film features a 16-year-old girl named Vina and her boyfriend Eky, who were found dead with their bodies damaged. Initially, the family believed that their deaths were caused by a traffic accident, but the police investigation uncovered many irregularities, leading the case to be investigatigated further.

On the sixth day after Vina's death, her best friend, Linda, suddenly contacted Vina's family and asked them to come to her house. When they gather, Linda is possessed by Vina's spirit who then begins to tell the true chronology. Vina and Eky were attacked by 11 or 12 members of the motorcycle gang. Their bodies were dragged all the way to the Talun flyover, where Vina was brutally tortured. Vina was even sexually harassed by several perpetrators, one of which was Egi, who used to have feelings for Vina and felt hurt because she was rejected by Vina.³⁸

In the film's screening, it clearly shows the violence committed by Egi and several other motorcycle gangs. They deliberately tortured and ran over Vina's legs until she almost broke off using a motorcycle and hit Eky stubbornly on the back repeatedly until Eky died. Vina and Eky experienced verbal violence. Vina's spirit, who did not want to accept the false news about her death, tried to find out the truth of the event within seven days, which became the culmination of the horror and mystery story in this film. This film also shows aspects of the family and police officers in handling the case with a thick supernatural horror nuance.³⁹

The film *Vina Sebelum 7 Hari* triggered pros and cons in the wider community. The reason is that this film tells a real rape case aggressively as well as violently. From many news reports, this film is claimed to be a biopic film because of its storyline which is based on a true story of a person and focuses on the life of the main protagonist.⁴⁰

According to Anggy Umbara himself, explaining the positive impact of the screening of this film is nothing more than to raise awareness of the case, hope that in the future there will be

³⁸ Yaslinda Utari Salim "Sinopsis Film *Vina: Sebelum 7 Hari*, Kisah Nyata Pembunuhan Miris Dua Sejoli," accessed October 2, 2025, detik Sulsel. <https://www.detik.com/sulsel/berita/d-7269529/sinopsis-film-vina-sebelum-7-hari-kisah-nyata-pembunuhan-miris-dua-sejoli>

⁶⁶ "Sinopsis Film *Vina: Sebelum 7 Hari*, Kisah Nyata Pembunuhan Miris Dua Sejoli," accessed October 2, 2025. <https://www.detik.com/sulsel/berita/d-7269529/sinopsis-film-vina-sebelum-7-hari-kisah-nyata-pembunuhan-miris-dua-sejoli>.

⁶⁷ Pertiwi, "Segudang Masalah Film *Vina Sebelum 7 Hari*. Darurat Etika dan Perspektif Korban". Salsabila Putri Pertiwi. Konde.co. <https://www.konde.co/2024/05/segudang-masalah-film-vina-sebelum-7-hari-darurat-etika-dan-perspektif-korban/>.

no more similar cases like Vina. Another positive aspect about the screening of the film "Vina; Sebelum 7 Hari" can increase public awareness of sexual violence crimes and make law enforcement officers aware of the fact that they are still very lax by allowing this case to happen. The film does not stop there, it provides support and efforts for a review to help Vina's family seek justice for Vina. Ultimately, the screening of the film Vina increases awareness of legal protection for victims of sexual violence and encourages police officers to pursue the three perpetrators responsible for sexual violence and assault on Vina that led to her death.

However, the film, directed by Anggy Khirsna Umbara, also sparked significant controversy. This is because, despite its goal of educating the public about awareness of sexual violence cases, the opposing aspects have emerged more prominently among both the academic and practical communities, as it is considered unethical and disrespectful to the privacy of sexual violence victims.

According to Boyke Luthfiana Syahrir, a legal practitioner and secretary of the family association of Alumni of the Faculty of Law UNPAS, there is a potential shaping public opinion against Vina, referred to *Victim Blaming*. The film also portrays Egi the perpetrator, a son of a police officer. According to Boyke, this could influence public opinion about Pegi Setiawan, the suspect in Vina and Eki's murder.⁴¹ The Chairman of the Asosiasi Lawyer Muslim Indonesia (ALMI) expressed his objection to this film and reported it to the Criminal Investigation Agency (BARESKRIM), because he considered this film to cause an uproar and asked for this film to be withdrawn from the cinema so as not to interfere with the legal process that was underway at that time.⁴²

According to Nosa, as a filmmaker and film critic, Nosa Normanda considers that the film with the Vina case is a trap. Nosa explained when interviewed by *Konde.co* media, if this film is a fictional horror and then there is a rape scene, the public will think it is a lie. But once it becomes a biopic, it becomes a big problem because it offends the ethics of the victim whose story is raised complete with his real identity.

There are many aspects that are extremely distressing in the screening of the film Vina Sebelum 7 Hari. It's not just *victim-blaming* against Vina and her family with a myriad of problems related to psychology and others. But the variety of ways the general audience understands this film, for some viewers also laugh at the brutal rape scenes committed by the sexual perpetrator and disturbingly leads the audience to become aroused by tragic, the film leads viewers to become aroused by those tragic scenes. Quoting from the infographic of the Faculty of Law UNDIP in June 2024, which participated in demonstrating the rights and voices of victims of sexual violence, the film Vina; Sebelum 7 Hari shows scenes of sexual violence clearly. However, his representation is more inclined to exploitation and sensationalism, rather than emphasizing the suffering of the victims of sexual violence themselves, which can lead to misunderstandings among the audience.

Looking at the public assessment that finally appeared a statement containing pros and cons to the screening of Vina's film; Sebelum 7 Hari, a real case of the *life of the deceased* Vina. It is interesting for a researcher like me to find the end of the punishment of social cases circulating in the middle of society. The researcher is looking for references from the teachings of the dominant religion practiced by Indonesians, which is Islam. Islam as a religion full of high tolerance and the teachings of diversity, as well as Islamic that regulate many matters related to the term Qowaid Fiqhiyah. The protection of the identity of victims of sexual violence According to Qawaid

⁶⁸"Film Vina: Sebelum 7 Hari Akan Disomasi Praktisi Hukum, Disebut Bikin Citra Polisi Buruk," *Tribunjabar.id*, accessed September 30, 2025, <https://jabar.tribunnews.com/2024/05/25/film-vina-sebelum-7-hari-akan-disomasi-praktisi-hukum-disebut-bikin-citra-polisi-buruk>.

⁶⁹Oki Rosgani, "Ketua LSF Beri Tanggapan Usai Film 'Vina: Sebelum 7 Hari' Dilaporkan," *TINTAHIJAU.com*, May 31, 2024, <https://www.tintahijau.com/ragam/ketua-lsf-beri-tanggapan-usai-film-vina-sebelum-7-hari-dilaporkan/>. di akses pada tanggal 30 September 2025.

Fiqhiyah is discussed in *درء المفاسد مقدم على جلب المصالح (Dar'ul Mafasid Muqaddamun 'ala Jalbil Mashalih)*. The protection of the identity of individuals who experience sexual violence according to the principles of fiqh "*Dar'ul Mafasid Muqaddamun 'ala Jalbil Mashalih*" emphasizes more preventing of negative impacts (*Mafsadah*) which is rather than seeking potential benefits. In the context of victims of sexual violence whose identities are revealed in a feature film screening, this principle emphasizes the importance of rejecting or avoiding harm that could be more severe, such as violations of identity and social stigma or *victim blaming*, which can have a negative impact physically, mentally, and socially.

As-Shaykh Izzudin ibn Abdul Salam explained in the book of Qowaid, he explained that;

وقد بين عز الدين بن عبد السلام، في كتاب القواعد، أن تقديم أرجح المصلحتين هو الطريق الشرعي، وأن درء أرجح المفسدتين كذلك. فإذا حصل التساوي من جميع الوجوه فالحكم بالتخير.

Means; Izzudin bin Abdul Salam, explains in his book, al-Qawaid, that; "Prioritizing two potential benefits may be valid path, and avoiding the two more likely dangers is also a valid path. If equality is achieved in all matters, then the decision is a matter of choice."

This principle states that when a case contains benefits and harm, the primary priority is to avoid harm to prevent greater danger. Therefore, protecting Vina's identity as one of the victims of sexual violence is very crucial to considering the ongoing negative impact on the future of the victim and her family, as well as on other victims of sexual violence. Avoiding greater mafsadah, such as humiliation, discrimination, and long-lasting trauma for the victim, must be prioritized. Although the screening of the film Vina; Sebelum 7 Hari may be intended as an education or a space to seek justice, but the harm caused to the psychology of the victim and the family should not be ignored as an ethical form of respect for the victim's privacy.

(*Dar'ul Mafasid Muqaddamun 'ala Jalbil Mashalih*), Where in this rule or can be called the fundamentals of a regulation according to Islam. It is emphasized that priority should be given to protecting the identity and safety of victims from greater physical or mental harm. This action is also referred to as preventive protection for victims of sexual violence. In its implementation, protection for victims is not only formal legal protection, but also includes psychological, social, and moral protection, with the support of legal institutions, integrated services for women and children, and the role of religion that emphasizes the principle of maintaining the dignity and safety of victims. This is in line with the sharia *maqasid* which emphasizes the protection of the victim's life, dignity, and family

CONCLUSION

Legal protection in Indonesia is regulated in several laws and regulations, including Article 28G of the 1945 Constitution, Law No. 23 of 2002 concerning Child Protection and its amendments, Laws that also regulate legal protection for victims of sexual violence are specifically regulated in Law No. 12 of 2022 concerning Criminal of Sexual Violence, Law No. 32 of 2022 concerning Broadcasting, Law No. 44 of 2008 concerning Pornography, and Law No. 27 of 2022 concerning Personal Data Protection.. This protection principle emphasizes the best interests of victims, especially children, to maintain dignity, prevent social stigma, and risk of victimization. The regulation also regulates strict sanctions for parties who violate the confidentiality of the victim's identity. Even although the regulations are comprehensive, implementation in the field still faces challenges, such as law enforcement officers not being fully effective in applying. In this research, the author provides a solution that the role of the state, society, media, and educational institutions is very important in supporting this protection so that victims' rights are maintained and the recovery process can run effectively. Thus, Indonesia has a solid legal mechanism but still needs to be improved in implementation so that the identity protection of victims of sexual violence is truly effective and comprehensive.

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