

Legal Protection for People with Mental Disorders Who Are Victims of Sexual Violence Through the Social Services Agency in Sorong City

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Abstract: This study aims to analyze the implementation of legal protections for people with mental disorders (ODGJ) who are victims of sexual violence in Sorong City and to identify institutional and coordination barriers to the fulfillment of victims' rights, as well as their support, rehabilitation, and recovery. **The method used** in this study is empirical legal research with a socio-legal approach. Primary data were obtained through interviews with the Sorong City Social Services Agency and relevant parties, while secondary data were obtained from relevant laws and regulations and legal literature. The analysis was conducted qualitatively by comparing the normative framework for victim protection with the actual implementation of protection measures at the local level. **The novelty** of this study lies in its analysis of protection for people with mental health conditions who are victims of sexual violence through the lens of institutional integration, positioning the Social Services Agency as part of a protection ecosystem that must be connected to the police, the DP3A, health services, professionals, support organizations, families, and the community. **The results** of the study indicate that, normatively, legal protection for people with mental health conditions who are victims of sexual violence has an adequate legal basis; however, its implementation in Sorong City has not been optimal and remains unintegrated. The Social Services Agency has provided support, social worker interventions, family and community guidance, needs assessments, and service referrals; however, it does not yet have a specific program for people with mental health conditions who are victims of sexual violence. Other barriers include limited mental health and rehabilitation facilities, a shortage of professionals, a lack of social rehabilitation centers, as well as persistent stigma and weak family support. **The study concludes** that it is necessary to strengthen the integrated protection model and cross-sectoral coordination from the identification of victims, through support, legal proceedings, health and psychological services, rehabilitation, to social reintegration.

Keywords: Legal Protection; People with Mental Illness; Sexual Violence; Social Services Agency; Institutional Integration

Abstrak: Penelitian ini bertujuan menganalisis implementasi perlindungan hukum terhadap orang dengan gangguan jiwa (ODGJ) yang menjadi korban kekerasan seksual di Kota Sorong serta mengidentifikasi hambatan kelembagaan dan koordinasi dalam pemenuhan hak, pendampingan, rehabilitasi, dan pemulihan korban. **Metode penelitian** ini menggunakan hukum empiris dengan

*pendekatan sosio-legal. Data primer diperoleh melalui wawancara dengan Dinas Sosial Kota Sorong dan pihak terkait, sedangkan data sekunder diperoleh melalui peraturan perundang-undangan dan literatur hukum yang relevan. Analisis dilakukan secara kualitatif dengan membandingkan kerangka normatif perlindungan korban dengan praktik penyelenggaraan perlindungan di tingkat daerah. **Kebaruan** penelitian terletak pada analisis perlindungan ODGJ korban kekerasan seksual melalui perspektif integrasi kelembagaan, dengan menempatkan Dinas Sosial sebagai bagian dari ekosistem perlindungan yang perlu terhubung dengan kepolisian, DP3A, layanan kesehatan, tenaga profesional, lembaga pendamping, keluarga, dan masyarakat. **Hasil penelitian** menunjukkan bahwa secara normatif perlindungan hukum terhadap ODGJ korban kekerasan seksual telah memiliki dasar hukum yang memadai, tetapi implementasinya di Kota Sorong belum optimal dan belum terintegrasi. Dinas Sosial telah melakukan pendampingan, intervensi pekerja sosial, pembinaan keluarga dan masyarakat, evaluasi kebutuhan, serta rujukan layanan, namun belum memiliki program khusus bagi ODGJ korban kekerasan seksual. Hambatan lainnya meliputi keterbatasan fasilitas kesehatan jiwa dan rehabilitasi, tenaga profesional, pusat rehabilitasi sosial, serta masih kuatnya stigma dan lemahnya dukungan keluarga. **Penelitian menyimpulkan** bahwa diperlukan penguatan model perlindungan terintegrasi dan koordinasi lintas sektor sejak identifikasi korban, pendampingan, proses hukum, layanan kesehatan dan psikologis, rehabilitasi, hingga reintegrasi sosial.*

Kata Kunci: *Perlindungan Hukum; ODGJ; Kekerasan Seksual; Dinas Sosial; Integrasi Kelembagaan*

1. INTRODUCTION

Sexual violence against people with mental disorders is a legal issue that relates not only to the criminal acts committed by the perpetrators but also to the legal system's ability to ensure that victims receive protection and access to justice. The position of people with mental disorders as victims has unique characteristics because certain psychosocial disorders or mental conditions can affect the victim's ability to recognize the events they have experienced, disclose their experiences of violence, report the perpetrator, provide testimony, and participate in legal proceedings. At the same time, stigma against people with mental disorders can lead to the victim's experiences being disbelieved, ignored, or even dismissed as a legal issue. These conditions create layered vulnerability: victims not only endure sexual violence but also face structural barriers when seeking protection and justice.¹

From a human rights perspective, a person's mental condition does not negate their status as a legal subject. The state remains obligated to guarantee equal treatment, free from discrimination, and to provide protection when a person becomes a victim of a criminal offense. These constitutional guarantees are enshrined in Article 28D(1), Article 28G(1), Article 28H(2), and Article 28I(2) of the 1945 Constitution of the Republic of Indonesia. This principle is reinforced by Law No. 8 of 2016 on Persons with Disabilities, which establishes that respecting, protecting, and

¹ Regina Pradea, Haryadi, and Nys Arfa, "Orang Dengan Gangguan Jiwa (ODGJ) Sebagai Korban Tindak Pidana: Bagaimana Aturan Hukum Pidananya?," *PAMPAS: Journal of Criminal Law* 5, no. 1 (2024): 1–13, <https://doi.org/10.22437/pampas.v5i1.31794>

fulfilling the rights of persons with disabilities are obligations of the state.² In the context of legal proceedings, such protection cannot be adequately ensured through formal equal treatment alone; it requires reasonable accommodations so that a disability does not become a barrier to obtaining justice. Research by Wahyudi, Fathan, and Kasiyati shows that the investigation of cases involving people with disabilities as victims can be halted when law enforcement officials fail to provide reasonable accommodations.³

The legal framework for health care has also undergone significant changes. Law No. 18 of 2014 on Mental Health, which had long served as the basis for the protection of people with mental disorders, was repealed and declared invalid following the enactment of Law No. 17 of 2023 on Health.⁴ These changes are significant for research on people with mental disorders because Law No. 17 of 2023 designates health as a shared responsibility of the central and local governments and includes provisions regarding the provision of mental health services. Consequently, the protection of people with mental disorders can no longer be viewed solely through the lens of a standalone mental health framework but must be linked to systems for the protection of rights, health services, social services, and mechanisms for protecting victims of criminal offenses.

From the perspective of sexual violence, Law No. 12 of 2022 on Criminal Offenses of Sexual Violence has established a more comprehensive legal framework by recognizing victims as individuals with the right to assistance, protection, and recovery. Specifically for victims with disabilities, this legal approach requires adequate accessibility and accommodations throughout the case handling process.⁵ This development was reinforced by the issuance of Government Regulation No. 30 of 2025 on the Prevention of Sexual Violence Crimes and the Handling, Protection, and Recovery of Victims of Sexual Violence Crimes. This Government Regulation reaffirms the obligation of the central and local governments to implement the prevention of sexual violence in a prompt, comprehensive, and integrated manner, while ensuring accessibility for people with disabilities.⁶ The existence of these regulations indicates that the issue of victim protection can no longer be left solely to law enforcement agencies, but is rather a cross-sectoral responsibility.

Although this normative framework is continuing to evolve, the main issue lies in the gap between legal norms and their implementation. Research by Pradea, Haryadi, and Arfa shows that people with mental disorders who are victims of criminal acts are, in principle, entitled to legal protection, but the fulfillment of these rights has not yet been fully realized.⁷ Meanwhile, research

² Indonesia, *Undang-Undang Nomor 8 Tahun 2016 tentang Penyandang Disabilitas*.

³ Abdullah Wahyudi, Fathan, and Siti Kasiyati, "Access to Justice for Persons with Disabilities as Victims of Sexual Violence: Fulfilment of Reasonable Accommodation in Judicial Process," *INKLUSI* (2023), <https://doi.org/10.14421/ijds.100205>

⁴ Indonesia, *Undang-Undang Nomor 17 Tahun 2023 tentang Kesehatan*. UU ini mencabut UU No. 18 Tahun 2014 tentang Kesehatan Jiwa.

⁵ Indonesia, *Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual*.

⁶ Indonesia, *Peraturan Pemerintah Nomor 30 Tahun 2025 tentang Pencegahan Tindak Pidana Kekerasan Seksual serta Penanganan, Pelindungan, dan Pemulihan Korban Tindak Pidana Kekerasan Seksual*.

⁷ Pradea, Haryadi, and Arfa, "Orang Dengan Gangguan Jiwa (ODGJ) Sebagai Korban Tindak Pidana," 1–13. 2024.

on access to justice for people with disabilities shows that barriers stem not only from regulations, but also from limitations in facilities, personnel, investigative procedures, and the provision of reasonable accommodations.⁸ Thus, the existence of regulations cannot be viewed as the sole indicator of the effectiveness of legal protection. That effectiveness must be assessed based on the ability of state institutions to translate legal norms into mechanisms that are accessible to victims.

This issue becomes even more critical when the victim is a person with mental health conditions who has experienced sexual violence. Recent research on victims of sexual violence with mental health conditions in Palangka Raya indicates that Law No. 12 of 2022 and Law No. 17 of 2023 have established a normative framework for protection, but their implementation still faces limitations. The study identified issues related to the victims' ability to provide testimony and evidence, their participation in the process, and the fragmented coordination among health institutions, social services, and law enforcement agencies.⁹ Another study conducted in 2026 also found that the protection of victims with mental disabilities still faces structural, normative, and social challenges, including judicial procedures that are not yet fully disability-friendly, limited access to legal aid, and stigma against victims.¹⁰ The findings show that the issue of protecting people with mental disorders who are victims of sexual violence has shifted from the question of "whether or not there are regulations" to the question of "how those regulations are implemented by institutions."

In the context of Sorong City, this issue has strong empirical relevance. Data from the Sorong City Police Department reported in January 2025 indicates that throughout 2024 there were 44 cases of sexual violence against children, consisting of 35 cases of rape and 9 cases of sexual molestation. Of those 35 rape cases, 27 had been closed and 8 were still under investigation at the time the data was released.¹¹ The data shows that sexual violence is a real problem in the city of Sorong. However, general crime statistics do not automatically reflect the situation of vulnerable groups such as people with mental health conditions. Victims with mental health conditions may not be included in official statistics if the incidents they experience go unreported, are not identified as criminal offenses, or are resolved through informal mechanisms before entering the criminal justice system.¹²

These issues must be viewed in the context of the current state of services for people with

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⁸ Erna Listiawati, Egi Fauzi, Laura Mande Nata, and Ahmad Jamaludin, "Access to Justice Penyandang Disabilitas Intelektual: Peradilan Pidana sebagai Implementasi *Equality Before the Law*," *Simbur Cahaya* 30, no. 1 (2023): 173–190.

⁹ "Access to Justice for Persons with Mental Disabilities as Victims of Sexual Violence: A Case Study of Palangka Raya," *Justitia Jurnal Hukum* 10, no. 1 (2026): 80–96, <https://doi.org/10.30651/justitia.v10i1.30288>

¹⁰ Aulia Putri Rudenim Surabaya, Nadia Paramita Rudenim Surabaya, Rika Nur'Aini, and Yahya Sayyaf, "Legal Protection and Access to Justice for Sexual Violence Victims with Mental Disabilities in Indonesia," *Disable: Law Review* 2, no. 1 (2026): 1–32, <https://doi.org/10.26740/dlr.v2i1.52146>

¹¹ RRI Sorong, "Kasus Pelaku Rudapaksa Terhadap Anak Meningkatkan dan Pelaku Dari Keluarga Terdekat," January 6, 2025.

¹² Marsaoly, Titi Martdiana, A. Sakti RS Rakia, and Wahab Aznul Hidayat. "Pengawasan Dan Penindakan Tindak Pidana Money Politic Oleh Bawaslu Kota Sorong Pada Pemilihan Wali Kota Tahun 2024: Analisis Yuridis terhadap Kesenjangan antara Pemidanaan Pelaku dan Tidak Dijatuhkannya Sanksi Kepada Pasangan Calon." *Madani Legal Review* 10.1 (2026): 44-64.

mental health conditions in Sorong City. In December 2025, the West Papua Regional Office of the Ombudsman of the Republic of Indonesia submitted the results of its oversight review regarding the management of people with mental health conditions to the Sorong City Government. The review identified a number of issues, including the ineffectiveness of the integrated response team, limited care facilities, the lack of a hospital specifically for people with mental health conditions, a shortage of resident psychiatrists, and inadequate local regulations.¹³ These findings are important because they show that the issue of protecting people with mental disorders in Sorong City is not only related to individual actions but also concerns the institutional capacity of the local government.

These institutional issues become even more complex when people with mental disorders are victims of sexual violence. The Social Services Agency is not, by nature, a law enforcement agency that determines guilt or imposes criminal penalties on perpetrators. However, the Social Services Agency holds a strategic position within the protection system because ODGJ victims require social services, rehabilitation, support, protection from neglect, and referrals to health care providers and law enforcement agencies. Therefore, the role of the Social Services Agency must be analyzed as part of the victim protection ecosystem, not as a substitute for the functions of the police, the prosecutor's office, the courts, or victim protection agencies.

This position is relevant to developments in national policy. Government Regulation No. 30 of 2025 calls for the prevention of TPKS to be carried out promptly, comprehensively, and in an integrated manner.¹⁴ This concept of integration requires a clear division of roles and coordination mechanisms among local governments, social services, health services, institutions for the protection of women and children, law enforcement agencies, and other institutions authorized to provide support and rehabilitation to victims. If coordination breaks down, victims may experience what is known as an "institutional gap," a situation in which each institution has specific authority but there is no effective mechanism to ensure that victims receive sustained protection.

Previous research on the role of the Social Services Agency in supporting people with mental disorders has also highlighted the importance of the institutional dimension. Rismayani and Ufran found that the Social Services Agency plays a role in the social rehabilitation of people with mental disorders, while barriers to implementation include resistance from families and weak coordination.¹⁵ However, the study focused on victims of restraints, not people with mental health conditions who are victims of sexual violence. This difference in the victims' characteristics is important because sexual violence requires additional mechanisms, such as reporting, protection from the perpetrator, support during the legal process, evidence gathering, medical and psychological recovery, and the possibility of restitution.

¹³ Ombudsman Republik Indonesia Perwakilan Papua Barat, "Ombudsman Serahkan Hasil Pengawasan Pengelolaan Sampah dan ODGJ kepada Pemkot Sorong," December 15, 2025.

¹⁴ Indonesia, *Peraturan Pemerintah Nomor 30 Tahun 2025*.

¹⁵ Risqi Rismayani and Ufran, "Peran Dinas Sosial dalam Memberikan Perlindungan Hukum terhadap Korban Pemasungan Orang dengan Gangguan Jiwa: Studi di Kota Mataram," *IURIS NOTITIA: Jurnal Ilmu Hukum* 1, no. 2 (2023), <https://doi.org/10.69916/iuris.v1i2.58>

Thus, the research gap in this study lies in the lack of sufficient empirical research on how the Social Services Agency functions within the integrated protection system for people with mental disorders who are victims of sexual violence at the local government level, particularly in the city of Sorong. The 2026 Palangka Raya study has made an important contribution by highlighting issues related to legal implementation and fragmented coordination in the protection of people with mental disorders who are victims of sexual violence.¹⁶ This study takes a different approach by focusing on the institutional dimension of local government, particularly the role of the Social Services Agency, as well as its coordination with institutions responsible for health, the protection of women and children, and law enforcement. Thus, the study does not merely examine whether victims have received protection, but analyzes why such protection may or may not be effective at the local level.

The novelty of this study lies in the construction of legal protections for people with mental disorders who are victims of sexual violence through an institutional integration approach. This integration is built upon four dimensions: prevention, response to victims, legal assistance, and recovery. These four dimensions are analyzed by examining the relationship between legal substance, institutional structure, and legal culture. This approach enables the study to identify whether barriers to protection stem from gaps or inconsistencies in legal norms, limitations in institutional capacity and coordination, or social stigma that prevents victims from receiving adequate recognition and access to justice.¹⁷ Thus, the contribution of this research goes beyond simply identifying obstacles; it is aimed at developing protective measures that are more responsive to the characteristics of people with mental disorders as victims.

Based on the above discussion, this study raises two main research questions. First, how is legal protection provided to people with mental disorders who are victims of sexual violence through the Social Services Agency in Sorong City? Second, what institutional obstacles and coordination challenges does the Social Services Agency face in providing protection, support, rehabilitation, and recovery to people with mental disorders who are victims of sexual violence? This study aims to analyze the implementation of such protection, identify institutional and coordination gaps, and formulate a more integrated protection framework for people with mental health conditions who are victims of sexual violence in Sorong City.

2. METHOD

This study employs an empirical legal research method with a socio-legal approach, which involves examining legal provisions regarding the protection of people with mental disorders (ODGJ) who are victims of sexual violence, as well as analyzing their implementation in practice in the city of Sorong.¹⁸ The statutory approach is used to analyze the 1945 Constitution of the Republic of Indonesia, Law No. 8 of 2016 on Persons with Disabilities, Law No. 17 of 2023 on

¹⁶ "Jeni Yestari "Access to Justice for Persons with Mental Disabilities as Victims of Sexual Violence: A Case Study of Palangka Raya," *Justitia Jurnal Hukum* 10, no. 1 (2026): 80–96.

¹⁷ Lembaga Perlindungan Saksi dan Korban, Laporan Tahunan LPSK 2024, bagian "Tantangan Pelaksanaan Perlindungan dalam Perkara Kekerasan Seksual."

¹⁸ ¹ Natanel Lainsamputty and Andy Omara, "Tension Between Recognition and Administration in the Arrangement of Customary Villages in Maluku," *Indonesian State Law Review* 8, no. 2 (2025), <https://doi.org/10.15294/islrev.v8i2.48987>

Health, Law No. 12 of 2022 on Sexual Violence Crimes, and Government Regulation No. 30 of 2025. The conceptual approach is used to analyze the concepts of legal protection, victims' rights, access to justice, and integrated protection for people with mental disorders who are victims of sexual violence.

The research data consists of primary and secondary data. Primary data was collected through semi-structured interviews with purposively selected informants, primarily officials or staff from the Sorong City Social Services Agency, as well as relevant parties such as the Agency for Women's Empowerment and Child Protection, the police, health workers, and/or victim support organizations.¹⁹ Secondary data was obtained through a literature review and documentation, including laws and regulations, scientific journals, books, institutional reports, and documents related to the handling of people with mental health conditions and sexual violence. The data collected was analyzed qualitatively by comparing normative provisions with protection practices in the field. The institutional analysis employed Lawrence M. Friedman's legal system perspective through three elements, namely legal substance, legal structure, and legal culture, to identify regulatory, institutional, coordination, and legal cultural gaps in the protection of people with mental disorders who are victims of sexual violence in Sorong City.²⁰

3. DISCUSSION

3.1. Implementation of Legal Protection for People with Mental Disorders Who Are Victims of Sexual Violence by the Sorong City Social Services Agency

Protection for people with mental disorders (ODGJ) who are victims of sexual violence must be situated within the framework of human rights protection and the protection of victims of criminal acts. Article 28G, paragraph (1), of the 1945 Constitution of the Republic of Indonesia guarantees protection of one's person, honor, dignity, and sense of security from threats or fear. In the context of persons with disabilities, Law No. 8 of 2016 also guarantees the right to justice and legal protection, as well as protection from violence and exploitation. This framework demonstrates that a person's mental condition does not negate their status as a legal person or their right to receive protection as a victim.²¹

This protection was subsequently strengthened through Law No. 12 of 2022 on Sexual Violence Crimes. The Sexual Violence Crimes Law (TPKS) affirms that victims are entitled to care, protection, and recovery. In judicial proceedings, the testimony of witnesses and/or victims with disabilities carries the same legal weight as that of witnesses and/or victims without disabilities and must be supported by a personal assessment in accordance with provisions regarding

^{19 2} Dian Ratu Ayu Uswatun Khasanah et al., "Peran Pendamping Pekerja Migran Perempuan dalam Mencegah Tindak Pidana Perdagangan Orang di Kabupaten Kendal," *Masalah-Masalah Hukum* 52, no. 3 (2023): 249–261, <https://doi.org/10.14710/mmh.52.3.2023.249-261>

^{20 3} Teuku Wibowo Pratama Imron and Martitah, "Reconstructing Clinical Legal Education for Social Justice and Poverty Alleviation in Indonesia through Friedman's Legal System Theory," *The Indonesian Journal of International Clinical Legal Education* 8, no. 1 (2026), <https://doi.org/10.15294/ijicle.v8i1.49262>

²¹ Indonesia, Undang-Undang Nomor 8 Tahun 2016 tentang Penyandang Disabilitas, terutama ketentuan mengenai hak keadilan dan perlindungan hukum serta perlindungan perempuan penyandang disabilitas dari kekerasan dan eksploitasi.

reasonable accommodations. The law also provides for support from social workers, health professionals, psychologists, psychiatrists, LPSK officers, legal advisors, and other support personnel.²² This provision is important for people with mental disorders because the psychosocial barriers faced by victims should not be interpreted as a loss of capacity to obtain justice.

Research findings indicate that the Sorong City Social Services Agency has implemented several types of interventions for people with mental health conditions who require protection. These interventions are carried out by social workers who go directly into the field to conduct assessments, draft service agreements, develop intervention plans, implement interventions, and conduct evaluations to determine the need for further rehabilitation, referrals, or reintegration.²³ The findings show that the role of the Social Services Agency is not limited to providing social assistance, but also includes social service and rehabilitation functions tailored to the individual needs of victims.

These findings are consistent with the research by Rismayani and Ufran, which shows that the Social Services Agency plays a crucial role in protecting people with mental health conditions through social rehabilitation, support, guidance, psychosocial counseling, accessibility services, social assistance, and referrals.²⁴ Although the study focused on victims of shackling rather than victims of sexual violence, its findings show that the Social Services Agency is a key actor in ensuring the recovery and reintegration of people with mental health conditions. In the context of victims of sexual violence, this role becomes more complex because it must be linked to victim protection, the legal process, health services, and the prevention of repeat violence.

The Sorong City Social Services Agency also conducts outreach activities by providing assistance and guidance to families and the community regarding the care and support of people with mental health conditions. According to informants, these activities are designed to help families understand how to care for people with mental health conditions and support their recovery process so that they can once again interact with the community. These efforts are relevant to victim protection because the recovery of people with mental health conditions depends not only on institutional services but also on acceptance by their families and social environment.

This issue is significant because research on people with mental disorders as victims of crime shows that stigma and discrimination can increase their vulnerability to victimization, while the available legal protections are not always fully realized.²⁵ Thus, the promotional efforts undertaken

²² Indonesia, Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual, Pasal 25–26. Ketentuan UU TPKS secara eksplisit memberikan kekuatan hukum yang sama bagi keterangan korban/penyandang disabilitas dan membuka pendampingan oleh pekerja sosial, psikolog, psikiater, tenaga kesehatan, pendamping hukum, dan pihak lainnya.

²³ Wawancara dengan Jemris Welseran, S.Sos., staf rehabilitasi sosial Dinas Sosial Kota Sorong, sebagaimana data penelitian.

²⁴ Risqi Rismayani and Ufran, "Peran Dinas Sosial dalam Memberikan Perlindungan Hukum terhadap Korban Pemasangan Orang dengan Gangguan Jiwa: Studi di Kota Mataram," *IURIS NOTITIA: Jurnal Ilmu Hukum* 1, no. 2 (2023): 41–45, <https://doi.org/10.69916/iuris.v1i2.58>

²⁵ Regina Pradea, Haryadi, and Nys Arfa, "Orang Dengan Gangguan Jiwa (ODGJ) Sebagai Korban Tindak Pidana: Bagaimana Aturan Hukum Pidananya?," *PAMPAS: Journal of Criminal Law* 5, no. 1 (2024): 1–13,

by the Social Services Agency serve both preventive and rehabilitative functions, particularly in reducing the stigma that can hinder the process of reporting, recovery, and reintegration of victims. However, the implementation of these protective measures has not yet fully established a specialized system for people with mental health conditions who are victims of sexual violence. Based on the research findings, the Sorong City Social Services Agency already has a number of programs, such as social assistance and social rehabilitation, but does not yet have a work program that specifically addresses the care of people with mental disorders who are victims of sexual violence. As a result, victim care tends to be handled on a case-by-case basis and depends on coordination with other agencies.²⁶

This situation highlights a gap between legal norms and institutional implementation. Normatively, the TPKS Law has provided a framework for protection that covers the handling, protection, recovery, and support of victims. Furthermore, Government Regulation No. 30 of 2025 emphasizes that local governments have an obligation to implement TPKS prevention measures in a prompt, comprehensive, and integrated manner, while ensuring accessibility for people with disabilities.²⁷ Therefore, the issue in Sorong City is not merely the absence of a legal basis, but rather the suboptimal translation of these norms into specific programs and institutional mechanisms for people with mental disorders who are victims of sexual violence. Thus, the implementation of legal protection by the Sorong City Social Services Agency can be understood as social protection that forms part of the victim protection system, not as a substitute for the functions of law enforcement agencies. The Social Services Agency plays a role in counseling, rehabilitation, reintegration, and referral, while the processes of investigation, inquiry, prosecution, and trial remain the responsibility of law enforcement agencies. This division of roles is essential to ensure that victim protection proceeds in an integrated manner without overlapping jurisdictions.

3.2. Challenges Faced by the Sorong City Social Services Department in Providing Legal Protection to People with Mental Illness Who Have Experienced Sexual Violence

The research findings indicate that the main challenge facing the Sorong City Social Services Agency is the lack of a specific program addressing the protection of people with mental health conditions who are victims of sexual violence. According to informants, existing programs are primarily focused on social assistance, social rehabilitation, data collection, and other social programs, while specific mechanisms for people with mental health conditions who are victims of sexual violence are not yet in place.²⁸ As a result, the response is often temporary and lacks a clear framework for reporting, medical referrals, safe houses, legal assistance, psychosocial rehabilitation, and the reintegration of victims.

This situation can be analyzed as a matter of legal structure. Lawrence M. Friedman explains

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²⁶ Wawancara dengan Jemris Welseran, S.Sos., dan data kelembagaan Dinas Sosial Kota Sorong.

²⁷ Indonesia, *Peraturan Pemerintah Nomor 30 Tahun 2025 tentang Pencegahan Tindak Pidana Kekerasan Seksual serta Penanganan, Pelindungan, dan Pemulihan Korban Tindak Pidana Kekerasan Seksual*.

²⁸ Data penelitian/wawancara mengenai program Dinas Sosial Kota Sorong dan belum tersedianya program khusus ODGJ korban kekerasan seksual.

that the functioning of the law is determined not only by its substance but also by its structure and legal culture. In the context of this study, the substance of the law has evolved to some extent through the Law on Persons with Disabilities, the Law on the Prevention and Eradication of Violence Against Women, the Health Law, and Government Regulation No. 30 of 2025.²⁹ However, institutional structures at the regional level do not yet fully possess the capacity, procedures, and facilities necessary to ensure that these norms are effectively implemented. In other words, the existence of these norms does not automatically result in protection if the structures needed to implement them are not yet adequately in place.

The next challenge is the limited availability of mental health facilities. According to research findings, the city of Sorong does not yet have a psychiatric hospital, so the Social Services Department faces difficulties in referring people with mental health conditions who require intensive psychiatric care.³⁰ This situation has direct implications for the victims' recovery, as people with mental health conditions who are victims of sexual violence require health services, psychological or psychiatric assessments, and rehabilitation tailored to their individual circumstances.

Issues related to health care facilities also have implications for the legal process. Recent research on people with mental disorders who are victims of sexual violence in Palangka Raya shows that the limited number of mental health professionals, the lack of specialized psychological assessment mechanisms, and the absence of standardized examination protocols pose obstacles to the process of establishing evidence and ensuring victims' access to justice.³¹ These findings are relevant to the city of Sorong because limited facilities and a shortage of professionals can create a gap between the victims' needs and the system's ability to provide appropriate services.

The TPKS Law has, in fact, provided a foundation for addressing this issue. Article 25, paragraph (4), stipulates that the testimony of a victim or witness with a disability has the same legal weight as that of a victim or witness without a disability, supported by a personal assessment in accordance with provisions regarding reasonable accommodations. Furthermore, Article 26 allows victims to be accompanied by healthcare professionals, psychologists, social workers, social welfare workers, psychiatrists, legal advisors, and other support personnel.³² Therefore, the issue in Sorong City should not be resolved by deeming the testimony of people with mental disorders invalid, but rather by providing support and accommodations that enable victims to participate effectively in the legal process.

Another challenge identified is the shortage of professionals, particularly psychologists,

²⁹ Cintia Dwi Puspita Wahab Aznul Hidayat, Zaenal Arifin, Rajab Lestalu, "Implementing Living Law under Article 2 of the Indonesian Criminal Code : The Maya Indigenous Community in Raja Ampat," *Vifada Assumption Journal of Law* 2, no. 2 (2026): 52–61, <https://doi.org/10.70184/nwzphm18>.

³⁰ Data penelitian/wawancara mengenai keterbatasan fasilitas rumah sakit jiwa di Kota Sorong.

³¹ Jeni Yestari, Suriansyah Murhaini, Claudia Yuni Pramita, and Rizki Setyobowo Sangalang, "Access to Justice for Persons with Mental Disabilities as Victims of Sexual Violence: A Case Study of Palangka Raya," *Justitia Jurnal Hukum* 10, no. 1 (2026), <https://doi.org/10.30651/justitia.v10i1.30288>.

³² Indonesia, *Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual*, Pasal 25 dan Pasal 26.

within the Social Services Department's service system. Based on interview findings, although the City of Sorong has psychologists on staff, there is currently no program that specifically integrates these psychologists into the Social Services Department's services for people with mental disorders who are victims of sexual violence. Psychological services may still be fee-based, meaning not all victims have equal access to them.³³ In fact, the recovery of sexual assault victims is not only medical in nature, but also psychological and social.

The lack of social rehabilitation centers is also a significant obstacle. Research findings indicate that the city of Sorong does not yet have social rehabilitation facilities specifically designed to serve as recovery centers for people with mental health conditions. This situation means that the rehabilitation and reintegration process relies heavily on families and available resources. If families lack the capacity or willingness to take in the victims, there is a risk that the victims will once again be left without support or experience repeated violence.

This issue highlights the ambivalent role of families in protecting victims. On the one hand, families are the primary source of support during the recovery and reintegration process. On the other hand, stigma against people with mental disorders can cause families to reject or distance themselves from victims. According to interviews, stigma against people with mental disorders persists even after victims have been declared to have improved by health facilities.³⁴ This situation indicates that protecting victims requires intervention not only with people with mental health conditions, but also with their families and the community.

Research by Pradea, Haryadi, and Arfa also shows that people with mental disorders face stigma and discrimination, which increase their vulnerability to becoming victims of crime, while legal protections for them as victims have not yet been fully realized.³⁵ These findings reinforce the results of research conducted in Sorong City, which indicate that issues of protection cannot be separated from the community's legal culture. If people with mental health conditions are still viewed as individuals who cannot be trusted or who are unable to understand their own experiences, the likelihood of underreporting and neglect of victims becomes even greater. By employing the perspectives of legal substance, legal structure, and legal culture, the obstacles to protecting people with mental disorders who are victims of sexual violence in Sorong City can be mapped out more systematically. In terms of legal substance, the foundation for protection is already in place and has even been further strengthened through the Law on the Prevention and Eradication of Sexual Violence (TPKS) and Government Regulation No. 30 of 2025. In terms of legal structure, there are limitations regarding specialized programs, mental health facilities, professional staff, rehabilitation centers, and inter-agency coordination mechanisms. Meanwhile, regarding legal culture, stigma against people with mental health conditions remains a barrier to the acceptance, reporting, support, and reintegration of victims. Thus, the research findings indicate that the primary issue in protecting people with mental health conditions who are victims of sexual violence in Sorong City does not lie in a legal vacuum, but rather in the implementation

³³ Data penelitian/wawancara mengenai keterbatasan integrasi psikolog dalam pelayanan Dinas Sosial Kota Sorong.

³⁴ Wawancara dengan Jemris Welseran, S.Sos., mengenai stigma masyarakat dan keluarga terhadap ODGJ.

³⁵ Pradea, Haryadi, and Arfa, "Orang Dengan Gangguan Jiwa (ODGJ) Sebagai Korban Tindak Pidana," 1–13.

gap between protective norms and local institutional capacity. This finding is consistent with a study in Palangka Raya, which showed that even with a strong legal foundation, the protection of people with mental health conditions who are victims of sexual violence still faces technical and structural limitations, including a shortage of experts, psychological assessments, adaptive examination protocols, integrated service facilities, and inter-institutional coordination.³⁶

Effective protection requires mechanisms that position the Social Services Agency as one of the key components in an integrated protection system. This system must link victim identification, social support, health and psychological services, reporting to law enforcement, support during legal proceedings, rehabilitation, and reintegration. This framework aligns with the direction of Government Regulation No. 30 of 2025, which establishes prevention, response, protection, and recovery of victims as processes that must be carried out in a unified and integrated manner. Thus, strengthening protection in Sorong City cannot be achieved merely by increasing social activities; rather, it requires establishing clear, sustainable, and responsive institutional coordination mechanisms tailored to the specific needs of people with mental health conditions who are victims of sexual violence.

4. CONCLUSION

Based on the results of the research and discussion, it can be concluded that legal protection for people with mental disorders (ODGJ) who are victims of sexual violence in Sorong City has, in principle, an adequate legal foundation through Law No. 8 of 2016 on Persons with Disabilities, Law No. 17 of 2023 on Health, Law No. 12 of 2022 on Sexual Violence Crimes, and Government Regulation No. 30 of 2025; however, its implementation has not been optimal and is not yet integrated. The Social Services Agency has carried out social protection functions through social worker interventions, counseling, family and community guidance, needs assessments, and referrals to follow-up services; however, it does not yet have a specific program for people with mental health conditions who are victims of sexual violence. This situation is exacerbated by limited mental health and rehabilitation facilities; the lack of psychiatric hospitals and social rehabilitation centers; a shortage of professionals, particularly psychologists integrated into the Social Services Department's services; as well as weak family support and the persistent social stigma against people with mental disorders. Consequently, the issue of protection does not lie solely in the substance of the law, but also in aspects of institutional structure and legal culture; therefore, an integrated protection model is needed through strengthened coordination among the Department of Social Services, the police, the DP3A, health facilities, mental health professionals, victim support organizations, families, and the community from the stages of identification, support, reporting, legal proceedings, recovery, rehabilitation, and social reintegration, so that the rights of people with mental disorders who are victims of sexual violence can be realized in an effective, accessible, and sustainable manner.

³⁶ Yestari et al., "Access to Justice for Persons with Mental Disabilities as Victims of Sexual Violence: A Case Study of Palangka Raya." Penelitian tersebut secara khusus menemukan persoalan teknis dan struktural dalam implementasi perlindungan ODGJ korban kekerasan seksual.

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