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Evidentiary Barriers and Investigative Bottlenecks in Public Physical Sexual Harassment: A Socio-Legal Analysis of Police Responses

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Abstract

This study investigates the structural enforcement gap between normative statutory protections against non-consensual bodily touching and the complex preliminary investigations in urban public spaces. Using an empirical legal design and a socio-legal approach, this research evaluates investigative bottlenecks across municipal police units, connecting local enforcement dynamics with broader global issues in transit-based gender violence. The findings reveal that preliminary inquiries encounter severe evidentiary hurdles driven by the transient nature of rapid-strike assaults, the absence of independent third-party witnesses, delayed medical-legal reports, and acute victim trauma. These technical obstacles consistently prevent cases from reaching formal judicial prosecution under the Sexual Violence Crimes Law, which triggers institutional impunity. Bridging this empirical-normative divide requires shifting from rigid evidentiary frameworks to a trauma-based investigative model. This reconstructive approach requires actively integrating psychological evaluation reports as valid legal evidence under Article 24 of the Sexual Violence Crimes Law, alongside advanced municipal digital surveillance coordination, to ensure robust constitutional protection and effective criminal deterrence.

Keywords: Physical Sexual Harassment; Evidentiary Barriers; Police Investigation; Sexual Violence Crimes Law; Victim Protection.

INTRODUCTION

Physical sexual harassment in public spaces represents pervasive gender-based violence that directly undermines personal security and bodily autonomy. Among various manifestations, non-consensual physical contact targeted at intimate bodily areas, often categorized colloquially as street harassment or quick-strike sexual abuse, has escalated into a pressing socio-legal problem. Under Law No. 12 of 2022 on Sexual Violence Crimes (hereinafter referred to as UU TPKS No. 12/2022), particularly Article 6(a), and under Law No. 1 of 2023 on Criminal Code (hereinafter referred to as Criminal Code Law No. 1/2023), Article 414(1)(b), non-consensual physical sexual acts are explicitly criminalized to protect human dignity. Despite these explicit statutory enactments, a significant gap persists between normative provisions and their empirical enforcement by authorities (Berik et al., 2025).

The primary obstacle in prosecuting public physical sexual harassment lies in the inherent complexity of preliminary investigations (*penyelidikan*). Unlike conventional property crimes or premeditated offenses, street-level sexual assault is characterized by its rapid execution, transient nature, and occurrence in public transit corridors where perpetrators appear anonymous in, for example, unnumbered vehicles or using facial coverings, thereby leading to severe evidentiary bottlenecks that law enforcers often face (Murphy-Oikonen et al., 2024). Under the Criminal Procedure Code (hereinafter referred to as KUHAP), particularly Article 1(5), investigators are required to establish sufficient preliminary evidence (*bukti permulaan*) to escalate an inquiry into a formal criminal investigation. Yet, the fleeting nature of the assault frequently leaves no physical trace, while public environments provide limited eyewitnesses or functional surveillance infrastructure (Wahyuni & Pratama, 2025).

The systemic issue of victim trauma and secondary victimization during police inquiries seems to aggravate the existing technical evidentiary hurdles. Victims of physical sexual abuse often experience acute psychological shock, leading to delayed reporting or incomplete statements to reveal the perpetrator's identity. In parallel, procedural requirements mandating immediate medical-legal examinations (*Visum et Repertum*) within a strict timeframe frequently clash with the victim's emotional state, resulting in a refusal to participate in formal evidence collection. The absence of physical forensic reports or corroborating witness testimonies hinders police investigators from advancing cases. This procedural deadlock precipitates the dismissal of complaints and a systemic failure to deliver formal justice (Lorenz, 2023).

Recent legal studies highlight the normative transition toward comprehensive victim protection in Indonesia's legal landscape. Abshar examined the political and legal characteristics of UU TPKS No. 12/2022, identifying it as a responsive legal framework explicitly designed to address the systemic inadequacies of prior

conventional criminal laws (Abshar, 2024). By introducing specific legal formulations for various forms of sexual violence, the law imposes a strict state obligation to provide systemic prevention, handling, and psychological recovery mechanisms for victims. This legislative reform marks a critical paradigm shift, aiming to eradicate structural impunity and ensure dignified legal certainty for marginalized groups.

Moving from normative frameworks to spatial criminology, Moreno investigated the pervasive fear of sexual harassment experienced by women in public spaces across the European Union. Their findings reveal that public places are not gender-neutral, as women continuously adopt self-protection strategies and spatial avoidance as they are concerned about the pervasive threat of street harassment (Moreno et al., 2022). The study emphasizes that younger women residing in urban areas are the most concerned about rapid transit assaults by strangers (Dodge et al., 2019). This geographic manifestation of fear functions as social control, severely restricting female autonomy and highlighting a profound inequality in the daily navigation of modern cities.

Exploring the empirical realities of these spatial vulnerabilities, Mosha conducted a quantitative assessment of sexual harassment among female university students using public transport in Dar es Salaam (Mosha et al., 2022). The empirical data demonstrated an overwhelmingly high prevalence rate, with 88 percent of respondents reporting experiences of harassment, primarily manifesting as verbal abuse and inappropriate physical contact. The researchers identified overcrowded public buses and strict reliance on mass transit during peak commuting hours as the primary risk factors facilitating these rapid-strike offenses. The study highlights a systemic culture of underreporting due to social stigma, allowing perpetrators to exploit transit blind spots while getting away with legal repercussions.

Despite these valuable scholarly contributions, a distinct analytical gap lies in municipal evidence collection, victim psychology, and procedural law enforcement. Existing normative studies predominantly analyze the abstract statutory guarantees of modern legislation without evaluating the operational friction experienced by police. Conversely, spatial and empirical studies meticulously document the high prevalence of transit harassment and victim fear but fail to delve further into the specific procedural bottlenecks preventing perpetrators from formal criminal prosecutions. Previous literature often overlooks how specialized police units navigate the rigid evidentiary standards of criminal procedure when confronting rapid-transit offenses characterized by fleeting physical traces and limited surveillance infrastructure.

To bridge this empirical and normative gap, this study therefore investigates the operational mechanisms, evidentiary hurdles, and procedural obstacles encountered by specialized investigators tasked with enquiring into public sexual abuse cases. By analyzing the structural friction between strict procedural evidence

mandates under KUHAP and the progressive, victim-centric provisions of UU TPKS, this research seeks to reconstruct a trauma-informed investigative framework and formulate targeted legal and institutional strategies that ensure comprehensive constitutional protection for traumatized victims while enhancing procedural efficacy for municipal law enforcement agencies.

METHODS

This study employs an empirical legal research design with a socio-legal qualitative approach to examine the operationalization and efficacy of statutory norms in law enforcement practice. Rather than focusing solely on doctrinal texts, this method investigates the implementation reality of law by analyzing how legal norms are applied, negotiated, and constrained within institutional contexts. To ensure a comprehensive analysis, the study bridges normative-juridical foundations with empirical field observations through two integrated dimensions (Marzuki, 2019). The normative framework analyzes primary legal materials, including UU TPKS No. 12/2022, Criminal Code Law No. 1/2023, and KUHAP No. 8 of 1981 (hereinafter referred to as KUHAP No. 8/1981). This doctrinal component specifically evaluates preliminary investigation standards under Article 1 point 5 alongside strict statutory evidence requirements (Rizkia & Fardiansyah, 2023).

The empirical fieldwork was conducted at a major municipal police department, focusing specifically on the Women and Children Protection Unit. Data collection was carried out over a three-month period from May to July 2024. Primary data were obtained through in-depth, semi-structured interviews with five purposively selected key informants directly involved in sexual violence case handling. These informants comprised one unit head providing institutional policy and case management oversight; two auxiliary investigators detailing operational data on preliminary inquiries, interrogation techniques, and evidentiary barriers; one field operational officer supplying data regarding initial crime scene responses and perpetrator apprehension dynamics in public spaces; and one social worker acting as a victim advocate to offer perspectives on trauma handling, medical-legal consent, and inter-agency coordination (Efendi, 2022).

Field observations were conducted at a dedicated special service facility to examine initial intake protocols and victim interaction standards. Secondary data were obtained by conducting document analysis of official police disposition logs, statutory regulations, and relevant legal literature. The collected data were analyzed using qualitative legal analysis based on an interactive model encompassing data reduction, data display, and verified conclusion-drawing (Adiyanta, 2019). To ensure validity, the findings were triangulated by cross-referencing field testimonies with

statutory procedural mandates to critically evaluate the enforcement gap between normative provisions and institutional practices.

RESULT AND DISCUSSION

Statutory Framing and Investigative Dynamics of Public Physical Sexual Abuse

The conceptualization of physical sexual harassment in the street is a complex matter in the national statutory framework (Ariel et al., 2025). While specific colloquial terms lack explicit nomenclature in codified statutes, the offense constitutes a direct violation of bodily integrity through non-consensual physical touching of particular body parts. Legally, such acts fall under two tracks in the criminal law regime. Under Criminal Code Law No. 1/2023, Article 414(1)(b), non-consensual physical sexual acts accompanied by force or threats are classified as obscene conduct, punishable by a maximum penal sanction of nine years' imprisonment. Concurrently, Article 6(a) of UU TPKS No. 12/2022 specifically penalizes non-consensual physical sexual conduct aimed at degrading a person's dignity based on their sexuality, punishable by a maximum penal sanction of four years' imprisonment or a IDR 50 million fine. The enactment of UU TPKS marks a paradigm shift toward non-negotiable legal enforcement, explicitly rejecting out-of-court settlements or restorative justice mechanisms for physical sexual violence to deter sex predators and safeguard vulnerable groups (Keel et al., 2024).

The operational friction confronting law enforcement in Indonesia is not an isolated administrative anomaly, but rather a structural manifestation of a broader regional crisis across developing constitutional democracies. Examining the socio-legal landscape of South Asian jurisdictions, such as India, Bangladesh, and Pakistan, reveals striking similar issues in how rapid urbanization and dense public transit networks intensify the vulnerability of individuals to quick-strike sexual harassment (Berik et al., 2025). In these populous regional corridors, the structural incapacity of municipal transport infrastructure to ensure passenger safety interacts dynamically with entrenched institutional inertia, creating an environment where non-consensual physical touching is routinely minimized or normalized by operational actors (Berik et al., 2024). When progressive legislative frameworks criminalize these acts, they inevitably collide with traditional investigative habits and conventional legal interpretations within local law enforcement agencies.

This comparative trajectory shows that police units across the Global South consistently struggle to operationalize victim-centered statutory mandates because they over-rely on rigid procedural workflows. Empirical evaluations of preliminary investigations in South Asian urban centers indicate that police officers systematically default to traditional obscenity classifications or demand tangible physical proof that transient offenses simply cannot provide. Consequently, the enforcement gap observed in municipal police units across Indonesia mirrors a universal institutional

incapacity: progressive legislative reforms fail to penetrate investigators' daily operational routines. Recognizing this cross-national dimension confirms that overcoming evidentiary bottlenecks requires more than domestic statutory amendments, demanding a structural transformation of law enforcement methodology that accounts for the systemic realities of transit-based gender violence across developing legal systems.

Despite strong statutory protections, the operationalization of these legal norms during the preliminary investigation phase exposes profound friction between substantive mandates and procedural structure. Article 1 point 5 of KUHAP provides that preliminary investigation functions as the critical threshold mechanism in which law enforcement officers determine whether a reported incident constitutes a verifiable criminal offense (Berik et al., 2024). To transition a case into a formal criminal investigation under KUHAP Article 109(1), investigators must gather sufficient preliminary evidence (*bukti permulaan yang cukup*). KUHAP Article 5 grants investigators statutory powers to receive complaints, gather physical and testimonial evidence, question suspects, and secure crime scenes. When applied to rapid-transit physical sexual assaults, these standard procedural rules encounter severe structural obstacles (Berik et al., 2025).

Field research demonstrates how police investigators surmount these procedural constraints in practice. Primary data obtained from specialized municipal women and children protection units reveal that investigators frequently resort to invoking traditional obscenity provisions under the former Criminal Code or the New Criminal Code rather than relying solely on UU TPKS. This strategic choice is adopted because elements of coercion and physical molestation under traditional provisions are perceived as possessing higher judicial familiarity during court proceedings, despite the progressive victim-centric framework established by UU TPKS;

Table 1. The Gap Between Substantive Law and Investigative Practice

Analytical Dimension	**Substantive Statutory Mandate**	**Investigative Reality (KUHAP)**
Legal Basis	UU TPKS Article 6(a) establishes a victim-centred framework with a maximum penalty of four years.	Traditional obscenity provisions trigger frequent reliance on Articles 289/414 due to evidentiary familiarity.
New Criminal Code	The New Criminal Code Article 414(1)(b) constitutes an obscenity offense carrying a maximum penalty of nine years' imprisonment.	Investigators continue to refer to familiar conventional provisions rather than applying newer victim-centered frameworks.

Practical Tension	The statutory framework emphasizes robust victim protection and victim-centered justice.	Investigative practice remains influenced by established evidentiary habits and conventional offense classifications.
Systemic Result	A broader and more protective substantive legal mandate is established on paper.	A persistent gap emerges between statutory reform and actual investigative practice.

From an operational standpoint, the initial phase of inquiry begins at a dedicated special service facility designed to preserve victim confidentiality and minimize trauma. Empirical observations indicate that police responses follow a multi-layered procedural sequence that includes receiving and clarifying the initial report, reconstructing the crime scene, and auditing public electronic surveillance. At the same time, agencies coordinate with municipal social services to provide psychological support and temporary shelter for traumatized victims.

Applying Lawrence M. Friedman's Legal System Theory, the efficacy of the legal structure is severely challenged by psychological and operational impediments (Bows et al., 2024). Empirical testimony highlights that the psychological state of victims presents a primary hurdle during initial statement-taking. Victims of public sexual abuse frequently suffer from acute psychological shock, feelings of humiliation, and fear of public stigma. Rushed interrogations during this vulnerable state risk secondary victimization, wherein the law enforcement process inflicts additional trauma. To mitigate this risk, investigators adopt a flexible temporal protocol, deferring formal questioning until the victim achieves emotional stabilization. While this trauma-informed approach is necessary for victim well-being, it creates a tactical dilemma: delaying initial statements slows down the immediate collection of physical leads, letting fleeing perpetrators erase their footprints in public spaces (Samudra et al., 2026).

Structural Barriers in Public Sexual Abuse Investigations

The preliminary investigation stage of public physical sexual harassment reveals a profound structural friction between progressive substantive criminal legislation and the rigid evidentiary mandates of traditional criminal procedure (Hooker et al., 2024). Law enforcement investigators routinely encounter severe technical and procedural bottlenecks that impede preliminary inquiries from acquiring the statutory threshold of sufficient initial evidence required to escalate cases to formal prosecution. This institutional deadlock stems primarily from the formalistic design of conventional procedural codes, historically tailored to property crimes or premeditated offenses that leave tangible material footprints. In the context

of rapid-transit sexual assaults, preliminary inquiries are persistently undermined by the transient nature of the offense, the absence of independent eyewitnesses, and the strict adherence to evidentiary rules that fail to capture the realities of non-consensual bodily intrusions (Lapsey Jr et al., 2022).

A foundational vulnerability within this preliminary phase involves the inherent difficulty of proving immaterial acts and transitory offenses that leave no measurable physical or forensic traces. Verbal harassment, rapid spatial crowding, and unconsented touching of intimate body areas rely almost exclusively on the direct testimony of the victim. When offenses occur in public transit corridors without third-party witnesses, investigators confront a severe evidentiary stalemate characterized by conflicting one-on-one accounts. This situation triggers the enduring operational legacy of traditional evidentiary doctrines, which historically viewed single-witness testimonies as legally insufficient without substantial corroboration. Consequently, victims face an asymmetric evidentiary burden that often stalls or dismisses complaints before formal judicial proceedings can commence (Murphy-Oikonen et al., 2023).

The operational deadlock encountered during preliminary inquiries is further compounded by structural vulnerabilities that extend far beyond domestic municipal jurisdictions, reflecting a systemic crisis across developing urban environments in the Global South. Mosha et al. analyzed the empirical dynamics of public transport victimization in Dar es Salaam, Tanzania, revealing that female commuters using crowded mass transit systems experience an overwhelmingly high prevalence of inappropriate physical contact, yet predominantly choose to remain silent (Mosha et al., 2022). This widespread culture of underreporting is systematically triggered by acute social stigma, structural fear of institutional apathy, and the absence of independent witnesses in packed transit corridors during peak commuting hours (Mosha et al., 2022). Consequently, perpetrators routinely exploit these spatial blind spots and transit overloads, believing that their actions will go unpunished. When juxtaposed with the investigative realities in Indonesian municipal police units, this comparative evidence demonstrates that the failure of preliminary investigations is not caused by technical evidentiary shortages; Rather, it is because the underlying socio-spatial environment systematically discourages victims from coming forward, undermining progressive statutory protections before an official case file can even be initiated.

When physical contact occurs, collecting scientific forensic evidence can be temporally and psychologically challenging. Medical-legal examinations serve as primary documentary evidence under standard criminal procedural rules, yet forensic traces such as minor contusions or epithelial contact material degrade rapidly within a critical 24-hour window (Mourtgos et al., 2021). This scientific reality clashes

sharply with victim psychology, as acute emotional shock, shame, and fear of public stigma frequently cause victims to delay reporting. When victims present themselves beyond this critical window or refuse immediate forensic examinations due to trauma, the opportunity to generate a conclusive medical-legal report is permanently lost.

To address these forensic gaps, progressive legislative frameworks explicitly recognize psychological examination reports and psychiatric evaluations as independent legal evidence. The documentation of trauma, acute stress reactions, and post-assault behavioral shifts by certified clinical psychologists provides vital circumstantial backing during preliminary inquiries (Webster & Oxburgh, 2022). Nevertheless, incorporating psychological trauma into formal proceedings introduces distinct judicial issues. Trial judges retain broad discretion to evaluate expert testimony and are not strictly bound by psychological conclusions, often creating interpretive inconsistencies across different judicial chambers (Lorenz, 2023).

Spatial criminology and routine activity theory further illuminate how street-level harassment exploits environmental vulnerabilities, as perpetrators deliberately leverage transit blind spots, unnumbered vehicles, and concealing attire to secure anonymity. To counter this, municipal police investigations rely heavily on electronic surveillance systems, yet empirical audits reveal severe infrastructure deficits, including low-resolution private cameras and unintegrated public networks. Consequently, digital traces often fail to satisfy stringent authenticity and chain-of-custody requirements under electronic transaction laws, rendering electronic evidence legally inadmissible or inconclusive (Parti, 2024).

Subjective intent disputes worsen these investigative hurdles, where apprehended suspects routinely invoke defenses of misinterpretation or casual social communication to negate criminal intent (*mens rea*) (Sumampouw et al., 2022). In the absence of an objective reasonable victim standard within domestic jurisprudence, adjudicators often rely on subjective evaluations that favor the accused. When suspects offer contradictory, evasive, or fabricated testimonies, investigators face strict constitutional protections against self-incrimination (*nemo tenetur se ipsum accusare*). Because physical evidence is minimal and digital surveillance is absent, investigators cannot legally compel confessions or utilize coercive interrogation techniques, causing cases to stall indefinitely under strict preliminary detention thresholds (Kane et al., 2024).

In instances where cases advance to formal proceedings, victims frequently encounter structural revictimization. Courtroom interrogations routinely subject victims to intrusive questioning regarding their lifestyle, attire, and personal history under the persistent influence of harmful rape myths and victim-blaming attitudes. Ultimately, these evidentiary barriers create a profound empirical-normative divide, where institutional constraints, inadequate gender-sensitive training, and limitations

in digital forensics lead to systemic non-prosecution and erode public trust in the administration of justice.

Revision of the Rules of Evidence from the Perspective of Victims' Trauma

The empirical vulnerabilities identified in the preliminary investigation of street-level physical sexual harassment require a fundamental structural shift in municipal law enforcement methodology. Relying strictly on classical procedural mechanisms under KUHAP, which heavily prioritizes tangible physical proof and immediate eyewitness testimony, creates an insurmountable operational deadlock when applied to rapid-transit sexual crimes (Mulder et al., 2021). Bridging the empirical-normative divide requires legal institutions to abandon outdated formalistic doctrines that fail to account for the transient, non-material, and psychological dimensions of gender-based violence occurring within public transit ecosystems (Hermolle et al., 2024).

A critical part of this institutional overhaul is shifting from rigid evidentiary thresholds to the modern framework established by progressive statutory instruments. Under conventional police practice governed by traditional criminal procedure codes, investigators depend heavily on physical medical-legal reports to establish the factual foundation of a criminal offense (Brady et al., 2022). Yet, as empirical operational realities clearly demonstrate, this rigid adherence collapses entirely when non-consensual physical contact leaves transient or absolutely no physical traces, or when psychological trauma prevents victims from undergoing immediate forensic examinations within the narrow 24-hour window.

To address this legislative gap, Article 24 of UU TPKS No. 12/2022 marks a revolutionary departure from procedural rigidity by expanding valid legal evidence to explicitly recognize psychological examination reports, psychiatric evaluations, electronic information, and victim impact statements gathered during professional counseling. This statutory expansion reflects a profound socio-legal recognition that the psychological devastation inflicted by public sexual assault constitutes a verifiable legal injury requiring formal evidentiary integration. To implement this progressive mandate, specialized municipal protection units must replace missing physical forensic reports with comprehensive psychological evaluations issued by certified clinical psychologists from regional integrated support centers (Brady et al., 2022). Documenting psychological trauma, acute stress reactions, and post-assault behavioral changes through certified experts establishes valid circumstantial evidence under modern statutory provisions. This forensic pivot enables investigators to meet the statutory threshold of sufficient initial evidence without relying solely on physical traces or immediate eyewitness testimony.

The technological and investigative challenges encountered by municipal police units are not isolated technical deficiencies; they mirror a sophisticated global

dilemma facing advanced transit systems. Investigating passenger experiences and reporting mechanisms across the rail network of Great Britain (Ariel et al., 2025) shows that even within modern mass transit environments equipped with extensive digital surveillance infrastructure, rapid-strike sexual assaults consistently generate severe evidentiary hurdles and render victims reluctant to report. The presence of high-density surveillance cameras frequently fails to automatically resolve subjective intent disputes or capture the transient physical contact characterizing non-consensual touching, leaving law enforcement heavily dependent on victim testimony that is often delayed by acute psychological trauma (Ariel et al., 2025). This cross-national evidence confirms that technological modernization alone cannot bridge the evidentiary gap unless it is systematically integrated with trauma-informed investigative protocols and progressive evidentiary rules that formally recognize psychological harm. Harmonizing domestic police practices with these global insights affirms that effective criminal deterrence requires modernizing both digital infrastructure and statutory evidence standards simultaneously.

Parallel to evidentiary modernization is the institutional imperative to embed trauma-informed policing directly into standard operating procedures governing initial law enforcement interactions (McQueen et al., 2021). From a victimological standpoint, the initial interface between law enforcement officers and victims dictates the long-term viability and substantive success of criminal prosecutions. Standard police interrogations often reflect accusatory structures that inadvertently trigger severe secondary victimization, causing traumatized victims to withdraw their complaints out of fear, shame, or emotional distress (Hohl et al., 2022).

Reconstructing this sensitive intake process requires embedding core operational imperatives within special service room protocols to safeguard human dignity during preliminary investigations. Law enforcement personnel must prioritize psychological stabilization over immediate legal statement-taking, deferring detailed questioning regarding crime specifics until certified victim advocates or clinical psychologists have administered psychological first aid. This flexibility ensures that the investigative process adapts to the victim's emotional capacity rather than forcing premature testimony that compromises evidence reliability. In addition, the intake environment must remain strictly non-judgmental, with officers specially trained in non-verbal empathy and explicitly avoiding interrogative phrasing that blames the victim's attire, presence in public spaces, or delayed reporting (Hohl & Stanko, 2022). Eradicating systemic victim-blaming attitudes from police culture is essential for fostering trust and encouraging marginalized survivors to be cooperative in the criminal justice process (Lathan et al., 2022).

To prevent re-traumatization from repetitive questioning across multiple investigative stages, investigators should record initial victim statements in a single

session using secure audio-visual technology. This consolidated digital record serves as a primary, immutable archive across various stages of the preliminary inquiry, sparing survivors from recounting harrowing details to successive law enforcement officials (Berger et al., 2023). Overcoming perpetrator anonymity in public transit corridors requires aligning progressive legal frameworks with comprehensive municipal infrastructure upgrades and rigorous digital evidence management. Local governments and municipal police departments must collaborate proactively to eliminate spatial blind spots by deploying high-resolution, night-vision municipal closed-circuit television networks equipped with automated license plate recognition systems along high-risk transit routes.

Within specialized protection units, standardized digital chain-of-custody protocols ensure that surveillance footage retrieved from commercial or public systems can be rapidly authenticated under electronic transaction laws. Rigorous technical validation effectively preempts defense challenges regarding evidence tampering or data admissibility, turning fragmented digital evidence into robust corroborative instruments during preliminary inquiries (Manning & Rattray-Te Mana, 2022).

This synthesized framework transforms municipal law enforcement from a passive, reactive apparatus into an active instrument of constitutional protection. By harmonizing progressive statutory interpretation under modern sexual violence legislation, trauma-informed intake procedures, and advanced digital surveillance integration, legal systems can drastically reduce the systemic rate of non-prosecution in public sexual harassment cases. Strategic reconstruction ensures that statutory protections translate into tangible justice for victims, restoring institutional integrity and reinforcing the coercive deterrence of the rule of law.

CONCLUSION

The empirical and doctrinal analysis demonstrates a profound structural divergence between the progressive statutory mandates of UU TPKS No. 12/2022 and the restrictive preliminary investigation practices enforced under conventional criminal procedure codes. While substantive legislation establishes a comprehensive, victim-centered framework, municipal law enforcement agencies routinely confront severe operational bottlenecks. These systemic obstacles include the rapid disappearance of fleeting physical traces, the absence of independent eyewitnesses in transit corridors, infrastructural surveillance deficiencies, and acute victim trauma, mirroring broader global challenges across developing urban transit systems. Consequently, these factors consistently prevent preliminary inquiries from meeting the statutory threshold of initial evidence required to escalate cases to formal judicial prosecution, resulting in high rates of non-prosecution and institutional impunity.

Operating within the dual theoretical contexts of Friedman's Legal System Theory and Routine Activity Theory, the findings confirm that written statutory reform remains insufficient when legal structure and operational culture fail to adapt to the realities of rapid-transit offenses. The persistence of conventional evidentiary habits, combined with the vulnerability of victims during initial interactions, perpetuates an empirical-normative divide that undermines the coercive deterrence and moral authority of the legal system.

Resolving this systemic deadlock requires a fundamental structural reconstruction of preliminary investigation frameworks. Law enforcement agencies must institutionalize trauma-informed policing protocols, leverage legally expanded non-physical evidence such as psychological examination reports under Article 24 of UU TPKS, and modernize municipal digital surveillance integration. Harmonizing investigative procedures with progressive statutory mandates is indispensable for bridging the enforcement gap, dismantling systemic impunity, and guaranteeing substantive constitutional protection and unhindered access to justice for victims of public sexual violence.

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