**Time Limitations on Forensic Examination in Proof of Sexual Violence Crimes in Indonesia**

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**ABSTRACT:** *This study aims to examine the forensic examination regulations for sexual violence cases in Indonesia, assess the urgency of forensic time limitations, and compare forensic time regulations in other jurisdictions. This study employs a qualitative method with a statutory approach and a comparative approach. Data is collected through literature studies, legal documents, and forensic science reports from Indonesia, the United States, the United Kingdom, Australia, and South Korea. The findings reveal that forensic time regulations significantly impact the success of sexual violence prosecutions.The longer the gap between a crime and forensic examination, the greater the likelihood that evidence will degrade, be contaminated, or even disappear completely. While Indonesia lacks explicit forensic time regulations, countries like the United Kingdom, United States, Australia, and South Korea enforce strict forensic time constraints, ensuring evidence integrity.*

Penelitian ini bertujuan untuk mengkaji regulasi pemeriksaan forensik untuk kasus kekerasan seksual di Indonesia, menilai urgensi pembatasan waktu forensik, dan membandingkan regulasi waktu forensik di beberapa negara. Penelitian ini menggunakan metode kualitatif dengan pendekatan perundang-undangan dan pendekatan perbandingan. Data dikumpulkan melalui studi literatur, dokumen hukum, dan laporan ilmu forensik dari Indonesia, Amerika Serikat, Inggris, Australia, dan Korea Selatan. Temuan penelitian mengungkapkan bahwa pengaturan waktu pemeriksaan forensik berdampak signifikan terhadap keberhasilan pembuktian kasus kekerasan seksual. Semakin lama jarak antara tindak pidana dan pemeriksaan forensik, semakin besar kemungkinan bukti akan rusak, terkontaminasi, atau bahkan hilang sama sekali. Sementara Indonesia tidak memiliki pengaturan waktu pemeriksaan forensik yang tegas, negara-negara seperti Inggris, Amerika Serikat, Australia, dan Korea Selatan memberlakukan batasan waktu forensik yang ketat, untuk memastikan keabsahan bukti.

**Keywords:** *Sexual violence, forensic examination, time limitations, evidentiary reliability, criminal justice.*

1. **INTRODUCTION**

Sexual violence crime is a form of criminal offence that has far-reaching consequences, affecting victims both physically and psychologically (Crivatu et al., 2023; Henry & Powell, 2016). Beyond physical injuries, sexual violence can cause long-term trauma that significantly impacts victims’ mental and social well-being (Bigras et al., 2021; Loya, 2015). In many cases, evidence plays a crucial role in ensuring justice for victims. However, proving sexual violence offences often faces various challenges, particularly regarding the availability and timeliness of forensic evidence collection (Menaker et al., 2017; Touroo & Fitch, 2018). Forensic evidence is fundamental in linking the perpetrator to the crime, making its reliability a determining factor in the success of judicial proceedings (Campbell et al., 2015; Wüllenweber & Giles, 2021).

The types of forensic evidence frequently used in sexual violence cases include DNA, fingerprints, biological traces, and digital evidence (Magalhães et al., 2015; Maras & Miranda, 2017). DNA collected from bodily fluids such as blood, semen, or skin tissue can directly connect the perpetrator to the victim (Sijen & Harbison, 2021). Additionally, fingerprints found on evidence can establish the perpetrator’s presence at the crime scene (Oklevski, 2018). Other biological traces, such as hair, fabric fibres, or saliva, also contribute to scientific proof. Meanwhile, digital evidence including CCTV footage, text messages, or voice recordings can serve as supplementary proof to strengthen the case (Brown, 2015). The combination of various types of evidence is essential in building a strong legal argument in court.

In Indonesia, the legal framework for proving sexual violence offences is regulated under Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS) and the Criminal Procedure Code (KUHAP). The UU TPKS strengthens victim protection by ensuring a victim-oriented legal mechanism and establishing the forensic evidence requirements needed in judicial processes (Risal., 2022). The KUHAP, as Indonesia’s primary criminal procedural law, regulates the procedures for evidence collection and handling in criminal cases (Bakhtiar, 2023a, 2024). However, despite the existing regulations, there is no explicit provision regarding the time limitation for forensic evidence collection and examination in sexual violence cases. The absence of a clear timeframe in these regulations can create legal uncertainties and challenges in the evidentiary process. One of the greatest issues is the degradation of biological evidence over time (Xie et al., 2020). DNA and other biological traces deteriorate if not collected and analysed promptly, potentially weakening the forensic findings.

Delays in forensic evidence collection significantly impact the prosecution success rate in sexual violence cases. According to Gary J Wood (2023), Findings indicate that forensic evidence was identified in 24.9% of children examined within 44 hours post-assault, with over 90% of positive findings in those seen within 24 hours (Wood et al., 2023). Cindy W Christian (2011), This research discusses the importance of emergent examinations in acute sexual assault cases to identify injuries, collect forensic evidence, and provide necessary medical interventions, emphasizing the need for prompt assessments (Christian, 2011). Ole Ingemann-Hansen (2013) The study outlines the necessity for competent forensic examiners to conduct timely examinations, as the collection of biological material is crucial for documenting alleged physical or sexual contact and corroborating victim and assailant accounts (Ingemann-Hansen & Charles, 2013). Helena Wong (2019) The study presents an automated process for differential digestion in sexual assault samples, reducing processing time significantly and aiding in the timely analysis of forensic evidence (Wong & Mihalovich, 2019). Nancy R Downing (2022), This study identifies that patients who had a medical forensic exam within 32 hours of the assault were more likely to report to law enforcement than those examined after 32 hours, highlighting the role of timely examinations in facilitating reporting (Downing et al., 2022). These studies collectively affirm that time is a critical factor in proving sexual violence cases, highlighting the necessity of time limitations to enhance the criminal justice system’s effectiveness.

Furthermore, the absence of forensic time limitations also affects the efficiency of investigations. Investigators frequently struggle to obtain optimal-quality evidence when victims report the crime long after the incident. In many cases, victims experience fear, social pressure, or threats from perpetrators, causing delays in reporting. Consequently, by the time victims come forward, biological evidence may have degraded or disappeared, weakening its probative value. The longer the delay in forensic evidence collection, the higher the risk of losing crucial evidence. This compromises forensic accuracy, reducing the victim’s legal standing in judicial proceedings. Therefore, this study aims to examine forensic examination regulations for sexual violence victims in Indonesia, assess the urgency of forensic time limitations, and compare Indonesia’s forensic time regulations with other countries to explore best practices in ensuring the effectiveness of forensic evidence collection in sexual violence cases.

1. **METHOD**

This study employs a qualitative method with a statutory approach and a comparative approach. It aims to analyse forensic examination regulations in sexual violence cases in Indonesia, assess the urgency of forensic time limitations, and compare forensic frameworks in other jurisdictions. This study is descriptive-analytical, focusing on legal norms and forensic science principles. Primary data sources include the Indonesian Code of Criminal Procedure (KUHAP) and Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS). Secondary data is obtained from legal journals, forensic science reports, international guidelines, and studies related to the role of forensic evidence in sexual violence cases. Data collection is conducted through literature reviews, analysing legal documents, scientific publications, and forensic case studies. The data is examined using qualitative analysis with a deductive approach, drawing conclusions by comparing Indonesia’s forensic framework with other legal systems, including the United States, the United Kingdom, Australia, and South Korea.

**III. RESULT AND DISCUSSION**

**Forensic Examination Regulations in Indonesia**

Indonesia’s legal system acknowledges forensic evidence as an essential component of criminal investigations. The integration of forensic science into the justice system plays a crucial role in determining the facts of a case, identifying perpetrators, and ensuring justice is served (Jethani & Fordyce, 2021). However, despite the significance of forensic evidence, existing regulations lack explicit provisions on the time constraints for forensic examinations, particularly in cases of sexual violence (Mourtgos et al., 2021). Forensic examinations are vital in criminal investigations as they provide scientific validation of claims and establish objective proof (Borysenko et al., 2021). In cases of sexual violence, forensic evidence such as DNA, bodily fluids, and other biological materials play a decisive role in linking the perpetrator to the crime (Kaur et al., 2021). However, the effectiveness of such evidence is highly dependent on the speed and efficiency of forensic examinations (Brooks et al., 2020). Biological samples, particularly those obtained from victims of sexual violence, deteriorate over time, and any delay in examination can lead to sample degradation. This not only weakens the probative value of the evidence but also increases the likelihood of legal disputes over its validity in court.

The regulation regarding forensic examination in sexual violence crimes in Indonesia is governed by the Criminal Procedure Code (KUHAP) and Law Number 12 of 2022 on Sexual Violence Crimes (UU TPKS). Article 133(1) of KUHAP states that an investigator requiring an expert opinion may request a statement or opinion from an expert, including a forensic doctor, yet it does not regulate the timeframe for completing such an examination (Bakhtiar et al., 2019). Article 184(1) of KUHAP stipulates that valid evidence includes witness testimony, expert testimony, documents, indications, and the defendant’s statement, but it does not provide specific provisions regarding the timeframe for collecting or presenting such evidence, including forensic examination results (Bakhtiar, 2023b). Article 24(3) of UU TPKS recognises forensic examination results as valid documentary evidence in the trial of sexual violence cases, alongside statements from clinical psychologists, psychiatrists, medical records, and bank account examination results (Nova & Elda, 2022). Although this regulation acknowledges the importance of forensic examination results as evidence, KUHAP and UU TPKS does not explicitly establish a minimum timeframe within which victims should undergo forensic examination to ensure the accuracy of the results and provide clear proof of the crime committed against them.

**Comparative Analysis of Forensic Time Regulations**

The forensic time regulations for sexual violence victims vary significantly across the United Kingdom, the United States, Australia, South Korea, and Indonesia, particularly regarding the minimum and maximum timeframe between the incident and the forensic examination to ensure valid and legally admissible results.

**United Kingdom**

In the United Kingdom, forensic examinations for victims of sexual violence should ideally be conducted within 7 days of the assault. The first 72 hours are considered the most critical period for collecting biological evidence, including semen, saliva, and skin cells, as DNA begins to degrade over time (Hand-Oades, 2021). The Faculty of Forensic and Legal Medicine (FFLM) and Sexual Assault Referral Centres (SARCs) provide guidance to forensic practitioners to ensure that evidence is collected following the highest professional standards (Majeed-Ariss et al., 2019). SARCs offer specialised support services, including forensic medical examinations, psychological care, and legal assistance, in a confidential environment (Brooker & Durmaz, 2015). Victims are not required to report the assault to the police immediately, allowing them time to decide whether to proceed with legal action while ensuring the preservation of forensic evidence (Avalos, 2016). Forensic practitioners follow strict protocols to collect and store evidence, maintaining its integrity for potential use in court. Beyond 7 days, the likelihood of retrieving viable DNA evidence diminishes significantly, as external factors such as hygiene, environmental exposure, and the body’s natural processes contribute to evidence degradation. However, forensic reports remain crucial even when biological evidence is no longer obtainable. Documentation of physical injuries, medical history, and psychological impact can still provide valuable support in legal proceedings. Additionally, digital evidence, such as text messages, call logs, and CCTV footage, plays an increasing role in investigations. The UK's forensic approach is victim-centred, ensuring that even if reporting is delayed, victims can still receive medical and forensic support (Birdsall et al., 2017). By integrating scientific precision, legal integrity, and victim welfare, the UK seeks to uphold justice while providing compassionate care for survivors of sexual violence.

**United States**

In the United States, forensic examinations for sexual violence victims follow similar guidelines to other countries, with the golden period for evidence collection set at 120 hours (5 days) post-assault. The National Protocol for Sexual Assault Medical Forensic Examinations, established by the U.S. Department of Justice, recommends that forensic evidence be collected as soon as possible to maximise its integrity (Tiry et al., 2022). Victims are advised to visit Sexual Assault Nurse Examiner (SANE) facilities or hospitals, where trained professionals conduct examinations using standardised forensic protocols (Schmitt et al., 2017; Walsh et al., 2019). While the 5-day limit is generally observed, advanced forensic techniques may allow for DNA extraction beyond this timeframe, although the evidentiary value of such findings is significantly reduced. Factors such as hygiene, environmental exposure, and the body’s natural processes contribute to the degradation of biological evidence over time. Despite this, forensic medical assessments, including injury documentation and psychological evaluations, remain valid for legal purposes even after the 120-hour window has passed. Each U.S. state has its own regulations regarding forensic time limitations, leading to variations in procedures and access to forensic services (Stoney & Stoney, 2015). However, most jurisdictions ensure that forensic examinations are free of charge, regardless of whether the victim chooses to report the crime immediately. This approach allows victims the option to preserve evidence while deciding whether to proceed with legal action at a later stage. The United States’ forensic framework prioritises victim autonomy, ensuring that individuals have access to forensic and medical support without immediate legal pressure (Morse, 2019). By integrating scientific advancements, legal flexibility, and victim-centred care, the system seeks to uphold justice while respecting the rights and well-being of survivors of sexual violence.

**Australia**

In Australia, forensic examinations for sexual violence cases must ideally take place within 7 days post-assault to ensure the collection of viable biological evidence (Zark et al., 2019). The Australian Institute of Health and Welfare (AIHW), along with forensic medical practitioners, strongly recommends that examinations be conducted as soon as possible, with the first 72 hours considered the optimal period for obtaining DNA and trace evidence (Townsend, 2022). During this time, semen, saliva, skin cells, and other biological materials are most likely to be preserved, increasing the reliability of forensic findings (Zilkens et al., 2017). The rapid degradation of biological evidence makes timely forensic assessment crucial. External factors, including hygiene, environmental exposure, and the body’s natural processes, contribute to the loss of critical forensic material over time. Beyond 7 days, the chances of retrieving usable DNA evidence decrease significantly, although forensic assessments remain important for documenting physical injuries, psychological impact, and other supporting evidence in legal proceedings (Forr et al., 2018; Higginson et al., 2017). Forensic examinations in Australia are conducted by trained forensic nurses and medical professionals, often within Sexual Assault Crisis Centres (SACCs) or hospitals (Moran, 2014; Stefanidou et al., 2020). These facilities provide specialist care and forensic services while ensuring that victims receive medical treatment and emotional support. The forensic process also allows victims to preserve evidence even if they are not ready to report the assault immediately, ensuring they have the option to pursue legal action at a later stage. Australia’s forensic approach is victim-centred, balancing scientific accuracy and legal integrity while prioritising the rights and well-being of survivors (Egan, 2020). By adhering to strict forensic protocols and providing comprehensive support services, Australia ensures that forensic examinations contribute effectively to the criminal justice process while respecting the needs of sexual violence victims.

**South Korea**

In South Korea, forensic examinations for sexual violence cases follow a strict 72-hour guideline, as biological evidence begins to degrade rapidly beyond this period (Heo et al., 2022). Victims are encouraged to seek forensic assessment as soon as possible to ensure the successful collection of DNA, semen, saliva, skin cells, and other biological materials that can be used in legal proceedings. The National Forensic Service (NFS) oversees forensic investigations, ensuring adherence to standard protocols and best practices (Han & Lee, 2022). Factors such as hygiene, environmental conditions, and the victim’s activities following the incident can influence the possibility of retrieving usable forensic evidence. Beyond 7 days, biological material is unlikely to be viable, but forensic assessments can still be conducted to document physical injuries, psychological trauma, and other medical findings that may support legal claims. South Korea also places significant emphasis on digital forensic evidence, recognising that in many cases, text messages, call logs, CCTV footage, and online interactions can provide crucial support in sexual violence investigations (Kim et al., 2021). This approach enhances forensic capabilities by reducing reliance solely on biological evidence, particularly when victims face delays in reporting. Forensic examinations in South Korea are victim-centred, ensuring that survivors receive medical, legal, and psychological support throughout the process. By integrating advanced forensic science, digital investigations, and victim-sensitive care, South Korea’s forensic system aims to deliver justice while safeguarding the dignity and rights of survivors of sexual violence.

**Indonesia**

In Indonesia, there is no single national standard governing forensic time limits for sexual violence cases. Forensic examinations in Indonesia are conducted primarily at hospitals, forensic medical centres, and police forensic units, such as the National Police Forensic Laboratory (Puslabfor) (Hukum & Ummah, 2018; Widowati et al., 2021). Victims of sexual violence are encouraged to undergo immediate forensic assessment to maximise the chance of obtaining viable forensic evidence. However, limited forensic facilities, particularly in rural and remote areas, pose significant challenges, often resulting in delayed examinations and potential loss of critical evidence (Rachmad, 2019). Despite these difficulties, forensic professionals continue to rely on physical injury assessments, psychological evaluations, and supporting medical reports, even when biological evidence is no longer available. The forensic process in Indonesia remains victim-centred, with efforts to ensure medical, psychological, and legal support for survivors. However, inconsistent forensic time standards and limited accessibility continue to present challenges. Strengthening forensic infrastructure, training, and accessibility remains crucial for ensuring justice and supporting victims of sexual violence effectively.

**The Urgency of Forensic Time Limitations**

In forensic science, the concept of crime timing plays a pivotal role in solving cases, as it determines the accuracy of reconstructing events, identifying suspects, and ensuring that evidence remains valid. According to Locard’s Exchange Principle, every contact leaves a trace; however, the persistence of these traces is highly dependent on environmental conditions, human activities, and the progression of time (Gwinnett, 2016; Jaquet-Chiffelle & Casey, 2021). The longer the gap between a crime and forensic examination, the greater the likelihood that evidence will degrade, be contaminated, or even disappear completely (Balk, 2015; O Hagan, 2018). Therefore, forensic investigators must act swiftly to prevent the loss of critical evidence that could significantly influence the outcome of a case. The speed at which forensic examinations are conducted directly impacts the validity of the evidence obtained (McQuiston-Surrett & Saks, 2008). If forensic analysis is performed promptly, the biological, chemical, and physical integrity of the evidence can be preserved, leading to more reliable results that strengthen criminal investigations. For example, biological evidence such as DNA, blood, or semen can degrade over time due to exposure to external factors such as temperature, humidity, and bacterial activity (Rao et al., 2020). In sexual violence cases, where DNA evidence is often crucial for identifying perpetrators, the degradation of biological samples can result in inconclusive forensic results, ultimately weakening the prosecution’s case. Likewise, digital evidence from electronic devices, such as call logs, messages, and CCTV footage, can be manipulated or permanently deleted if not secured in time, thereby obstructing the investigation process. Conversely, delays in forensic analysis increase the risk of evidence contamination, misinterpretation, and data loss, which can significantly weaken the credibility of forensic findings in court (Brown, 2015). This underscores the necessity for a rapid forensic response to enhance the strength of evidence and support the judicial process.

However, one of the primary challenges in forensic investigations, particularly in sexual violence cases, is the reluctance of victims to report incidents immediately. Several factors contribute to this hesitation, including psychological trauma, fear of stigma, threats from the perpetrator, lack of trust in law enforcement, and social or familial pressure (Gravelin et al., 2019; Lavoie et al., 2019; Levenson et al., 2017; Rich, 2019). Many victims experience profound emotional distress, including shock, shame, and fear, which can prevent them from speaking out and seeking justice (Eher et al., 2019). The psychological aftermath of sexual violence often results in victims feeling paralysed by fear and unable to articulate their experiences due to the overwhelming trauma they endure (Haskell & Randall, 2019). The fear of being judged or blamed by society exacerbates this silence, particularly in cultures where victim-blaming is deeply ingrained (Sugiura & Smith, 2020). In such environments, survivors may worry that they will not be believed or that they will face discrimination, social exclusion, or even retaliation from their community (Armstrong et al., 2018). This societal stigma not only isolates victims but also deters them from pursuing legal action against their perpetrators. Moreover, threats from the perpetrator play a significant role in discouraging victims from reporting sexual violence (Johnson, 2017). Perpetrators often intimidate victims through physical threats, blackmail, or psychological manipulation, instilling a sense of helplessness and fear of further harm (Siemieniecka & Skibińska, 2019). In cases where the perpetrator holds a position of power or authority, such as a family member, employer, or influential community figure, victims may feel even more vulnerable and powerless to act (Gravelin et al., 2019; Javaid, 2015). This imbalance of power creates an environment where victims are coerced into silence, further delaying the forensic and legal processes necessary for justice.

Given these obstacles, it is essential to establish a minimum time limit between the occurrence of a crime and the forensic examination to ensure the validity of forensic evidence. The first fundamental reason for this urgency is the preservation of biological evidence (Menaker et al., 2017). Biological samples such as semen, saliva, and blood naturally degrade over time due to decomposition, exposure to environmental conditions, or improper handling. Forensic experts recommend that biological evidence be collected within 72 hours to maintain its reliability for DNA profiling. The sooner forensic teams gather evidence, the higher the probability of obtaining an accurate DNA match to a suspect, thereby increasing the chances of successful prosecution. The second critical reason is the avoidance of external contamination, as delays in forensic collection heighten the risk of evidence being compromised due to environmental exposure, contact with other individuals, or unintentional removal during personal hygiene activities (Alderden et al., 2021). Victims of sexual violence, for example, may wash themselves before forensic examination, inadvertently destroying critical DNA traces that could serve as strong evidence against the perpetrator. Immediate forensic examination is therefore essential to safeguard the originality and reliability of the collected evidence. The third crucial factor is legal and investigative integrity, as timely forensic analysis ensures stronger case admissibility in court by reducing disputes over the credibility of evidence (Kirchengast, 2021). Defence arguments in criminal trials often challenge delayed forensic findings by questioning the possibility of evidence tampering or contamination, which can lead to reasonable doubt and hinder the conviction of perpetrators. A well-documented forensic timeline strengthens the prosecution’s case, increases the likelihood of a conviction, and prevents offenders from escaping justice due to procedural shortcomings. The significance of forensic time limitations is not only relevant to biological and digital evidence but also extends to trace evidence, including fingerprints, footprints, and gunshot residue, all of which can degrade or be intentionally removed if not collected in time (Kjærulff et al., 2019). The urgency of forensic analysis is further emphasised by the fact that procedural delays can result in miscarriages of justice, either by allowing guilty individuals to evade punishment or by convicting innocent individuals based on unreliable forensic findings. Therefore, to enhance the efficiency of forensic science and criminal investigations, it is imperative to establish clear guidelines on the time limitations for forensic examinations.

1. **CONCLUSION**

Forensic evidence plays a vital role in sexual violence cases, determining the strength of prosecution arguments and ensuring the validity of judicial outcomes. However, Indonesia lacks a defined forensic time limitation, leading to procedural delays and potential evidence degradation. Biological evidence , such as DNA, bodily fluids, and fingerprints, deteriorates over time, reducing its probative value. This study highlights that forensic time constraints are essential in preserving evidence integrity, expediting investigations, and ensuring fair trials. Comparisons with the United States, the United Kingdom, Australia, and South Korea reveal that jurisdictions enforcing forensic time limitations enhance legal efficiency and increase conviction rates. The United Kingdom mandates forensic examinations within 7 days, prioritising 72 hours for optimal DNA collection. The United States implements a 120-hour forensic window, ensuring evidence viability. Australia enforces a 7-day forensic limit, with 72 hours being the most critical. South Korea emphasises a 72-hour timeframe for biological evidence collection, supporting up to 7 days for additional forensic assessments. In contrast, Indonesia lacks specific guidelines, leading to inconsistent forensic practices and challenges in sexual violence prosecutions. To improve forensic efficiency, this study recommends that Indonesia establish statutory forensic time limitations, implement standardised forensic protocols, and expand forensic infrastructure. Strengthening forensic expertise, increasing forensic accessibility, and enhancing law enforcement coordination are crucial steps towards ensuring justice for victims. The adoption of clear forensic time regulations will bolster Indonesia’s legal framework and uphold the principle of justice.

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