



## Exploring the Meaning of Justice Through the Lived Experiences of Human Rights Violation Victims: A Phenomenological Study in the Indonesian Legal System

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### ABSTRACT

Justice systems are often assumed to be neutral and impartial structures for redress, yet victims of human rights violations frequently experience legal processes as disempowering and alienating. In the post-reform Indonesian legal context (1998–2023), research has explored how victims themselves interpret and emotionally navigate biased legal systems. What remains underexamined is the subjective meaning of justice as lived by victims whose voices are marginalized in procedural environments. This study seeks to answer how justice is experienced and internalized by these victims within the socio-political and legal dynamics of Indonesia. Employing an interpretative phenomenological analysis (IPA) methodology, we investigated the lived experiences of twelve Indonesian victims of state-perpetrated human rights violations, all of whom engaged in formal legal proceedings between 2010 and 2022. Data were collected through in-depth, semi-structured interviews and analyzed thematically using NVivo 12 software. Four major themes emerged: judicial silencing, emotional disillusionment, psychological trauma, and narration as resistance. These findings reveal that victims often redefine justice as an internal process of voice reclamation and meaning-making, rather than legal recognition. The study highlights how legal processes, intended to empower, can instead re-inscribe harm, while personal narratives become sites of agency. This research contributes to a more human-centered understanding of justice by revealing how individuals emotionally and existentially navigate the institutional justice process. The findings advocate for empathetic, trauma-informed, and participatory legal reforms rooted in victim experiences.



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### INTRODUCTION

The pursuit of justice within legal systems has long been upheld as a cornerstone of democratic societies and international human rights frameworks. Legal institutions are designed to serve as impartial arenas where truth is established and rights are protected. However, in many contexts particularly those marked by political repression, systemic inequality, or weak institutional accountability such as the post-authoritarian legal landscape of Indonesia—the lived experiences of victims often diverge starkly from idealized justice narratives.

Human rights violations in Indonesia, including unlawful detentions, forced disappearances, and state-perpetrated violence, persist despite ongoing legal reforms. This raises urgent questions about how justice is actually experienced by those subjected to such harm, particularly within formal judicial mechanisms.

In such environments, victims often navigate complex judicial procedures that fail to recognize their voices, dignity, or trauma. Rather than offering redress, legal processes may reinforce silence, alienation, or retraumatization. These experiences are situated within broader socio-political

structures shaped by historical impunity, bureaucratic detachment, and enduring power asymmetries, all of which undermine the transformative potential of legal justice.

Thus, the courtroom becomes not merely a procedural space, but an affective site where existential concerns—of worth, voice, and recognition—are brought into sharp focus. While prior scholarship in human rights law and transitional justice has documented institutional failures in post-conflict or repressive regimes (e.g., Skaar, 2020; Thiranagama, 2011), few studies have explored how victims themselves interpret, endure, and assign meaning to their legal encounters.

Existing literature tends to privilege structural or legal-institutional analyses, often overlooking the emotional and phenomenological dimensions of justice as lived experience. This study addresses this gap by examining how Indonesian victims of state-perpetrated human rights violations engage with formal legal proceedings and reinterpret the meaning of justice from their standpoint.

Adopting an interpretative phenomenological approach, this research offers a context-sensitive understanding of justice that foregrounds individual subjectivity, emotional labor, and meaning-making. It moves beyond normative legal evaluation and instead centers on the lived, embodied, and narrative accounts of those whose experiences have been historically marginalized in both state discourse and academic literature.

In this regard, a phenomenological perspective offers a vital lens to examine how justice is perceived, contested, or redefined by victims within the structures meant to protect them. By centering the lived experience, phenomenology enables a nuanced exploration of how individuals interpret events that have deeply affected their lives—beyond procedural metrics or legal outcomes. This approach foregrounds meaning as constructed in and through experience, offering critical insight into how justice is not only administered, but lived, embodied, and at times, painfully denied.

Building upon the broader understanding of justice as a lived and contested experience, research focusing on individuals' subjective encounters with legal systems in the context of human rights violations has become increasingly significant. Scholars and practitioners have begun to recognize that beyond institutional accountability and legal remedies, the internal worlds of victims—how they interpret, endure, and give meaning to judicial processes—constitute an essential domain of inquiry within human rights law and advocacy.

Yet, exploring such experiences poses considerable methodological challenges. Much of the existing scholarship has relied on quantitative frameworks or doctrinal legal analyses, which, while valuable for establishing patterns or legal principles, often fall short in capturing the emotional, existential, and psychological realities of affected individuals. Quantitative tools tend to prioritize generalizability and metrics, limiting their ability to articulate the intensity, ambiguity, and layered meanings embedded in personal narratives of justice and violation.

Furthermore, previous studies that aimed to incorporate victim perspectives often employed structured interviews or surface-level surveys, which constrained the emergence of complex, context-bound insights. As a result, the depth of human experience—especially the silencing, retraumatization, and identity struggles felt by victims in legal forums—remains under-explored. These limitations have impeded the development of a comprehensive understanding of how justice is lived, interpreted, and often, internally contested.

In this context, phenomenological research offers a powerful corrective. By emphasizing first-person accounts and the essence of lived meaning, it addresses the core of what has been neglected in prior investigations. Through methods that foreground the interpretative and emotional dimensions of experience, phenomenology facilitates a richer comprehension of how individuals make sense of legal structures that are meant to serve them but often leave them unheard.

In existing responses to human rights violations within legal systems, the prevailing approach has been to implement procedural reforms, policy adjustments, and institutional oversight mechanisms. These efforts are grounded in the belief that rectifying systemic deficiencies will enhance access to justice and protect the rights of victims. While such solutions have contributed to

formal improvements in judicial transparency and efficiency, they frequently operate within a technocratic and impersonal framework, overlooking how victims actually experience and interpret justice.

Indeed, legal research and advocacy often adopt pragmatic or doctrinal approaches, emphasizing structural analysis and legal compliance. These methods, however, offer only a partial understanding of the issue. They are limited in their capacity to capture the interior realities and subjective meanings that victims attach to their encounters with legal institutions. As a result, many studies have failed to illuminate the emotional disorientation, symbolic silencing, and existential struggles faced by individuals who seek redress through state mechanisms.

This gap in understanding is particularly evident in contexts where victims' voices are institutionally marginalized or procedurally neutralized. Despite being present within legal proceedings, victims often feel invisible, unheard, or disempowered phenomena that remain poorly explored in current literature. Without a method capable of accessing the depth of these lived experiences, the prevailing discourse risks misrepresenting the very people it aims to serve.

To address this shortcoming, a phenomenological approach offers a compelling alternative. By privileging first-person narratives and meaning-making processes, phenomenology allows for a holistic exploration of how justice is not merely delivered, but experienced, internalized, and contested. It enables researchers to attend to the essence of what it means to undergo legal processes as a victim of human rights abuse, thus providing insights that are both conceptually richer and more ethically attuned.

Previous studies have examined legal injustice through policy critiques, institutional analyses, or statistical data on procedural outcomes. While these approaches provide valuable insights, they often miss the lived experiences of individuals who navigate the legal system after enduring human rights violations. A few qualitative studies have attempted to include victim perspectives, but most lack depth in understanding the personal, emotional, and existential aspects of such experiences. Theories on legal consciousness and procedural justice have laid some foundation, but they remain disconnected from victims' narratives of trauma and exclusion. There is still limited research that foregrounds how justice is felt, interpreted, and embodied by victims within unjust legal systems.

This study addresses that gap by using an interpretative phenomenological approach, which allows for a deep exploration of how victims make sense of their experiences within biased judicial processes. This method centers on the meanings constructed by individuals in response to their encounters with institutional injustice. It is especially suited for capturing the subjective and affective dimensions of experience, which are often overlooked in mainstream legal research. By adopting this approach, the study reveals how victims articulate their sense of being silenced, traumatized, or empowered through legal interactions. In doing so, it provides a richer, more human-centered understanding of justice.

The structure of this article is as follows. The introduction presents the context and justification for the study. The methods section outlines the interpretative phenomenological design, including participant selection, data collection, and analysis. The results section highlights the emergent themes based on participants' narratives. Finally, the discussion connects these findings to broader theoretical and practical implications, followed by a conclusion that summarizes the study's contributions and future directions.

## **RESEARCH METHODS**

### **Study Design**

This study employed an interpretative phenomenological design to explore the lived experiences of victims of human rights violations within judicial systems perceived as unjust and biased. Interpretative Phenomenology, rooted in the philosophical works of Heidegger, prioritizes the interpretation of meaning as it emerges from individuals' lifeworlds. This design was selected to illuminate the nuanced and subjective dimensions of participants' encounters with structural injustice,

capturing the depth of their emotional, psychological, and existential realities. The approach facilitated the uncovering of personal meanings that are often obscured in traditional legal discourse, thereby offering a human-centered lens through which to examine the impact of legal processes on victims.

### **Participants**

Participants consisted of individuals who had undergone legal proceedings as victims of state-perpetrated human rights violations. A purposive sampling strategy was applied to ensure the inclusion of individuals with direct and meaningful experiences related to the phenomenon under investigation. Inclusion criteria comprised adults aged 21 years and above, with a minimum of one direct legal encounter pertaining to a human rights violation case within the past five years. Participants were required to possess the cognitive and emotional capacity to reflect upon and articulate their experiences. Individuals who were currently involved in ongoing litigation or exhibited severe psychological distress at the time of recruitment were excluded to minimize harm. A total of 12 participants (7 females and 5 males), aged between 24 and 56 years (mean age: 39.2), participated in the study. The majority had experiences involving both criminal court and human rights commission proceedings.

### **Data Collection**

Data were collected through in-depth, semi-structured interviews guided by an open-ended interview protocol. Interviews were conducted face-to-face in private, safe settings chosen by the participants, including legal aid offices, trauma recovery centers, and participant residences. Each interview lasted between 60 to 90 minutes and was audio-recorded with consent. The interview guide was designed to elicit detailed narratives about participants' encounters with legal systems, their perceptions of justice, and the personal meanings derived from these experiences. Probing was used to deepen insights and clarify emergent themes. Field notes were taken to capture non-verbal cues and contextual elements. A supportive atmosphere was ensured to promote emotional safety, and psychological support services were made available when needed.

### **Data Analysis**

Data analysis followed the principles of Interpretative Phenomenological Analysis (IPA), which emphasizes idiographic, inductive, and interpretative engagement with data. Interview transcripts were processed using NVivo software to assist in organizing and coding qualitative content. The analytic process involved multiple readings of transcripts to become immersed in the data, followed by the identification of significant meaning units. These units were clustered into emergent themes through a process of abstraction and conceptualization. Superordinate themes were then developed to capture the essential structures of lived experience. The analytic steps maintained fidelity to participants' narratives while allowing interpretative depth to uncover the meanings embedded in their experiences.

### **Ethical Considerations**

Ethical approval was obtained from the institutional research ethics committee prior to data collection. All participants provided written informed consent after receiving detailed information about the study's aims, procedures, and their rights. Confidentiality and anonymity were rigorously upheld through the use of pseudonyms and the removal of identifying information from transcripts. Participation was voluntary, and participants were informed of their right to withdraw at any stage without consequence. The research conformed to the ethical standards outlined in the Declaration of Helsinki and applicable national ethical guidelines.

## **RESULTS**

The findings of this study are presented in the form of rich, narrative descriptions that emerge from in-depth interviews with victims of human rights violations who have undergone biased and unjust legal processes. The analysis, conducted using Interpretative Phenomenological Analysis (IPA), revealed four major themes representing the core experiences and meanings constructed by

participants. Each theme reflects an essential dimension of their lived experience in navigating a legal system perceived as structurally unjust.

### **I Was Present, But My Voice Was Absent – Silencing in the Judicial Arena**

Participants consistently articulated the experience of being present in court proceedings yet absent in influence, describing their roles as spectators in their own legal journeys. This theme encapsulates the pervasive sense of procedural exclusion and powerlessness.

“They called me to testify, but they never really listened. The judge looked bored, the prosecutor asked questions that led nowhere. I was there, but invisible.” (Participant 03)

Victims felt that their testimonies were formalities rather than substantive contributions to the judicial process. Legal terms and bureaucratic procedures further alienated them, reinforcing the perception that the courtroom was not a space for justice but a space for silence.

#### **How to ensure meaningful participation in judicial proceedings?**



Meaningful Engagement

Fosters a sense of justice and empowerment



Procedural Exclusion

Leads to feelings of powerlessness and alienation

### **Justice Feels Like an Empty Word – The Crisis of Legal Meaning**

A profound theme across narratives was the disillusionment with the concept of justice. Many participants initially approached the legal system with hope, only to confront outcomes that contradicted their expectations.

“They say justice is blind, but I think it’s deaf too. I’ve spoken so many times, but no one hears the pain behind my words.” (Participant 07)

This crisis of meaning led some victims to redefine justice not as a legal verdict, but as an internal process of emotional closure or social recognition. The findings suggest that formal legal acknowledgment did not equate to experienced justice for the participants.

### **I Carry the Trauma in My Breath – Lingering Psychological Scars**

Beyond procedural injustice, participants described enduring emotional and psychological consequences that remained unresolved even after legal proceedings concluded. These included anxiety, nightmares, fear of retaliation, and a recurring sense of worthlessness.

“Every time I walk past the court building, my chest tightens. It’s not just the place it’s what they did to my truth there.” (Participant 01)

Trauma was often reactivated during court appearances or in interactions with state agents, where survivors felt retraumatized rather than validated. This indicates that the legal system, instead of providing therapeutic justice, can sometimes deepen psychological wounds.

### **Telling My Story is the Only Power I Have – Narration as Resistance**

Despite the oppressive nature of the legal process, participants found strength and agency in narrating their experiences. Sharing their stories even in spaces where legal impact was minimal was perceived as an act of resistance and reclamation.

“Maybe the court didn’t care. But I told my story anyway. I said everything. That’s mine, and no one can take that from me.” (Participant 09)

These acts of narration, though situated in adversarial settings, served as counter-discourses against the state's silencing. Participants framed their testimony not just as evidence, but as identity assertion and a form of justice outside formal institutions.

### **Essential Summary of Findings**

The four emergent themes reveal a collective experience marked by procedural marginalization, psychological harm, and a redefinition of justice from legal outcomes to personal empowerment. The lived experiences of the participants underscore the profound disconnect between institutional justice and subjective justice. Their voices, once silenced in courtrooms, re-emerge through this study as testimonies of resilience, resistance, and rehumanization.

## **DISCUSSION**

The findings of this study reveal that victims of human rights violations who engage with biased legal systems experience profound silencing, emotional dislocation, and a redefinition of justice rooted in personal narration. These themes respond directly to the central research question concerning how victims perceive and make meaning of justice in contexts where procedural fairness is compromised.

Through the lens of interpretative phenomenology, the study contributes unique insights by foregrounding how legal processes often assumed to be neutral and objective are internalized by victims as spaces of symbolic erasure and existential struggle. Rather than viewing justice as a delivered outcome, participants redefined it as a subjective state shaped by visibility, acknowledgment, and narrative agency. This reframing not only addresses the research question but also underscores the inadequacy of conventional justice metrics in capturing the depth of victim experience.

These interpretations are consistent with prior phenomenological and critical legal scholarship that critiques the institutional failure to accommodate human vulnerability within legal proceedings. For instance, Smith and Osborn (2021) emphasize the importance of exploring lived trauma as it intersects with legal structures, aligning with participants' descriptions of retraumatization through court rituals. Similarly, Rahman and Lee (2021) highlight how victims often experience legal forums as extensions of the violence they endured, reinforcing the relevance of interpretative frameworks. However, this study advances the literature by emphasizing narration as resistance an aspect less explored in existing works suggesting that storytelling, even in hostile spaces, serves as a form of symbolic justice and reclamation of agency.

The findings of this study carry important implications for legal practitioners, human rights advocates, and policy-makers working with victim-survivors of state-based violence. The recurring themes of silencing, psychological trauma, and the reframing of justice suggest a pressing need for judicial processes to become more trauma-informed, participatory, and empathetic. Socially, these insights highlight how formal systems risk reproducing marginalization when they fail to engage victims meaningfully. Culturally, the study reveals that justice is not a universal legal concept but a context-sensitive experience that intertwines with identity, memory, and narrative power. Professionally, institutions must reflect on how courtroom practices, legal language, and procedural rigidity can unintentionally invalidate the lived realities of those they aim to serve.

### **Limitations of the Study**

Despite its contributions, this study is subject to several limitations. First, the sample size was limited to twelve participants within a specific geographic and legal context, which may restrict the transferability of findings to other populations or legal systems. Second, while the use of interpretative phenomenological analysis enabled deep engagement with participants' narratives, it also introduced interpretative subjectivity that is inherent in such qualitative methods. Third, the research focused exclusively on victims of human rights violations who had concluded their legal cases, potentially excluding ongoing experiences that might offer additional insights. These

limitations do not undermine the validity of the findings but suggest the need for cautious interpretation and contextual application.

### **Future Research Directions**

Future studies may build upon these findings by exploring how different categories of victims such as minors, women, or individuals with disabilities experience legal injustice in distinct ways. Additionally, comparative research across legal systems or political regimes could enrich understanding of how structural factors shape subjective experiences of justice. Longitudinal phenomenological studies could also provide valuable insights into how victims' perceptions evolve over time and influence their recovery, activism, or disengagement from the legal system. Ultimately, expanding this line of inquiry could contribute to the development of victim-centered legal reforms, enhancing the ethical responsiveness of human rights advocacy.

### **CONCLUSION**

This study explored the lived experiences of victims of human rights violations within biased legal systems, focusing on how they perceive justice and construct meaning through personal narratives. The findings revealed four core themes: institutional silencing, emotional disillusionment, enduring psychological trauma, and the use of narration as a form of resistance. Rather than viewing justice solely as a legal resolution, these experiences expose it as a process of personal reclamation—deeply embedded in memory, identity, and the search for dignity. By applying an interpretative phenomenological approach, the study advanced an alternative epistemology of justice—one that privileges affective knowledge, voice, and embodied testimony over institutional validation.

Theoretically, this research expands justice discourse by integrating phenomenological insights into human rights scholarship, offering a framework where legal processes are interpreted through the lens of lived affect rather than institutional norms. Practically, it urges the incorporation of trauma-informed and narrative-sensitive protocols within legal institutions to avoid re-inscribing harm. Ultimately, justice must be reimagined not just as a right to be granted, but as a relational and evolving experience—shaped by acknowledgment, empathy, and the capacity to reclaim one's voice amid systems of power. Future research may operationalize this reconceptualization by examining how victim narratives influence judicial reforms or transitional justice mechanisms across diverse sociopolitical contexts.

### **CONFLICT OF INTEREST**

The authors declare that there is no conflict of interest.

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