



JURIDICAL ANALYSIS OF THE LAW PROTECTION OF CHILDREN AS VICTIMS OF SEXUAL VIOLENCE

Rika Afra Herzalianty¹, Heni Siswanto², Firganefi³, Ahmad Irzal Fardiansyah⁴, Emilia Susanti⁵
University of Lampung

¹ rikaafra123@gmail.com ² heni.siswanto@fh.unila.ac.id ³ firganefi@fh.unila.ac.id ⁴ ahmad.irzal@fh.unila.ac.id ⁵ emilia.susanti@fh.unila.ac.id

1. Introduction

This study aims to analyze the legal protection for children as victims of sexual violence, evaluate the effectiveness of existing regulations, and identify the factors contributing to the occurrence of such criminal acts. This study uses normative juridical methods, with a case study of Jakarta Pusat District Court Decision No. 294/Pid. Sus/2023/PN Jkt.Pst. Data were obtained from relevant legislation, including Law Number 35 of 2014 concerning Child Protection and Law Number 31 of 2014, which amends Law Number 13 of 2006 concerning the Protection of Witnesses and Victims. This study focuses on examining the legal protections for children who are victims of sexual violence. The result, based on research on the Central Jakarta District Court ruling, shows that the panel of judges sentenced the defendant to 15 years of imprisonment and ordered restitution of IDR 15,429,000.00 to the victim's family. The limitations of this research include the enforcement of laws, which focuses on imposing penalties and lacks focus on victim protection. The implications of this research contribute to the development of criminal law, and the findings are expected to benefit legal practitioners, academics, and law enforcement agencies in strengthening the implementation of protections for victims of sexual violence. The novelty of this research is in the legislative reform introduced by Law Number 12 of 2022 concerning Sexual Violence Crimes, which is analyzed not only from a normative perspective but also through a victimology approach to children as victims and protects research for those.

Keywords: *legal protection, children, sexual violence*

1. Introduction

Children are part of the nation's future generation, whose physical, mental, and social growth and development must be guaranteed (Clark et al., 2020). Various national and international legal instruments provide special protection to children due to their vulnerability to various forms of human rights violations, including sexual violence. The phenomenon of sexual violence against children in Indonesia has become increasingly alarming each year, both in terms of the quantity and quality of cases (Risna and Suherman, 2024). These crimes, which attack a child's dignity and future, not only cause short-term trauma but also have long-term impacts that can affect their mental health, behavior, and ability to function in society. Therefore, legal protection for child victims of sexual violence is an urgent issue that must be seriously addressed by the state through appropriate and effective legislation and policies (Suryawan et al., 2024).

Indonesia has several regulations governing child protection, including the 1945 Constitution, which affirms that every child has the right to survive, grow, and develop, and to be protected from all forms of violence and discrimination (Erdianti, 2020). Furthermore, there is Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, Law Number 17 of 2016, which stipulates Government Regulation in Lieu of Law Number 1 of 2016 concerning the Crime of Sexual Violence against Children, Law Number 12 of 2022 concerning the Crime of Sexual Violence (TPKS Law), and various regulations under it (Law Number 23 of 2002 Concerning Child Protection 2002). This legal framework demonstrates the state's commitment to providing legal certainty and maximum protection for children. However, while these legal instruments appear adequate, their implementation still leaves a number of issues that require comprehensive review.

From the perspective of child protection legal theory, the state has an obligation to guarantee the safety and rehabilitation of child victims of sexual abuse. Victim protection theory emphasizes that criminal law serves not only to deter perpetrators but also to ensure adequate recovery of victims (Berg &



Schreck, 2022). However, in practice, child victims of sexual violence often experience re-victimization, including through repeated examinations, child-unfriendly exposure in the courtroom, and a lack of comprehensive psychological support. This demonstrates a gap between regulations and implementation on the ground.

The reality on the ground shows that many cases of sexual violence against children go unreported because the victims are afraid, embarrassed, or the perpetrators have an emotional closeness or a power relationship with them. One case that has become increasingly prevalent in recent years is sexual violence perpetrated by close relatives, such as family members, teachers, Islamic boarding school counselors, and other community leaders, which adds to the complexity of legal proceedings. Cultural factors, limited public understanding, and negative stigma against victims also hinder the fulfillment of children's rights to effective legal protection. This reinforces the urgency of analyzing how positive law in Indonesia can work more optimally to provide protection, not only through repression but also through preventive and rehabilitative means.

Therefore, this study was conducted to analyze the legal protection of child victims of sexual violence in Indonesia from the perspective of legislation and its implementation in the criminal justice system. This study focuses on the effectiveness of legal enforcement, obstacles encountered in the law enforcement process, and efforts that can be made to improve child protection in a more humane and equitable manner. This study is expected to contribute scientifically to the development of child protection laws and provide recommendations for relevant parties in formulating policies that are more responsive to the protection needs of child victims of sexual violence. With this study, it is hoped that the state will be better able to fulfill its constitutional mandate to ensure the comprehensive protection of children's rights as the nation's future generation.

2. Literature review and hypothesis/es development

2.1. Legal Protection Theory

Legal protection theory explains that the state is obliged to guarantee protection for every citizen, especially vulnerable groups, such as children. Philipus M. Hadjon states that legal protection is a form of protection provided by the state to ensure the fulfillment of human rights so that society feels safe from harmful actions (Sinaulan 2018). In the context of children as victims of sexual violence, legal protection must be realized through preventive and repressive measures. Preventive protection includes education, supervision of the child's environment, and an effective reporting system, while repressive protection is realized through investigation, prosecution, punishment of the perpetrator, and provision of reparation for the victim.

In Indonesian legal literature, legal protection is commonly distinguished between preventive and repressive protection. Preventive protection aims to prevent rights violations from occurring in the first place, for example, through clear permits, public service standards, mandatory information transparency, public consultation/participation, and administrative complaint mechanisms before disputes escalate. The principle is that it is better to prevent harm than to remedy it after it has occurred. Meanwhile, repressive protection operates after a violation has occurred, providing dispute resolution and redress channels such as civil lawsuits for compensation, criminal proceedings to prosecute perpetrators, or administrative disputes to overturn unlawful official decisions. The theory of legal protection demands a balance between these two types of protections.

A system that relies solely on repression often fails to respond quickly because victims have already suffered losses, while a system that relies solely on prevention without firm enforcement can result in violations that lack deterrent effects. Here, a close connection with the theory of justice and legal certainty is apparent: good protection must provide reliable procedures (certainty), proportional outcomes (fairness), and effective and affordable mechanisms (usefulness). Effectiveness is key: mere protection on paper is insufficient if access, costs, and institutional bias make rights difficult to enforce.

Legal Protection Theory has been applied in various fields, including consumer protection, employment, personal data protection, the environment, and public services. In consumer protection,



this theory demands accurate information, a prohibition on oppressive standard clauses, and access to complaints and redress mechanisms. In employment, it promotes wage standards, reasonable working hours, workplace safety, and dispute resolution mechanisms that do not impoverish workers. In public administration, this theory emphasizes control over official discretion: decisions must be based on legitimate authority, rational reasoning, and subject to review through administrative and judicial means. In practice, indicators of good legal protection include: (1) clear norms and definitions of rights and obligations, (2) independent and accountable law enforcement agencies, (3) simple procedures and affordable costs, (4) availability of effective sanctions and remedies, and (5) existence of public oversight and participation. This theory is also relevant to assessing new policies: whether the policy provides equal protection for all or creates vulnerable groups without adequate protection. Ultimately, the Theory of Legal Protection directs the law to become a tool for protecting human dignity, not merely an instrument of power or an administrative formality.

2.2. *Victimology Theory*

Victimology focuses on understanding the victim's position in the crime, the impact they experience, and how the law provides protection to them (Priambada, 2025). In cases of sexual violence against children, victims are in a highly vulnerable position and often experience secondary victimization in the form of additional trauma due to a non-child-friendly judicial process. Therefore, victimology theory demands a paradigm shift from a perpetrator-oriented system to one that supports the rights of victims, such as the need for psychological support, health services, guarantees of identity confidentiality, and legal procedures that do not re-pressure the victim.

Victimology Theory is a scientific framework that studies victims of crime or violations, including who becomes a victim, how victims are selected or made vulnerable, what impacts they experience, and how the legal system and society respond to victims' needs. Unlike criminology, which focuses on the perpetrator, victimology places the victim at the center of analysis: the victim's experience, the losses incurred (physical, psychological, economic, and social), and the victim's relationship with the perpetrator and institutions (police, prosecutors, courts, and social services) (Roy, 2023). This theory also views "victims" broadly: not only individuals but also groups, organizations, and even affected communities (for example, victims of disasters due to corporate negligence or victims of environmental crimes). One of the important contributions of victimology is to show that many victims experience multiple layers of suffering: first, from the crime itself, and then from insensitive handling processes, such as repeated, exhausting examinations, social stigma, or victim-blaming treatment.

Therefore, victimology emphasizes the need for a recovery-oriented approach and the protection of victims' rights, such as witness/victim protection, psychological support, restitution/compensation, and clear information about the legal process. In policy practice, this theory forms the basis for victim-centered justice, namely law enforcement that maintains the rights of suspects/defendants while maintaining the safety, dignity, and recovery of victims. In its theoretical development, victimology recognizes several key concepts that explain patterns of victimization. First, the concept of victim vulnerability: age (child/elderly), gender, disability, economic dependence, migrant status, or social isolation can increase the risk of victimization. Second, the concept of situational risk: an unsafe environment, lack of lighting, weak supervision, a permissive organizational culture, or an unprotected digital space can increase the opportunity for crime.

Third, the concept of the victim-perpetrator relationship: in many cases, the victim knows the perpetrator (domestic violence, harassment at work/school), so victims face the dilemma of reporting due to fear of retaliation, family pressure, or dependency on the perpetrator. Some older literature also discusses victim typologies (e.g., "ideal" vs. "non-ideal" victims) or the victim's role in the dynamics of events (victim precipitation). However, modern approaches are careful not to allow such analyses to veer into justifying the perpetrator or blaming the victim. The focus is on understanding the factors that expose individuals to risk and designing humane prevention and protection strategies to address these issues. Contemporary victimology also highlights structural and systemic crimes, such as massive fraud, labor exploitation, or corporate crime, where victims are often dispersed, difficult to identify, and face



barriers to accessing justice. In essence, this theory encourages a shift in perspective: victims are not merely “evidence” in a case, but rather subjects of rights that need to be restored

The application of Victimology Theory is evident in policy design, law enforcement procedures, and reparation services. In prevention, victimology encourages reducing opportunities for crime (e.g., improving spatial planning, environmental security, and digital literacy education) and strengthening protective factors (social networks, access to services, and child protection). In the legal process, the principle of victimology gives rise to victim-friendly practices, such as trauma-informed examinations, identity protection for sensitive cases, assistance, and regular provision of case progress updates. From a recovery perspective, this theory emphasizes restitution from the perpetrator (compensation), state compensation for certain victims, medical or psychological rehabilitation, and social reintegration to prevent victims from experiencing a continued stigma.

Victimology also provides the foundation for restorative justice in certain cases: reconciling the victim’s needs (acknowledgement, apology, compensation, guarantees of non-repetition) with the perpetrator’s accountability without compromising the victim’s safety. In the digital era, victimology has expanded its focus to include victims of cybercrime: doxing, online fraud, revenge porn, and cyberbullying, the impacts of which can be long-lasting because digital traces are difficult to erase. Ultimately, Victimology Theory helps the legal system assess its success not only by “how many perpetrators are punished,” but also by “how well the victim recovers,” “how safe the victim is from revictimization,” and “how fair the victim’s experience is in the legal process.”

2.3. Punishment Theory

Punishment theory explains the objectives of imposing criminal sanctions on perpetrators, namely, retribution, deterrence, and rehabilitation (Barus & Lubis, 2024). In cases of sexual violence against children, the modern criminal justice approach seeks not only to impose severe penalties on perpetrators, such as imprisonment, chemical castration, and the installation of electronic detection devices, but also to ensure the victim’s socio-psychological recovery (Pratiwi et al., 2025). Therefore, the implementation of criminal justice theory in this case must be comprehensive, emphasizing a balance between the rights of perpetrators and victims.

Punishment theory is important because it always presents a dilemma: on the one hand, society demands protection and justice; on the other, punishment risks becoming a legalized act of violence if not constrained by legal principles. Therefore, punishment theory is always closely linked to the principles of legality (no punishment without rules), proportionality (equitable punishment), and respect for human rights (prohibition of cruel or inhumane treatment). In the context of a state based on the rule of law, punishment must have a rational basis: not simply “retribution,” but also preventing the recurrence of crime, protecting society, restoring order, and, in certain models, reforming the perpetrator. Thus, punishment theory serves as a “compass” for legislators and judges in determining the type of punishment, its severity, and the overall orientation of criminal policy.

One classic division in punishment theory is the absolute (retributive), relative (utilitarian), and combined (integrative) theories. The absolute or retributive theory views punishment as a just retribution for the perpetrator’s wrongdoing; because the perpetrator is guilty, he or she deserves to be punished. Its focus is on moral justice and “desert,” so the primary criteria are culpability and proportion (Anant 2021). Its strength is that this theory establishes limits so that the state does not impose excessive punishment in the name of a social benefit. However, its weakness is that if it is too rigid, it can neglect the need for victim recovery and perpetrator rehabilitation. In contrast, relative (deterrence) theory assesses punishment based on its future utility: preventing crime through general deterrence (scaring society from imitating it), special deterrence (preventing the perpetrator from repeating the offense), incapacitation (protecting the public by restricting the perpetrator), and rehabilitation (correcting the perpetrator).



This approach is pragmatic, but risks legitimizing excessively harsh punishments as “useful.” Therefore, a hybrid theory emerged, which seeks to balance proportional retribution with the goals of protecting society and correcting the perpetrator. In modern practice, many legal systems operate on an integrative model: punishment should be commensurate with the offense, but also aimed at reducing recidivism, increasing public safety, and creating more constructive outcomes

In practice, punishment theory influences forms of sanctions and policies, such as alternative sentencing, restorative justice, and the “risk and needs” approach. If the orientation is rehabilitative, imprisonment is not always the primary option; community-based coaching, counseling, job training, or supervision programs are preferred instead. If the orientation is deterrence and incapacitation, severe penalties or long-term detention may be more dominant, especially for crimes deemed particularly dangerous. However, contemporary developments increasingly emphasize that the effectiveness of punishment is measured not only by the severity of the punishment but also by the system’s ability to reduce recurrence, redress the victim’s losses, and prevent stigmatization that encourages perpetrators to reoffend. Therefore, modern punishment theory is often associated with the principle of “punishment as a last resort” (*ultimum remedium*), especially for offenses that can be resolved through administrative, civil or restorative mechanisms. Furthermore, a human rights perspective demands humane correctional conditions, non-discriminatory treatment and access to legal aid. Ultimately, punishment theory serves to balance three interests: the interests of the victim (justice and reparation), society (protection and order), and the perpetrator as a human being who still has the right and opportunity to change.

2.4. Previous Research

Several studies related to the protection of child victims of sexual violence have been conducted. Harahap and Wiryadi (2025) concluded that legal protection remains suboptimal due to the lack of supporting facilities for handling victims in the regions. Hiola (2025) emphasizes the importance of implementing a victim-centered juvenile criminal justice system to prevent re-victimization. Furthermore, Dwilestari et al. (2024) examined the effectiveness of policies that increase sentencing for perpetrators of sexual violence and stated that harsher sentences have not been fully effective in reducing crime rates because cultural and social factors have not been addressed significantly. A comparison of these studies shows that although legal regulations are increasingly strengthened, their implementation still faces significant challenges, particularly in terms of restoring the rights of children as victims and preventing recidivism.

2.5 Regulations for the Protection of Child Victims of Sexual Violence

Legal instruments that serve as the basis for child protection in Indonesia include:

- Article 28B, paragraph (2), of the 1945 Constitution guarantees children’s right to protection from violence and discrimination.
- Law Number 35 of 2014, concerning child protection.
- Law Number 17 of 2016 (Perppu No. 1 of 2016), which regulates sexual violence against children with increased penalties.
- Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) covers more comprehensive aspects of prevention, handling, recovery, and law enforcement than its predecessors.

These regulations demonstrate the state’s efforts to continuously improve the quality of legal protection in line with the principles of the Convention on the Rights of the Child (CRC), which Indonesia ratified through Presidential Decree Number 36 of 1990.

3. Methodology

This study employs a normative juridical research method, focusing on the principles, norms, and applicable positive legal regulations related to legal protection for children as victims of sexual violence. The approach employed includes a statute approach, which examines various legal instruments, such as the Child Protection Law, the Law on Sexual Violence Crimes, and other relevant provisions, and a conceptual approach, which examines theories regarding legal protection,



victimology, and punishment in the context of sexual crimes against children. Furthermore, this study employs a case study approach to analyze examples of court decisions related to sexual violence against children to examine the implementation of legal norms in practice. The data sources used are secondary data obtained through a literature review, including primary, secondary, and tertiary legal materials. Data analysis was conducted qualitatively by interpreting and constructing the obtained legal data to generate conclusions that comprehensively addressed the research questions.

4. Results and discussion

4.1. Forms of legal protection for child victims of sexual violence according to Indonesian laws and regulations

Legal protection for children as victims of sexual violence in Indonesian legislation is comprehensive, both preventive and repressive. Preventively, the state guarantees the fulfilment of children's rights to feel safe from all forms of violence, as stated in Article 28B, paragraph (2) of the 1945 Constitution and further outlined in Law Number 35 of 2014 concerning Child Protection, which requires the government, parents, and the community to play an active role in supervision, education, and creating a child-friendly environment (Anindyajati, 2021). Meanwhile, repressive protection is regulated by special criminal regulations that provide strict sanctions for perpetrators and ensure the recovery of victims.

Law Number 17 of 2016, as stipulated in Perppu Number 1 of 2016, provides increased penalties for perpetrators, including the threat of maximum penalties, chemical castration, installation of electronic detection devices, and the announcement of the perpetrator's identity as a form of protection for the community and prevention of recurrence of crimes. Furthermore, Law Number 12 of 2022 concerning Sexual Violence Crimes (UU TPKS) expands the scope of protection by emphasizing not only criminal punishment for perpetrators but also strengthening victims' rights to health services, psychological support, restitution, legal assistance, and guarantees of identity confidentiality (Yusrianti et al., 2025). The TPKS Law also regulates child-friendly justice mechanisms to prevent re-victimization during the judicial process, such as child examinations conducted by professionals in special rooms. Overall, these legal instruments demonstrate the state's strengthened commitment to ensuring the comprehensive protection of children from sexual crimes, from prevention and prosecution to the restoration of victims' rights, so that children can return to a decent, safe, and dignified life.

Indonesian law provides legal protection for child victims of sexual violence based on the principle that children are legal subjects with human rights and require special protection. This is primarily based on Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. This law affirms that the state, government, regional governments, families, and communities are responsible for providing special protection to child victims of sexual violence. This protection includes ensuring a sense of security, physical and psychological recovery, and protection from all forms of discrimination and stigmatization. Child victims of sexual violence are viewed as having their best interests prioritized; therefore, all policies and legal actions must consider the long-term impact on the child's development. In this context, Indonesian law focuses not only on punishing perpetrators but also on restoring the dignity and well-being of child victims. Legal protection is comprehensive, encompassing preventive, repressive, and rehabilitative aspects, with the aim of preventing re-victimization and ensuring that children can continue their lives with dignity.

Preventive legal protection is realized through the regulation of norms and state obligations to prevent sexual violence against children. The Child Protection Law, Juvenile Criminal Justice System Law (Law No. 11 of 2012), and various derivative regulations stipulate education, supervision, and reporting obligations (Baidawi, 2020). The state is obliged to provide a child protection system, including an easily accessible complaint mechanism, age-appropriate sexual education, and monitoring of environments that have the potential to lead to sexual violence against children. Furthermore, the law regulates the role of schools, families, and communities in the early detection and reporting of suspected sexual violence. This preventive measure aims to close the gaps in crime by building legal and social awareness. From a legal perspective, prevention is the most ideal form of protection because it prevents physical and psychological suffering in children. Clear norms and firm sanctions are expected to create a deterrent effect and a safer environment for children to play.



Repressive legal protection for child victims of sexual violence is realized through the enforcement of criminal law against perpetrators and the guarantee of victims' rights during the judicial process. The Criminal Code (KUHP), Child Protection Law, and related regulations provide the legal basis for prosecuting perpetrators under the threat of severe penalties. During the legal process, child victims have the right to special treatment, such as child-friendly examinations, assistance from parents, guardians, or professional counselors, and identity protection to avoid social stigmas. Law Number 31 of 2014 concerning Witness and Victim Protection guarantees the rights of child victims to receive security protection, case information, restitution, and compensation. The legal process must be implemented with adherence to the principle of non-discrimination and avoid treatments that could cause additional trauma. Therefore, repressive protection focuses not only on punishing perpetrators but also on fulfilling the rights of child victims throughout the law enforcement process.

Decision No. 294/Pid. Sus/2023/PN Jkt.Pst. serves as a concrete example of how Indonesian courts implement legal protection for child victims of sexual violence. In this case, the defendant Iwan Sumarno alias Yudi alias Herman alias Jacky alias Sudibyo was legally and convincingly proven to have committed the crime of child abduction, forcing children to commit indecent acts, and continuous economic exploitation. The judge applied special criminal law instruments related to child protection, as stated in Law Number 35 of 2014 concerning Child Protection, where sexual crimes against children are categorized as serious acts and require strict sanctions to protect the victim's future.

The imposition of a 15-year prison sentence and a fine of Rp100,000,000.00 reflects the application of the theory of legal protection and the theory of punishment, which emphasizes the deterrent effect and protection of society from perpetrators of sexual violence against children who repeatedly use false identities as their criminal *modus operandi*. In addition to punishing the perpetrator, the judge also determined restitution to the victim's family in the amount of Rp15,429,000.00, which demonstrates the implementation of the theory of victimology, where the victim's right to recovery is also considered as part of restorative justice. This restitution aligns with Article 71D of the Child Protection Law and the provisions of the TPKS Law, which require the state to ensure victims' physical, psychological, and economic recovery. Furthermore, the court maintained the security of evidence, including CCTV footage, as a means of strengthening evidence without requiring the victim to experience re-victimization. Thus, this decision demonstrates that legal instruments are not solely oriented toward punishing perpetrators but also encompass ongoing protection for victims. However, strengthening psychosocial services is necessary to ensure optimal recovery. This case emphasizes that the state has moved toward more comprehensive legal protection for children but still requires consistency in its implementation at all levels of justice and jurisdiction in Indonesia.

In addition to prevention and prosecution, Indonesian law emphasizes rehabilitative protection for child victims of sexual violence. This protection includes medical and psychological rehabilitation, social assistance, and the reintegration of children into their families and communities. These provisions are regulated by the Child Protection Law and reinforced by government policies through integrated service institutions, such as the Integrated Service Center for the Protection of Women and Children (P2TP2A). Rehabilitation aims to restore the mental and emotional well-being of children who experience severe trauma due to sexual violence. The state is obligated to ensure that the recovery process is carried out sustainably and professionally without burdening child victims. Furthermore, the law stipulates the right of child victims to receive restitution from the perpetrator as a form of accountability for the harm they have suffered. With rehabilitative protection, the law does not stop at punishment but plays an active role in restoring the lives of child victims so that they can grow and develop optimally.

4.2. The effectiveness of implementing legal protection for child victims of sexual violence in the criminal justice system, as well as the obstacles faced

The effectiveness of legal protection for child victims of sexual violence in the criminal justice system is fundamentally determined by the extent to which legal instruments guarantee a sense of security, recovery, and fulfillment of victims' rights during and after the legal process. In Decision No. 294/Pid. Sus/2023/PN Jkt.Pst, the implementation of legal protection can be considered quite effective in terms



of repression, as the judge imposed a heavy prison sentence of 15 years and a fine on the defendant for kidnapping, committing indecent acts, and continuing the economic exploitation of children. This demonstrates that the judicial system has fulfilled the mandate of the Child Protection Law and the TPKS Law by imposing maximum penalties on perpetrators who threaten children's safety and future. Furthermore, the determination of restitution to the victim's family of Rp15,429,000 also demonstrates a clear recognition of the victim's right to restitution for economic losses and psychological impacts as part of victim-centered legal protection. This decision indicates that victim protection is no longer limited to punishing the perpetrator but also ensures the victim's recovery and rehabilitation.

The effectiveness of implementing legal protection for child victims of sexual violence within Indonesia's criminal justice system can be seen in the existence of a relatively comprehensive legal framework. Laws such as the Child Protection Law, the Juvenile Criminal Justice System Law, and the Witness and Victim Protection Law formally recognize children as victims who require special treatment and protection. These regulations guarantee child-friendly procedures, confidentiality of identity, assistance during investigation and trial, and access to medical and psychological rehabilitation. Institutionally, the establishment of bodies such as the Witness and Victim Protection Agency (LPSK), child-friendly investigation units within the police, and integrated service centers indicates a commitment to victim-oriented justice (Herawati et al., 2025). Normatively, this shows that the criminal justice system has shifted from a purely offender-oriented approach to acknowledging the rights and needs of child victims.

In practice, legal protection has shown a certain degree of effectiveness, particularly in improving procedural safeguards for child victims. The use of child-friendly examination methods, such as closed hearings, psychological assistance, and the presence of trusted companions, has helped reduce secondary victimization during the legal process. Some courts and law enforcement officers have begun applying trauma-informed approaches, recognizing the psychological vulnerability of child victims. Additionally, the availability of restitution and compensation mechanisms reflects progress in addressing the material and emotional losses that victims suffer. These developments demonstrate that the criminal justice system is no longer focused solely on punishing offenders but also on ensuring the dignity and recovery of child victims.

However, despite these positive developments, significant obstacles remain in implementing legal protection. One of the major challenges is the gap between legal norms and actual practice. Not all law enforcement officers have sufficient training or sensitivity in handling child victims of sexual violence, leading to practices that may unintentionally re-traumatize children. A limited understanding of child psychology, combined with rigid procedural requirements, often results in repeated examinations and confrontational questioning. Moreover, coordination among institutions such as the police, prosecutors, courts, social services, and rehabilitation centers is often weak, causing delays and inconsistencies in the protection and recovery processes.

Another obstacle is the structural and resource-related limitations. In many regions, especially rural or remote areas, access to child-friendly facilities, professional psychologists, and legal aid remains inadequate. Integrated service centers may exist formally but lack sufficient funding, trained personnel, or infrastructure to function effectively (Daeaje & Dida, 2023). Consequently, child victims may not receive comprehensive rehabilitation or continuous assistance throughout the legal process. Economic constraints also affect the enforcement of restitution, as perpetrators may be unable or unwilling to fulfill their obligations, and state compensation mechanisms are still limited in scope and accessibility.

Cultural and social factors further hinder the effectiveness of legal protection for child victims of sexual abuse. Social stigma, victim-blaming attitudes, and patriarchal norms often discourage families from reporting sexual violence against children. Fear of shame, social exclusion, or retaliation leads to underreporting and withdrawal of complaints, weakening the criminal-justice process. Under such conditions, even well-designed legal protections may fail to function optimally. Therefore, improving effectiveness requires not only strengthening legal institutions and resources but also changing societal



attitudes through education, awareness campaigns, and community involvement to ensure that child victims of sexual violence receive meaningful and sustainable legal protection.

However, this effectiveness faces various obstacles that require attention. One such issue is revictimization in the judicial process, where victims often have to undergo repeated examinations, provide detailed accounts of traumatic events, and face procedures that are not entirely child friendly. The lack of ongoing professional psychological support and the limited availability of child-friendly justice facilities, such as dedicated examination rooms, also hinder the fulfillment of children's rights. Furthermore, even if restitution is awarded, this amount often disproportionately reflects the psychosocial impact and disrupted future of victims caused by sexual crimes. Another obstacle is cultural and social factors, which still tend to blame victims or consider discussing sexual violence taboo, making reporting and establishing evidence more difficult. In terms of inter-agency coordination, integrated protection through health services, rehabilitation, and social support often fails to function optimally because each agency operates fragmentarily and lacks strong integration. Thus, although the legal system has shown progress in providing protection through increased penalties, restitution, and several recovery efforts, the effectiveness of legal protection for child victims of sexual violence still needs to be strengthened through improved victim assistance services, the development of consistent child-friendly judicial procedures throughout Indonesia, and synergy between law enforcement agencies and social service institutions to ensure the fulfillment of children's rights until the child has fully recovered and is physically and mentally safe.

5. Conclusion

5.1. Conclusion

Legal protection for child victims of sexual violence in Indonesia is supported by comprehensive legislation, such as the 1945 Constitution, the Child Protection Law, and the TPKS Law, which regulate preventive, repressive, and rehabilitative protection for victims of sexual violence. In practice, as seen in Decision No. 294/Pid. Sus/2023/PN Jkt.Pst, the criminal justice system has implemented strict penalties for perpetrators in the form of imprisonment and fines while also providing restitution as a form of recognition of victims' rights. However, despite significant progress in the victim protection approach, implementation still faces several obstacles, such as a lack of child-friendly justice facilities, the risk of victim revictimization, limited psychosocial support, and weak coordination between service agencies. Therefore, the effectiveness of legal protection for child victims of sexual violence must be continuously strengthened to achieve optimal and sustainable justice and recovery for victims.

5.2. Limitation

This study is limited by the scope of the data used. It focuses on normative legal analysis and a single court decision as a case study of the same. Therefore, understanding the implementation of legal protection does not encompass variations in legal applications across regions or the more complex characteristics of child sexual violence cases. Furthermore, this research does not deeply examine the psychological and social perspectives or direct experiences of victims; therefore, the results focus more on the legal-formal aspects. Limited access to supporting data, such as evaluations of victim support services and post-verdict rehabilitation outcomes, also hinders the assessment of the condition of victims after the justice system has been implemented. Therefore, the results of this study need to be supplemented by broader empirical follow-up research to illustrate the overall effectiveness of legal protection.

5.3. Suggestion

Based on the analysis, it is necessary to improve the effectiveness of legal protection for child victims of sexual violence by strengthening the integrated service system, including long-term psychological support, increasing the capacity of law enforcement officers to handle cases based on the victim's perspective, and providing special facilities for a truly child-friendly examination process. Optimizing the implementation of restitution and compensation with strict oversight is necessary to ensure that victims' rights are fulfilled. The government and society must strengthen preventive efforts through public education, accessible technology-based reporting, and the development of a culture that does not stigmatize victims. Furthermore, future research should incorporate victim perspectives and



multidisciplinary approaches to produce policy recommendations that are more responsive to children's holistic recovery needs.

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