

Effectiveness of the Implementation of the Law on Sexual Violence Crimes and Government Regulation Number 30 of 2025 on Legal Protection for Child Victims of Sexual Violence

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ABSTRACT

Children are legal subjects who have the right to protection from all forms of violence, including sexual violence. The state is obliged to guarantee this protection through the formation and implementation of laws and regulations oriented towards the best interests of children. Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS Law), which is reinforced by Government Regulation Number 30 of 2025 as an implementing regulation, is present to provide comprehensive legal protection for child victims of sexual violence. This regulation comprehensively regulates the rights of victims, including procedural rights in the judicial process, the right to protection from degrading or blaming treatment, and the right to recovery through medical, psychological, and social rehabilitation, social empowerment, and the fulfillment of economic rights in the form of restitution, compensation, and victim assistance funds. This study aims to analyze the forms of legal protection for child victims of sexual violence from the perspective of the TPKS Law and Government Regulation Number 30 of 2025. The research method used is normative legal research with a legislative and conceptual approach. The research results show that although the regulatory framework is adequately available, its implementation still faces various challenges, particularly related to the low level of understanding of the authorities and the public regarding the victim's perspective.

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1. INTRODUCTION

Children are a trust from God and are legal subjects who have inherent human rights from birth, including the right to live, grow, develop, and receive protection from all forms of violence and

discrimination. From the perspective of human rights theory, children are seen as rights holders who must be protected specifically due to their immature physical and psychological conditions. In line with the theory of legal protection as put forward by Philipus M. Hadjon, legal protection requires the guarantee of certainty, justice, and benefits for legal subjects, especially vulnerable groups such as children. (Hadjon, Philipus M, 2010) Therefore, the state has a constitutional obligation to provide legal instruments that can provide effective protection for children from various forms of violence, including sexual violence.

Children are a highly vulnerable group to sexual violence due to unequal power relations with adults, limited ability to defend themselves, and economic and social dependence. Within the framework of victimology theory, child victims of sexual violence are categorized as ideal victims, namely victims who are completely powerless and have no contribution to the crime. (Christie, Nils, 1986) However, law enforcement practices in Indonesia are still often colored by stigma and victim blaming, which actually worsens the victim's position. This condition indicates a gap between legal norms and social reality in the protection of child victims of sexual crimes.

Entering 2025, the high rate of sexual violence against children confirms that this problem is not only related to moral and social aspects, but also represents a failure of the criminal law system in providing effective protection. In modern criminal law doctrine, as stated by Muladi and Barda Nawawi Arief, criminal law does not merely function repressively through punishing perpetrators, but must also carry out preventive and restorative functions by placing victims as subjects whose rights must be restored. (Muladi, Barda Nawawi Arief, 2018) This view is in line with the development of criminal law policy which emphasizes victim protection as an integral part of the criminal justice system.

In this context, Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) and Government Regulation Number 30 of 2025 as its implementing regulations are manifestations of a paradigm shift in criminal law in Indonesia toward a victim-oriented justice approach. This regulation not only regulates criminal acts and sanctions against perpetrators but also explicitly guarantees victims' rights, including the right to protection in the judicial process, the right not to be treated degradingly or blamed, and the right to recovery through medical, psychological, and social rehabilitation, social empowerment, and the fulfillment of economic rights in the form of restitution and compensation.

Despite a comprehensive normative framework, the implementation of the TPKS Law and Government Regulation No. 30 of 2025 still faces various structural and cultural challenges, particularly regarding law enforcement officials' understanding of the victim's perspective and the consistent application of child protection doctrine. Therefore, an in-depth normative legal review is needed to analyze the effectiveness of these regulations in realizing equitable legal protection for child victims of sexual violence. (Satjipto Rahardjo, 2019)

Legally, the state has strengthened legal protection for child victims of sexual violence through Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS Law), which was further operationalized through Government Regulation Number 30 of 2025. The TPKS Law affirms the state's recognition of victims' rights comprehensively, as stipulated in Articles 4 and 5, which place victims at the center of legal protection. Article 6 of the TPKS Law affirms the state's obligation to provide protection, treatment, and recovery for victims of sexual violence, including children, as part of the state's constitutional responsibility to guarantee human rights.

In terms of law enforcement, the TPKS Law addresses the classic difficulties in proving sexual violence cases. This is reflected in the more progressive regulation of evidence and evidentiary procedures, as stipulated in Articles 24 and 25, which allow for the use of non-conventional evidence and emphasize the importance of victim testimony. Furthermore, Articles 27 and 28 guarantee victims' rights to protection from degrading treatment and victim-blaming practices, which are particularly relevant for children due to their high level of vulnerability.

This strengthening of protection is reinforced by Government Regulation Number 30 of 2025, which regulates the technical mechanisms for implementing victims' rights. Articles 2 and 3 emphasize the principles of victim-centered and child-friendly protection, while Articles 7 through 15 detail the forms of victim recovery, including medical, psychological, and social rehabilitation, social empowerment, and the fulfillment of economic rights through restitution, compensation, and assistance funds. Thus, protection for child victims of sexual violence is not only focused on repressive aspects against the perpetrator, but also on the victim's ongoing recovery.

However, the reality on the ground shows that children remain vulnerable, both in domestic and public settings. This gap between norms and practices confirms Barda Nawawi Arief's view that the effectiveness of criminal law is determined not only by the completeness of regulations, but also by the consistency of law enforcement and the authorities' understanding of the objectives of legal protection. Therefore, an academic analysis of the implementation of key articles in the TPKS Law and Government Regulation No. 30 of 2025 is crucial to assess the extent to which these regulations are able to provide effective and fair legal protection for child victims of sexual violence.

Addressing this issue requires synergy between legal aspects, psychosocial support, and active community involvement. Effective handling focuses not only on punishing perpetrators but also on fulfilling victims' rights to information, legal assistance, and ongoing rehabilitation. Therefore, a thorough understanding of legal protection mechanisms for child victims of sexual violence is highly relevant to research to ensure the creation of a safe space for future generations.

This study aims to determine the types of legal protection available to victims of sexual harassment in Indonesia. Violence is any unlawful, threatening, or harassing behavior that causes physical harm, material harm, or even death. Sexual violence not only affects physical violence but also affects the mental health of victims. Compared to physical violence, the trauma experienced by victims of sexual violence is more difficult to overcome. (Paradias, 2022)

According to the 1945 Constitution and other laws protecting victims of sexual crimes, the government is obliged to ensure that victims receive comprehensive legal protection. This effort is made to ensure that victims can utilize free services and have easy access to resolve their cases. A dedicated budget must also be allocated for law enforcement to assist victims, particularly regarding the provision of free medical examinations and psychological consultations as part of their rights. (Ahmad Jamaluddin, 2021)

2. METHODS

This research method uses a normative research type (legal research conducted by examining library materials or secondary data as basic material for research by conducting searches on regulations related to the problems discussed), (Soerjono Soekanto and Sri Mamudji, 2015) with a conceptual approach and legislation. Secondary data obtained indirectly through literature studies, data sources used such as books, articles, as well as how the provisions for protection of victims in Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence and PP No. 30 of 2025.

3. FINDINGS AND DISCUSSION

Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) marks a significant step in the Indonesian legal system to provide comprehensive legal protection for victims of sexual violence, particularly children. This law regulates not only the repressive aspect through law enforcement against perpetrators but also emphasizes the preventive and rehabilitative dimensions, ranging from prevention, protection, and recovery of victims. Acts of sexual violence that are the focus of this regulation include sexual harassment, sexual exploitation, and sexual violence against children, which often occur in domestic and public settings. The TPKS Law was created to address the need for victim-centered legal perspectives while strengthening the principles of human rights as guaranteed by the constitution.

Conceptually, legal protection can be understood from various perspectives. According to the Big Indonesian Dictionary (KBBI), legal protection is a place of refuge or act of protection, including protective actions and ways to protect someone from potential danger. CST Kansil added that legal protection is a legal effort that must be provided by law enforcement officers to provide a sense of physical and psychological security from threats or interference from other parties. Meanwhile, Philipus M. Hadjon emphasized that legal protection is an action aimed at protecting or providing assistance to legal subjects using legitimate legal instruments, which indicates the need for structured and responsive legal intervention for victims.

Within the positive legal framework, the TPKS Law does not stand alone. This regulation is complemented by implementing regulations, such as Government Regulation Number 30 of 2025, which regulates the technical mechanisms for implementing victims' rights, including medical, psychological, and social rehabilitation, as well as the fulfillment of economic rights in the form of restitution, compensation, and assistance funds. Furthermore, the TPKS Law is also linked to other relevant regulations, including:

1. Law Number 35 of 2014 concerning Child Protection, which affirms the right of children to be protected from physical, psychological and sexual violence.
2. Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE), which is relevant to protecting children from digital-based sexual violence and online sexual exploitation.
3. The Criminal Code (KUHP), particularly Articles 285-289 concerning indecent acts and rape, remains the basis for additional criminal law for handling cases of sexual violence.
4. Government Regulation Number 109 of 2012 concerning the Implementation of Education, which emphasizes the protection of children in educational environments, especially from violence and harassment.

From a legal doctrine perspective, the principle of "best interest of the child," as upheld in the Convention on the Rights of the Child (CRC, 1989), is the primary foundation for child protection. This principle affirms that every legal decision and public policy must prioritize the best interests of the child, including protection from sexual violence and post-traumatic recovery. The doctrine of victim-centered justice also emphasizes that victims must be positioned as protected legal subjects, not merely objects in the legal process.

Thus, legal protection for child victims of sexual violence is multidimensional. The TPKS Law and its implementing regulations guarantee victims' rights comprehensively, encompassing preventive, repressive, and rehabilitative aspects. Furthermore, its implementation requires synergy between law enforcement officials, child protection agencies, civil society, and victims' families to ensure the effective implementation of existing legal norms. This approach demonstrates that the law is not merely an instrument for prosecution against perpetrators, but also a mechanism for protection, recovery, and empowerment of victims as legal subjects with constitutional rights to be respected.

Legal protection is a universal concept of the rule of law. Basically, legal protection consists of two forms, namely; First, Preventive Legal Protection aims to prevent criminal acts before the violation occurs. (Muchsin, 2023) This is clearly reflected in the objectives of the TPKS Law, as stipulated in Article 4, which includes efforts to "prevent all forms of sexual violence" and "create an environment free of sexual violence." Second, Repressive Legal Protection is realized through a series of legal actions taken after a crime has occurred. This form of protection is not only limited to law enforcement and criminalization of the perpetrator, but also holistically includes a recovery mechanism for victims, various types of sexual violence crimes in Articles 5 to 14 of the TPKS Law, along with the threat of sanctions, are the main repressive instruments to provide a deterrent effect and justice.

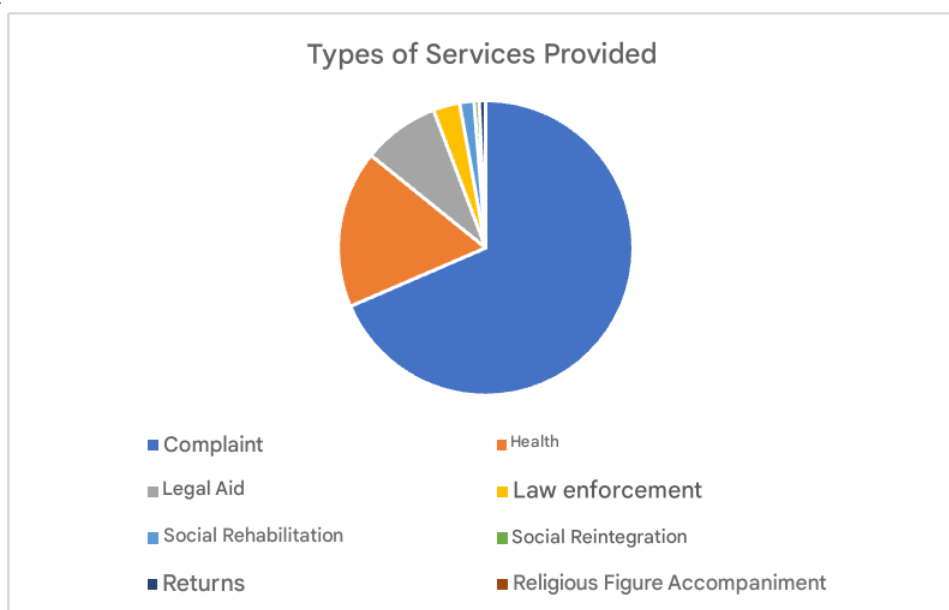
The presence of the TPKS Law significantly covers the limitations of the Criminal Code (KUHP) in handling cases of sexual violence, especially the expansion of the definition of "Rape". Some problems with the limitations of the definition: The KUHP only regulates rape in the context of sexual relations, without considering other types of sexual violence.) (Dwi Dasa Suryantoro, 2024) The TPKS

Law is substantially a concrete manifestation of lawmakers in facing pressure from the community regarding the rampant cases of sexual violence in various regions of Indonesia.

The Law on Sexual Violence Crimes is not merely formal in nature, but has two main aspects: formal and material. The formal aspect of the Law on Sexual Violence Crimes regulates the procedures for reporting, investigating, prosecuting, and examining sexual violence cases in court. Meanwhile, the material aspect determines what acts constitute sexual violence. The types of sexual violence covered by the Law on Sexual Violence Crimes include physical and non-physical sexual harassment, forced contraception, forced sterilization, and criminal sanctions for perpetrators of sexual violence.

Various forms of protection that are far more comprehensive regulate the rights of victims and cover all necessary aspects, starting from procedural rights in handling, protection rights that guarantee treatment by law enforcement officers that do not demean or blame the victim, and the right to recovery, namely in the form of: medical rehabilitation, mental and social rehabilitation; social empowerment (Articles 67-70); restitution, compensation and victim assistance funds that strive to ensure effective recovery for victims (Articles 30-38). Services for victims are also guaranteed to be provided in an integrated manner (Articles 73-75). In addition, there are specific victim rights regulations for electronic sexual violence that require a rapid response in removing content (Article 47). (Siti RA Desyana et al., 2024)

Meanwhile, Government Regulation No. 30 of 2025 is a strategic regulation of the TPKS Law, its presence serves to provide comprehensive technical guidelines for victims in the prevention aspect as well as the protection mechanism for victims of sexual violence. The form of protection for victims in the government regulation; Integrated handling services aim to regulate cross-agency coordination (Police, medical personnel, and regional technical implementation units for the protection of Women and Children/UPTD PPA) to provide one-stop services that minimize victim trauma during the legal process (Article 25). Access to physical and psychological protection: providing security guarantees for victims, witnesses, and families from all forms of threats and providing psychological support services from the reporting stage to post-decision (Article 26 - Article 34). Restitution and/or compensation (Article 52), recurrence prevention, sustainable funding. The enactment of Government Regulations with the aim of implementing the mandate of the TPKS Law, these objectives are part of prevention, optimization of handling, maximum protection for victims, witnesses, and families as well as recovery for victims that includes medical, psychological, social, economic aspects in order to restore the victim's condition.



Picture: Data Diagram <https://kekerasan.kemenpppa.go.id/ringkasan> Year 2025

This diagram shows the latest data presented in real time on the Online Information System for the Protection of Women and Children (SIMFONIPPA), a platform managed by the Ministry of Women's Empowerment and Child Protection (Kemen PPPA). (Kemen PPPA, 2025). The data shows that cases of violence, particularly sexual violence, remain high. In 2024, 28,831 cases of violence against children were recorded, with the majority of victims being girls². From January to July 2025, more than 14,385 reports of violence were recorded, of which 62.5% involved children and 80.7% of the victims were women³. These figures indicate that violence against women and children remains a serious problem, both in the public sphere and within the household.

The high number of complaints underscores the need for the Ministry of Women's Empowerment and Child Protection to improve its services quickly, responsively, and comprehensively, not only by receiving reports but also by implementing prevention, protection, and victim recovery efforts. Prevention can be achieved through public education, training, and awareness campaigns regarding women's and children's rights and the impact of sexual violence. In terms of protection, the ministry must ensure that victims receive legal assistance, medical services, and psychological support, in accordance with their rights stipulated in national regulations, including the right to recovery and restitution.

Normatively, Indonesia has a strong legal basis for addressing sexual violence. Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) serves as the primary legal umbrella, obliging the state to prevent sexual violence, protect and rehabilitate victims, and uphold justice for perpetrators.⁵ This legal doctrine emphasizes that victims must be treated as legal subjects with full rights, including access to medical, psychological, and legal services. In addition to the TPKS Law, the Indonesian legal system is also supported by the Child Protection Law and the Law on the Elimination of Domestic Violence, creating a more comprehensive protection framework.

Despite adequate regulations, their implementation still faces challenges, such as suboptimal inter-agency coordination, limited trained human resources, and low public awareness of reporting cases due to social stigma. Therefore, maximizing the use of SIMFONIPPA data can help formulate evidence-based policies, improve service quality, and strengthen the women's and children's protection system throughout Indonesia. The high rate of sexual violence reflected in this data serves as a reminder that protection efforts must be implemented in an integrated, law-based manner, and focused on victim recovery.

Although Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS Law) and recent implementing regulations, such as Government Regulation Number 30 of 2025, demonstrate the government's commitment to protecting victims of sexual violence, implementation still faces significant challenges. One major obstacle is the general public's lack of understanding, including law enforcement officials', of the provisions of the TPKS Law and its implementing regulations. This lack of understanding can result in inconsistent case handling, delays in the legal process, or even practices that violate the principles of victims' rights, thus reducing the effectiveness of the intended protection.

Furthermore, the high social stigma against victims of sexual violence poses a serious obstacle. In many cases, victims face psychological pressure and discrimination from their families, communities, and the wider community, ultimately limiting their courage to report and seek justice. This phenomenon not only hinders law enforcement but also impacts victims' mental health and slows down the social recovery process.

Limited resources and expertise at the regional level also pose a challenge. Not all regions have professionals trained in psychological support, rehabilitation, or legal services for victims of sexual

violence, resulting in varying levels of recovery and protection for victims across regions. This creates inequities in services that can negatively impact victim recovery efforts and public trust in the existing protection system.

Overall, these challenges demonstrate that the implementation of the TPKS Law and Government Regulation No. 30 of 2025 requires a more comprehensive approach. Simply providing regulations and a legal framework is not sufficient; it also requires capacity building of law enforcement officials, public outreach and education, strengthening recovery services at the regional level, and programs to eliminate social stigma. These efforts must be carried out continuously so that victims of sexual violence can access protection, obtain justice, and undergo effective recovery, in accordance with the principles of human rights and the best interests of victims as stipulated in national law.

4. CONCLUSION

The Law on the Crime of Sexual Violence (UU TPKS) and the latest implementing regulations such as PP No. 30 of 2025, are concrete evidence of the government's concern for child victims of sexual violence. Starting from prevention, protection, recovery; the forms of protection provided, namely; rehabilitation, restitution or compensation, assistance from religious leaders to victim assistance funds, are effective tools to reduce sexual violence and provide justice for victims if implemented correctly and comprehensively, even in remote areas. The hope is for the government, especially the Ministry of PPPA, to always be active and responsive in providing the best services for victims and socializing forms of protection for victims.

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