

Handling Victims of Sexual Violence Against Children in the Criminal Justice System in Indonesia

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ABSTRACT

Sexual violence against children remains a serious and escalating problem in Indonesia, causing long-term physical, psychological, and social harm to victims. Children, as vulnerable individuals, often face difficulties in accessing justice due to fear, trauma, power imbalances, and inadequate institutional support. This study aims to analyze the handling of child victims of sexual violence within the Indonesian criminal justice system and to examine the forms of legal protection provided to them. This research employs a normative legal research method using a statutory and conceptual approach by examining relevant laws and regulations, including the Child Protection Law and Law Number 12 of 2022 on Sexual Violence Crimes. The results show that although the legal framework for protecting child victims has been strengthened, particularly through the enactment of the Sexual Violence Crimes Law, its implementation within the criminal justice system still faces significant challenges. These include limited victim-centered approaches, risks of re-victimization during legal proceedings, and insufficient coordination among law enforcement institutions. The study concludes that an effective handling of child victims of sexual violence requires an integrated, victim-oriented criminal justice system that prioritizes protection, recovery, and the best interests of the child.

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1. INTRODUCTION

Sexual violence against children is a form of serious crime that not only violates the law, but also deprives children of their human rights to live, grow, and develop optimally. Children are in a very vulnerable position due to physical, psychological, and social limitations, so they are often unable to protect themselves from acts of sexual violence or disclose the events they experience. Sexual violence against children can be in the form of molestation, rape, sexual exploitation, and non-physical forms of violence that have an impact on long-term trauma (Yusyanti, 2020; Noviana, 2015).

In Indonesia, cases of sexual violence against children show a tendency to increase from year to year. Data from the Online Information System for the Protection of Women and Children (SIMFONI-PPA)

records that thousands of children become victims of violence every year, with sexual violence as one of the most dominant forms of violence (Lewoleba & Fahrozi, 2020). The high number indicates that sexual violence against children is a structural problem involving social, cultural, economic factors, and weak protection and law enforcement mechanisms. Children are often victimized by those closest to them, such as family members, teachers, or those who have power relations, thus increasing the risk of bullying and inhibition of the reporting process.

Constitutionally, the state has an obligation to provide special protection to children. Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia emphasizes that every child has the right to survival, growth and development, and the right to protection from violence and discrimination. This provision was then further elaborated in Law Number 23 of 2002 concerning Child Protection as amended by Law Number 35 of 2014, which affirms that children who are victims of sexual violence have the right to receive legal protection, rehabilitation, and comprehensive assistance.

An important development in the Indonesian legal system is marked by the birth of Law Number 12 of 2022 concerning the Crime of Sexual Violence (TPKS Law). This law brings a new paradigm in the handling of sexual violence by placing victims as the main subjects of protection, including children as vulnerable groups. The TPKS Law not only regulates the criminalization of perpetrators, but also emphasizes the victim's right to handling, protection, recovery, restitution, and compensation (Nurahlin, 2022). Thus, the criminal law approach is no longer solely oriented towards punishment, but also on the recovery of the victim.

Although the legal framework has been strengthened, the practice of handling child victims of sexual violence in the criminal justice system still faces various challenges. Victim's children often experience victimization due to repeated examination processes, lack of child-friendliness, and lack of psychological and legal assistance during the judicial process (Hermana et al., 2021). In addition, coordination between the police, prosecutor's office, courts, child protection institutions, and witness and victim protection institutions has not been running optimally, so the protection provided tends to be formal and does not fully guarantee the best interests of children.

Based on these conditions, it is important to examine in depth how children victims of sexual violence are handled in the criminal justice system in Indonesia and the extent to which the legal protection provided is in accordance with the principles of justice, child protection, and victim-oriented approach. This article aims to analyze the mechanisms for handling child victims of sexual violence in the criminal justice system and identify obstacles and challenges in the implementation of legal protection, so that it can contribute to strengthening law enforcement policies and practices that are more humane and just.

2. METHODS

This research uses normative legal research methods, by placing law as a norm or rule that applies in society. This approach was chosen because the focus of the study was directed at the analysis of legal arrangements and mechanisms for handling child victims of sexual violence in the criminal justice system in Indonesia. Normative legal research allows the author to examine the conformity between the applicable legal norms and the principles of child protection and victim-oriented justice (Soekanto & Mamudji, 2015).

The approaches used in this study include a statutory approach and a conceptual approach. The legislative approach is carried out by examining various laws and regulations related to child protection and the handling of sexual violence, including Law Number 23 of 2002 concerning Child Protection as amended by Law Number 35 of 2014, Law Number 12 of 2022 concerning the Crime of Sexual Violence, the Criminal Code, and other relevant laws and regulations. Meanwhile, a conceptual approach is used to examine legal concepts related to victims, legal protection, and the juvenile criminal justice system based on legal doctrine and theory.

The types of legal materials used in this study consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include laws and regulations, court

decisions, and legal instruments that have binding power. Secondary legal materials are in the form of legal textbooks, scientific journals, results of previous research, and other scientific papers relevant to the topic of sexual violence against children and legal protection of victims. Tertiary legal materials are used as support, such as legal dictionaries and encyclopedias, to clarify certain legal terms and concepts (Marzuki, 2017).

The collection of legal materials is carried out through library research by tracing laws and regulations, legal literature, and relevant scientific publications. All legal materials obtained are then analyzed qualitatively by descriptive-analytical method, namely describing the applicable legal provisions and interpreting them systematically to answer research problems. The analysis was carried out by assessing the consistency of legal norms, the suitability of implementation with the principles of child protection, and its relevance in handling child victims of sexual violence in the criminal justice system.

3. FINDINGS AND DISCUSSION

Handling Child Victims of Sexual Violence in the Criminal Justice System

The results of the study show that the handling of child victims of sexual violence in the criminal justice system in Indonesia has normatively undergone significant developments, especially after the enactment of Law Number 12 of 2022 concerning the Crime of Sexual Violence. This regulation strengthens the position of the victim by placing the child as a subject who must be specifically protected through a *victim-centered approach*. The handling of child victims is no longer solely focused on proving the perpetrator's guilt, but also on fulfilling the victim's rights to protection, assistance, and recovery (Nurahlin, 2022).

In the investigation stage, the Police Women and Children Service Unit (PPA) has a strategic role in receiving reports, conducting examinations, and providing initial protection to child victims of sexual violence. The existence of the PPA Unit aims to create a more child-friendly examination atmosphere and minimize trauma during the legal process. However, the results of the study show that in practice, the examination mechanism is still often formalistic and has the potential to cause revictimization due to repetition of information and lack of adequate psychological support (Hermana et al., 2021).

At the prosecution and trial stages, children who are victims of sexual violence should receive special protection, such as legal assistance, psychological assistance, and restrictions on direct contact with the perpetrator. However, this study found that the implementation of these protections has not been fully optimal. The victim's child is still often positioned as evidence alone, not as an individual who has the right to a sense of security and recovery. This condition shows that there is a gap between legal norms that guarantee child protection and law enforcement practices in the field.

The normative handling of child victims of sexual violence in the criminal justice system in Indonesia has been directed towards a more victim-friendly and child-friendly approach. This is reflected in the strengthening of the legal framework, especially through the Child Protection Law and Law Number 12 of 2022 concerning the Crime of Sexual Violence, which affirms the rights of child victims to protection, assistance, and physical and psychological recovery. In the context of the criminal justice system, the handling of child victims should include all stages of the process, from reporting, investigation, prosecution, to trial and implementation of the verdict, with ensuring the best interests of the child as the main principle.

In the early stages, the role of the Police Women and Children Service Unit (PPA) became crucial in receiving reports and examining the victim's child. This unit is designed to create a safer and more comfortable environment for children, as well as minimize the potential for trauma during legal proceedings. However, in practice, handling is still often faced with limited human resources and the non-uniform implementation of child-friendly procedures, so that repeated examinations and less sensitive approaches can still occur.

In the prosecution and trial stages, the victim's child should ideally receive special protection, including through legal and psychological assistance, limiting direct interaction with the perpetrator, and using examination mechanisms that do not cause psychological pressure. Although these provisions have been regulated, their implementation is not yet fully optimal. The victim's child is still often positioned as a mere means of proof, so the interests of recovery and psychological protection have not been the top priority in the judicial process.

Handling of child victims of sexual violence also includes the fulfillment of the right to rehabilitation, restitution, and compensation as part of a comprehensive recovery. However, the realization of these rights still faces various obstacles, both in terms of understanding law enforcement officials and implementation mechanisms that have not been effective. This condition shows that there is a gap between the legal norms that guarantee the protection of child victims and law enforcement practices in the field.

Thus, the handling of child victims of sexual violence in the criminal justice system cannot only rely on the existence of adequate regulations, but requires a strong commitment from all law enforcement officials to apply a humane and victim-oriented approach. Strengthening inter-institutional coordination, increasing the capacity of the apparatus, and internalizing the principle of the best interests of children are key to ensuring that the criminal justice system truly functions as a means of protection and recovery for child victims of sexual violence.

Legal Protection for Children Victims of Sexual Violence

Legal protection for child victims of sexual violence includes preventive and repressive protection. Preventive protection is realized through the establishment of laws and regulations aimed at preventing sexual violence, while repressive protection is carried out through law enforcement against perpetrators and the provision of strict criminal sanctions. The Child Protection Law and the TPKS Law have provided a strong legal basis to protect victims' children, including the right to medical, psychological, and social rehabilitation (Yusyanti, 2020).

In addition, children who are victims of sexual violence are also entitled to restitution and compensation as a form of recovery for the losses they have experienced. However, the results of the study show that the provision of restitution and compensation is still rarely applied effectively in court decisions. The main obstacle lies in the lack of understanding of law enforcement officials regarding the restitution mechanism, as well as the limited role of victim support institutions in guarding these rights (Nggeboe, 2017).

From the perspective of legal protection theory, this condition shows that the law has not fully functioned as a means of protection for child victims of sexual violence. As stated by Hadjon, legal protection should provide guarantees for the rights of legal subjects through effective and fair legal instruments. When protection only stops at the normative level, then the legal goal of protecting the weak has not been fully achieved.

Implementation Challenges and Law Enforcement Implications

This study identifies a number of challenges in handling child victims of sexual violence in the criminal justice system, including limited human resources that have a child protection perspective, lack of inter-institutional coordination, and a strong perpetrator-oriented legal culture. In addition, social and psychological factors, such as fear, stigma, and trauma, also affect the courage of children and their families to report and follow the legal process to the end (Lewoleba & Fahrozi, 2020).

In the author's view, the effectiveness of handling child victims of sexual violence is not only determined by the existence of comprehensive regulations, but also by the commitment of law enforcement officials in applying a humane approach and victim-perspective. The criminal justice system needs to be directed towards an integrated model, involving law enforcement officials, child protection institutions, psychologists, and the community collaboratively. Thus, the law enforcement

process not only results in criminal verdicts against the perpetrators, but also ensures long-term recovery and protection for the victim's child.

The handling of child victims of sexual violence in Indonesia's criminal justice system still faces various challenges in the implementation stage, although the legal framework that governs it has been significantly strengthened. One of the main challenges lies in the uneven understanding and sensitivity of law enforcement officials to a child-perspective and victim-oriented approach. In practice, the investigation and trial process still often places the victim's child as the sole object of evidence, so that it has the potential to cause victimization through repeated examinations, unchild-friendly questions, and lack of adequate psychological support. This condition shows that regulatory changes have not been fully followed by changes in legal paradigm and culture among law enforcement officials.

Another challenge is related to the limited coordination between institutions in the criminal justice system. Handling child victims of sexual violence ideally involves integrated cooperation between the police, prosecutor's office, courts, witness and victim protection institutions, and professionals such as psychologists and social workers. However, in practice, the coordination is still sectoral and has not been optimally integrated, so that victim protection and recovery are often fragmented. As a result, the rights of child victims, including the right to rehabilitation, restitution, and compensation, have not been fully realized effectively.

The implication of these challenges to law enforcement is the reduced effectiveness of the criminal justice system in providing substantive justice for child victims of sexual violence. Law enforcement that still focuses on punishing perpetrators without balancing with the recovery of victims has the potential to ignore the main goal of child protection. In this context, law enforcement should not only be understood as a means of repression, but also as an instrument of protection and protection for the most vulnerable. Therefore, it is necessary to strengthen the capacity of law enforcement officials, improve inter-institutional coordination, and internalize the principle of the best interests of children in every stage of the criminal justice process, so that the legal system can truly function to protect and recover child victims of sexual violence in an ongoing manner.

Based on the results of the normative analysis and discussion that has been described, the author is of the view that the handling of child victims of sexual violence in the criminal justice system in Indonesia still does not fully reflect the principles of child protection that are oriented towards the best interests of the victim. Although the legal framework has undergone significant development through the strengthening of regulations, especially with the enactment of Law Number 12 of 2022 concerning the Crime of Sexual Violence, its implementation at the practical level still faces various structural and cultural obstacles. In the author's view, the law enforcement approach that still focuses solely on proving without considering the child's psychological condition and recovery needs has the potential to cause additional suffering for victims. Therefore, a stronger commitment is needed from all law enforcement officials to shift the paradigm of handling cases of sexual violence against children towards a more humane, integrated, and fair criminal justice system, so that the law not only functions as a means of punishment, but also as an instrument of protection and recovery for child victims.

4. CONCLUSION

The normative handling of child victims of sexual violence in the criminal justice system in Indonesia has gained a stronger legal foundation through various laws and regulations, especially the Child Protection Law and Law Number 12 of 2022 concerning the Crime of Sexual Violence. The regulation affirms the state's obligation to provide protection, assistance, and recovery for child victims by placing the best interests of children as the main principle in every stage of the criminal justice process.

However, the results of the study show that the implementation of the handling of child victims of sexual violence in the practice of the criminal justice system still faces various challenges. The law enforcement process has not fully implemented a child-friendly and victim-oriented approach, so that the victim's child still has the potential to experience victimization due to repeated examinations, lack

of psychological assistance, and weak coordination between law enforcement agencies and victim support institutions. This condition shows that there is a gap between legal norms that guarantee child protection and law enforcement practices in the field.

Therefore, the handling of child victims of sexual violence requires strengthening the implementation of the law through increasing the capacity and sensitivity of law enforcement officials, strengthening inter-institutional coordination, and implementing an integrated criminal justice system that is oriented towards victim recovery. With this approach, the criminal justice system is expected to function not only as a means of punishment for perpetrators, but also as an effective protection and recovery instrument for child victims of sexual violence.

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