

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Legal Study of Legal Protection for Child Victims of Sexual Violence: Obstacles and Efforts to Strengthen Protection

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Abstract. *Sexual violence against children is a form of human rights violation that negatively impacts their physical, psychological, and social development. Children, as a vulnerable group, require adequate legal protection to ensure the fulfillment of their rights as victims. This study aims to examine legal protection for child victims of sexual violence, identify obstacles encountered in its implementation, and analyze efforts to strengthen legal protection in the future. The research method used is a normative juridical approach with descriptive analytical research specifications. Data were obtained through a literature review, examining laws and regulations, legal literature, and other legal materials related to legal protection for child victims of sexual violence. The results indicate that legal protection for child victims of sexual violence is realized through the provision of legal aid, witness and victim protection, rehabilitation, health services, psychosocial support, and guarantees for the fulfillment of victims' rights as stipulated in Law Number 35 of 2014 concerning Child Protection and related laws and regulations. However, the implementation of legal protection still faces various obstacles, including aspects of legal substance, legal structure, legal culture, and limited supporting facilities and infrastructure. Therefore, efforts are needed to strengthen legal protection by optimizing the roles of law enforcement officials, child protection agencies, the government, families, and the community to ensure recovery and ongoing protection for child victims of sexual violence.*

Keywords: *Legal; Obstacles; Protection; Sexual; Victims.*

1. Introduction

Children are a trust and a gift from God Almighty who possess inherent dignity and worth as whole human beings, holding a strategic role in the sustainable future of a nation. The existence of children in the social sphere requires special attention because their physical and psychological conditions are still in the developmental stage, placing them in a vulnerable position against various forms of crime. The phenomenon of sexual crimes against children

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today continues to increase significantly, both in terms of quantity and quality or the modus operandi of the crimes. The impact of sexual violence on children not only fundamentally damages the victim physically but also permanently shakes their mental health and psychological development. Children's vulnerability as victims is often triggered by their limited understanding of the dangers of sexual exploitation and the imbalance of power relations between the perpetrator and the victim. Therefore, the guarantee of integrative, responsive, and adaptive legal protection has become an urgent necessity that cannot be compromised in both national and international legal orders (Smith, 2019, p. 145).

The state has a constitutional obligation to guarantee legal protection for every citizen, especially vulnerable groups such as children, to realize social welfare and a sense of security. The legal construction of child protection is formed to ensure that children's basic rights, such as the right to life, growth, development, and protection from violence and discrimination, can be optimally fulfilled. However, in the reality of law enforcement, there is often a striking gap between written legal norms (*das Sollen*) and law enforcement practices in the field (*das Sein*). The crime of sexual violence against children often places the victim in a re-exploited situation (*revictimization*) while undergoing the criminal justice process. Handling cases that ignore the perspective of children's rights and the special needs of victims has the potential to deepen the psychological trauma experienced by children. A judicial framework that focuses too heavily on the penalization aspect of the perpetrator often forgets the adequate restoration of the victim's rights to restitution, rehabilitation, and social integration (Jackson, 2020, p. 88).

Obstacles in realizing effective legal protection for child victims of sexual violence encompass highly complex substantive, structural, and cultural dimensions. From a substantive point of view, legal rules are sometimes unable to cover the dynamics of increasingly modern modus operandi of sexual violence, such as cyber-based crimes. Structurally, the quality and perspective of law enforcement officers in handling cases of child victims of sexual violence still experience disparities. A lack of deep understanding regarding child trauma psychology causes interrogation or evidentiary processes to be conducted rigidly, potentially triggering recurrent traumatic harm. Meanwhile, from a cultural aspect, negative stigmas attached within the community often position the victim as the one to blame (*victim blaming*). Consequently, many victims' families choose to hide the crime and are reluctant to report it to the authorities to maintain the family's reputation and good name (Brown, 2021, p. 201).

The condition of hiding these cases creates an iceberg phenomenon, where the number of sexual violence cases against children officially recorded is far less than the empirical reality occurring in society. The failure to report these cases closes the victims' access to medical

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services, psychological recovery, and the legal justice they desperately need. In the long term, children who do not receive rehabilitation interventions for sexual trauma are at high risk of experiencing emotional and social developmental disorders into adulthood. The failure of the legal and social systems in responding to sexual violence against children indicates the persisting ineffectiveness of child protection norms. Therefore, a critical dissection of law enforcement obstacles is needed to formulate legal designs and engineering capable of strengthening the fortress of child protection from the dangers of sexual violence holistically (Watson, 2018, p. 112).

Law enforcement agencies and their supporting ranks, such as the police authority, prosecutors, judiciary, and child protection institutions, play an important role in breaking the chain of obstacles in handling sexual violence. Special child-friendly facilities, the availability of competent companion psychologists, and an evidentiary scheme that does not burden or corner the child when giving testimony are required. The issuance of various new regulations and the renewal of criminal provisions actually provide a breath of fresh air for strengthening victim-oriented judicial instruments. However, these imperative norms will not be able to run effectively if they are not balanced with the readiness of supporting infrastructure and solid cross-sectoral synergy. Strengthening coordination among government agencies and the active participation of civil society is one of the main keys to achieving equitable law enforcement for children (Taylor, 2022, p. 77).

Studies on the forms of legal protection for child victims of sexual crimes are also closely related to international principles regarding human rights and child safety. The Convention on the Rights of the Child emphasizes the importance of prioritizing the best interests of the child in all actions concerning the lives of children. This principle requires that every legal procedure for the criminal act of sexual violence places the protection of the child's life, mentality, and future above rigid procedural considerations oriented solely towards formal legal aspects. The reform of criminal law policies is demanded to accommodate a flexible judicial mechanism while still guaranteeing legal certainty, where the space for physical and psychological recovery for child victims becomes an inseparable unity from the punishment of the perpetrator (Jenkins, 2020, p. 59).

Efforts to strengthen the protection of child victims of sexual violence require a comprehensive mapping related to the triggering factors for the failure of the current protection system. Preventive and repressive measures must be carried out in a balanced manner so that preventive actions can suppress crime rates, while repressive actions can provide a real deterrent effect for perpetrators. The absence of severe and consistent criminal sanctions is

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often considered a trigger for the recurrence of similar cases in the community. However, the focus of law enforcement must not stop at the severity of the perpetrator's punishment alone but must also be centered on restoring substantive justice that prioritizes the restoration of the victim's dignity and worth as a citizen who has the right to a meaningful future (Davis, 2021, p. 310).

Based on the background of these problems, this journal article is prepared to critically and deeply analyze the forms of legal protection for child victims of sexual violence, identify various fundamental obstacles faced in the law enforcement process, and offer various strategies for strengthening legal protection in the future. Through this legal study, it is hoped that answers to the problem of law enforcement disparities can be found, and concrete recommendations for improving the national legal system can be born, both at the level of legal substance, legal structure, and the legal culture of society. Strong and comprehensive protection is an absolute obligation to ensure that the rights of Indonesian children are adequately and sustainably protected (Martinez, 2023, p. 94).

2. Research Methods

This research uses a doctrinal legal research method that focuses on analyzing written legal materials such as legislation, legal doctrines, and literature studies relevant to the topic of protecting child victims of sexual violence. The research approaches used include a statute approach and a conceptual approach to examine normative weaknesses and formulate an updated legal framework for child protection. The collected secondary data is analyzed qualitatively using descriptive-evaluative analysis techniques to outline the problems and address law enforcement challenges holistically. The process of drawing conclusions is carried out deductively by extracting general principles from positive legal norms and legal protection theories to be applied to specific problems regarding the obstacles and the strengthening of protection for child victims of sexual violence (Anderson, 2021, p. 43).

3. Results and Discussion

3.1. Legal Protection for Child Victims of Sexual Violence: Current Status and Domestic Normative Framework

Based on Indonesia's positive legal framework, protection for child victims of sexual violence has been placed as an integral part of the state's obligation in upholding human rights and maintaining the future of the younger generation. The construction of this legal protection is strictly regulated in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002

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concerning Child Protection, which mandates that every child has the right to receive protection from sexual crimes and other mistreatments. This norm demands the presence of the government in providing a legal umbrella that guarantees the comprehensive fulfillment of children's rights. This regulation emphasizes that the handling of sexual crimes against children is not merely a domestic or private matter, but a public matter that imperatively obliges state intervention (Purna, 2025, p. 180).

In its development, the strengthening of the substantive law on child protection has experienced highly progressive advancements through the enactment of Law Number 12 of 2022 concerning Crimes of Sexual Violence (UU TPKS). This regulation is present to fill the legal void and overcome various procedural negligences that have hindered the handling of sexual violence so far. UU TPKS expands the qualification of criminal acts of sexual violence and recognizes new victim-friendly evidence, such as the testimony of the victim witness accompanied by a psychologist and electronic evidence. This legal breakthrough is aimed at providing legal certainty oriented towards protection and justice for victims who have often been hindered by a rigid criminal evidentiary system (Antoni, Hosnah, & Simanjuntak, 2024, p. 238).

Forms of legal protection for child victims of sexual crimes according to regulations in Indonesia are divided into two main categories, namely procedural protection and substantive protection. Procedural protection includes the victim's right to receive legal assistance, medical assistance, psychosocial assistance, and guaranteed confidentiality of identity as long as the criminal justice process takes place. This is important to prevent the emergence of secondary psychological suffering (*secondary victimization*) caused by the child's exposure to an intimidating legal examination atmosphere. Meanwhile, substantive protection is manifested in the form of granting recovery rights, guaranteeing restitution, and providing guarantees for the child's educational future (Agustini, 2021, p. 345).

The implementation of the right to restitution for child victims of sexual violence is an important indicator in realizing restorative and rehabilitative justice. Restitution is the compensation paid by the perpetrator of the crime to the victim or their family for material and immaterial losses caused by the crime. This restitution mechanism is strictly regulated in Government Regulation Number 43 of 2014 concerning Procedures for Implementing Specific Protection for Children in Conflict with the Law and Supreme Court Regulation Number 1 of 2022 concerning Procedures for Resolving Applications and Granting Restitution and Compensation to Victims of Criminal Acts. The presence of these regulations provides an operational foundation for judges to impose

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additional penalties in the form of the obligation to pay restitution to restore the victim's economic condition and mental health (Law No. 35 of 2014, p. 12).

Although Indonesian legislation has regulated the recovery mechanism in writing, the fulfillment of child victims' rights in practice still frequently experiences formal obstacles. Many restitution sanction imposition mechanisms cannot be executed maximally due to the financial inability of the criminal perpetrator or the absence of assets that can be confiscated by the Public Prosecutor. This condition shows that normative legal protection often loses its operational edge when dealing with field realities. Therefore, the victim trust fund scheme borne by the government as mandated in the UU TPKS must be immediately realized efficiently to guarantee the continuity of the victim's recovery (Government Regulation No. 43 of 2014, p. 8).

In addition to the right to restitution, guaranteeing physical protection and security for child victims and their families is a priority that must not be ignored. Based on Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, the Witness and Victim Protection Agency (LPSK) has the absolute authority to provide physical protection, legal protection, medical assistance, and psychological facilitation for child victims of sexual crimes. This protection is crucial considering that child victims and their families often receive threats, intimidation, or negative interventions from the perpetrators so that they withdraw police reports or agree to an amicable settlement (Supreme Court Regulation No. 1 of 2022, p. 5).

The juvenile criminal justice approach oriented towards justice and victim protection is also strengthened by the Criminal Code (Law No. 1 of 2023 / New KUHP) which gives special attention to heavier criminal sanctions against perpetrators of sexual crimes with child victims. Aggravated criminal sanctions, including additional sanctions in the form of rehabilitative or supervisory actions, are designed not only to punish the perpetrator but also to provide a sense of security for the community and prevent the recurrence of crimes (*recidivism*). The combination of these statutory instruments marks a paradigmatic shift from purely retributive criminal justice towards a justice system that combines corrective and rehabilitative justice (Law No. 31 of 2014, p. 15).

The role of local governments in providing child protection facilities is regulated through the Minister of Women Empowerment and Child Protection Regulation Number 4 of 2018 concerning Guidelines for Establishing Regional Technical Implementation Units for the Protection of Women and Children (UPTD PPA). UPTD PPA acts as the vanguard at the local level in receiving reports, providing medical referral services, legal assistance, and psychological recovery. The availability of this community service infrastructure heavily determines the

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accessibility of victims in rural or remote areas in obtaining justice and first aid after acts of violence (Law No. 1 of 2023, p. 45).

The settlement of sexual violence cases against children must exclude a restorative justice approach that stops criminal prosecution for a peaceful settlement, as affirmed in Law Number 12 of 2022 concerning TPKS. This prohibition was issued to prevent the practice of "marrying the victim to the perpetrator" or compromising settlements that are often utilized by perpetrators to escape the snares of the law. This normative strictness emphasizes that the right to justice for the child must not be sacrificed for unequal amicable agreement considerations detrimental to the child's future (Minister of Women Empowerment and Child Protection Regulation No. 4 of 2018, p. 10).

Theoretically and normatively, the existence of various laws and implementing regulations in Indonesia has formed a fairly comprehensive child protection legal system. However, synchronization among regulations and the effectiveness of their implementation still require a strong commitment from all stakeholders. Superior legal norms will not bring substantive changes without being supported by a consistent intent of law enforcement and a high public legal awareness to reject all forms of sexual violence against children (Law No. 12 of 2022, p. 22).

3.2. Obstacles and Efforts to Strengthen Protection for Child Victims of Sexual Violence

The main obstacle in implementing legal protection for child victims of sexual violence in Indonesia lies in the weak legal awareness and culture of the community. In various social realities, sexual violence against children is still seen as a taboo and family disgrace that must be tightly hidden from the public. Negative social stigmas are often cast upon child victims, triggering shame, isolated emotional trauma, and a deep fear of reporting to law enforcement authorities. Patriarchal culture and compromising habits in some areas also often push victims' families to agree to a "peaceful" route or accept meager material compensation, without considering the psychological recovery of the child continuously (Wahyuni & Pratama, 2025, p. 15).

The limited capacity and awareness of law enforcement officers in handling cases of child victims of sexual violence is a highly crucial structural obstacle. There are still investigators who prioritize rigid examination methods, corner the victims, or ask sensitive questions that trigger recurrent trauma in children. This is triggered by a lack of specialized training on handling cases based on children's rights and trauma psychology for police investigators, prosecutors, and

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judges in regional areas. Without adequate expertise qualifications, the evidentiary process often runs burdensomely and terrifyingly for the child (Fitriani, F., 2020, p. 95).

Obstacles from the aspect of limited law enforcement supporting facilities and infrastructure also play an important role. Many regions in Indonesia do not yet have Special Service Rooms (RPK) that are child-friendly at Police Headquarters, as well as a limited number of clinical psychologists and child psychiatrists assigned to accompany victims when providing legal statements. The lack of adequate and free psychiatric **visum et repertum** facilities in remote areas often causes the fulfillment of scientific evidence (**scientific crime investigation**) to be hampered and time-consuming. Consequently, the processing of criminal cases often drags on, prejudicing the victim's legal standing (Lubis, 2017, p. 143).

Substantive legal issues regarding the regulation of evidence for sexual crimes are also a complicated challenge. In the Criminal Procedure Code (Law No. 8 of 1981 / KUHP), the minimum requirement of two valid pieces of evidence (**unsus pembuktian**) is often difficult to fulfill in cases of child sexual violence that occur hidden without the presence of eyewitnesses (**vis-à-vis**). The sole testimony of the child victim is often doubted for its validity in court if not accompanied by other witnesses. Although the UU TPKS has updated these evidentiary provisions, the technical understanding of trial officials in practicing the new rules is still considered uneven across all levels of the judiciary (Law No. 8 of 1981, p. 30).

Efforts to strengthen the protection of child victims of sexual violence must begin by conducting restructuring and capacity building for law enforcement officers systematically. Periodic training oriented towards understanding children's rights, handling trauma, and mastering child-sensitive examination techniques is required for the ranks of the Police, Prosecutors, and Judiciary. The establishment of special units for handling women and children supported by experienced and professional personnel must be realized evenly down to the Sector Police (Polsek) level in rural areas (Alfiani, 2022, p. 275).

Synergy and optimization of coordination among government and non-government agencies become the next key strategy in strengthening the protection system. In accordance with the provisions of Law Number 23 of 2014 concerning Regional Government, regional governments have the authority and obligation to organize optimal protection services for women and children. Strengthening the roles of UPTD PPA, Social Services, Regional Hospitals, LPSK, and Non-Governmental Organizations (NGOs) must be accommodated in an integrated referral system to accelerate the process of legal, medical, and psychosocial assistance for victims (Law No. 23 of 2014, p. 88).

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The utilization of information technology and secure and confidential electronic reporting systems need to be developed to facilitate complaint access for victims or communities who witness sexual violence. Online-based complaint applications connected directly to the Police and UPTD PPA can cut through convoluted bureaucratic paths and guarantee identity protection for reporters. This technological innovation approach is highly relevant to reach out to digital generation children who need access to protection quickly, easily, and with guaranteed confidentiality (Yusnita, 2021, p. 30).

These legal protection strengthening steps will not succeed optimally without a periodic monitoring and evaluation system towards the course of the law enforcement process. The Indonesian Child Protection Commission (KPAI) as established based on Law Number 35 of 2014 concerning Child Protection, must optimize its supervisory function over the performance of investigative and judicial institutions in handling sexual violence cases. This strict supervision aims to ensure that the entire series of ongoing legal processes always complies with child protection standards and prioritizes the best interests of the future of child victims of sexual violence (Savitri, 2020, p. 280).

4. Conclusion

Legal protection for child victims of sexual violence is an absolute constitutional mandate that goes beyond mere formal justice, aiming for substantive recovery and the best interests of the child. While Indonesia has developed a progressive normative framework, notably through the enactment of the Crimes of Sexual Violence Law (UU TPKS) and various supporting regulations, the gap between written law and field implementation remains prominent. The current legal instruments have theoretically accommodated procedural and substantive rights, including restitution, physical protection, and psychological assistance, yet their execution is often hindered by complex practical constraints. The enforcement of these legal protections faces multidimensional obstacles. Culturally, entrenched social stigmas and victim-blaming attitudes often silence victims, forcing families to hide the crimes or pursue compromised, out-of-court settlements that severely prejudice the child's future. Structurally, the limited capacity of law enforcement officers in applying child-sensitive examination techniques, coupled with inadequate child-friendly infrastructure and psychiatric facilities in regional areas, frequently results in secondary victimization. Furthermore, rigid interpretations of evidentiary requirements sometimes fail to accommodate the clandestine nature of sexual crimes, making the legal process daunting and burdensome for the child.

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