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

Protection And Law Enforcement for Child Victims of Sexual Violence in the Perspective of Justice

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Abstract. *This article examines the protection and law enforcement for child victims of sexual violence from the perspective of justice. Child sexual violence constitutes a grave violation of human rights that demands a comprehensive legal and structural response. Utilizing normative legal research with a socio-legal approach, this study analyzes international instruments, national statutes, constitutional mandates, and law enforcement mechanisms to evaluate how justice is administered for vulnerable minors. The findings reveal that while national regulations such as the Child Protection Act and the Sexual Violence Crime Act provide robust normative frameworks, practical implementation still faces significant hurdles, including rigid evidentiary procedures, psychological trauma, secondary victimization, and entrenched patriarchal cultures. Consequently, achieving substantive justice requires a paradigm shift from offender-oriented punishment to victim-oriented rehabilitation, ensuring mandatory restitution, specialized child-friendly judicial processes, and proactive state intervention. Ultimately, safeguarding child victims mandates an integrated synergy between robust legal enforcement, absolute offender accountability, and comprehensive social support systems to restore the dignity and secure the future of the victims.*

Keywords: *Child; Enforcement; Law; Protection; Restorative.*

1. Introduction

Sexual violence against children is one of the most heinous forms of human rights violations and has become a serious concern worldwide (Alexander, 2018). Children, as vulnerable groups still in the stage of physical and mental development, are often the primary targets of sexual offenders who exploit their weak bargaining position. This phenomenon not only strips victims of their childhood but also systematically destroys their future. International law, through its various instruments, has affirmed that every state has an absolute obligation to create a comprehensive legal protection framework for children (Brown, 2016). Such protection goes

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beyond merely penalizing offenders; it must also center on prevention, handling, and victim recovery. The perspective of justice in this context demands active state intervention to rebalance rights wrongfully stripped from children and to ensure that applicable laws truly prioritize the best interests of the child. Assessing regulations and the effectiveness of this legal protection is essential given that child sexual violence cases continue to rise annually across various jurisdictions.

The psychological and physical impacts of sexual violence on children are massive, destructive, and long-lasting (Robertson, 2020). Child victims frequently experience profound trauma, post-traumatic stress disorder (PTSD), severe depression, excessive anxiety, and tendencies toward self-harm or suicide. This shattered psychological state worsens when the operating criminal justice system generates secondary victimization throughout investigation and trial proceedings. Consequently, justice approaches must prioritize extraordinary caution when handling child victims. Rigid courtroom spaces and intimidating interrogation procedures often make children reluctant to speak, ultimately benefiting criminal offenders. Providing continuous psychological support facilities, child-friendly courtrooms, and law enforcement personnel with specific sensitivity toward childhood trauma is vital for the judicial system. Only through an integrated psychological approach combined with criminal law can true justice for child victims of sexual violence be realized without sacrificing their mental well-being a second time.

The vulnerability of youth and children to sexual violence frequently stems from an imbalanced power dynamic between perpetrators and victims (Williams, 2021). In many exposed cases, sexual offenders are not strangers; rather, they are individuals within the victims' immediate circle, such as family members, teachers, caregivers, or community figures expected to act as protectors. This abuse of trust leaves child victims confused, frightened, and threatened to report such vile acts. This power dynamic creates a wall of silence that complicates efforts to expose crimes. Law enforcement under the perspective of justice must be capable of dismantling this manipulative power structure by guaranteeing absolute safety for children to speak out. Legal protection cannot remain passive while awaiting reports; it also requires proactive mechanisms from the state and social institutions to detect signs of violence against children. Justice can only be upheld when the law acts as a formidable shield to neutralize intimidation from perpetrators who hold higher authority than victims.

International law plays a vital role in shaping global child protection standards, which are subsequently adopted into respective national legal systems (Brown, 2016). The United Nations Convention on the Rights of the Child serves as the juridical foundation obligating state parties to protect children from all forms of sexual exploitation and abuse. Implementing this

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international instrument requires states to reform criminal justice systems, adapt definitions of sexual violence, and increase criminal penalties to deliver significant deterrent effects. Additionally, international standards mandate cross-border cooperation to address increasingly organized child sexual crimes, such as online child pornography and child trafficking for sexual purposes. Adopting international law broadens the view of justice from mere punishment to comprehensive human rights protection. Harmonizing national law with international principles fosters a robust justice system that leaves no room for child sexual predators anywhere.

A global overview of minor justice systems reveals diverse disparities in approaches across nations, directly impacting the success rates of resolving child sexual violence cases (Jenkins, 2019). Several developed nations have implemented highly progressive specialized justice systems where children avoid direct confrontation with offenders, and testimony can be delivered via video recording or closed-circuit television. This comprehensive justice system recognizes children's limitations in structuring memories and conveying event chronologies under pressure. Conversely, in other jurisdictions, children are still treated like adult witnesses subjected to exhausting and harrowing proof processes. This global comparison yields an important lesson: justice for child victims cannot be measured solely by the length of prison sentences imposed on offenders, but also by how humanely the legal system treats victims throughout the process. Nations lagging in providing child-friendly judicial services must immediately evaluate and restructure legal systems to meet universal justice standards.

Judicial responses to child sexual exploitation and abuse frequently measure a nation's commitment to upholding social justice (Thompson, 2017). Judges, prosecutors, and police forces acting as the vanguard of the criminal justice system must possess progressive paradigms rather than adhering rigidly to statutory texts. Numerous trials present complex evidentiary challenges because child sexual violence typically occurs in enclosed spaces without eyewitnesses (*unus testis nullus testis*). However, justice must never be hindered by procedural law rigor irrelevant to the characteristics of this crime. Modern jurisprudence begins recognizing the value of psychological expert testimony, clinical forensic evidence, and child behavioral analysis as valid and robust legal tools to convict offenders. Therefore, adaptive and innovative judicial responses are indispensable to bridge legal gaps that frequently allow perpetrators to escape criminal liability. Judicial courage in formulating victim-oriented rulings is crucial to proving that the law genuinely protects marginalized children.

Comprehensive evaluations of court systems handling child trauma remain absolute prerequisites for ensuring justice transcends theoretical jargon (Davis, 2022). Such evaluations must cover case handling speeds, supporting infrastructure availability, and the quality of court

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rulings regarding victim restitution and rehabilitation. Protracted handling of sexual violence cases prolongs children's suffering, generates legal uncertainty, and ultimately shatters public trust in judicial institutions. Ideal court systems must operate efficiently, responsively, and in coordination with social and health service agencies. Furthermore, transparency in case handling while preserving victim identity confidentiality serves as an essential indicator of an integrity-driven court. Critical evaluations of this system are expected to generate concrete policy improvements, ensuring every law enforcement process genuinely respects the dignity and future of victimized children.

The discourse surrounding restorative justice implementation in sexual violence cases involving child victims remains fiercely debated among international legal academics and practitioners (Martinez, 2019). On one hand, this concept promises more holistic conflict resolution by bringing perpetrators, victims, and communities together to repair incurred damage. On the other hand, applying restorative justice to sexual offenses severely risks endangering children, ignoring power disparities, and reducing crime severity to ordinary offenses. Consequently, numerous jurisdictions explicitly ban out-of-court settlements for child sexual crimes to prevent impunity for sexual predators. Nevertheless, positive elements of restorative justice—such as emphasizing victims' rights to material and immaterial compensation alongside intensive rehabilitation programs—can still be integrated into formal criminal justice systems. Consequently, administered justice remains complete, punishing offenders severely while maximally guaranteeing the rehabilitation of child victims' lives.

2. Research Methods

This scientific article employs normative legal research adopting a comprehensive socio-legal approach (Santoso, 2018). This approach transcends dogmatic examination of statutory texts, legal documents, and literature by analyzing how law functions and is implemented within social reality. Collected data originates from secondary sources comprising primary legal materials (laws and regulations), secondary legal materials (scientific journals, books, and prior research), and tertiary legal materials (legal dictionaries and encyclopedias). Data collection utilizes in-depth library research to systematically trace documents relevant to the protection and law enforcement for child victims of sexual violence. Following data collection, qualitative analysis is performed by elaborating, interpreting, and constructing data into a logical and argumentative framework. This analytical method aims to uncover coherence truth, evaluating alignment between legal norms governing child protection and justice principles while identifying obstacles occurring during law enforcement processes.

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3. Results and Discussion

3.1. Legal Protection for Child Victims of Sexual Violence

Constitutional protection for children who become victims of criminal acts serves as the ultimate foundation demonstrating state commitment to safeguarding future generations (Hidayat, 2019). The constitution mandates that every citizen, regardless of age, holds the right to safety and protection from fear regarding acts or omissions constituting fundamental human rights. Within the context of child sexual violence, such protection translates into affirmative state policies prioritizing child safety and recovery within national development agendas. The state cannot remain absent when basic child rights are stripped by violent acts destroying human dignity. Such constitutional guarantees bind all state apparatuses—legislative, executive, and judicial—to create derivative legal instruments favoring children. Consequently, any state negligence in protecting child victims of sexual violence constitutes a violation of constitutional mandates, demanding state accountability under constitutional law.

The foundational anchor of Indonesia's state obligation to protect children is explicitly embedded within the supreme constitutional framework (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945). Specifically, the constitution guarantees every child the right to survival, growth, and development, alongside protection from violence and discrimination. This provision represents not merely moral declarations but supreme legal norms serving as the source of all Indonesian legal frameworks concerning child welfare. Robust constitutional regulation provides strong legitimacy for establishing specific legislation governing child protection while requiring all state elements to actively eradicate sexual crimes. Child sexual violence directly breaches children's constitutional rights to optimal growth and development. Consequently, the state is obligated to manifest its presence through authoritative law enforcement and rehabilitation systems guaranteeing the fulfillment of forcibly seized child rights.

Fulfilling restitution rights for child victims of sexual violence is a crucial element in achieving substantive justice within Indonesia's criminal justice system (Aminah, 2020). Restitution represents financial compensation charged to criminal offenders for suffering, medical treatment costs, and psychological damage sustained by victims. Historically, offender punishment focused heavily on retributive approaches viewing imprisonment as the ultimate crime resolution while ignoring victim conditions. Conversely, child victims require substantial funding for long-term psychological therapy, medical treatment, and social functioning recovery. Granting restitution rights juridically balances offender penalties against civil responsibilities toward ruined victim futures. Nevertheless, restitution implementation within

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Judicial practice faces numerous hurdles, including difficulties evaluating immaterial losses and offender evasion from payment duties, demanding more pro-victim procedural law reforms.

Regarding compensation enforcement, the government issued technical regulations providing legal certainty and clear procedures for victims to claim restitution rights from criminal offenders (*Peraturan Pemerintah Nomor 43 Tahun 2017 tentang Pelaksanaan Restitusi Bagi Anak yang Menjadi Korban Tindak Pidana*). This implementing regulation resolves law enforcement and victim confusion concerning petition mechanisms, calculations, and execution of restitution during criminal trials. Regulations obligate public prosecutors to proactively inform victims regarding restitution rights starting from investigation stages, incorporating compensation demands into criminal indictments. Enforcement mechanisms also seize offender assets when perpetrators refuse or fail to pay court-ordered restitution. Although normatively robust, field implementation requires strong synergy among police, prosecutors, courts, and LPSK, proving continuous state efforts perfecting legal infrastructure to restore victimized children.

Victimologically, child sexual violence victims must not be treated merely as criminal objects useful for proving offender guilt (Wahyuni, 2018). Victimological analysis emphasizes that child victims suffer multidimensional pain requiring healing interventions across scientific disciplines rather than formal-judicial handling alone. Judicial systems frequently ignore latent victim suffering due to preoccupation with formal statutory proof requirements. Victimology teaches that criminal justice systems must be reconstructed to become more humanized and sensitive to psychological victim needs, preventing revictimization by law enforcement, mass media, and local communities. This approach demands shifting legal focus from offender-oriented to victim-oriented frameworks. Understanding trauma dynamics experienced by minors enables states to formulate targeted, just, and dignified protection policies.

Within bureaucratic and institutional realms, specialized ministries handling women's empowerment and child protection provide robust frameworks coordinating national policies (*Peraturan Presiden Nomor 65 Tahun 2020 tentang Kementerian Pemberdayaan Perempuan dan Perlindungan Anak*). Regulations governing ministerial institutional structures define central government duties and functions in formulating, establishing, and monitoring execution policies concerning special protection for child violence victims. Through this ministry, cross-sectoral programs are initiated, including Regional Technical Implementation Units for Women and Children Protection (UPTD PPA) distributed regionally to deliver emergency response, legal assistance, and counseling. Synergy between central and regional governments orchestrated by this ministry represents a vital indicator of state seriousness in severing sexual violence cycles.

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Institutional support manifested in regulations confirms child cases require centralized, structured management with adequate budgets to achieve victim justice.

Enacting recent specific sexual violence legislation marks a historic milestone within modern Indonesian criminal justice systems (*Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual*). This statute arose from strong civil society demands recognizing legal vacuums and overlapping rules complicating sexual violence handling, particularly affecting women and children. This statute expands definitions of sexual violence previously unreached by the Criminal Code and radically overhauls evidentiary procedures previously burdensome to victims. Enacting this legislation allows single victim testimonies supported by one other valid evidence piece to establish offender guilt, dismantling impunity shields protecting criminals. Furthermore, regulations fully recognize victim rights spanning prevention, handling, protection, and recovery, reflecting justice victories for all children once victims of systemic injustice.

3.2. Law Enforcement and the Perspective of Justice

Criminal law enforcement against child sexual offenders occupies a strategic position representing state functions as guardians of justice and social order (Purnomo, 2019). Law enforcement agencies hold moral and juridical responsibilities extending beyond formal procedures; they must deliver charges and rulings reflecting justice for victim suffering. Light sentencing historically awarded to child sexual offenders established negative precedents injuring public justice senses and lacking significant deterrent effects. Consequently, progressive criminal law demands law enforcement to apply pro-victim legal interpretations prioritizing maximum penalty aggravations for child predators. Firm and uncompromising stances enforcing criminal law communicate publicly that child sexual violence constitutes an extraordinary crime carrying fatal consequences for perpetrators.

Modern legal systems face complexity when sexual offenders themselves retain minor status as Children in Conflict with the Law (*Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak*). Addressing this issue, states maintain dedicated legal frameworks governing juvenile criminal justice systems, philosophically aiming to divert children from formal criminal justice processes maximally and prevent stigmatization. Diversion concepts and restorative justice form core regulations where case resolutions ideally occur outside courts through deliberations among offender families, victim families, and communities. However, applying this principle to sexual violence introduces distinct justice challenges due to profound trauma difficult to repair solely via social deliberation. Consequently, law enforcement must

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carefully balance offender rehabilitation rights against victim entitlements to authentic justice and security.

Restorative justice perspectives adopted across judicial systems require sharp critique when confronted with child sexual violence cases (Pertiwi, 2021). True restorative justice avoids eliminating offender criminal liability, instead striving to restore balances disrupted by crimes. Within sexual violence contexts, restoring balance is frequently misinterpreted as "peace agreements" via financial compensation to victim families, injuring human dignity. Police or prosecutorial discretion utilizing restorative justice grounds to terminate child sexual cases perpetuates impunity cultures and constitutes judicial betrayal. Restorative values must manifest as comprehensive victim rehabilitation programs facilitated by states while offenders serve proportional prison sentences within correctional facilities.

Violations against physical, mental, and sexual integrity of children constitute fundamental human rights violations outlined by national legal instruments (*Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia*). States guarantee citizen rights, particularly vulnerable groups like children, to remain free from torture, degrading treatment, and all violence forms. Child sexual violence destroys core human rights by attacking *honor*, bodily integrity, and permanent futures. Recognizing sexual violence as human rights violations implies case resolutions cannot halt at punishing individual offenders; they demand evaluating state omissions in protecting citizens. Consequently, human rights justice perspectives obligate states to provide compensation, medical rehabilitation, and free psychological counseling as state accountability for failed crime prevention.

4. Conclusion

Child sexual violence remains a profound global tragedy that directly undermines the fundamental human rights, dignity, and future development of children. Within the perspective of justice, protecting and enforcing the rights of child victims requires a comprehensive paradigm shift that extends far beyond traditional retributive punishment. Effective legal frameworks must integrate robust international standards with responsive national laws, ensuring that statutory regulations—ranging from constitutional mandates and specific child protection acts to specialized anti-sexual violence legislation—are strictly enforced without compromising the psychological well-being of the victims. Furthermore, the administration of justice must actively dismantle oppressive power dynamics and cultural barriers, such as patriarchal norms, while prioritizing victim-oriented mechanisms like mandatory restitution, specialized child-friendly court procedures, and continuous medical and social rehabilitation. Ultimately, true justice is achieved only when the state demonstrates an unwavering

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commitment through proactive legal protection, absolute accountability for offenders, and comprehensive restorative support, thereby ensuring that child victims are fully empowered to reclaim their lives and secure a safe, dignified future.

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