

Comparative Analysis of the Implementation of Criminal Sanctions Against Perpetrators of Sexual Violence Against Children in Indonesia and Thailand

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Abstract. *This research is based on the numerous cases of child sexual violence that have occurred in Indonesia and Thailand. The purpose of this study is to determine how criminal sanctions are applied to perpetrators of child sexual violence in Indonesia and Thailand. Furthermore, this study also aims to determine the urgency of comparing the application of criminal sanctions to perpetrators of child sexual violence in Indonesia and Thailand in order to reform regulations on child sexual violence in Indonesia. In conducting the analysis, this study uses comparative criminal law theory, criminal law reform, and the objectives of punishment, using a statutory approach. This study employs a normative juridical method with a literature review data collection method. The results of this study indicate that the regulation of criminal sanctions against perpetrators of child sexual violence in Indonesia is regulated in the Child Protection Law, the Law on Sexual Violence Crimes, and the Indonesian Criminal Code, with penalties ranging from imprisonment, fines, life imprisonment, chemical castration, and even the death penalty in certain cases. Meanwhile, Thailand regulates child sexual violence in the Thailand Criminal Code and the Child Protection Act. Sanctions imposed on perpetrators of sexual violence in Thailand include imprisonment, fines, and even the death penalty in certain cases. The contrast between the two countries' criminal sanctions is clear: Thailand focuses primarily on deterring perpetrators, while Indonesia focuses on victim recovery, child psychological protection, prevention, and social rehabilitation. This comparison is crucial for evaluating and updating criminal law regulations in Indonesia to make them more adaptive, effective, and child-protection oriented.*

Keywords: *Comparative; Criminal; Law; Sexual; Violence.*

1. Introduction

Basically, every human being born into this world is granted absolute rights by God, namely Human Rights, which are held by all humans without exception, both adults and children. However, over time, crimes are increasingly prevalent around us, one of which is violence against children. Violence itself is defined as an act defined by law, unless the elements established by criminal law or criminal law have been presented and proven through reasonable doubt, so that a person cannot be charged with committing an act or deed that can be classified as violence.¹ One example of violence that often occurs against children is sexual violence. Sexual violence is a serious form of human rights violation and can have detrimental impacts on individuals and society. Although it has received increased attention from the state and government, many cases of sexual violence still occur and often go unnoticed.²

According to ECPAT (End Child Prostitution in Asia Tourism), child sexual abuse is a relationship or interaction between a child and an adult, such as a family member or a stranger, in which the child is used for sexual gratification through coercion, threats, bribery, or deception. Sexual abuse extends beyond the use of children for sexual gratification, including verbal and non-verbal acts that lead to sexual activity, accompanied by threats, abuse, bribery, deception, or pressure.³

Sexual abuse against children has serious consequences for the victim. Psychologically, child victims can experience profound trauma, it can impact their mental health, including feelings of shame, depression, and post-traumatic stress disorder (PTSD), which can hinder their psychosocial development. Physically, forced sexual acts can cause injury and disruption to reproductive organs and disrupt a child's growth and development. Socially, victims tend to withdraw from others, experience difficulties in social interactions, and lose trust in their surroundings.⁴

According to the Indonesian Child Protection Commission (KPAI), in 2024, 2,057 cases of violence against children were reported, of which 265 were sexual crimes. The figures above indicate that children are the most vulnerable group to sexual violence. Children are often viewed as powerless and dependent on those around them. However, in reality, the perpetrators are often those closest to the victims.

¹Topo Santoso and Eva Achjani Zulfa, 2003. *Criminology*, Raja Grafindo Persada, Jakarta.

²Britney Lauren, "Implementation of a Double Track Sanction System for Corporations in Sexual Violence Crimes in the Workplace." *Lex Generalis Law Journal*, Vol. 5, No. 7, (2024), p. 3, <https://ojs.rewangrencang.com/index.php/JHLG/article/view/561> accessed June 5, 2026.

³Nursariani Simatupang, "Sexual Violence Against Children and Its Prevention", *SANKSI: National Seminar on Law, Social Affairs, and Economics*, Vol. 1, No. 1, (2022), p. 467, <https://jurnal.umsu.ac.id/index.php/sanksi/article/view/10528/pdf> accessed June 5, 2026.

⁴Dewi Safira, Abdul Kholiq, "The Dilemma of Restorative Justice as Impunity for Perpetrators of Sexual Violence Against Children." *Jurnal Daulat Hukum*, Vol. 8, No. 4, (2025), p. 636, <https://jurnal.unissula.ac.id/index.php/RH/article/view/49044> accessed June 5, 2026.

Meanwhile, in the same year, there were 2,250 child victims of sexual abuse across Thailand, of which 561 were boys and 1,689 were girls. Sexual violence in Thailand is regulated by Criminal Code Amendment No. 30, which carries a minimum prison sentence of one year or a maximum of life imprisonment and/or a minimum fine of 20,000 Baht and a maximum fine of 30,000 Baht.

The increasing number of women and children as victims of sexual violence reflects a moral decline in society. As fellow Southeast Asian countries, there are comparisons in the development of the implementation of substance and jurisprudence, both repressive and preventive, in handling cases of sexual violence against children faced by the two countries. This is evident in the significant differences in the literature and legal documents regarding sexual violence and child protection in Indonesia and Thailand.

2. Research Methods

This research method uses a normative juridical research method. A normative juridical research method can be defined as a research method on statutory regulations, both in terms of the hierarchy of legislation (vertical) and the harmony of legislation. The research specification used is descriptive analysis with a library-based data collection method. The data used are sourced from primary, secondary, and tertiary sources. The data obtained are analyzed descriptively.

3. Results and Discussion

3.1 Regulations Governing the Implementation of Criminal Sanctions for Perpetrators of Sexual Violence Against Children in Indonesia and Thailand

Sexual violence against children remains a serious problem that requires special attention from the state, society, and all stakeholders. The high number of cases of sexual violence against children in both countries demonstrates that the existing regulations and criminal penalties specified in legislation have not been fully effective in preventing such crimes. Sexual violence against children not only causes physical suffering but also has long-term psychological, emotional, and social impacts on victims. Therefore, protecting children from all forms of sexual violence must be a priority in the legal system and public policy.⁵

From a legal perspective, both Indonesia and Thailand have regulations specifically addressing the protection of children from sexual violence. In Indonesia, sexual violence against children is regulated by several regulations, such as Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, Law Number 17 of 2016 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning

⁵Maria Isabel Tarigan et al, 2022. Research Report on Regulations related to Sexual Violence and their Accommodation to Legislation in Indonesia, Indonesia Judicial Research Society, Jakarta.

Child Protection, and Law Number 1 of 2023 concerning the Criminal Code. Meanwhile, regulations regarding sexual violence against children in Thailand are regulated by the Thailand Criminal Penal Code and the Child Protection Act of Thailand.

3.2 Comparison of the Implementation of Criminal Sanctions for Perpetrators of Child Sexual Violence in Indonesia and Thailand

The enforcement of criminal sanctions for perpetrators of child sexual violence in Indonesia and Thailand is strictly regulated in the laws and regulations of each country. These regulations demonstrate the state's commitment to providing legal protection for children as the group most vulnerable to various forms of violence and sexual exploitation. There are significant similarities and differences between the legal systems of Indonesia and Thailand in imposing criminal sanctions for perpetrators of child sexual violence. Both countries recognize that child sexual violence is a serious crime that threatens the rights, dignity, and future of children and therefore requires firm legal action.

For child rape, Indonesia regulates criminal sanctions through the Child Protection Law and the New Criminal Code, where perpetrators can be sentenced to a minimum of 5 years and a maximum of 15 years in prison, which can be increased to 20 years, life imprisonment, or the death penalty if it results in serious injury, mental illness, infectious disease, loss of reproductive function, or death of the victim. In addition to the main punishment, Indonesia also recognizes additional punishments in the form of chemical castration, installation of electronic detection devices, and announcement of the perpetrator's identity.

Meanwhile, Thailand's Criminal Code imposes severe penalties for child rape, with prison sentences ranging from four to 20 years, life imprisonment, and even the death penalty in certain circumstances. Thailand provides stricter protection for children from various forms of sexual exploitation, both physical and non-physical.

In Indonesia, perpetrators of child abduction or kidnapping for sexual purposes can face a maximum of seven years in prison. In Thailand, the penalty for child abduction or kidnapping for sexual purposes is based on the victim's age. If the child is under 15, the penalty is heavier than for victims aged 15 to 18. For children under 15, perpetrators can face up to seven years in prison and a fine of 14,000 Baht. Meanwhile, for children aged 15-18, the penalty is five years or a fine of 10,000 Baht.

For child prostitution and child sexual exploitation, both Indonesia and Thailand consider these acts to be serious crimes. In Indonesia, perpetrators of child prostitution can face a prison sentence of 9 to 10 years. Meanwhile, in Thailand, the penalties are more severe, with imprisonment ranging from 7 to 20 years, although in certain cases, life imprisonment is possible. This demonstrates both

countries' commitment to eradicating the widespread practice of child prostitution and sexual exploitation.

Furthermore, in cases of child pornography, Indonesia prescribes criminal sanctions under the Pornography Law, which carries a minimum prison sentence of 6 months and a maximum of 6 years and/or a fine of between Rp. 250,000,000 and Rp. 3 billion. Meanwhile, Thailand imposes a prison sentence of between 5 and 10 years for perpetrators of child pornography who produce, distribute, sell, or possess child pornography. This demonstrates that efforts to prevent the circulation of child pornography are being undertaken to reduce the number of child pornography cases by imposing strict sanctions on perpetrators.⁶

Both Indonesia and Thailand share the same goal of protecting children from all forms of sexual violence. However, there are differences in the approaches used in sentencing. Indonesia tends to combine imprisonment, fines, and additional penalties such as chemical castration and the installation of electronic detection devices. In contrast, Thailand prioritizes a repressive approach through the threat of punishment, based on the belief that punishment can have a strong deterrent effect on both perpetrators and the community, thereby reducing the number of sexual crimes against children.

3.3 The Urgency of Comparing the Implementation of Criminal Sanctions Against Perpetrators of Sexual Violence Against Children in Indonesia and Thailand in Reforming the Regulations on Criminal Acts of Sexual Violence Against Children in Indonesia

A comparison of the implementation of criminal sanctions against perpetrators of sexual violence against children in Indonesia and Thailand is an important study for criminal law reform and improving child protection in Indonesia. As a country that upholds the rule of law, Indonesia is obliged to ensure the protection of human rights, including the right of children to live, grow, and develop, and to be protected from all forms of violence and sexual exploitation. Therefore, effective regulations and the implementation of appropriate criminal sanctions are essential tools for ensuring justice and legal protection for child victims.

This comparison demonstrates that Indonesia and Thailand share a commitment to eradicating sexual violence against children, but adopt different approaches to their respective criminal justice systems. Thailand tends to apply harsher and stricter criminal sanctions against perpetrators, with the aim of providing a strong deterrent effect and preventing recurrence of the crime. Indonesia, on the other hand, adopts a more comprehensive approach, combining criminal sanctions against perpetrators with protection of victims' rights, including rehabilitation,

⁶Abunawas et al, "Comparison of Criminal Regulations on Sexual Violence Against Children in Indonesia and Thailand", *Al-Ahkam: Journal of Islamic Criminal Law*, Vol. 5, No. 2, (2023), p. 124, <http://journal.uiad.ac.id/index.php/al-ahkam/index> accessed June 5, 2026.

social reintegration, psychological support, legal aid, compensation, and social reintegration.⁷

The urgency of this legal comparison lies in optimizing criminal sanctions to strike a balance between punishment and victim protection. Thailand's implementation of strict penalties can serve as a reference for Indonesia in strengthening the effectiveness of law enforcement for perpetrators of sexual violence against children. Furthermore, Indonesia has made significant progress with regulations that focus not only on punishment but also on the full rehabilitation of victims.

This comparison also underscores the importance of strengthening victim protection as part of the criminal justice system. Child victims of sexual violence require preventive, repressive, and rehabilitative protection to minimize the physical, psychological, and social consequences for them. This protection must be guaranteed from the time the crime is reported until rehabilitation. Therefore, the success of prosecutions is measured not only by the severity of the punishment imposed on the perpetrator but also by the state's ability to rehabilitate and protect the victim.

Furthermore, evaluating existing regulations is a crucial step to ensure that they can address increasingly complex forms of sexual violence. Although Indonesia has a relatively comprehensive legal framework, consisting of the Sexual Violence Law, the Child Protection Law, and the revised Criminal Code, several challenges remain in its implementation. These challenges include underreporting of cases, limited rehabilitation services for victims, social stigma, and a lack of coordination between law enforcement agencies and child protection organizations.

Therefore, the results of this comparison between Indonesia and Thailand can serve as a basis for reforming Indonesian criminal law, particularly to increase the effectiveness of criminal sanctions, strengthen victim protection, and align existing laws and regulations with child protection needs. With ongoing legal reform supported by effective law enforcement, it is hoped that Indonesia's child protection system will be strengthened to prevent, combat, and suppress sexual violence against minors, thereby ensuring justice, legal certainty, and maximum protection for every child.

4. Conclusion

Based on the research results, it can be concluded that Indonesia and Thailand are both strongly committed to protecting children from sexual violence and have established strict penalties in their respective laws and regulations. However, there are differences in their approaches to punishment. Thailand tends to

⁷Rosita Novi Andari, "Evaluation of the Policy for Handling Sexual Violence Crimes Against Children in Indonesia," *Scientific Journal of Legal Policy*, Vol. 11, No. 1, (2017), p. 5-6, <https://lawpolicyjournal.id/index.php/kebijakan/article/view/86> accessed June 5, 2026.

implement more repressive penalties and threatens heavier sanctions to create a deterrent effect, while Indonesia combines punishment with victim protection and rehabilitation through legal and psychological assistance. This comparison shows that the effectiveness of eradicating sexual violence against children depends not only on the severity of the penalties but also on the capacity of the legal system to provide comprehensive protection for victims. Therefore, the results of this comparison can serve as a basis for reforming the Indonesian legal system, particularly in terms of optimizing penalties, strengthening victim protection, and improving prosecutions to ensure justice, legal certainty, and maximum protection for child victims of sexual violence.

5. References

Journal:

- Abunawas et al, "Perbandingan Peraturan Tindak Pidana Kekerasan Seksual Terhadap Anak di Indonesia dan Thailand", *Al-Ahkam: Jurnal Hukum Pidana Islam*, Vol. 5, No. 2, (2023), p. 124, url: <http://journal.uiad.ac.id/index.php/al-ahkam/index>
- Britney Lauren. "Implementasi Sistem Sanksi Dua Jalur (Double Track System) Bagi Korporasi Dalam Tindak Pidana Kekerasan Seksual Di Lingkungan Kerja". *Jurnal Hukum lex Generalis*, Vol. 5, No. 7, (2024), p. 3. url: <https://ojs.rewangrencang.com/index.php/JHLG/article/view/561>
- Dewi Safira, Abdul Kholiq. "The Dilemma of Restorative Justice as Impunity for Perpetrators of Sexual Violence Against Children". *Jurnal Daulat Hukum*, Vol. 8, No. 4, (2025), p. 636. url: <https://jurnal.unissula.ac.id/index.php/RH/article/view/49044>
- Nursariani Simatupang. "Kekerasan Seksual Terhadap Anak Dan Pencegahannya", *SANKSI: Seminar Nasional Hukum, Sosial, dan Ekonomi*, Vol. 1, No. 1, (2022), p. 467. url: <https://jurnal.umsu.ac.id/index.php/sanksi/article/view/10528/pdf>
- Rosita Novi Andari, "Evaluasi Kebijakan Penanganan Kejahatan Kekerasan Seksual Terhadap Anak Di Indonesia", *Jurnal Ilmiah Kebijakan Hukum*, Vol. 11, No. 1, (2017), p. 5-6, url: <https://lawpolicyjournal.id/index.php/kebijakan/article/view/86>

Book:

- Topo Santoso dan Eva Achjani Zulfa, 2003. *Kriminologi*, Raja Grafindo Persada, Jakarta;
- Maria Isabel Tarigan et al, 2022. *Laporan Penelitian Pengaturan terkait Kekerasan Seksual dan Akomodasinya terhadap Peraturan Perundang-Undangan di Indonesia*, Indonesia Judicial Research Society, Jakarta.

Regulation:

Law Number 1 of 2023 concerning the Criminal Code.

Law Number 12 of 2022 concerning the Prevention and Handling of Criminal Acts
of Sexual Violence.
Thailand Criminal Code Amendment No. 30.