

Justice Dilemma: Prison for Child Offenders or Recovery for Victims of Sexual Violence in Jepara?

Dilema Keadilan: Penjara bagi Anak Pelaku atau Pemulihan Korban Kekerasan Seksual di Jepara?

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Abstract

This research explores the dilemma of law enforcement in cases of sexual violence against children in Jepara. The study analyzes two conflicting perspectives: the imposition of prison sentences on child offenders and efforts for the recovery of victims. A normative research method is used through the analysis of regulations, particularly related to the Child Criminal Justice System Law, and the analysis of court decisions from the Jepara district court from 2019 to 2024. The results indicate the complexity in the application of law that considers aspects of juvenile punishment and victim protection. On one hand, there is a demand for justice from victims who want severe punishment for the perpetrators. On the other hand, there are concerns about the negative impact of detention on



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the perpetrator's child, who may need rehabilitation and guidance more. Research highlights the importance of a holistic and integrated approach in handling cases of sexual violence against children, which considers the interests of victims and restorative justice efforts for child perpetrators. This research provides policy recommendations that favor the recovery of victims and the rehabilitation of child perpetrators, as well as emphasizing the importance of synergy among related institutions in addressing cases of sexual violence against children in Jepara.

KEYWORDS *Criminalization, Victim Recovery, Children's Rights.*

Abstrak

Penelitian ini mengeksplorasi dilema penegakan hukum dalam kasus kekerasan seksual terhadap anak di Jepara. Studi ini menganalisis dua perspektif yang saling bertentangan yaitu penjatuhan hukuman penjara terhadap anak pelaku dan upaya pemulihan bagi korban. Metode penelitian normatif digunakan melalui analisis peraturan perundang-undangan khususnya terkait UU SPPA dan analisis putusan pengadilan negeri Jepara dari tahun 2019 s.d. 2024. Hasil penelitian menunjukkan adanya kompleksitas dalam penerapan hukum yang mempertimbangkan aspek pemidanaan anak dan perlindungan korban. Di satu sisi, terdapat tuntutan keadilan bagi korban yang menginginkan pelaku dihukum berat. Di sisi lain, terdapat kekhawatiran akan dampak negatif penahanan bagi anak pelaku, yang mungkin lebih membutuhkan rehabilitasi dan pembinaan. Penelitian menyoroti pentingnya pendekatan yang holistik dan terintegrasi dalam menangani kasus kekerasan seksual terhadap anak, yang memperhatikan kepentingan korban dan upaya restoratif justice bagi pelaku anak. Penelitian ini memberikan rekomendasi kebijakan yang lebih berpihak pada pemulihan korban dan rehabilitasi pelaku anak, serta menekankan pentingnya sinergi antar lembaga terkait dalam penanganan kasus kekerasan seksual terhadap anak di Jepara.

KATA KUNCI Pemidanaan; Pemulihan Korban; Hak Anak.

Introduction

The restorative approach is not sufficient to guarantee justice for victims of sexual violence, considering the highly detrimental and traumatic nature of this crime. The comprehensive recovery of victims, including physical, psychological, social, and legal aspects, must be the main objective in every resolution process for sexual violence cases.¹ The law in Indonesia tends to focus on punishing offenders rather than rehabilitating victims, thus there is a need for a shift in orientation to prioritize the rights of victims to protection, restitution, and appropriate compensation.² In accordance with the Child Criminal Justice System Act, imprisonment for children who conflict with the law is a last resort. The main objective is to provide the best protection for the child through various rehabilitation efforts, including giving warnings.³

In order to protect the development of child victims of sexual abuse from the negative impacts of criminal sanctions, their handling must be based on laws for child protection and the juvenile criminal justice system, focusing on humane treatment and the fulfillment of their rights.⁴ Children as perpetrators of sexual violence pose a significant dilemma within the criminal justice system, as it must balance the protection of children's rights as mandated by Law Number 11 of 2012 concerning the Juvenile Criminal Justice System hereinafter referred to as the SPPA Law with the juvenile's criminal responsibility for their actions. Protection for victims of sexual abuse in Indonesia is realized through various forms of rehabilitation such as mental and social rehabilitation as well as

¹ Asit Defi Indriyani, "Pendekatan Restorative Justice Dalam Melindungi Korban Kekerasan Seksual," *IJouGS: Indonesian Journal of Gender Studies* 2, no. 2 (December 28, 2021), <https://doi.org/10.21154/ijougs.v2i2.3284>.

² Atikah Rahmi, "Pemenuhan Restitusi Dan Kompensasi Sebagai Bentuk Perlindungan Bagi Korban Kejahatan Seksual Dalam Sistem Hukum Di Indonesia," *DE LEGA LATA: Jurnal Ilmu Hukum* 4, no. 1 (July 30, 2019): 140–59, <https://doi.org/10.30596/dll.v4i2.3173>.

³ Trian Diarsa and Sarwirini, "Menggali Hakikat Dan Makna Pidana Peringatan Sebagai Pidana Pokok Dalam Sistem Peradilan Pidana Anak," *Media Iuris* 5, no. 3 (October 31, 2022): 507–28, <https://doi.org/10.20473/mi.v5i3.35865>.

⁴ Pujo Santoso, Siswantari Pratiwi, and Saefullah, "Penegakan Hukum Bagi Anak Pelaku Tindak Pidana Kekerasan Seksual Terhadap Anak," *Jurnal Sosial Humaniora Sigli* 7, no. 2 (July 2, 2024), <https://doi.org/https://doi.org/10.47647/jsh.v7i2.2417>.

restitution, as stipulated in the TPKS Law.

If we look at the laws governing child protection, we will find articles that specifically protect the rights of children who are victims of sexual violence.⁵ In dealing with children in conflict with the law, including cases of rape, the preferred approach is rehabilitation and recovery, not just punishment. This is carried out with consideration for the best interests of the child, both as a perpetrator and a victim.⁶ For optimal child protection, a rehabilitative approach in cases of sexual violence requires multisectoral collaboration, access to comprehensive services, public education, and periodic evaluation.

The juvenile criminal justice system provides comprehensive protection for child victims of sexual assault, including the right to rehabilitation, legal assistance, and safety guarantees, as well as the right to obtain information related to their case.⁷ The community needs to be invited to understand that children who are victims of sexual violence are victims of crime. Law enforcement and correctional institutions must also actively participate in providing protection and support to the victims.⁸ Law Number 11 of 2012 concerning the Child Justice System, particularly Article 18, mandates that all parties involved in the juvenile justice process, from community mentors to advocates, are obliged to prioritize the best interests of the child who is the victim.

There is a tendency to blame the victims of sexual violence, as if their actions caused the event. In fact, it is the victims who should receive justice and protection.⁹ Many law enforcement

⁵ Diana Yusyanti, "Perlindungan Hukum Terhadap Anak Korban Dari Pelaku Tindak Pidana Kekerasan Seksual," *Jurnal Penelitian Hukum De Jure* 20, no. 4 (December 10, 2020): 619, <https://doi.org/10.30641/dejure.2020.V20.619-636>.

⁶ Astrid Ayu Pravitra, "Anak Yang Berkonflik Dengan Hukum Yang Melakukan Pemerkosaan Terhadap Anak," *Media Iuris* 1, no. 3 (December 18, 2018): 401, <https://doi.org/10.20473/mi.v1i3.10158>.

⁷ Juanda Juanda, "Perlindungan Hukum Terhadap Anak Korban Tindak Pidana Persetubuhan," *JATISWARA* 36, no. 3 (November 29, 2021): 250–61, <https://doi.org/10.29303/jtsw.v36i3.340>.

⁸ Dani Krisnawati and Ria Restu Wikansari, "Addressing the Challenges in Protecting Child Victims of Sexual Violence within Non-Formal Education Institutions," *Sriwijaya Law Review* 8, no. 2 (July 31, 2024): 249, <https://doi.org/10.28946/slrev.Vol8.Iss2.2987.pp249-268>.

⁹ Erika Putri Wulandari and Hetty Krisnani, "Kecenderungan Menyalahkan Korban (Victim-Blaming) Dalam Kekerasan Seksual Terhadap Perempuan Sebagai Dampak Kekeliruan Atribusi," *Share: Social Work Journal* 10, no. 2 (February 12, 2021): 187,

officers misunderstand the application of restorative justice in sexual violence cases. They tend to impose mediation or reconciliation between the perpetrator and the victim, which results in deeper trauma for the victim.¹⁰ Preventing sexual violence against children requires consistent and sustainable policies that always refer to children's rights and the actual conditions of society.¹¹ The recommended policy is to strengthen the understanding of law enforcement officials about the principles of non-discrimination and victim recovery, accompanied by a holistic and child rights-based support system.

Most cases of Children in Conflict with the Law (ABH) in Jepara Regency are related to sexual violence, as reported by the local DP3AP2KB.¹² The legal process against child sexual violence perpetrators is often hampered by a lack of medical evidence and weak inter-agency coordination, while the existing legal system is not responsive enough to the comprehensive prevention and handling of cases.¹³ The UUPA as a special regulation for child protection imposes strict sanctions, including chemical castration, in response to sexual crimes in detail and aims to serve as a deterrent for offenders.¹⁴ The ratification of the Law on the Crime of Sexual Violence UU TPKS is a significant advancement in strengthening the protection for children who are victims of sexual violence.

<https://doi.org/10.24198/share.v10i2.31408>.

¹⁰ Aulia Adelia Wulandari, "Perlindungan Hukum Terhadap Korban Kekerasan Seksual Dalam Rangka Mewujudkan Keadilan Restorative Justice," *Proceedings Series on Social Sciences & Humanities* 17 (July 30, 2024): 176–80, <https://doi.org/10.30595/pssh.v17i.1119>.

¹¹ Henny Yuningsih et al., "Philosophical Foundation of Chemical Castration for Offenders of Sexual Violence Against Children," *Sriwijaya Law Review* 4, no. 1 (January 31, 2020): 62, <https://doi.org/10.28946/slrev.Vol4.Iss2.297.pp62-78>.

¹² Fikri Thoharudin, "Kasus Anak Berhadapan Dengan Hukum Didominasi Kekerasan Seksual Di Jepara, Begini Upaya Dinas," <https://radarkudus.jawapos.com/jepara/695465824/kasus-anak-berhadapan-dengan-hukum-didominasi-kekerasan-seksual-di-jepara-begini-upaya-dinas>, December 27, 2024.

¹³ Yoni Syukriani et al., "Cross-Sectional Survey of Underreported Violence Experienced by Adolescents: A Study from Indonesia," *BMC Public Health* 22, no. 1 (December 8, 2022): 50, <https://doi.org/10.1186/s12889-021-12427-8>.

¹⁴ Nurini Aprilianda, Mufatikhatul Farikhah, and Liza Agnesta Krisna, "Critical Review Selecting a Proper Law to Resolve Sexual Violence Against Children," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (December 31, 2022): 954, <https://doi.org/10.22373/sjkh.v6i2.9050>.

Compensation for crime victims in Indonesia faces serious obstacles due to reliance on court decisions, lack of standards for determining appropriate amounts, and a lengthy and complicated claims process.¹⁵ Restorative justice has become a more effective approach in handling juvenile criminal cases including sexual offenses because it focuses on victim recovery, offender rehabilitation, and strengthening social relationships within the community.¹⁶ The optimal fulfillment of the rights of child victims requires comprehensive efforts through regulatory revisions, strengthening the role of public prosecutors, and providing legal assistance to ensure the rights to restitution, compensation, and rehabilitation are guaranteed.¹⁷ Therefore, it is necessary to establish an integrated mechanism that allows for automatic and proportional compensation without waiting for the initiative of the victims or their families, with support from the state and victim protection agencies.

The prioritization between the imprisonment of juvenile offenders and the recovery of victims in cases of sexual violence poses a serious dilemma in the Indonesian legal system. This study explores the tension between punitive and restorative justice approaches in Jepara by examining the extent to which the current legal framework is able to balance the rehabilitative needs of juvenile offenders and the protection of the rights and well-being of victims. This research aims to identify the challenges and limitations of the existing system and to formulate recommendations for a more holistic and effective legal response to sexual violence against children.

Method

This research uses a normative legal approach to examine regulations related to the imprisonment of child offenders and

¹⁵ Mahrus Ali et al., "Compensation and Restitution for Victims of Crime in Indonesia: Regulatory Flaws, Judicial Response, and Proposed Solution," *Cogent Social Sciences* 8, no. 1 (December 31, 2022), <https://doi.org/10.1080/23311886.2022.2069910>.

¹⁶ Edhei Sulisty, Pujiyono, and Nur, "Restorative Justice as a Resolution for the Crime of Rape with Child Perpetrators," *International Journal of Criminology and Sociology* 10 (March 3, 2021): 595–602, <https://doi.org/10.6000/1929-4409.2021.10.69>.

¹⁷ Achmad Murtadho, "Ganti Kerugian Terhadap Anak Korban Tindak Pidana Pencabulan," *Veritas et Justitia* 7, no. 1 (June 28, 2021): 244–70, <https://doi.org/10.25123/vej.v7i1.3954>.

the recovery of victims of sexual violence through legal analysis, harmonization of regulations, and a study of the decisions of the Jepara district court from 2019 to 2024 in order to understand the shift in the orientation of victim recovery in the social, political, and cultural dynamics of Indonesia.¹⁸ This research discusses the imprisonment of child offenders and the recovery of victims of sexual violence by examining the decisions of the Jepara District Court from 2019 to 2024. Using a descriptive analytical approach, this study explores the norms and legal principles as well as the paradigm shifts that arise in judicial practices. The analysis is conducted comprehensively on legal documents and tertiary materials to reveal findings that are relevant to the problem formulation, objectives, and direction of solutions in changing the approach to juvenile criminal law.

Result & Discussion

A. Children of Sexual Violence Perpetrators: Legal Sanctions, Prison Reform

In the gadget era, parental supervision is very important to prevent children from negative influences, as a lack of supervision and parental education can lead to promiscuity and the risk of sexual violence due to low self-control in children.¹⁹ Because a child's misbehavior is the result of poor social interaction, children should not be treated as adult criminals.²⁰ Due to the lack of guidance and education from parents in the gadget era, children can fall into deviant peer associations and are at risk of sexual violence due to low self-control; because bad behavior in children often arises from unhealthy social interactions, they should not be treated like adult criminals.

The defendant MJ was sentenced to 2 years and 6 months

¹⁸ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2005).

¹⁹ Sapto Budoyo, Marzellina Hardiyanti, and Fridayana Nur Fajri, "Perspektif Yuridis Terhadap Anak Sebagai Pelaku Kekerasan Seksual (Studi Putusan Pengadilan Wonogiri Nomor: 4/Pid.Sus-Anak/2018/Pn Wng)," *Jurnal Meta-Yuridis* 5, no. 2 (September 28, 2022): 105–13, <https://doi.org/10.26877/m-y.v5i2.13253>.

²⁰ Dian sari Pusparani Ningtiasih and Kayus Kayowuan Leoleba, "Perlindungan Hukum Terhadap Anak Pelaku Kekerasan Seksual Pada Masa Covid 19," *Jurnal Ilmu Hukum Dan Humaniora* 8, no. 4 (August 4, 2021), <https://doi.org/http://dx.doi.org/10.31604/justitia.v8i4.587-598>.

in prison for being proven to have seduced a child into intercourse under Article 81 paragraph 2 of the Child Protection Law, and was required to undergo 4 months of job training as a substitute for a fine in accordance with Article 71 paragraph 3 of the Juvenile Justice System Law.²¹ The defendant IH was found guilty of persuading the 12-year-old victim to have repeated intercourse Article 81 paragraph 2 jo. Article 76D of the Child Protection Law, sentenced to 2 years in prison at LPKA Kutoarjo and 3 months of job training in lieu of a fine at the Jepara Social Service.²² Defendant DL was convicted for persuading a child to engage in sexual intercourse as stipulated in Article 81 paragraph 2 of Law No. 35/2014, and was sentenced to 4 years and 8 months in prison and 6 months of vocational training as part of rehabilitation.²³ The aggravating matter is always the same, namely the act of extramarital intercourse against a child under the age of 18 is a serious violation of child protection and morality norms and causes physical trauma in the form of hymen tearing.

Because the AI perpetrator is under 14 years old, the act of inserting fingers into the victim's vagina as a sexual offense based on Article 82(1) of Law No. 17/2016 is sentenced to 10 months of rehabilitation in LKSA, which is lighter than the demands of the public prosecutor and the recommendation of the probation office.²⁴ According to Article 69 paragraph 2 of Law No. 11/2012, offenders under the age of 14 can only be subjected to actions, not imprisonment. Several studies indicate that the age difference of the offenders becomes a determining factor in the type of sanctions imposed, where offenders above 14 years are subjected to imprisonment, while offenders under 14 years are only subjected to rehabilitative actions, even though both committed similar criminal offenses.

The defendant MR forced the child victim to have sexual

²¹ Pengadilan Negeri Jepara, "Nomor 7/Pid.Sus-Anak/2019/PN.Jpa," Direktori Putusan § (2019).

²² Pengadilan Negeri Jepara, "Nomor 4/Pid.Sus-Anak/2021/PN.Jpa," Direktori Putusan § (2021).

²³ Pengadilan Negeri Jepara, "Nomor 9/Pid.Sus-Anak/2022/PN.Jpa," Direktori Putusan § (2022).

²⁴ Pengadilan Negeri Jepara, "Nomor 9/Pid.Sus-Anak/2024/PN.Jpa," Direktori Putusan § (2024).

intercourse with physical violence until she was aroused, violated Article 81 paragraph 2 of Law No. 35 of 2014, and was sentenced to 2 years in prison and 3 months of job training.²⁵ Meanwhile, the defendant MA was proven guilty of forcing a child to engage in sexual intercourse by violence and was sentenced to 5 years in prison and 6 months of job training at the Jepara Social Service.²⁶ The MRA defendant was proven to force the child to have sexual intercourse as stipulated in Article 81 Paragraph (2) of the Child Protection Law, and was sentenced to 5 years in prison and 6 months of job training at the Jepara Social Service.²⁷ The defendant MS was proven to force the child to have intercourse as stipulated in Article 81 Paragraph (2) of the Child Protection Law, and was sentenced to 5 years in prison and 6 months of job training at the Jepara Social Service.²⁸

From several rulings, it is shown that the juvenile justice system differentiates types of sanctions based on the age of the offender. According to Article 81 paragraph (2), Article 82 paragraph (1) of the Child Protection Law in conjunction with Law No. 17/2016, as well as Article 71 paragraph (3) and Article 69 paragraph (2) of the SPPA Law, offenders over 14 years old such as MJ, IH, DL, MR, MA, MRA, and MS are sentenced to 2–5 years in prison and vocational training as a substitute for fines for persuading or coercing children into sexual intercourse. In contrast, offenders under 14 years old such as AI and MS are only subjected to rehabilitative measures. The main differentiator is age, with the aim of ensuring justice for the victims while also educating and rehabilitating juvenile offenders proportionally.

Table 1 presents a summary of the legal sanctions imposed on child perpetrators of sexual violence based on the decisions of the Jepara District Court from 2019 to 2024:

²⁵ Pengadilan Negeri Jepara, "Nomor 13/Pid.Sus-Anak/2022/PN.Jpa," Direktori Putusan § (2022).

²⁶ Pengadilan Negeri Jepara, "Nomor 7/Pid.Sus-Anak/2022/PN.Jpa," Direktori Putusan § (2022).

²⁷ Pengadilan Negeri Jepara, "Nomor 1/Pid.Sus-Anak/2024/PN.Jpa," Direktori Putusan § (2024).

²⁸ Pengadilan Negeri Jepara, "Nomor 5/Pid.Sus-Anak/2024/PN.Jpa," Direktori Putusan § (2024).

TABLE 1. Summary of the Decision of the Jepara District Court (2019–2024)

Case Number & Year	Case	Decision
7/Pid.Sus-Anak/2019/PN.Jpa	Persuading to have intercourse	2 years and 6 months in prison and 4 months of vocational training
4/Pid.Sus-Anak/2019/PN.Jpa	Molesting a child	9 months of imprisonment and 3 months of vocational training
3/Pid.Sus-Anak/2019/PN.Jpa	Molesting a child	12 months of imprisonment and 3 months of job training
5/Pid.Sus-Anak/2020/PN.Jpa	Persuading to have intercourse	9 months in prison
4/Pid.Sus-Anak/2021/PN.Jpa	Persuading to have intercourse	2 years of imprisonment and 2 months of vocational training
5/Pid.Sus-Anak/2021/PN.Jpa	Persuading to have intercourse	7 years in prison and 2 months of vocational training
6/Pid.Sus-Anak/2021/PN.Jpa	Forcing to have intercourse	2 years of imprisonment and 2 months of vocational training
10/Pid.Sus-Anak/2021/PN.Jpa	Forcing to have intercourse	5 years in prison and 6 months of vocational training
6/Pid.Sus-Anak/2022/PN.Jpa	Forcing to have intercourse	5 years in prison and 6 months of vocational training
7/Pid.Sus-Anak/2022/PN.Jpa	Forcing to have intercourse	5 years in prison and 6 months of vocational training
8/Pid.Sus-Anak/2022/PN.Jpa	Forcing to have intercourse	5 years in prison and 6 months of vocational

Case Number & Year	Case	Decision
		training
9/Pid.Sus-Anak/2022/PN.Jpa	Forcing to have intercourse	4 years and 8 months in prison and 6 months of vocational training
13/Pid.Sus-Anak/2022/PN.Jpa	Forcing to have intercourse	2 years of imprisonment and 3 months of job training
11/Pid.Sus-Anak/2022/PN.Jpa	Forcing to have intercourse	8 months of imprisonment and 3 months of job training
10/Pid.Sus-Anak/2022/PN.Jpa	Forcing to have intercourse	2 years and 6 months in prison and 3 months of vocational training
2/Pid.Sus-Anak/2023/PN.Jpa	Forcing to have intercourse	3 years of imprisonment and 3 months of vocational training
1/Pid.Sus-Anak/2024/PN.Jpa	Forcing to have intercourse	2 years of imprisonment and 3 months of vocational training
3/Pid.Sus-Anak/2024/PN.Jpa	Forcing to have intercourse	1 year in prison and 3 months of job training
5/Pid.Sus-Anak/2024/PN.Jpa	Forcing to have intercourse	1 year in prison
9/Pid.Sus-Anak/2024/PN.Jpa	Obscene Act	10 months in prison

Sources: Direktori Putusan, 2025 (edited)

Table 1 shows that throughout the year 2019 to 2024, the Jepara District Court has imposed sanctions on child perpetrators of sexual violence with a relatively consistent pattern of decisions, namely imprisonment combined with vocational training. The most dominant types of crimes include acts of seduction or coercion to engage in sexual intercourse and lewd acts. The application of these sanctions reflects a penal orientation that is in line with the principles of rehabilitation and guidance for children within the Juvenile

Criminal Justice System Act SPPA. In addition to demonstrating a more educative approach, this pattern also reflects the court's efforts to balance the aspect of justice with the protection of the rights of child perpetrators.

BAPAS recommends a light sentence along with counseling for the defendant MJ, considering he was influenced by pornographic films and alcohol, thus requiring social rehabilitation.²⁹ In addition, the defendant IH, based on the consideration of the victim's age who is still a child, the repetition of the act, and the elements of coercion, the judge imposed a heavy sentence for sexual exploitation of a child, which is considered a serious crime.³⁰ The defendant caused the victim to suffer physically, mentally, and socially due to early pregnancy, leading the judge to impose a sentence aimed at preventing similar acts by the perpetrator or others.³¹ These three cases demonstrate that legal considerations in child sexual offenses are very dynamic, with a focus that can shift from the need for the rehabilitation of the perpetrator (MJ), the severity of the act against the victim (IH), to the long-term impact and deterrent effect on the wider community (MK).

Imprisonment is imposed on children who commit sexual violence because their actions fall under serious criminal offenses that do not meet the requirements for diversion, thus in accordance with the principle of *ultimum remedium* in Article 81 paragraph (1) of the SPPA Law, imprisonment is made a last resort to protect the community, guarantee justice for the victims, and rehabilitate and reintegrate the perpetrators into society.³² Although imprisonment is a measure of last resort, sexual violence by children against children as regulated in Article 81 paragraphs (1) and (2) of the Child Protection Law poses a severe criminal threat, making the imposition of prison sentences necessary to provide protection and justice for child

²⁹ Pengadilan Negeri Jepara, Nomor 7/Pid.Sus-Anak/2019/PN.Jpa.

³⁰ Pengadilan Negeri Jepara, Nomor 4/Pid.Sus-Anak/2021/PN.Jpa.

³¹ Pengadilan Negeri Jepara, "Nomor 5/Pid.Sus-Anak/2021/PN.Jpr," Direktori Putusan § (2021).

³² Didik Purnomo, Prija Djatmika, and Nurini Aprilianda, "Pidana Penjara Untuk Anak Pelaku Tindak Pidana Terorisme Dalam Perspektif Perlindungan Anak," *Jurnal Ilmiah Pendidikan Pancasila Dan Kewarganegaraan* 7, no. 1 (March 30, 2022): 8, <https://doi.org/10.17977/um019v7i1p8-18>.

victims.

As a place to serve sentences, LPKA provides programs such as counseling, religious education, skills training, and legal assistance, so that children in conflict with the law are guided to grow into better individuals for their best interests.³³ Because it is influenced by the social, cultural, and political contexts of each place and era, the implementation of punishment becomes highly varied even though the underlying concept is universal.³⁴ The success of the LPKA program depends on continuous evaluation, adaptation to cultural contexts, a balance between rehabilitation and accountability, as well as adequate resource support and multisectoral collaboration.

The imposition of work training punishment, which should reflect the principle of the best interests of the child, has not been optimally applied because in practice, judges more often choose prison sentences over work training.³⁵ Work training sentences are given so that children are trained and ready to return to society, thus preventing the occurrence of reoffending in the future. Work training as a substitute penalty for children who commit sexual violence in the decisions of the Jepara District Court from 2019-2024 reflects the direction of prison reform that emphasizes rehabilitation and social reintegration. In accordance with Article 71 paragraph (3) of the SPPA Law, this sanction is applied to offenders over 14 years old as a form of responsibility and education, unlike offenders under 14 years old who are only subject to rehabilitative measures based on Article 69 paragraph (2) of the SPPA Law.

The juvenile justice system in Indonesia needs to be reformed so that the handling of perpetrators of child sexual violence is balanced between punishment and rehabilitation. A

³³ Fitri Jayanti Eka Putri, Lies Sulistiani, and Agus Takariawan, "Perlindungan Hukum Terhadap Anak Berkonflik Dengan Hukum Dalam Sistem Peradilan Pidana Anak: Studi Pada Lembaga Penyelenggaraan Kesejahteraan Sosial Yayasan Pendidikan Islam l'anatush-Shibyan," *Jurnal Poros Hukum Padjadjaran* 3, no. 1 (December 10, 2021): 114–29, <https://doi.org/10.23920/jphp.v3i1.718>.

³⁴ Louise Brangan, "Making Sense of Penal Difference: Political Cultures and Comparative Penology," *Punishment & Society* 25, no. 4 (October 24, 2023): 934–54, <https://doi.org/10.1177/14624745221117521>.

³⁵ Nunsuhaini et al., "Sanksi Pelatihan Kerja Terhadap Anak Yang Berkonflik Dengan Hukum," *Jurnal Interpretasi Hukum* 5, no. 1 (2024), <https://doi.org/https://doi.org/10.22225/juinhum.5.1.9070.962-968>.

restorative approach should be prioritized with a focus on rehabilitation and social reintegration while ensuring protection for victims. Prison reform includes the provision of rehabilitation and education services tailored to the needs of children as well as supervision that prevents repeated violence. Legal sanctions should be adjusted to the level of wrongdoing and rehabilitative needs based on the child's developmental stage. Reintegration programs that involve families and communities are key to successful recovery. Although sanctions remain necessary, the main priority is the recovery of victims and the rehabilitation of perpetrators through a holistic approach that includes mental health support, education, and vocational training. This system must balance accountability and recovery while prioritizing the best interests of the child and the victim.

B. Legal Protection for Child Victims of Sexual Abuse: Regulation Evaluation

Rape causes deep trauma for female victims who experience physical and psychological violence, and can even lead to severe stress and suicidal thoughts due to a loss of hope.³⁶ Sexual violence causes profound suffering that strips the dignity and worth of the victims, thus they are entitled to protection through restitution, compensation, and rehabilitation. This is important because punishment of the perpetrator alone is not enough to restore the material, immaterial, as well as the psychological and social impacts experienced by the victims and their families.³⁷ This law emphasizes that such acts are very heinous and violate the rights of children. In addition, the Child Protection Law also provides comprehensive assistance for child victims, such as medical care, legal aid, and protection when testifying.³⁸

³⁶ Melisa Halimatus Sa'diyah, "Penegakan Hukum Terhadap Anak Sebagai Pelaku Tindak Pidana Percobaan Perkosaan," *Indonesian Journal of Criminal Law and Criminology (IJCLC)* 2, no. 2 (July 31, 2021): 78–91, <https://doi.org/10.18196/ijclc.v2i2.12318>.

³⁷ Rahmi, "Pemenuhan Restitusi Dan Kompensasi Sebagai Bentuk Perlindungan Bagi Korban Kejahatan Seksual Dalam Sistem Hukum Di Indonesia."

³⁸ Wahidah Zein Br Siregar and Ella Syafputri Prihatini, "Passing the Sexual Violence Crime Law in Indonesia: Reflection of a Gender-Sensitive Parliament?," *Politics and Governance*

The principle of the best protection for children must remain a priority, even in complex cases such as rape where children are involved as both perpetrators and victims, as mandated in the Child Protection Law. Protection for crime victims is based on the theory of utility that maximizes benefits, the theory of responsibility that demands accountability from the perpetrators, and the theory of compensation that mandates restitution, with the aim of achieving justice and recovery for the victims. Law No. 13 of 2006 emphasizes that victim protection must be based on the respect for human dignity, a sense of security, proportional justice, non-discrimination, and legal certainty to ensure that the rights of victims are fulfilled fairly and equally.

The actions of the defendant MJ persuaded the victim's child verbally with the sentence "Ayo do ngono sedelok" which means let's do that for a moment in the remote salt pond warehouse taking advantage of the victim's psychological vulnerability. The victim suffered from severe depression to the point of being hospitalized in a mental health facility without adequate rehabilitation mechanisms after the verdict.³⁹ According to the visum et repertum of the act of IH, the victim, who is 14 years old, is 15 weeks pregnant and has a tear in the hymen.⁴⁰ The defendant DL caused the victim to give birth in a state of trauma and her baby died, but no recovery measures were arranged.⁴¹

Although the victim's family requested compensation, this was not accommodated in the decision because the defendant comes from a modest family and mediation efforts failed after the defendant's family canceled the wedding plans.⁴² In addition, in another case the victim's family requested a 'compensation' of IDR 10 million, which was not agreed upon or paid by the defendant A's family (who only offered IDR 8 million) and was not accommodated in the verdict because it was an out-of-

12 (August 20, 2024), <https://doi.org/10.17645/pag.8245>.

³⁹ Pengadilan Negeri Jepara, Nomor 7/Pid.Sus-Anak/2019/PN.Jpa.

⁴⁰ Pengadilan Negeri Jepara, Nomor 5/Pid.Sus-Anak/2021/PN.Jpr.

⁴¹ Pengadilan Negeri Jepara, "Nomor 12/Pid.Sus-Anak/2022/PN.Jpa," Direktori Putusan § (2022).

⁴² Pengadilan Negeri Jepara, "Nomor 11/Pid.Sus-Anak/2022/PN.Jpa.," Direktori Putusan § (2022).

court agreement.⁴³ Weaknesses in handling victims of sexual violence against children, particularly related to recovery and compensation. Despite the severe physical and psychological impacts experienced by victims, ranging from trauma, depression, to pregnancy and infant mortality, rehabilitation and compensation mechanisms are often overlooked in court decisions. Factors such as the perpetrator's economic background and the failure of mediation outside of court actually become obstacles for victims to obtain their rights.

The perpetrator's actions caused a 5-year-old victim to experience physical trauma in the form of pain when urinating and psychological trauma by becoming withdrawn and ashamed to meet people.⁴⁴ The weakness in several rulings concerning child sexual violence lies in the minimal focus on rehabilitation and compensation for victims, despite the severe impact of physical and psychological trauma. The economic limitations of the perpetrators and the failure of mediation, such as disagreements over 'tali asih' or cancellation of marriage, further hinder the fulfillment of victims' rights.

The court's ruling in this case does not accommodate the rights of child sexual violence victims as mandated by Article 71D of Law No. 35 of 2014 on Child Protection, which should guarantee restitution, rehabilitation, medical-psychosocial assistance, and legal assistance for victims. In practice, restitution was not provided, medical and psychological rehabilitation was not ordered despite evidence of physical injuries (tearing of the hymen), and the victim was not legally assisted throughout the trial process. The ruling focused solely on the sentencing of the perpetrator. At the same time, the fulfillment of the victim's rights was neglected because it was not actively raised by the family or their legal representative, especially since the victim's fetus had died. This indicates that although the protection of victims is normatively regulated, its implementation still heavily relies on the initiative of the victims' families and has not yet become a primary concern for the judicial authorities.

⁴³ Pengadilan Negeri Jepara, "Nomor 10/Pid.Sus-Anak/2022/PN.Jpa," Direktori Putusan S (2022).

⁴⁴ Pengadilan Negeri Jepara, Nomor 9/Pid.Sus-Anak/2024/PN.Jpa.

Although Law No. 35/2014, Law No. 23/2004, and Law No. 31/2014 guarantee the rights of child victims for assistance, rehabilitation, and compensation, court decisions tend to emphasize the punishment of perpetrators and overlook the recovery of victims, despite the serious impacts victims face such as trauma and miscarriage. Even though Law No. 31 of 2014 guarantees the rights to restitution and compensation for victims through LPSK, its implementation is still constrained so that victims often have to fight for their rights on their own, reflecting the gap between legal norms and protection practices on the ground. Law No. 35 of 2014 and Government Regulation No. 43 of 2017 guarantee the rights of child victims to receive rehabilitation, protection, and restitution for various forms of crime, with an application mechanism that can be done through legal processes and LPSK.

Legal protection for child victims of sexual violence in Indonesia is still not optimal, despite the availability of various relevant regulations. An evaluation of the Child Protection Law and its implementing rules shows a gap between legal provisions and their implementation in the field. This gap includes weak law enforcement, limited access to support services, and a lack of understanding and sensitivity in handling cases from a child-centered perspective. To address this issue, it is necessary to optimize the implementation of existing regulations through strengthening reporting mechanisms, improving the quality of medical, psychosocial, and legal assistance services, as well as developing the capacity of service implementers to handle cases of sexual violence against children in a responsive and fair manner. These efforts must be oriented towards fulfilling the child's best interests as the main principle in every protection process.

C. Legal Balance: Child Offenders, Recovery of Sexual Violence Victims

To achieve justice for victims, law enforcement in sexual violence cases must be optimized to avoid revictimization and learn from law enforcement practices in other countries, in addition to ensuring that perpetrators are punished and victims

undergo a non-traumatic process.⁴⁵ The policy of punishment aims to protect society and achieve welfare through the imposition of sanctions on perpetrators of sexual violence, based on penal theory and social agreement.⁴⁶ The principle of balanced justice in court decisions regarding child cases emphasizes the protection of vulnerable children while also considering the circumstances of the perpetrators, including those who are still underage, and prioritizes educational aspects in addition to punishment.⁴⁷

The existing criminal law policy aims to create gender justice and provide protection for victims, but effective law enforcement is often not achieved.⁴⁸ Victims' children are often overlooked in the judicial system, with their recovery needs usually neglected, making the role of law enforcement officials very important in the implementation of restitution.⁴⁹ Sexual crimes against children have serious impacts, not only physical but also significant psychological trauma such as emotional and mental disorders.⁵⁰ The idea of balance in criminal law results in careful consideration of various aspects, from the goals and principles of punishment and legal sources to the orientation of fair protection for the community, victims, and offenders.⁵¹

The results of the discussions on the decision of the

⁴⁵ Choky Ramadhan, "Reformasi Penegakan Hukum Kekerasan Seksual," <https://law.ui.ac.id/choky-ramadhan-kompas-cetak-reformasi-penegakan-hukum-kekerasan-seksual/>, July 25, 2016.

⁴⁶ Noveria Devy Irmawanti and Barda Nawawi Arief, "Urgensi Tujuan Dan Pedoman Pemidanaan Dalam Rangka Pembaharuan Sistem Pemidanaan Hukum Pidana," *Jurnal Pembangunan Hukum Indonesia* 3, no. 2 (May 28, 2021): 217–27, <https://doi.org/10.14710/jphi.v3i2.217-227>.

⁴⁷ Frans A. Kabnani, Karolus Kopong Medan, and Rudepel Petrus Leo, "Dasar Pertimbangan Hakim Dalam Menjatuhkan Pidana Terhadap Pelaku Tindak Pidana Persetubuhan Anak Atas Kesepakatan Bersama Dalam Perspektif Keadilan," *Journal of Administrative and Social Science* 6, no. 1 (June 13, 2025).

⁴⁸ Irda Nur Khumaeroh, "Kebijakan Hukum Pidana Terhadap Perkembangan Tindak Pidana Kekerasan Seksual Yang Bertujuan Menciptakan Keadilan Gender," *Jurnal Hukum Indonesia* 2, no. 2 (April 27, 2023): 53–59, <https://doi.org/10.58344/jhi.v2i2.14>.

⁴⁹ Bogi Yulawan, Hartanto Hartanto, and Teguh Satya Bhakti, "Efektivitas Kebijakan Restitusi Dalam Perlindungan Hak Anak Korban Kejahatan Seksual," *Binamulia Hukum* 14, no. 1 (February 23, 2025): 33–42, <https://doi.org/10.37893/jbh.v14i1.1006>.

⁵⁰ Siti Sundari, *Kesehatan Mental Dalam Kehidupan*, Cet.1 (Jakarta: Rineka Cipta, 2005).

⁵¹ Ira Alia Maerani, "Implementasi Ide Keseimbangan Dalam Pembangunan Hukum Pidana Indonesia Berbasis Nilai-Nilai Pancasila," *Jurnal Pembaharuan Hukum* 3, no. 3 (2016), <https://doi.org/http://dx.doi.org/10.26532/jph.v3i3.1364>.

Jepara District Court (2019–2024) show that child perpetrators of sexual violence are sentenced to prison and work training, with differences in punishment based on age, namely perpetrators over 14 years old are subjected to prison sentences and work training, while those under 14 years old are only given rehabilitative measures. Although work training is intended as a form of recovery and social reintegration, in practice it has not been optimal because prison sentences remain dominant. LPKA, as a correctional institution, provides educational and skills programs to support prison reform, but its effectiveness depends on cross-sector support.

Based on the need to create criminal law that aligns with the character of the Indonesian nation, the monodualist balance principle is applied as the foundation for the reform of regulations on criminal acts, accountability, and sentencing.⁵² The application of the monodualistic balance idea that emphasizes the integration of Pancasila values results in the creation of a criminal law system that is fairer and more certain, as it can accommodate the interests of both offenders and victims in a balanced manner.⁵³ Handling cases of sexual violence against children must focus on comprehensive recovery and empowerment of the victims as well as a fair and rehabilitative judicial process for the perpetrators, emphasizing social reintegration and prevention, so that victims can recover and perpetrators do not repeat their actions.

An inclusive and holistic legal aid model needs to be implemented in order to address sexual violence and gender injustice.⁵⁴ Victims have the right to receive restitution compensation, medical assistance and psychosocial rehabilitation, personal protection, and legal assistance during

⁵² Marcus Priyo Gunarto, "Asas Keseimbangan Dalam Konsep Rancangan Undang-Undang Kitab Undang-Undang Hukum Pidana," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 24, no. 1 (July 27, 2012): 83, <https://doi.org/10.22146/jmh.16143>.

⁵³ Bagus Satrio Utomo Prawiraharjo, "Implementasi Ide Keseimbangan Monodualistik Dalam Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana," *Jurnal Hukum Progresif* 11, no. 2 (October 30, 2023): 159–71, <https://doi.org/10.14710/jhp.11.2.159-171>.

⁵⁴ Rasina Padeni Nasution, "Pola Bantuan Hukum Dalam Mencegah Terjadinya Tindak Pidana Kekerasan Seksual," *Legal Standing : Jurnal Ilmu Hukum* 8, no. 3 (July 21, 2024): 522–34, <https://doi.org/10.24269/lis.v8i3.9487>.

the law enforcement process to recover and obtain justice. The legal judgment of the defendant MJ, which focuses solely on the perpetrator, often neglects the recovery of the victims, resulting in the victims' rights to restitution, medical assistance, rehabilitation, and legal assistance being overlooked, leading to significant unaddressed impacts.⁵⁵ From several decisions discussed above, it clearly shows the failure of the legal system in ensuring comprehensive recovery and justice for victims of child sexual violence, as their rights to rehabilitation and compensation are often neglected due to the focus on punishing the perpetrators and factors outside the trial.

Cases of sexual violence against children have serious traumatic impacts, such as depression, pregnancy, and suicidal ideation. Yet, victim protection remains far from optimal despite various regulations such as Law No. 35/2014, Law No. 31/2014, and the Victim and Witness Protection Law, guaranteeing the rights to restitution, rehabilitation, and assistance. In practice, the court's focus is more inclined toward punishing the offenders rather than rehabilitating the victims, who often do not receive restitution, medical assistance, or adequate legal protection, even when experiencing physical injuries or severe trauma. Factors such as failed mediation, the perpetrator's economic conditions, and the victim's family's passivity in asserting their rights further exacerbate this situation. The gap between legal norms and field realities reflects the weakness of the victim protection system, especially for children, who should be comprehensively protected based on the principle of the best interest of the child. Therefore, improvements in the implementation of the law are needed, emphasizing victim recovery, not just punishment of perpetrators, through strengthening service mechanisms and increasing the sensitivity of law enforcement officers.

Because children are the next generation of the nation with a long future ahead, a rehabilitation approach that focuses on behavior change through education, skills, support, and guidance becomes very important.⁵⁶ Since the child still has a

⁵⁵ Pengadilan Negeri Jepara, Nomor 7/Pid.Sus-Anak/2019/PN.Jpa.

⁵⁶ Anik Iftitah et al., "Pertanggungjawaban Hukum Anak Dalam Pelaku Tindak Pidana Berat: Pendekatan, Dampak, Dan Implikasi Dalam Sistem Peradilan Anak," *Birokrasi*:

long future ahead, imprisonment should be a last resort, so that other appropriate penalties can be more focused on helping the child understand that their actions harm others.⁵⁷ The increase in sexual violence against children due to their vulnerability demands a systemic approach based on prevention and comprehensive protection, with the principle of victim protection balancing the principles of benefit, justice, social balance, and legal certainty.

Handling cases of sexual violence against children should be oriented towards comprehensive recovery for the victims. This effort includes providing physical and mental health services, long-term psychological support, and implementing restorative justice focused on empowering victims. Meanwhile, children who are offenders also have the right to a fair and rehabilitative judicial process, with an emphasis on social reintegration and prevention of similar acts of violence in the future. Therefore, criminal sanctions need to be formulated proportionally according to the level of wrongdoing, considering the child's developmental stage and individual needs, with the main goal of recovering the victim and rehabilitating the offender, rather than merely providing a deterrent effect.

Conclusion

The handling of children who are perpetrators of sexual violence in Indonesia has shown efforts to differentiate punishment based on age and the level of wrongdoing, as regulated in the Juvenile Criminal Justice System Law. Children over 14 years old are generally sentenced to prison combined with vocational training as a form of responsibility and education, while those under that age only face rehabilitative measures. Although this approach aligns with the spirit of social reintegration and the principle of the best interest of the child, its implementation is still not optimal because prison sentences remain more dominant than rehabilitative measures.

JURNAL ILMU HUKUM DAN TATA NEGARA 1, no. 2 (August 30, 2023): 152–67, <https://doi.org/10.55606/birokrasi.v1i2.592>.

⁵⁷ Purnomo, Djatmika, and Aprilianda, "Pidana Penjara Untuk Anak Pelaku Tindak Pidana Terorisme Dalam Perspektif Perlindungan Anak."

Child Correctional Institutions (LPKA) do provide various counseling, skills, and education programs, but their effectiveness heavily depends on continuous evaluation, cross-sector support, and resource availability. Therefore, the juvenile sentencing system must be directed towards substantial reforms prioritizing rehabilitation and social reintegration, rather than mere punishment.

Meanwhile, legal protection for child victims of sexual violence still faces serious challenges, although it has been normatively guaranteed in various regulations such as Law No. 35/2014, the TPKS Law, and Law No. 31/2014. In practice, law enforcement officials tend to focus more on the prosecution of perpetrators, leaving the rights of victims, especially regarding restitution, medical and psychosocial rehabilitation, and legal assistance, often neglected. Factors such as economic inequality, failure in mediation, and the passivity of the victim's family further exacerbate the gap between legal norms and implementation on the ground. Therefore, there is a need to strengthen comprehensive victim protection mechanisms, including integrated recovery services, restorative justice, and capacity building and sensitivity training for legal officials, so that protection for children is truly realized in accordance with the principles of the child's best interests and balanced justice.

References

- Adelia Wulandari, Aulia. "Perlindungan Hukum Terhadap Korban Kekerasan Seksual Dalam Rangka Mewujudkan Keadilan Restorative Justice." *Proceedings Series on Social Sciences & Humanities* 17 (July 30, 2024): 176–80. <https://doi.org/10.30595/pssh.v17i.1119>.
- Ali, Mahrus, Andi Mulyono, Wawan Sanjaya, and Ari Wibowo. "Compensation and Restitution for Victims of Crime in Indonesia: Regulatory Flaws, Judicial Response, and Proposed Solution." *Cogent Social Sciences* 8, no. 1 (December 31, 2022). <https://doi.org/10.1080/23311886.2022.2069910>.
- Anik Iftitah, Eko Yuliasuti, Desy Okta Mawarni, and Rila Puspita

- Wardani. "Pertanggungjawaban Hukum Anak Dalam Pelaku Tindak Pidana Berat: Pendekatan, Dampak, Dan Implikasi Dalam Sistem Peradilan Anak." *Birokrasi: JURNAL ILMU HUKUM DAN TATA NEGARA* 1, no. 2 (August 30, 2023): 152–67. <https://doi.org/10.55606/birokrasi.v1i2.592>.
- Aprilianda, Nurini, Mufatikhatul Farikhah, and Liza Agnesta Krisna. "Critical Review Selecting a Proper Law to Resolve Sexual Violence Against Children." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (December 31, 2022): 954. <https://doi.org/10.22373/sjhc.v6i2.9050>.
- Brangan, Louise. "Making Sense of Penal Difference: Political Cultures and Comparative Penology." *Punishment & Society* 25, no. 4 (October 24, 2023): 934–54. <https://doi.org/10.1177/14624745221117521>.
- Budoyo, Sapto, Marzellina Hardiyanti, and Fridayana Nur Fajri. "Perspektif Yuridis Terhadap Anak Sebagai Pelaku Kekerasan Seksual (Studi Putusan Pengadilan Wonogiri Nomor: 4/Pid.Sus-Anak/2018/Pn Wng)." *Jurnal Meta-Yuridis* 5, no. 2 (September 28, 2022): 105–13. <https://doi.org/10.26877/m-y.v5i2.13253>.
- Diarsa, Trian, and Sarwirini. "Menggali Hakikat Dan Makna Pidana Peringatan Sebagai Pidana Pokok Dalam Sistem Peradilan Pidana Anak." *Media Iuris* 5, no. 3 (October 31, 2022): 507–28. <https://doi.org/10.20473/mi.v5i3.35865>.
- Eka Putri, Fitri Jayanti, Lies Sulistiani, and Agus Takariawan. "Perlindungan Hukum Terhadap Anak Berkonflik Dengan Hukum Dalam Sistem Peradilan Pidana Anak: Studi Pada Lembaga Penyelenggaraan Kesejahteraan Sosial Yayasan Pendidikan Islam I'natush-Shibyan." *Jurnal Poros Hukum Padjadjaran* 3, no. 1 (December 10, 2021): 114–29. <https://doi.org/10.23920/jphp.v3i1.718>.
- Gunarto, Marcus Priyo. "Asas Keseimbangan Dalam Konsep Rancangan Undang-Undang Kitab Undang-Undang Hukum Pidana." *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 24, no. 1 (July 27, 2012): 83.

- <https://doi.org/10.22146/jmh.16143>.
- Indriyani, Asit Defi. "Pendekatan Restorative Justice Dalam Melindungi Korban Kekerasan Seksual." *IJouGS: Indonesian Journal of Gender Studies* 2, no. 2 (December 28, 2021). <https://doi.org/10.21154/ijougs.v2i2.3284>.
- Irmawanti, Noveria Devy, and Barda Nawawi Arief. "Urgensi Tujuan Dan Pedoman Pemidanaan Dalam Rangka Pembaharuan Sistem Pemidanaan Hukum Pidana." *Jurnal Pembangunan Hukum Indonesia* 3, no. 2 (May 28, 2021): 217–27. <https://doi.org/10.14710/jphi.v3i2.217-227>.
- Juanda, Juanda. "Perlindungan Hukum Terhadap Anak Korban Tindak Pidana Persetubuhan." *JATISWARA* 36, no. 3 (November 29, 2021): 250–61. <https://doi.org/10.29303/jtsw.v36i3.340>.
- Kabnani, Frans A., Karolus Kopong Medan, and Rudepel Petrus Leo. "Dasar Pertimbangan Hakim Dalam Menjatuhkan Pidana Terhadap Pelaku Tindak Pidana Persetubuhan Anak Atas Kesepakatan Bersama Dalam Perspektif Keadilan." *Journal of Administrative and Social Science* 6, no. 1 (June 13, 2025).
- Krisnawati, Dani, and Ria Restu Wikansari. "Addressing the Challenges in Protecting Child Victims of Sexual Violence within Non-Formal Education Institutions." *Sriwijaya Law Review* 8, no. 2 (July 31, 2024): 249. <https://doi.org/10.28946/slrev.Vol8.Iss2.2987.pp249-268>.
- Maerani, Ira Alia. "Implementasi Ide Keseimbangan Dalam Pembangunan Hukum Pidana Indonesia Berbasis Nilai-Nilai Pancasila." *Jurnal Pembaharuan Hukum* 3, no. 3 (2016). <https://doi.org/http://dx.doi.org/10.26532/jph.v3i3.1364>.
- Marzuki, Peter Mahmud. *Penelitian Hukum*. Jakarta: Kencana, 2005.
- Murtadho, Achmad. "Ganti Kerugian Terhadap Anak Korban Tindak Pidana Pencabulan." *Veritas et Justitia* 7, no. 1 (June 28, 2021): 244–70. <https://doi.org/10.25123/vej.v7i1.3954>.

Nasution, Rasina Padeni. "Pola Bantuan Hukum Dalam Mencegah Terjadinya Tindak Pidana Kekerasan Seksual." *Legal Standing : Jurnal Ilmu Hukum* 8, no. 3 (July 21, 2024): 522–34. <https://doi.org/10.24269/lis.v8i3.9487>.

Ningtiasih, Dian sari Pusparani, and Kayus Kayowuan Leoleba. "Perlindungan Hukum Terhadap Anak Pelaku Kekerasan Seksual Pada Masa Covid 19." *Jurnal Ilmu Hukum Dan Humaniora* 8, no. 4 (August 4, 2021). <https://doi.org/http://dx.doi.org/10.31604/justitia.v8i4.587-598>.

Nunsuhaini, Basuki Rekso Wibowo, Christiawan Rio, and Tuti Widyaningrum. "Sanksi Pelatihan Kerja Terhadap Anak Yang Berkonflik Dengan Hukum." *Jurnal Interpretasi Hukum* 5, no. 1 (2024). <https://doi.org/https://doi.org/10.22225/juinhum.5.1.9070.962-968>.

Nur Khumaeroh, Irida. "Kebijakan Hukum Pidana Terhadap Perkembangan Tindak Pidana Kekerasan Seksual Yang Bertujuan Menciptakan Keadilan Gender." *Jurnal Hukum Indonesia* 2, no. 2 (April 27, 2023): 53–59. <https://doi.org/10.58344/jhi.v2i2.14>.

Pengadilan Negeri Jepara. Nomor 1/Pid.Sus-Anak/2024/PN.Jpa, Direktori Putusan § (2024).

———. Nomor 4/Pid.Sus-Anak/2021/PN.Jpa, Direktori Putusan § (2021).

———. Nomor 5/Pid.Sus-Anak/2021/PN.Jpr, Direktori Putusan § (2021).

———. Nomor 5/Pid.Sus-Anak/2024/PN.Jpa, Direktori Putusan § (2024).

———. Nomor 7/Pid.Sus-Anak/2019/PN.Jpa, Direktori Putusan § (2019).

———. Nomor 7/Pid.Sus-Anak/2022/PN.Jpa, Direktori Putusan § (2022).

———. Nomor 9/Pid.Sus-Anak/2022/PN.Jpa, Direktori Putusan § (2022).

———. Nomor 9/Pid.Sus-Anak/2024/PN.Jpa, Direktori Putusan §

- (2024).
- . Nomor 10/Pid.Sus-Anak/2022/PN.Jpa, Direktori Putusan § (2022).
- . Nomor 11/Pid.Sus-Anak/2022/PN.Jpa., Direktori Putusan § (2022).
- . Nomor 12/Pid.Sus-Anak/2022/PN.Jpa, Direktori Putusan § (2022).
- . Nomor 13/Pid.Sus-Anak/2022/PN.Jpa, Direktori Putusan § (2022).
- Pravitria, Astrid Ayu. "Anak Yang Berkonflik Dengan Hukum Yang Melakukan Pemerkosaan Terhadap Anak." *Media Iuris* 1, no. 3 (December 18, 2018): 401. <https://doi.org/10.20473/mi.v1i3.10158>.
- Prawiraharjo, Bagus Satrio Utomo. "Implementasi Ide Keseimbangan Monodualistik Dalam Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana." *Jurnal Hukum Progresif* 11, no. 2 (October 30, 2023): 159–71. <https://doi.org/10.14710/jhp.11.2.159-171>.
- Purnomo, Didik, Prija Djatmika, and Nurini Aprilianda. "Pidana Penjara Untuk Anak Pelaku Tindak Pidana Terorisme Dalam Perspektif Perlindungan Anak." *Jurnal Ilmiah Pendidikan Pancasila Dan Kewarganegaraan* 7, no. 1 (March 30, 2022): 8. <https://doi.org/10.17977/um019v7i1p8-18>.
- Rahmi, Atikah. "Pemenuhan Restitusi Dan Kompensasi Sebagai Bentuk Perlindungan Bagi Korban Kejahatan Seksual Dalam Sistem Hukum Di Indonesia." *DE LEGA LATA: Jurnal Ilmu Hukum* 4, no. 1 (July 30, 2019): 140–59. <https://doi.org/10.30596/dll.v4i2.3173>.
- Ramadhan, Choky. "Reformasi Penegakan Hukum Kekerasan Seksual ." <https://law.ui.ac.id/choky-ramadhan-kompas-cetak-reformasi-penegakan-hukum-kekerasan-seksual/>, July 25, 2016.
- Sa'diyah, Melisa Halimatus. "Penegakan Hukum Terhadap Anak Sebagai Pelaku Tindak Pidana Percobaan Perkosaan."

- Indonesian Journal of Criminal Law and Criminology (IJCLC)* 2, no. 2 (July 31, 2021): 78–91. <https://doi.org/10.18196/ijclc.v2i2.12318>.
- Santoso, Pujo, Siswantari Pratiwi, and Saefullah. "Penegakan Hukum Bagi Anak Pelaku Tindak Pidana Kekerasan Seksual Terhadap Anak." *Jurnal Sosial Humaniora Sigli* 7, no. 2 (July 2, 2024). <https://doi.org/https://doi.org/10.47647/jsh.v7i2.2417>.
- Siregar, Wahidah Zein Br, and Ella Syafputri Prihatini. "Passing the Sexual Violence Crime Law in Indonesia: Reflection of a Gender-Sensitive Parliament?" *Politics and Governance* 12 (August 20, 2024). <https://doi.org/10.17645/pag.8245>.
- Sulistyo, Edhei, Pujiyono, and Nur. "Restorative Justice as a Resolution for the Crime of Rape with Child Perpetrators." *International Journal of Criminology and Sociology* 10 (March 3, 2021): 595–602. <https://doi.org/10.6000/1929-4409.2021.10.69>.
- Sundari, Siti. *Kesehatan Mental Dalam Kehidupan*. Cet.1. Jakarta: Rineka Cipta, 2005.
- Syukriani, Yoni, A. Novianhari, N. Arisanti, E. P. Setiawati, V. K. Rusmil, M. Dhamayanti, and N. Sekarwana. "Cross-Sectional Survey of Underreported Violence Experienced by Adolescents: A Study from Indonesia." *BMC Public Health* 22, no. 1 (December 8, 2022): 50. <https://doi.org/10.1186/s12889-021-12427-8>.
- Thoharudin, Fikri. "Kasus Anak Berhadapan Dengan Hukum Didominasi Kekerasan Seksual Di Jepara, Begini Upaya Dinas." <https://radarkudus.jawapos.com/jepara/695465824/kasus-anak-berhadapan-dengan-hukum-didominasi-kekerasan-seksual-di-jepara-begini-upaya-dinas>, December 27, 2024.
- Wulandari, Erika Putri, and Hetty Krisnani. "Kecenderungan Menyalahkan Korban (Victim-Blaming) Dalam Kekerasan Seksual Terhadap Perempuan Sebagai Dampak Kekeliruan Atribusi." *Share : Social Work Journal* 10, no. 2 (February 12, 2021): 187.

<https://doi.org/10.24198/share.v10i2.31408>.

Yuliawan, Bogi, Hartanto Hartanto, and Teguh Satya Bhakti. "Efektivitas Kebijakan Restitusi Dalam Perlindungan Hak Anak Korban Kejahatan Seksual." *Binamulia Hukum* 14, no. 1 (February 23, 2025): 33–42. <https://doi.org/10.37893/jbh.v14i1.1006>.

Yuningsih, Henny, I Nyoman Nurjaya, Prija Djatmika, and Masruchin Ruba'I. "Philosophical Foundation of Chemical Castration for Offenders of Sexual Violence Against Children." *Sriwijaya Law Review* 4, no. 1 (January 31, 2020): 62. <https://doi.org/10.28946/slrev.Vol4.Iss2.297.pp62-78>.

Yusyanti, Diana. "Perlindungan Hukum Terhadap Anak Korban Dari Pelaku Tindak Pidana Kekerasan Seksual." *Jurnal Penelitian Hukum De Jure* 20, no. 4 (December 10, 2020): 619. <https://doi.org/10.30641/dejure.2020.V20.619-636>.

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