

Psychological Aspects of Offenders and Penal Sanctions Effectiveness in Child Sexual Exploitation Cases : Case Study Number : 1477/Pid.Sus/2024/Pn Plg

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Abstract

Cases of child sexual exploitation through digital media (CSAM) continue to escalate; however, law enforcement frequently concentrates solely on imposing retributive prison sentences without adequately considering the offender's psychological profile. This study analyzes Court Decision Number 1477/Pid.Sus/PN Plg, in which the defendant was sentenced to 11 years in prison without a mandate for clinical rehabilitation, to evaluate the effectiveness of such sanctions from a forensic psychological perspective and emphasize the urgency of implementing a Double Track System to mitigate recidivism. Employing a qualitative method with a normative juridical and case study approach, the research finds that pure imprisonment is substantively ineffective as it fails to address the cognitive



distortions and psychosexual disorders prevalent among offenders, which cannot be remediated through physical isolation alone. Neglecting these psychological dimensions in judicial verdicts compromises long-term public protection once the offender completes their sentence. Consequently, this research affirms that achieving substantive justice requires the Indonesian criminal justice system to transform towards a Double Track System as mandated by the TPKS Law, wherein the integration of forensic psychological assessments in court proceedings becomes an absolute prerequisite for determining appropriate action sanctions (rehabilitation) to effectively break the cycle of child sexual violence.

KEYWORDS

Child Sexual Exploitation; Forensic Psychology; Sanction Effectiveness; Double Track System; Recidivism.

Introduction

Children are a blessing or a trust given by God Almighty. According to Romli Atmasasmita in (Santriati, 2020), law Number 35 of 2014 concerning Child Protection, particularly Article 76I, explicitly prohibits all forms of exploitation of children, both economic and sexual. Violations of this article can be subject to criminal penalties under Article 88 of Law No. 35 of 2014 on Child Protection, which includes imprisonment for up to 10 years and/or a maximum fine of Rp 200,000,000.00. Despite this law being in effect, the phenomenon of child exploitation continues to persist. Sexual exploitation of children, commonly referred to as ESKA or Sexual Exploitation of Children, is a fundamental violation of children's rights. This violation includes sexual abuse by adults, third parties, or other individuals. Sexual exploitation of children is a form of coercion and violence against children

and leads to forms of forced labor and slavery¹. This not only has negative effects on the victims but also on the perpetrators of the exploitation crime, particularly in terms of the effectiveness of the criminal sanctions imposed. Effective criminal sanctions not only serve as a tool of punishment, but also as a means of rehabilitation and prevention to ensure that offenders do not repeat their actions, as well as to identify and analyze various psychological factors that influence criminal behavior. This is carried out from the initial stage of investigation until a verdict is rendered using a resolution method that involves the offender, the victim, each party's family, and other parties connected to the crime. This aims to create a balance between the victim, the offender, and society, as well as to acknowledge that the judicial process is about meeting the needs of all parties². The purpose of this process is to jointly seek solutions to criminal acts and the impacts they cause, with a primary focus on restoration and returning things to their original state, rather than on imposing punishment as revenge³. From this, it is understood that children are in a very vulnerable position and may experience trauma that can affect their future sociological development however, various problems arise due to an imbalance affecting the offender in terms of the effectiveness of the criminal sanctions imposed, so it is necessary to consider the psychological aspects presented by law enforcers. Without understanding the sociological context, criminal sanctions are vulnerable to failing to achieve proper punishment, thus it is necessary to analyze this in Indonesian Criminal Law.

In this case Case Number: 1477/Pid.Sus/2024/PN Plg that issued by Palembang District Court, revealing that Indra Valentino Bin Slamet Riyadi,

¹ Shofiyul Fuad Hakiki, 'Exploitation of Children's Services According to Law Number 23 of 2002 and Islamic Criminal Law,' *al Jinayah: Journal of Islamic Criminal Law*, Volume 2, Number 2, 2016, pp. 275-302. <http://jurnalfsh.uinsby.ac.id/index.php/HPI/article/view/423>

² Decree of the Director General of the General Judiciary Agency Number: 1691/DJU/SK/PS.00/12/2020 on Guidelines for the Implementation of Restorative Justice in the General Judiciary Environment.

³ Edi Ribut Harwanto, 2021, *Restorative Justice: Implementation of Criminal Law Politics with the Philosophy of Pancasila*, Metro: Laduny Alifatama, p.5.

a daily wage laborer who is Muslim, was found legally and convincingly guilty of the crime "deliberately and without right displaying, distributing, transmitting and/or making accessible electronic information that contains content that violates decency known to the public or sexual exploitation to commit acts indecency. The defendant was arrested on October 2, 2024 and detained until March 16, 2025, with cumulative charges based on the ITE Law No. 1 of 2024, Pornography Law No. 44 of 2008, Child Protection Law No. 35 of 2014 jo. No. 17 of 2016, as well as the TPKS Law No. 12 of 2022 for committing physical sexual violence against a child victim aged 8 years old, eight times between July 2021 and May 2023 in PALI and Palembang, using deceptive methods such as luring the victim under the pretense of cleansing with masturbation and finger penetration into the victim's anus. These acts were deliberately recorded and distributed via the Telegram group "VGK (Video Gay Kids)" with around 1,000 members, as well as privately via WhatsApp and Telegram from 2019 to 2023. Based on the medical team, medical evidence from Visum et Repertum (VER/461/X/2024/RUMKIT) confirmed physical abnormalities in the victim, such as a loose anus due to blunt objects. The Public Prosecutor demanded a 12-year prison sentence and a fine of Rp 1 billion, and the defendant admitted his actions, expressed deep remorse, and requested a lighter sentence on the grounds of never having been punished before and "polite behavior" in court. According to Article 28B paragraph (2) of the 1945 Constitution, child protection from sexual violence is guaranteed, and Article 30 of the TPKS Law mandates sanctions (rehabilitation) so that the perpetrator does not repeat the act. It is recorded that 10,517 children became victims of violence, based on official data from the Online Information System for the Protection of Women and Children (Simfoni-PPA) of the Ministry of Women's Empowerment and Child Protection (KPPPA) until mid-July 2025, dominated by the 13 - 17 age group with 5,965 victims. Followed by the 6 - 12 age group with 3,343 victims, and the 0 - 5 age group with 1,209 victims. And it does not stop there, as there are still many regions that ignore the psychological aspects

of the perpetrators of these criminal acts, meaning without considering or looking at what factors underlie the occurrence of the crime itself which may later influence legal considerations in court. From this case, it is known that the application of legal-psychological approaches to child sexual exploitation is often limited to reactive aspects, such as evaluating the impact on victims through medical examinations, while justice perspectives for perpetrators, such as mental condition assessments or psychological driving factors, have not been fully integrated into the judicial process. However, at the international level, similar cases in ASEAN countries show that an inclusive legal-psychological approach can reduce recidivism by up to 20% through rehabilitation programs (UNODC, 2021). To understand the relationship with this research, there are five previous research findings, including: **First**, a journal entitled “Legal Protection for Child Victims of Sexual Exploitation in Indonesia: Case Study at PN Yogyakarta (Santoso & Wulandari (2021))” focuses on the fact that criminal sanctions alone are not sufficient, so there is a need for an understanding of psychological aspects by authorities and comprehensive rehabilitation for victims, as well as field implementation for victims. **Second**, Wortley, et al. (2024) “Accessing child sexual abuse material: Pathways to offending and online behaviour” focuses on identifying the behavioral pathways of online CSAM offenders, starting from curiosity to psychological addiction that requires rehabilitation. **Third**, The New Paradigm of Child Protection Law from Sexual Violence After the Criminal Code Number 1 of 2023, which discusses “The shift in the paradigm of child protection in the National Criminal Code to provide better protection of children's rights (Shulfa & Panjaitan (2023))”. **Fourth**, Bediona, et al. (2023) “Analysis of Chemical Castration” in their research focuses on the application of Philipus M. Hadjon's Theory to analyze chemical castration as a form of proportional preventive and repressive protection. **Fifth**, with the title “Pedophilia as a Cause of Sexual Violence Crimes Against Children” found that pedophilia is the main trigger for sexual violence because of the imbalance of physical and psychological

strength between adults and children. Although these five studies generally integrate legal and psychological perspectives to analyze the protection of child victims of sexual exploitation and the effectiveness of criminal sanctions, which focus more on the victims, both in terms of satisfaction with the verdict and psychologically. This has certainly neglected the implications of restorative sanctions for perpetrators, both in terms of the punishment given and in discussing the psychology of the perpetrators in general.

Das Sollen, Article 30 of the Sexual Violence Crime Law (UU TPKS) requires that in addition to imprisonment, individuals who commit sexual crimes against children may also be subject to medical and psychological rehabilitation to correct disturbed sexual behavior, with the aim of protecting society in the long term in accordance with Satjipto Rahardjo's Theory and Philipus M. Hadjon's Theory. However, in Das Sein through Decision Number: 1477/Pid. Sus/2024/PN Plg, the Panel of Judges actually ignored this rehabilitation method and merely imposed imprisonment based on subjective sociological considerations regarding the defendant's 'polite attitude' in court, without any clinical evidence supported by forensic psychiatric evaluation. Juridically, child protection in Indonesia is constructed as the fulfillment of comprehensive human rights, covering physical, psychological, and social aspects in accordance with the mandate of Law No. 35 of 2014 and Law No. 39 of 1999. However, the escalation of child sexual exploitation—both physically and digitally—shows the urgency to review the effectiveness of sanctions through the paradigm of “Law No. 12 of 2022 (UU TPKS).” The enactment of Law Number 12 of 2022 concerning Sexual Violence Crimes regulates 'restitution' for victims of sexual violence crimes in the form of compensation/payment of damages as an obligation of the perpetrator/third party in accordance with the provisions/court decisions with permanent legal force, for the suffering of the victim or their heirs, both material and immaterial losses (Article 1 point 20 of the Sexual Violence Law: restitution as the right of victims of sexual

violence is the victim (in addition to recovery services) in . where compensation in the form of compensation for loss of property or income, compensation for direct consequences of criminal acts, medical and/or psychological expenses, and/or compensation as referred to in the Sexual Violence Crime Law aims to prevent, handle, protect, create an environment free from sexual violence and restore the victims as well as enforce the law and rehabilitate the victims and prevent the recurrence of sexual violence (Article 3)⁴. Handling of this case cannot be separated from the psychological aspects of the perpetrator, where internal dynamics such as impulse control disorders, pedophilia, and past trauma become the main determinants of criminal behavior. In the perspective of preventive legal protection by Philipus M. Hadjon, criminal sanctions should not merely be repressive - retributive, but must include rehabilitative measures to mitigate the risk of recidivism. This integration of law and psychology is in line with the theory of Substantive Justice and Progressive Law by Satjipto Rahardjo, which emphasizes that law exists for humans so judges are obliged to explore psychological dimensions to produce decisions that go beyond formal legalism. Thus, the effectiveness of sentencing - whether through principal or additional penalties - can only be achieved if these sanctions are able to intervene in the root psychological problems of the perpetrator (such as cognitive, emotional, and conative) to ensure community safety and balanced justice recovery for both victims and perpetrators. This gap indicates that psychological components have not been effectively applied in decisions, so the punishments given may not achieve effectiveness in sentencing and may worsen the likelihood of recidivism. This research aims to analyze and examine more empirically and specifically how judges assess and position the aspect of the defendant's psychology and the existence of psychological factors that influence effectiveness of sanctions to achieve substantive justice. Based on the description above, the author wants to

⁴ Rosyadi, I., & Fatoni, S. (2022). Criminal sanctions against perpetrators of sexual violence from the perspective of the criminal justice system. *Judicial Journal*, 15(3), 337-359: Hal.13

study a research that matches the problems which have very significant negative impacts, where there is an increase in cases of child sexual exploitation while also considering the perpetrators' psychology based on the concept of substantive justice with the research title "Psychological Aspects of Perpetrators and the Effectiveness of Criminal Sanctions in Cases of Child Sexual Exploitation: Case Study Number: 1477/Pid.Sus/2024/PN Plg".

Methods

The method used is a normative legal research that is descriptive-analytical in nature. This descriptive-analytic method is carried out with focus on three main methodological pillars, namely based on Data Location, where primary data consists of Palembang District Court Decision Number: 1477/Pid.Sus/2024/PN Plg accessed virtually through the MA RI Decision Directory, while secondary legal materials are obtained through physical locations such as UNNES Library and National Library, as well as virtual locations through scientific databases such as Google Scholar and JDIH with data collection methods that use library research and document study through systematic stages starting from inventory of primary legal materials, identification of regulations related to child offenses, extensive literature search for secondary/tertiary legal materials, to documentation and classification of data based on relevance to the problem formulation, as well as data analysis, applying normative qualitative methods with a deductive approach through stages of legal fact description, interpretation and synchronization of norms vertically and horizontally, up to critical evaluation (thematic analysis) to test judges' considerations using the Theory of Substantive Justice and the Theory of Legal Protection to provide comprehensive legal prescriptions.

Result and Discussion

The application of cumulative charges in accordance with the case under study comprises several regulations, such as the Electronic Information and Transactions Law (UU ITE); Pornography; Child Protection and TPKS, with the Prosecutor charging the defendant Indra Valentino with a prison term of 12 (twelve) years and a fine of Rp 1,000,000,000.00 (one billion rupiahs) subsiding to 6 months of confinement. The Panel of Judges then handed down a verdict slightly lower or different from the charges, namely a prison term of 11 (eleven) years. Based on this, it touched on the punitive aspect (physical retribution), although the medical examiner's report shows physical injuries to the victim (loose anus), the judge did not relate the severity of the impact to the need for clinical intervention for the offender, so the application of Indonesian criminal law according to Satjipto Rahardjo's Theory is not fully fulfilled and Hadjon's Theory. about legal protection and rehabilitation.

1. Judge's Considerations Related to Psychological Aspects

Case Number: 1477/Pid.Sus/2024/PN Plg clearly outlines the legal basis used, but there are no references that specifically analyze forensic psychological assessments or clinical evidence underlying rehabilitation considerations. The judge's consideration in using the offender's assessments or psychological aspects to see whether the offender has a history of mental disorders, impulsivity, pedophilia, or other psychosocial factors as variables weighting the sanctions. The victim's medical report is described descriptively without directing toward medical/psychological rehabilitation⁵. In that decision, Indra Valentino was proven wrong with the criminal act of child sexual exploitation committed repetitively (8 times) an` organized through a digital network (Telegram Group "VGK")⁶.

⁵ Santoso, A., & Wulandari, S. (2021). Legal Protection for Children Victims of Sexual Exploitation in Indonesia: Case Study at Yogyakarta District Court. Gadjah Mada University/UNY Repository. Access: <https://repository.ugm.ac.id>

⁶ Palembang District Court Decision Number 1477/Pid.Sus/2024/PN Plg, p.4

Regarding the sentence reduction, this is based on the consideration that the defendant "behaved politely" and "admitted his actions"⁷. From the perspective of substantive justice, this shows a failure of the judge to see the perpetrator's psychology. In fulfilling social recovery, another opportunity is offered through restorative methods, allowing perpetrators, victims, and the community to communicate directly so that both affected parties and perpetrators have the opportunity to express their aspirations and hopes in this process. When there is two-way communication, a stronger sense of substantive justice emerges than just a court decision. This increases the legitimacy of the law in the eyes of the public and becomes relevant⁸. In the criminal justice process, judges play an important role in determining the final verdict for the defendant. The judge's decision must be based on various considerations that include juridical and non-juridical aspects, and involve deliberation with other judges if necessary. Judges in deciding cases before them are inseparable from the concept of the rule of law with three basic principles, namely: supremacy of law, meaning that the actions of the state and its citizens must be based on law; equality before the law, meaning that everyone has the same position and is treated equally before the law; the right to have a family and continue offspring is to maintain order in society; acts of sexual violence with considerations of religion, morality, and justice⁹. Non-juridical or sociological considerations, are considerations based on social context and background criminal acts, this includes the psychological and social conditions of the defendant, family background, as well as the impact of the crime on the victim and society. These considerations help judges understand the broader context behind the

⁷ Palembang District Court Decision Number 1477/Pid.Sus/2024/PN Plg, p.3

⁸ Dewa Ayu Kirana Putri and I Dewa Gede Dana Sugama, "Optimization of Restorative Justice in the Termination of Narcotics Crime Investigations: Perspectives on Substantive Justice and the Effectiveness of Criminal Procedure Law," *Jurnal Media Akademik (JMA)* 3, no. 10 (2025): p. 11

⁹ Aldino, H., & Krisna, L. A. (2023). Criminal Sanctions for Perpetrators of Sexual Violence According to the Perspective of Criminal Justice. *Samudra Keadilan Law Journal*, 18(Special), 183-196.: p.7

crime and make more humane and fair decisions¹⁰. Based on interdisciplinary references, the aim is to prevent the recurrence of problems by linking knowledge from other fields—such as psychology or criminology—in analyzing a legal case. An action is especially important in understanding what factors influence a person's psychological aspects; if adult behavior is the result of a long psychological process since childhood, then medical treatment related to a person's psychology is necessary. In considering the 11-year prison sentence for the defendant Indra Valentino, the Panel of Judges emphasized the defendant's polite attitude in court as a mitigating factor. However, from an interdisciplinary perspective, this consideration shows a neglect of deeper psychological aspects. Social diseases such as child sexual exploitation carried out repeatedly indicate the formation of a strong deviant identity. As found in the systematic review by Downing, Redelius, and Nordin-Bates (2024), behavioral patterns formed intensively and repeatedly will create an exclusive identity and intrinsic motivation that is difficult to change merely through external pressure; the defendant's polite attitude in court is an extrinsic motivation or situational effort to obtain a lighter sentence, while the psychosexual drive underlying the crime remains untouched by the punishment pure imprisonment¹¹. Thus, the defendant's polite attitude in court is merely extrinsic motivation or situational efforts for lighter punishment, while the psychosexual drive that is the root of the problem remains untouched by pure imprisonment. This affirms the failure to achieve substantive justice because the imposed sanctions are ineffective in breaking the chain of recidivism without clinical rehabilitation intervention.

¹⁰ Martins Izha Mahendra and Rasji, "A Juridical Study on Judges' Considerations Regarding the Imposition of Imprisonment Sanctions on Child Perpetrators of Rape," *Ranah Research: Journal of Multidisciplinary Research and Development* 6, no. 4 (2024): p.4

¹¹ Charlotte Downing, Karin Redelius, and Sanna Nordin-Bates, "A Systematic Review of Quantitative Studies Concerning Psychological Aspects of Early Specialisation," *International Journal of Sport and Exercise Psychology* 22, no. 8 (2024): p.19

2. Effectiveness of Sanctions Without Psychological Aspects

The effectiveness of criminal sanctions in preventing the repetition of criminal acts (recidivism) greatly depends on clinical intervention for the perpetrator's mental condition. It has been proven that structured and systematic psychological interventions have significant effectiveness in improving symptoms of mental and behavioral disorders in the long term (Seery et al., 2025). Without the imposition of sanctions in the form of medical and psychological rehabilitation as mandated in Article 30 of Law No. 12 of 2022 on the TPKS Law, an 11-year prison sentence only serves as a retributive (punitive) measure without providing a solution to the psychological root of the perpetrator's problem. If psychological intervention is proven effective in changing the long-term mental condition of brain injury patients, then the imposition of rehabilitation sanctions for perpetrators of crimes with psychosexual behavioral disorders should also be a medical obligation to ensure permanent behavioral change, not just imprisonment¹². The TPKS Law becomes an important milestone in criminal law reform. This law regulates more comprehensively various forms of sexual violence and increases criminal sanctions for perpetrators. In addition to imprisonment, the TPKS Law also regulates additional penalties such as restitution to victims and rehabilitation measures. However, the effectiveness of criminal sanctions must be able to provide a deterrent effect to perpetrators. In practice, criminal sanctions against perpetrators of violence Sexual [sanctions] are still not fully effective. This is evident from the high rate of recidivism and the increasing number of sexual violence cases. One factor affecting the low effectiveness of criminal sanctions is the absence of specific references in analyzing psychological

¹² Christina Seery et al "Effect of psychological interventions on depressive symptoms in the long term after acquired brain injury: A systematic review and meta-analysis," *Neuropsychological Rehabilitation* (2025): p.26

assessments¹³ in accordance with the case in Case Number: 1477/Pid.Sus/2024/PN Plg, which clearly outlines the legal basis that only focuses on considerations based on "being polite and admitting his actions." Sexual violence that occurs cannot happen unless the perpetrator experiences something that underlies the occurrence of the crime; thus, identifying the root causes of sexual violence from psychological and socio-cultural perspectives is necessary to formulate more effective prevention strategies, especially through early education for males. "The perpetrator's actions of feeling 'entitled' to exploit children digitally (Telegram Group) are influenced by a socio-cultural environment that distorts the understanding of sexual boundaries." This is not merely coincidental, but the result of psychological construction and the influence of a digital environment that normalizes sexual aggression. In research by Reshma J K, et al. (2022), many young men still believe the myth that women "ask" to be raped through their clothing, behavior, or by being outside at night. This culture often normalizes male aggression as something "natural," meaning the social structure that places men in a superior position gives a sense of entitlement over women's bodies. However, if being a man means having to be sexually aggressive and dominant, this becomes one of the root psychological problems. Many highly educated young men in Kerala still hold on to discriminatory traditional values. Interventions are needed that target cognitive reconstruction, namely dismantling the wrong way of thinking about women and consent through rehabilitation programs psychological for those who show tendencies of sexual aggression that begin from the smallest unit, namely the family, to teach gender equality. In the implementation of the first stage of analysis, a forensic expert must understand the legal concepts that uncover the underlying psychological conditions in revealing the most integrative characteristics and reflect

¹³ Julia Handayani, et al., "The Effectiveness of Criminal Sanctions against Perpetrators of Sexual Violence," *Journal of Legal Science and Justice* 1, no. 1 (2026): p.14

behavioral regulation in the ability to control oneself in daily life¹⁴ In legal policy, it should not only punish, but also be educational and able to change destructive social norms¹⁵ A prison sentence of 11 years does not necessarily guarantee that the perpetrator will not repeat the same act; the criminal sanction imposed is only viewed from a sociological perspective without considering the deep psychological aspects. This analysis shows that Case Number: 1477/Pid. Sus/2024/PN Plg does not clearly consider forensic-psychological assessment, history of mental problems, or elements of impulsivity as factors in determining the imposed sanction, and medical evidence such as *Visum Et Repertum* (VER) is only mentioned descriptively without any recommendation for medical or psychological rehabilitation intervention or a planned rehabilitation program, thus raising doubts about the effectiveness of criminal sanctions as a tool for recovery and prevention of repeated criminal acts. The absence of psychological aspects in determining sanctions can make the decision more retributive than rehabilitative, in line with the provisions of Law No. 12 of 2022 concerning Sexual Crimes which emphasizes the need for rehabilitation as part of legal action, as well as the principle of substantive justice that protects the rights of victims and provides opportunities for perpetrators to rehabilitate. Prison sentences are now considered irrelevant to the current times, especially in relation to this with several criminal acts. The need for legal breakthroughs to provide therapeutic/treatment effects to perpetrators of criminal acts (other than imprisonment) through rehabilitation efforts¹⁶. Legal protection efforts in cases of sexual violence against children have been regulated in "Law Number 23 of 2002 concerning Child Protection and have been amended by Law Number 35 of 2014 concerning Amendments to Law

¹⁴ T. N. Sekerazh, "Psychological and Legal Aspects of the Concept of 'Provocation' in Criminal Proceedings," *Theory and Practice of Forensic Science* 15, no. 3 (2024): p.22

¹⁵ Reshma J K et al., "Socio-cultural and Psychological Aspects of Rape: Perspectives of Young Men from Kerala," *Cogent Social Sciences* 8, no. 1 (2022): p.6

¹⁶ Guruh Tio Ibipurwo, et al., "Preventing the Recurrence of Sexual Violence Through Perpetrator Rehabilitation from a Restorative Justice Perspective," *Jurnal Respublica* 21, no. 2 (2022): p.8

Number 23 of 2002 concerning Child Protection, one of the changes emphasizes the aggravation of criminal sanctions against perpetrators of sexual violence against children.” However, these amendments have not been able to significantly reduce the rate of sexual violence against children¹⁷. The ethical tension between the retributive function of law and the rehabilitative function of psychology as described by Jones, Willis, and Ward (2025) becomes highly relevant in the study of Case Number: 1477/Pid.Sus/PN Plg. The absence of a rehabilitation mandate in the sanctions against the defendant reflects a legislative tendency focused on risk management (risk-averse) but neglecting clinical intervention. This results in low sanction effectiveness, considering that the psychological profile of sexual offenders requires an ethical therapeutic approach to substantively reduce the risk of recidivism¹⁸. In the policy domain, this shortcoming impacts the increased likelihood of repeated offenses and the lack of long-term protection for victims if psychological support is not implemented at the verdict level or during the implementation of post-legal programs from a theoretical perspective, thus these results strengthen the argument for the importance of integrating assessment forensic-psychological assessment as a requirement in determining sanctions, as well as designing sanctions that combine elements of psychological or medical rehabilitation with a sustainable evaluation mechanism regarding compliance and effectiveness, in order to achieve substantive justice, protection for victims, and a balanced recovery process for perpetrators. The effectiveness of criminal sanctions cannot be separated from the psychological transformation of the perpetrator during the sentencing period. As stated in the study by Moniz et al. (2024), the rehabilitation

¹⁷ Dwilestari, I. Y., Pawennei, M., & Arif, M. (2024). “The effectiveness of applying the threat of criminal sanctions against perpetrators of sexual violence against children.” *Journal of Lex Philosophy (JLP)*, 5(2), 487-503: p.12

¹⁸ Jones, V. M., Willis, G. M., & Ward, T. (2025). Ethical tensions in forensic psychological practice: experiences of New Zealand psychologists in an increasingly risk-averse legislative context. *Psychiatry, Psychology and Law*, 1–22.
<https://doi.org/10.1080/13218719.2025.2521627>: Hal. 10

process that touches the deepest psychological aspects of the perpetrator, such as the ability to reconstruct self-identity, greatly determines the success of social reintegration. In the context of case Number 1477/Pid.Sus/PN Plg, the absence of clinical rehabilitation sanctions risks neglecting the psychological recovery needs of the perpetrator, which according to international literature is a crucial factor in reducing recidivism rates¹⁹.

3. Theoretical and Policy Implications

This research has dual implications, where theoretically it strengthens the position of interdisciplinary law in dissecting the intrinsic motives of sexual violence perpetrators. In terms of policy, this research encourages the optimization of action sanctions (rehabilitation) so that criminal sanctions are not only retributive (revenge) but also rehabilitative. The effectiveness of criminal sanctions cannot only be measured from a juridical-dogmatic aspect, but must integrate cognitive distortion theory to understand the repetitive behavioral patterns of sexual crime perpetrators. Human rights are regulated in “Law No. 39 of 1999 which regulates human rights with physical, psychological, social, and legal protection regardless of status.” However, in reality, the objectives of this law in society are still not in accordance with the progress of the times. Serious violations against children that one of the most severe is the occurrence of sexual violence by adults, the perpetrators of exploitation certainly have psychological dynamics or are caused by a complex background. It should be known that acts of sexual violence tend to be committed by nearby adults, which is a condition of pedophilia. Pedophilia is a condition where adults have an attraction to underage children, and pedophilia perpetrators have difficulty

¹⁹ Moniz, J., Nunes, V., & Cunha, C. (2024). Forgiveness and rehabilitation of Portuguese incarcerated individuals: what do they think about forgiveness? *Journal of Offender Rehabilitation*, 63(5), 328–346. <https://doi.org/10.1080/10509674.2024.2353568>: p.12

controlling themselves psychologically. In psychology has 3 (three) components, namely:

- 1) Cognitive Aspect;
- 2) Emotional Aspect;
- 3) Volitional Aspect;

Punishments that are only physical (imprisonment) are not able to intervene in these three psychological components comprehensively. Without clinical rehabilitation targeting cognitive improvement (changing ways of thinking), emotional stabilization (building empathy), and conative control (directing will), the risk of recidivism remains high because the 'engine' driving criminal behavior in the perpetrator is not repaired²⁰. In implementing the effectiveness of criminal sanctions in exploitation cases, it should not stop at the repressive function of punishing the perpetrator by only looking at the sociological side of 'polite attitude', but should also touch on the psychological rehabilitation of the perpetrator by minimizing recidivism. This aspect can be used as a reason in applying the effectiveness of criminal sanctions because it includes the mental condition, motivation, and behavior of the perpetrator that affect the response to the law in force. The criminal sanctions imposed are able to integrate Satjipto Rahardjo's Theory and Philipus M. Hadjon's Theory, in accordance with the mandate of "Article 30 of the TPKS Law" for perpetrators. This study reinforces the urgency of using the Double Track System approach (Two-Track System) that not only views the perpetrator as a legal subject who deserves punishment, but also as an individual with cognitive distortions that requires medical handling.

4. Comparison with the Literature

²⁰ Gashkova, K.D., & Yegorov, PSYCHOLOGICAL ASPECTS IN THE TACTICS OF INTERROGATION OF WITNESSES IN CRIMINAL CASES, Chelyabinsk State University Journal of Education and Health, Chelyabinsk State University Journal of Education and Health, 0 (2023): p.19

This study has dual implications, theoretically strengthening the position of interdisciplinary law in dissecting the intrinsic motives of perpetrators of sexual violence. Politically, this research encourages the optimization of sanction actions (rehabilitation) so that criminal sanctions are not only punitive (revenge) but also rehabilitative. The measurement of the effectiveness of criminal sanctions cannot be based solely on juridical-dogmatic aspects; it must also integrate cognitive distortion theory to understand repetitive behavior patterns of sexual offender. Human rights are regulated in “Law No. 39 of 1999 concerning human rights with physical, psychological, social, and legal protection without discrimination of status.” However, in society, the purpose of that law has not fully aligned with modern progress.

Table 4.1. Comparison of Liberatur

Authors & Year	Focus / Main Findings	Main Findings Comparison with Year This Research
Santoso & Wulandari (2021)	Pure criminal sanctions do not Santoso & against Indra adequate; need for understanding Wulandari psychological aspects by authorities and comprehensive rehabilitation.	Aligned: Strengthening the argument that sanstions against Indra Valentino should not only focus on prison, but also psychological apects.

Authors & Year	Focus / Main Findings	Main Findings Comparison with Year This Research
Wortley, et al (2024)	Identification of offender behavior pathways online CSAM that originated from curiosity to becomes a psychological addiction	Technical Deepening: Explaining the psych side offender who using Telegram (CSAM); showing that without clinical from curiosity to (2024) showing that becomes a psychological addiction. without clinical intervention, risk of recidivism remains high
Shulfa & Panjaitan (2023)	Paradigm shift the decision that Shulfa & child in the Penal Code National (Law No. 1/2023) toward substantive protection and preventive.	Paradigm Basis: Showing that the the action is (2023) substantive protection and a

Authors & Year	Focus / Main Findings	Main Findings Comparison with Year This Research
		step back preventive. (contradictory) from the spirit of the Penal Code latest National.
Bediona, et al (2023)	Chemical castration analysis using Philipus M. Theory. Hadjon as a preventive-repressive protection rather than merely proportional.	Supplementary Perspective: Adding rehabilitation is preventive instruments that is more logical rather than merely physical punishment for cutting the root of the problem
Study Pedophilia (2023)	Pedophilia as the main trigger due to imbalance physical and psychological	Root Cause: Supporting arguments the need for recovery psychological

Authors & Year	Focus / Main Findings	Main Findings Comparison with Year This Research
	power between adult and child.	deviance due to the presence of relationship inequality power that cannot be resolved solely with imprisonment.

The results of this study are more comparative; in the table it confirms that this research is a form of recontextualization of theory to the current legal reality. The significance of this research lies in its ability to transform theoretical debates into concrete case analysis in PN Palembang Case Number 1477/Pid.Sus/2024/PN Plg. This becomes an important instrument to identify gaps between the progressive legal paradigm offered by the latest literature and the concrete implementation by the court authorities. Thus, this research fills the literature gap through empirical proof regarding the urgency of integrating rehabilitative sanctions in the judge's verdict.

5. Challenges and Recommendations

A. Challenges

- 1) Normative Juridical-Sentric Paradigm: The formal legal view among legal practitioners such as judges and prosecutors who

still see punishment as retaliation (retributive justice). The judge's consideration in issuing a decision must reflect the community sense of justice, not only based on its juridical considerations but there are also psychological considerations leading to the background of the occurrence of sexual crime, the judge is required to have confidence by linking that confidence with legitimate means and methods of evidence and creating his own law based on justice which certainly does not contradict Pancasila as the source of all law. Legal protection that is preventive is an effort made to prevent, reduce, and eradicate crime²¹. In Case Number: 1477/Pid.Sus/PN Plg, the judge appears to focus more on procedural aspects and external behavior (polite demeanor) rather than delving into the root causes of psychosexual issues (pedophilia/cognitive distortion).

- 2) Limited Forensic Psychology Assessment Infrastructure: Practically, courts often do not have quick access or dedicated budgets to bring in forensic psychology experts to assess the recidivism risk of CSAM offenders (Child Sexual Abuse Material). This causes "Article 30 of the TPKS Law regarding sanctions for actions often becoming a sleeping clause" that is rarely applied".
- 3) Digital Normalization and the Complexity of Recidivism: The challenge in the Indra Valentino case is the digital nature of the crime (Telegram group). Conventional prison without digital-psychological rehabilitation will not erase the offender's memory or urge to return to access/distribute similar content after release.

B. Recommendations

For the Supreme Court: There is a need for a Supreme Court Regulation (PERMA) that requires judges to include assessment results psychologically in cases of sexual violence or other cases involving a

²¹ Yuniantari, D., & Rusdiana, E. (2021). A Juridical Study on Sexual Harassment Against Children Through Online Means (Online): sexual harassment, children, online, victim protection. *Novum: Law Journal*, 8(03), 171-180: p.5

person's rights that are repetitive, judges should no longer use "polite attitude" which is a sociological aspect as the sole mitigating variable without considering the clinical profile of the perpetrator. The implementation of "PERMA No. 3 of 2017 in judicial processes by judges has been carried out" but not all have been implemented; if viewed from several cases in the Palembang District Court, this PERMA has several weaknesses that become obstacles for judges in its application to realize justice for all levels of society, especially for perpetrators, so that it can guarantee the rights of victims and perpetrators equally in obtaining justice²².

For the Prosecutor's Office: Public Prosecutors are recommended to explicitly demand Action Sanctions in medical and psychological rehabilitation as regulated in the TPKS Law, not just focus on the number of years of imprisonment and fines. This is important so that the panel of judges has a strong basis for imposing rehabilitative sanctions. According to Barda Nawawi Arief, if the meaning of sentencing is interpreted broadly as a process of giving or imposing punishment by a judge, then it can be said that the sentencing system includes all the provisions of legislation that regulate how criminal law is enforced or operationalized in concrete terms so that someone is sentenced (criminal law)²³.

Full Implementation of the Double Track System: Encouraging Correctional Institutions (Lapas) to collaborate with clinical psychologists to carry out cognitive reconstruction programs for pedophilia offenders. This recommendation is in line with Philipus M. Hadjon's theory of preventive protection, namely protecting society

²² Dian Fakhirah Lubis, "The Implementation of Protection for Women as Victims of Sexual Harassment Facing the Law Viewed from the Supreme Court Regulation Number 3 of 2017 (Study at the Medan District Court)" (Bachelor of Law Thesis, Universitas Medan Area, 2024): p.57

²³ Uleng, D. S. (2024). JURIDICAL REVIEW OF MEDICAL REHABILITATION FOR SEXUAL VIOLENCE OFFENDERS (Doctoral dissertation, Hasanuddin University): p.34

from potential future crimes by improving the psychological condition of the offender at present.

Optimization of the Role of LPSK and Forensic Psychologists: Forensic psychology is a branch of psychology applied in the context of law and the criminal justice system. In this regard, forensic psychologists play a role in evaluating the psychological condition of child victims or offenders, and the main challenges faced include the limited number of forensic psychologists with competence and special training in legal aspects, lack of human resources and facilities in certain areas, as well as weak coordination between law enforcement and psychology professional institutions or organizations. Article 186 of the Criminal Procedure Code (KUHAP) stipulates that in judicial processes, expert testimony can be used as evidence. In this case, forensic psychologists who provide professional opinions based on their knowledge and expertise have an important role in supporting scientific proof. Expert testimony from forensic psychologists often becomes the key to explaining psychological impacts that are invisible but highly relevant in proving the occurrence of violence against children. In the context of Indonesian law, this role is increasingly formally recognized through policies in specific sectors, such as Ministry of Health Regulation No. 77 of 2015 and guidelines from Lembaga Perlindungan Saksi dan Korban (LPSK)²⁴. The government needs to strengthen the role of forensic psychology associations such as (APSIFOR) at every stage of criminal justice for children and sexual violence offenses, so that every decision is based on data scientific, not merely subjective sociological considerations.

²⁴ Novilia, V., & Yusuf, H. (2025). Forensic psychology in handling criminal acts of violence against children: Legal review and practice in Indonesia. *Jurnal Intelek Insan Cendikia*, 2(8), 14023-14033: pp. 4-7

Conclusion

Based on the research results and discussion of the issues that the findings, the author draws a conclusion. The study results in Case Study Number: 1477/Pid.Sus/2024/PN Plg conclude that the criminal sanctions imposed have not achieved ideal punitive effectiveness. The dominance of the retributive paradigm causes the Panel of Judges to neglect provisions in Article 30 of the CPP concerning disciplinary actions (rehabilitation), so the 11-year prison sentence only serves as a physical isolation means without touching the root cognitive distortions of the offender, meaning that if the defendant's courteous attitude is a mitigating factor, it indicates a judicial failure to integrate forensic psychology into legal considerations. This results in sanctions losing their preventive-rehabilitative dimension, thus affecting substantive justice not being fully achieved because the relapse risk remains high due to the lack of clinical intervention for the offender's psychosexual disorder. The development of the Penal Code with influence from the "modern" school in criminal law enriches criminal law with sanctions called a double track system (measure, maatregel). The punishment is seen as capable of creating deterrence and as retribution to the offender, while the action is more of an effort to protection of the community from such violence. "Definition double track system is the 2 (two) track system for applying sanctions in the criminal justice system in the form of types of criminal sanctions and types of corrective actions applied simultaneously. The purpose of criminal sanctions or punishment that inflicts suffering and reproach on perpetrators of criminal acts." Based on the aspect of rehabilitation as a consideration mandatory in imposing rehabilitation in addition to imprisonment. The punishment becomes a criminal sanction that is just for the victim and the perpetrator (restorative justice) but must also consider the possibility of repetition of criminal acts

that will occur and the impact on society if the victim has finished serving their imprisonment²⁵.

Therefore, this study emphasizes that transformation towards Double Track System and the use of forensic psychology assessment are absolute prerequisites for enforcing laws on violence against children that is oriented toward long-term community protection.

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²⁵ Ibipurwo, G. T., Wibowo, Y. A., & Setiawan, J. (2022). Prevention of Sexual Violence Recidivism Through Offender Rehabilitation in the Perspective of Restorative Justice. *Jurnal Hukum Respublica*, 21(2), 155-178: p.12

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