

Advocacy and Protection for Victims of Sexual Violence against Children: Insight from Indonesia's Experience

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Abstract

This research conducts a comprehensive exploration of the nuanced dimensions surrounding the role and protection of victims of sexual violence against children in Indonesia, with a specific focus on Decision Number 28/Pid.Sus/2021/PN Bbs, employing a normative juridical

methodology. The study aims to reveal legal intricacies in victim form and protection throughout the judicial proceedings outlined in Decision Number 28/Pid.Sus/2021/PN Bbs, utilizing secondary sources such as laws, regulations, books, legal journal articles, and media coverage. Employing a descriptive analytical approach, the research identifies two crucial dimensions. Firstly, victims of sexual violence against children in Decision Number 28/Pid.Sus/2021/PN Bbs exhibit vulnerability, easily persuadable traits, and compromised mental and physical conditions. External factors, including determinants of life, personality, and education, further contribute to the complexity of their roles. Secondly, an exploration of victim protection within the decision reveals that not all legally stipulated safeguards are embraced, with the Witness and Victim Protection Agency (LPSK) providing no support due to a lack of initiative from the family or law enforcement officials. Despite this, non-judicial protections, particularly in health, were identified, such as post-mortem medical treatment. To enhance comprehensiveness, the study incorporates perspectives of advocacy and victim protection, critically examining the efficacy of advocacy initiatives and evaluating existing frameworks for both juridical and non-judicial protection. This comprehensive approach aims to provide a holistic understanding of challenges and opportunities in safeguarding victims of sexual violence against children within the context of Decision Number 28/Pid.Sus/2021/PN Bbs.

Keywords

Advocacy, Sexual Violence, Victim Protection, Child Protection, Women Protection

A. Introduction

Children constitute integral members of families, necessitating careful attention and protection. This commitment to child welfare is underscored by Law Number 23 of 2002 regarding Child Protection (hereinafter as *Indonesian Child Protection Law*), framing children as a divine mandate deserving perpetual care, given their inherent dignity

and human rights. Positioned as the forthcoming custodians of national ideals and the future of the nation, every child holds the entitlement to live, flourish, and develop harmoniously. This perspective aligns with global and Indonesian sentiments recognizing children as pivotal entities deserving both societal safeguarding and opportunities for holistic growth.¹

Contemporary times witness an evolving landscape of criminal involvement, now extending its reach to include children. Formerly, criminal activities were predominantly associated with actions committed by adults; however, the current paradigm is distinctly different. This emergent trend raises considerable concerns within communities, particularly among parents, who historically viewed children as improbable accomplices in criminal activities.²

Addressing this societal shift, the government has instituted an age limit for children entangled in legal conflicts, delineated through the juvenile court system. The stipulation dictates that children falling between the ages of twelve (12) and not exceeding eighteen (18) years old are subject to this legal framework. This regulatory framework aligns with contemporary global discussions on juvenile justice, emphasizing the delicate balance between acknowledging the accountability of juvenile offenders and recognizing their unique vulnerabilities as minors within the legal system. By contextualizing these legal parameters within both global perspectives and Indonesia's current sociocultural landscape, we can better appreciate the nuanced challenges and evolving dynamics surrounding the intersection of children and the legal realm.³

¹ Neil Boothby, and Lindsay Stark. "Data surveillance in child protection systems development: An Indonesian case study." *Child Abuse & Neglect* 35, no. 12 (2011): 993-1001; Yanuar Farida Wismayanti, et al. "Child sexual abuse in Indonesia: A systematic review of literature, law and policy." *Child Abuse & Neglect* 95 (2019): 104034.

² Peter Lachman, et al. "Challenges facing child protection." *Child abuse & neglect* 26, no. 6-7 (2002): 587-617; Eileen Munro, "Learning to reduce risk in child protection." *British Journal of Social Work* 40, no. 4 (2010): 1135-1151; Kirsten Stalker, and Katherine McArthur. "Child abuse, child protection and disabled children: A review of recent research." *Child Abuse Review* 21, no. 1 (2012): 24-40.

³ Oksidelfa Yanto, et al. "Legal protection of the rights of the child victims in Indonesian juvenile criminal justice system." *Jurnal Yustika: Media Hukum Dan*

The incidence of sexual violence against children has demonstrated a disturbing upward trend annually, as highlighted by the Indonesian Child Protection Commission (KPAI). The Chairman of KPAI has elucidated that this form of sexual crime predominantly emanates from individuals within the victim's immediate surroundings, encompassing biological and stepparents, siblings, family relatives, acquaintances in the community, and fellow students in school. Notably, KPAI reported that in January 2022, 797 cases of children falling prey to sexual violence were documented. This figure accounts for a significant 9.13 percent of the overall cases reported in 2021, where the cumulative instances amounted to 8,730—a clear escalation from previous years.⁴

The surge in reported cases of violence against children can be attributed to a noteworthy shift in societal behavior, characterized by an increasing willingness to report such incidents to the pertinent authorities. This cultural shift represents a positive development, indicating a growing awareness and determination within the community to address and confront the issue. The data underscore the urgency of collective efforts to curb this alarming trend, emphasizing the need for comprehensive strategies, community engagement, and support mechanisms to protect children from the pervasive threat of sexual violence.⁵

Keadilan 23, no. 1 (2020): 24-35; Sasmita Adika Candra, Rodliyah Rodliyah, and L. Parman. "The Best Interest of The Child Principle in The Juvenile Justice System." *International Journal of Multicultural and Multireligious Understanding* 6, no. 4 (2019): 491-505; Sharyn Graham Davies, and Jazz Robson. "Juvenile (in) justice: children in conflict with the law in Indonesia." *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 119-147.

- ⁴ Fransiska Novita Eleanora, and Andang Sari. "Role and function of Indonesian child protection commission in providing against victims of violence in the street." *Jurnal Hukum Prasada* 6, no. 2 (2019): 103-108; Dwi Putri Melati, "Implementasi Penanganan Kasus Kekerasan Terhadap Anak oleh Komisi Perlindungan Anak Indonesia." *Fiat Justisia: Jurnal Ilmu Hukum* 9, no. 1 (2015).
- ⁵ Yosefin Dika Tyas Wangi, "Policy of Development for Juvenile Delinquency in the Perspective of Indonesian Criminal Justice System Reform (Study on Institute for Special Development Children LPKA Kutoarjo, Central Java, Indonesia)." *Journal of Indonesian Legal Studies* 2, no. 2 (2017): 85-100; Sarno Setiawan, et al. "Community empowerment on establishment of friendly-village

Moreover, within Indonesia's legal framework, sexual violence is delineated as a criminal offense against decency, encapsulated in articles 285-296 of the Criminal Code. This legal purview is further reinforced by Law Number 23 of 2022 regarding Child Protection, specifically in Articles 81, 82, and 88. Several factors contribute to the prevalence of sexual crimes against children, notably stemming from associations that often neglect or dismiss societal norms, such as engaging in relationships that surpass acceptable limits. The dynamics of courtship between boys and girls frequently normalize behaviors that may lead to engaging in sexual activities outside the bounds of marriage.⁶

Fundamentally, vulnerable conditions experienced by girls render them susceptible to victimization due to their compromised psychological and physical states. The existing societal norms and misconceptions surrounding appropriate behavior in relationships can inadvertently expose girls to exploitation. In these situations, girls may be easily manipulated and coerced by those closest to them, often without realizing the gravity of their vulnerability, thereby making them susceptible to becoming victims of immoral acts. Understanding and addressing these root causes are imperative in developing effective preventative measures and support systems to safeguard children from the insidious threat of sexual violence.

Within the framework of victimology, the depiction of children as victims arises from their experience of pain inflicted by others, actions that transgress human rights and manifest as criminal acts. Children, in this context, assume a dual role—serving as both physically and mentally affected entities, simultaneously subjected to victimization and utilized as instruments or targets of criminal activity. Victimology, as a field of study, explores the intricacies of the victim's role, encompassing actions

for women and children." *Indonesian Journal of Advocacy and Legal Services* 1, no. 1 (2019): 5-22.

⁶ Ratri Novita Erdianti, and Sholahuddin Al-Fatih. "Fostering as an Alternative Sanction for Juveniles in the Perspective of Child Protection in Indonesia." *Journal of Indonesian Legal Studies* 4, no. 1 (2019): 119-128; Dani Muhtada, and Ridwan Arifin. "Penal Policy and the Complexity of Criminal Law Enforcement: Introducing JLS 4 (1) May 2019 Edition." *Journal of Indonesian Legal Studies* 4, no. 1 (2019): 1-6.

that may be immediate or deferred, ultimately generating stimuli affecting the victim or others.

In addition, the victim's role is notably significant, deriving from various conditions initially imposed upon them. This background prompts the formulation of specific problem statements: *first*, what role do victims play in instances of child sexual violence? A Case Study of District Court Decision No. 28/Pid.Sus/2021/PN Bbs, and *second*, how is the protection of victims addressed in cases of child sexual violence? A Case Study of District Court Decision No. 28/Pid.Sus/2021/PN Bbs.

These problem formulations aim to scrutinize the multifaceted dynamics surrounding the victim's role and protection within the context of child sexual violence, particularly examining the specifics outlined in District Court Decision No. 28/Pid.Sus/2021/PN Bbs. This inquiry is crucial in unraveling the complexities inherent in the victimology of children, shedding light on the challenges and safeguards encountered within the legal landscape.

B. Method

The author employs the normative juridical method, also known as the literature law research method, in this article. This approach involves legal research that analyzes laws and regulations, serving as primary sources of positive law in Indonesia. Key legal references include Law Number 35 of 2014, amending Law Number 23 of 2002 on Child Protection, Law Number 13 of 2006 on Protection of Witnesses and Victims, and the Code of Criminal Procedure. The research methodology relies on reviewing secondary materials gathered through literature studies. Data collection involves utilizing the library research method, referencing legislation, books, legal journal articles, news from mass media and social platforms, and various online resources. Employing the analytical descriptive method, the author conducts an in-depth analysis by describing the subject under study and subsequently drawing conclusions based on the issues addressed in the research.

C. Results and Discussion

1. Navigating the Intricacies: A Holistic Exploration of Victimhood and Perpetration in Violence and Exploitation

Violence is succinctly defined as an act that inflicts suffering and distress, encompassing both physical and psychological realms. In accordance with Law Number 35 of 2014, violence against children is broadly described as any action that results in mental, emotional, sexual, or neglect-related pain. This definition extends to include coercive acts, intimidation, and the unjust deprivation of liberty. It is essential to note that exploitation, inclusive of children, can be perpetrated and endured by anyone.

Richard J. Gelles⁷ explicates that violence against children involves intentional acts leading to mental and emotional loss, damage, or harm. The exploitation of children is diverse and can be categorized

⁷ Richard J. Gelles is a distinguished sociologist and scholar who has made substantial contributions to the field of family violence. His work has been influential in shaping our understanding of violence, particularly within the context of family dynamics. Gelles has extensively researched and written about issues related to domestic violence, child abuse, and family relationships. One of his notable contributions is the development of the "*Conflict Tactics Scale*," a tool used to assess and measure various forms of family violence, including physical, psychological, and verbal abuse. Gelles' research has emphasized the importance of understanding the dynamics of violence within families, shedding light on the prevalence, causes, and consequences of such behaviors. Through his work, Gelles has highlighted the need for comprehensive and evidence-based approaches to address violence in families. His research has informed policies and interventions aimed at preventing and addressing domestic violence and child maltreatment. Gelles' insights continue to play a vital role in shaping discussions and strategies related to violence prevention and family well-being. See Richard J. Gelles, *Intimate Violence in Families*. (London: Sage, 1997). See also Murray A. Straus, Richard J. Gelles, and Suzanne K. Steinmetz. *Behind closed doors: Violence in the American family*. (London: Routledge, 2017); Richard J. Gelles, "Controversies in family preservation programs." In *Children Exposed to Domestic Violence*. (London: Routledge, 2018), pp. 239-252; Eman Ayoub, and Adelina Ștefırța. "The violence in family as tradition and habit: some historical aspects." *Univers Pedagogic* 65, no. 1 (2020): 95-100; Richard J. Gelles, *The Child Protection System*. (Oxford: OUP, 2018).

into various forms, comprising mental violence, emotional and psychological violence, sexual violence, and environmental violence.

Furthermore, it is highlighted that sexual violence encompasses any intentional or unintentional sexual behavior, attempts to perform sexual acts, or recommendations to engage in sexual activities, along with coercive actions to force individuals into sexual activities. Additionally, sexual exploitation is defined as a broader category encompassing all sexually coercive activities carried out by adults against children or by children against their peers. UNICEF characterizes sexual exploitation as involving children in commercial sexual activities, enticing or coercing them into sexual acts, which may include the production of audio, visual, and child prostitution media.

According to WHO, sexual exploitation can manifest in various forms, such as sexual assaults like rape, physical and mental abuse of a sexual nature, the unauthorized distribution of sexual content in photos or videos, forced engagement in sexual crimes, coerced marriages, forced abortions, violence targeting sexual organs, and involvement in prostitution and sexual commercial exploitation. This comprehensive definition highlights the diverse and serious nature of sexual exploitation, encompassing a range of harmful behaviors that violate the rights and well-being of individuals, especially children.

The International Campaign to End Child Prostitution in Southeast Asia (ECPAT) defines the sexual exploitation of children as a form of interpersonal relationship involving individuals and adults, including strangers, siblings, parents, and relatives, wherein the child becomes a means to fulfill the sexual desires of the perpetrator. This reprehensible act is characterized by coercion, seduction, bribery, pressure, and deception, highlighting the absence of consent. Acts of violence against children in this context often involve physical contact between the victims and perpetrators, exemplified by types such as rape or molestation.⁸

To comprehend the dynamics of sexual violence more comprehensively, it is essential to examine specific acts, as outlined by Lyness. These acts include kissing or touching the child's genitals, child

⁸ Ron O'Grady. *The child and the tourist: the story behind the escalation of child prostitution in Asia*. (Bangkok, Thailand: ECPAT, 1992).

rape, distribution of pornographic media, and displaying child genitals.⁹ Child sexual exploitation constitutes a form of abuse categorized into two types based on the relationship between the victim and the perpetrator. The first category, Familial Abuse, pertains to exploitation occurring within family relationships, often involving immediate family members. The second category, Extra-Familial Abuse, involves exploitation where the victim and perpetrator are not immediate family members but may have a close relationship. In this latter category, the perpetrator is typically an adult who has established a relationship with the victim, using persuasion to commit sexual abuse against the child.¹⁰

Within instances of sexual violence against children, a significant element is the presence of a molester. A molester refers to a situation where sexual exploitation occurs alongside coercion, accompanied by threats that render the victim powerless. Alternatively, sexual violence against children may transpire without physical force, instead employing psychological manipulation, deception, or seduction. In such cases, the child is deceived, often unaware of the exploitation due to their lack of maturity.¹¹

⁹ Anne M. Prouty Lyness, and Kevin P. Lyness. "Feminist issues in couple therapy." *Journal of Couple & Relationship Therapy* 6, no. 1-2 (2007): 181-195. See also Anastasya Putri Elvira Dula, "Protection for Women Victims of Domestic Violence in Indonesia: A Victimology and Criminology Approach." *Law Research Review Quarterly* 8, no. 4 (2022); Robert Fox Vernon, "The social construction of sexual violence." *Counselling Psychology Quarterly* 11, no. 2 (1998): 201-213

¹⁰ Gregory M. Zimmerman, Chelsea Farrell, and Chad Posick. "Does the strength of the victim-offender overlap depend on the relationship between the victim and perpetrator?." *Journal of Criminal Justice* 48 (2017): 21-29; Kathleen Coulborn Faller, "The role relationship between victim and perpetrator as a predictor of characteristics of intrafamilial sexual abuse." *Child and Adolescent Social Work Journal* 6 (1989): 217-229; Kristin L. Anderson, "Perpetrator or victim? Relationships between intimate partner violence and well-being." *Journal of Marriage and Family* 64, no. 4 (2002): 851-863; Sihyun Park, and Sin-Hyang Kim. "Who are the victims and who are the perpetrators in dating violence? Sharing the role of victim and perpetrator." *Trauma, Violence, & Abuse* 20, no. 5 (2019): 732-741.

¹¹ June Simon, Ann Luetzow, and Jon R. Conte. "Thirty years of the convention on the rights of the child: Developments in child sexual abuse and exploitation." *Child Abuse & Neglect* 110 (2020): 104399; Yanuar Farida Wismayanti, et al. "The problematization of child sexual abuse in policy and law: The Indonesian example." *Child Abuse & Neglect* 118 (2021): 105157.

The perpetration of sexual violence against children typically unfolds through distinct stages. Initially, the perpetrator endeavors to exhibit behaviors that create a sense of comfort for the victim. Subsequently, once the victim feels at ease and complies with the perpetrator's requests, the violence progresses, intensifying in its scope and frequency. This calculated progression underscores the manipulative tactics employed by the perpetrator, taking advantage of the vulnerability and naivety inherent in children who may not fully comprehend the nature of the exploitation they are experiencing.¹²

In addition, addressing cases of sexual violence against children poses significant challenges, particularly during investigation, prosecution, and decision-making stages. The intricacies extend to evidential difficulties, especially in cases like rape or lewd acts that frequently occur in private, without the presence of witnesses. The repercussions of sexual violence on minors are profound, affecting the child's psychological and overall development. The psychological impact induces long-term trauma, potentially resulting in detrimental attitudes such as low self-esteem, heightened fear, compromised intellectual development, and ultimately delays in overall cognitive growth. This distressing situation can embed itself as a distressing memory for the victimized child, further compounding the complexity of addressing and resolving such cases.¹³

In the realm of child sexual violence, children are positioned as victims, defined as individuals undergoing pain inflicted by the actions of others. Law Number 13 of 2006, Article 1, number 2 specifically identifies victims as those enduring physical, mental, and financial

¹² Raden Muhammad Arvy Ilyasa, "Legal and Victimological Perspective on Sexual Violence against Children Cases in Indonesia." *The Indonesian Journal of International Clinical Legal Education* 3, no. 3 (2021): 281-300; Salimi Muhammad Baidowi, "Creativity and Innovation of Assistance for Victims of Domestic Violence: Between Law and Practices." *Journal of Creativity Student* 4, no. 2 (2019): 175-188.

¹³ Setyarini Nur Octaviana, "Child Sexual Abuse in Indonesia: History and Challenge in Legal Perspective." *IJCLS (Indonesian Journal of Criminal Law Studies)* 4, no. 1 (2019): 83-92; Enggal Prayoga Wijaya, "Knowing Victims to Protect Them, A Book Review "Viktimologi: Perlindungan Korban dan Saksi" Bambang Waluyo, SH, MH, Sinar Grafika Jakarta, 2011, 320 pages, ISBN 978979074378." *Journal of Indonesian Legal Studies* 6, no. 2 (2021): 483-490.

suffering resulting from criminal acts. Several experts, including Arief Gosita and Bambang Waluyo, further elaborate on the victim's definition, characterizing them as individuals experiencing physical and mental pain due to others pursuing their needs or facing initial physical, mental, and property losses.¹⁴ Additionally, a broader definition acknowledges victims as individuals or groups subjected to physical, mental, economic, and emotional distress, along with significant infringements on their rights, including the misuse of power.¹⁵

Understanding the multifaceted nature of victimhood is crucial in addressing the profound impacts of child sexual violence. Recognizing the diverse manifestations of harm, encompassing physical, mental, and financial dimensions, is essential for developing comprehensive strategies to support and rehabilitate child victims while holding perpetrators accountable under legal frameworks.¹⁶

Victimology provides insights into understanding the position of individuals in the context of victimhood. The science of victimology

¹⁴ Arif Gosita, "Aspek Hukum Perlindungan Anak dan Konvensi Hak-hak Anak." *Era Hukum-Jurnal Ilmiah Ilmu Hukum* 6, no. 2 (1999); Bambang Waluyo, *Vitikmologi: Perlindungan Korban dan Saksi*. (Jakarta, Sinar Grafika, 2022); Arif Gosita, *Masalah Korban Kejahatan* (Jakarta: Akademi Pressindo, 1989).

¹⁵ Seno Adhi Wibowo, "Child Sexual Violence and the Violation of Human Rights: The Darkest Side of Law Enforcement in Indonesia." *The Indonesian Journal of International Clinical Legal Education* 2, no.4 (2020): 421-434; Muhammad Bagas Ragil Wicaksono, and Ayu Lestari. "Assessing The Rights of Women Victims of Home Violence During The COVID-19 Pandemic." *Lex Scientia Law Review* 4, no. 2 (2020): 13-24; Febiahwan Yudistira, "Legal Innovation for Protection of Victims of Domestic Violence." *Journal of Creativity Student* 4, no. 2 (2019): 189-214; Dewi Setyowati, and Emmilia Rusdiana. "Relevance of Criminal Law Formulation in the Law of Domestic Violence Elimination in Indonesia." *Journal of Indonesian Legal Studies* 5, no. 1 (2020): 95-124.

¹⁶ Joko Susanto, and Indah Sri Utari. "Children as victims of sexual violence committed by parents: a criminological perspective." *Journal of Law and Legal Reform* 1, no. 2 (2020): 353-363; Firmansyah Wahyu Oetomo, and Ferdinan Dwi Setyonegoro. "Police as Perpetrators of Child Sexual Crimes: A Review of Victimology and Criminology (Case Study in Lubuklinggau, South Sumatra, Indonesia)." *Law Research Review Quarterly* 9, no. 1 (2023): 29-52; Anastasya Putri Elvira Dula, "Protection for Women Victims of Domestic Violence in Indonesia: A Victimology and Criminology Approach." *Law Research Review Quarterly* 8, no. 4 (2022): 479-494. See also Sandra Walklate, ed. *Handbook of Victims and Victimology*. (London: Routledge, 2012).

classifies victims into distinct types, shedding light on their roles in various scenarios:

- a. Nonparticipating victims are indifferent individuals who exhibit a lack of concern or involvement in crime-related matters.
- b. Latent victims possess specific behaviors and traits that make them susceptible to becoming victims.
- c. Provocative victims play a role in inciting or motivating criminal acts, contributing to the occurrence of the crime.
- d. Participating victims exhibit unnatural behaviors that render them more susceptible to victimization.
- e. False victims are individuals whose actions inadvertently make them appear as victims, contributing to the complexity of victim classifications within the realm of victimology.¹⁷

Furthermore, Sellin and Wolfgang contribute to the discourse on victim classification, delineating distinct categories. Primary victimization identifies the individual directly impacted by a crime, constituting a personal victim.¹⁸ In contrast, secondary victimization encompasses scenarios where more than one person is affected by the crime. Tertiary victimization extends the scope to victims involving the entire citizenry collectively. Finally, the classification of No victimization pertains to instances where the victim remains unidentified, providing a comprehensive framework for understanding victim categories within the paradigm presented by Sellin and Wolfgang.

The presence of a victim plays a pivotal role in the occurrence of sexual violence, wherein the term "role" refers to the attitudes or behaviors that may render an individual a potential victim and

¹⁷ See also Claire R. Gravelin, Monica Biernat, and Caroline E. Bucher. "Blaming the victim of acquaintance rape: Individual, situational, and sociocultural factors." *Frontiers in Psychology* 9 (2019): 2422; Sofia Seinfeld, et al. "Offenders become the victim in virtual reality: impact of changing perspective in domestic violence." *Scientific Reports* 8, no. 1 (2018): 2692; Freda Briggs, *From victim to offender: How child sexual abuse victims become offenders*. (London: Routledge, 2020).

¹⁸ Thorsten Sellin, and Marvin E. Wolfgang. *The Measurement of Delinquency*. (London: WILEY, 1964). See also Colin Goff, and Gilbert Geis. "Thorsten Sellin: Culture Conflict, Crime, and Beyond." In *The Origins of American Criminology*. (London: Routledge, 2017), pp. 161-174.

potentially trigger criminal acts against them. As violence is a subset of crime, the victim's role in the dynamics of violence or crime is closely tied to their actions, leading to consequences that ripple through the lives of both the victims and those in their immediate surroundings. In the realm of victimology, there exists a functional relationship between the victim and the perpetrator.¹⁹ According to Arif Gosita, the victim's role is contingent on specific situations and conditions, acting as a catalyst for the perpetrator to commit a crime. These circumstances often stem from the physical and mental vulnerability of the victim. The victim's role can manifest directly or indirectly, actively or passively, individually or collaboratively, influencing the outcomes of the crime in both appropriate and inappropriate ways. Some roles of victims that may contribute to crime or violence include initiating actions themselves, collaborating with perpetrators to the detriment of both parties, and incurring losses due to crimes that may not have transpired without the provocation from the victim.²⁰

The relationship between a victim and a perpetrator typically initiates with an introduction, followed by shared interests or collaborative activities, establishing a bond that may persist over time. Within this bond, the circumstances and conditions dictate that the perpetrator seeks to exploit the victim to fulfill their own interests and desires. This exploitation is often driven by specific motivations and rationalizations, occasionally legitimizing wrongful actions in pursuit of these underlying motives. The positions of the victim and perpetrator can be categorized by levels of culpability, as articulated by Mendelsohn. These levels range from victims who are genuinely innocent to those who become victims due to negligence, victims sharing a degree of fault

¹⁹ Michelle Davies, Fehmida Patel, and Paul Rogers. "Examining the roles of victim–perpetrator relationship and emotional closeness in judgments toward a depicted child sexual abuse case." *Journal of Interpersonal Violence* 28, no. 5 (2013): 887-909; Caitlyn N. Muniz, and Ráchael A. Powers. "The influence of authority role and victim gender on perceptions of female-perpetrated child sexual abuse." *Child Maltreatment* 27, no. 4 (2022): 550-560.

²⁰ Gosita, *Masalah Korban Kejahatan*

with the perpetrator, victims whose culpability exceeds that of the perpetrator, and finally, victims who are, in fact, guilty themselves.²¹

In examining Arif Gosita's insightful exploration of crime victims, it becomes evident that victims play multifaceted roles that extend beyond mere passive recipients of harm. Gosita articulates a compelling perspective, suggesting that victims can wield a significant influence over perpetrators, acting as catalysts through nurturing, triggering, enticing, and even seducing them into committing crimes. This portrayal challenges the conventional view of victims as solely passive individuals, highlighting a dynamic interaction in which victims may exert a certain degree of agency.

Moreover, Gosita introduces the notion of victims assuming an imaginary accomplice role, willingly cooperating with perpetrators in the commission of crimes. This concept delves into the complex psychological dynamics between victims and wrongdoers, offering a nuanced understanding of how victims may not always be helpless recipients but active participants in the unfolding events.²²

Additionally, the recognition of victimhood as a form of retribution sheds light on a profound psychological aspect. Victims, in certain instances, may perceive themselves as instruments of cosmic justice, where the crime committed against them becomes a balancing force against perceived wrongs inflicted upon them by others. This perspective challenges traditional views of victimhood and invites a deeper exploration of the complex interplay between individuals and their experiences of victimization.

Furthermore, Gosita explores the role of victims as a means of self-justification for perpetrators. This assertion delves into the psychological intricacies of crime, where perpetrators may rationalize their actions based on perceived rejection from the victim. The denial experienced by victims, in turn, can result in profound suffering and harm. Recognizing and understanding this aspect of victimization

²¹ See Helen Eigenberg, and Tammy Garland. "Victim Blaming." *Controversies in Victimology* 2 (2008): 33-48; Graham Wright, and Jane Hill. "Victims, crime and criminal justice." *Student Handbook of Criminal Justice and Criminology* (2004): 105-121.

²² Gosita, *Masalah Korban Kejahatan*

becomes imperative not only for academic discourse but for fostering empathy and compassion in society.²³

In light of these thought-provoking insights, Gosita advocates for the importance of engaging in interviews with victims. This ethical practice not only allows victims to articulate the pain they have experienced but also provides a platform for society to comprehend the nuanced and intricate dynamics surrounding victimhood. By delving into the multifaceted roles that victims may assume, Gosita's exploration challenges preconceived notions, urging us to reconsider our perspectives and foster a more empathetic understanding of the complexities inherent in the experience of being a victim.

In understanding sexual violence against children, it is imperative to delve into the factors contributing to victimization, elucidating the causes for such experiences. This entails a comprehensive analysis of the elements that lead to an individual becoming a victim. In the realm of victimology, it becomes apparent that the emergence of a victim is not solely attributed to the culpability of the perpetrator; rather, it may also stem from the actions or circumstances surrounding the victim. The spectrum of responsibility ranges from the mildest level to the full culpability of the victim. This nuanced perspective emphasizes that victimization is a complex interplay of various factors, necessitating a thorough examination of both perpetrator actions and victim contributions in order to comprehensively understand and address instances of sexual violence against children.²⁴

²³ Gosita. *See also* Aldhito Bagus Dhinarta, "Innovation and Creativity in Handling Cases of Domestic Violence from Victimology Perspective." *Journal of Creativity Students* 4, no. 2 (2019): 157-174.

²⁴ Zainurohmah Zainurohmah, et al. "Provision of Legal Aid as a Form of Protection of the Rights of Children Victims of Rape (Case Study in Banyumas Regency)." *The Digest: Journal of Jurisprudence and Legisprudence* 4, no. 1 (2023); Ratri Novita Erdianti, Wasis Wasis, and Sholahuddin Al-Fatih. "Child Friendly Villages as an Effort to Prevent a Child as Victims and as Perpetrator Crimes." *Jurnal Pengabdian Hukum Indonesia (Indonesian Journal of Legal Community Engagement) JPHI* 5, no. 2 (2022): 284-300; Hana Fairuz Mestika, "Juridical Review of Legal Protection of Children from Violence Based on Law Number 35 of 2014 concerning Child Protection (Case Study in Purwokerto)." *The Digest: Journal of Jurisprudence and Legisprudence* 3, no. 2 (2022): 139-172

Building upon the aforementioned theories, the author endeavors to analyze the discernible indicators that prompt the role of victims in instances of sexual violence against children, as exemplified in the case study of Decision No.28/Pid.Sus/2021/PN Bbs. This particular case involves acts perpetrated against minors through methods of persuasion and deception, characterized by a series of falsehoods. Notably, it is crucial to highlight that the victim and the perpetrator in this case do not share a blood relationship; they are individuals unrelated by familial ties.²⁵ To encapsulate the sequence of events in this case:

On November 11, 2020, at around 8am, just on Wednesday morning, defendant Asep Naruto (45 years old) sold *cilok* (snack) in the dependent area, and later at around 5pm, defendant sold it in Kalanmaran village, provided refreshments to the victim, CRA (13 years old), and other friends of the victim in the dependent area of Brebes Regency. Afterwards, the victim's friend bought snack, but the victim sat in front of Mushola without buying snack. The defendant then consulted the victim and her friends Aufa Yawafila and Nur Fajar Imani. The defendant also gave the victim one of his plastic snacks and asked Nur Fajar to buy him an ice cream in order to prevent others from knowing what the defendant would do to the victim, and asked Mr. Aufa to bring some rubber to my house. The defendant then took the victim to the backyard of his home, and the victim silently followed him. Once in the garden, the defendant kissed the victim on the forehead and right cheek, then exposed the victim's dress and removed her underwear.

²⁵ See Nisrina Sulistya Hastuti, "Sentencing Proportionality Regarding The Crime of Sexual Violence Against Children (Study Between Decision No. 28/Pid.Sus/2021/Pn.Bbs and Decision No. 869/Pid. Sus/2021/Pn.Ptk)." *Thesis* (Yogyakarta: Universitas Islam Indonesia, 2022); Rafi Muhamad Rahmat, "Sanksi Tindak Pidana Pemerkosaan Terhadap Anak Dibawah Umur Perspektif Hukum Pidana Islam: Analisis Putusan Nomor 28/Pid. Sus/2021/PN. Bbs". *Dissertation* (Bandung: UIN Sunan Gunung Djati Bandung, 2023); Elisabeth Kade Anis, "Implikasi Putusan Hakim Yang Melanggar Asas Lex Posteriori Derogat Legi Priori Terhadap Anak Korban Kekerasan Seksual (Studi Putusan: Nomor 28/Pid. Sus/2021/Pn. Bbs)". *Thesis* (Yogyakarta: Universitas Atma Jaya Yogyakarta, 2022); Joko Susanto, "Analisis Tindak Pidana Kekerasan Seksual Terhadap Anak di Bawah Umur (Studi Putusan Pengadilan Negeri Brebes Nomor 28/Pid. Sus/2021/PN. Bbs)." *Dinamika Hukum* 13, no. 1 (2022): 94-112.

The defendant then had sex with the victim. After having sex with the victim, the defendant threatened to beat her if she told her parents. The defendant then went to Mushola's bathroom to clean himself, the victim was in her underwear, and the two walked hand in hand to Mushola. Afterwards, the accused left the place to sell the coins, and the victim stood outside the prayer room, crying and scared, until finally she did not want to go home, and finally the victim was persuaded by her friends, eventually wanting to go home.

Based on the outlined case chronology, an analysis of the inherent factors contributing to the victim's role in the sexual violence incident is presented:

- a. **Factors Arising from Within the Child (Victim): Easily Persuaded**
 The victim, being a child, exhibited susceptibility to persuasion. On November 11, 2020, around 5:00 p.m., the defendant offered the victim a packet of petty, subsequently inviting the child to the backyard of a house. The victim, easily swayed, silently followed the defendant. Once at the location, the defendant engaged in inappropriate activities, exploiting the victim's vulnerability. The child, due to age-related lack of awareness, did not resist, and post-incident, faced threats from the perpetrator not to disclose the event.
- b. **Factor of Lack of Caution**
 Despite the victim's unwillingness to become a victim, a lack of caution played an important role. Evidenced by the victim accepting the offered snack and following the perpetrator to an unfamiliar location, the child's lack of vigilance contributed to becoming a victim. Had the child exercised more caution, rejecting the snack or refusing to follow the perpetrator, the likelihood of the sexual violence occurring might have been minimized.²⁶

²⁶ Furthermore, it is emphasized that it is important to approach discussions about sensitive topics like sexual violence with care and empathy. When discussing such incidents, it's crucial to avoid victim-blaming, as it can perpetuate harmful stereotypes and contribute to a culture of silence and shame. While it's essential to educate individuals about personal safety and the importance of caution, it's equally important to recognize that perpetrators are responsible for their actions. Consent cannot be assumed or coerced, and the responsibility for preventing sexual violence lies with those who choose to commit such acts. In conversations about

c. Factors of Educational Level

Education plays a crucial role in shaping a child's behavior. Sex education, a component of education, equips children with knowledge about appropriate and inappropriate actions. However, in this case, the victim's lack of awareness about sexual education became evident. Parents and educational institutions should instill age-appropriate sex education to empower children to recognize and resist inappropriate behavior, fostering a safer environment.²⁷

d. Faith/Spirituality Factor

The strength of one's faith influences behavior. In this instance, the victim's belief and willingness to accept items from a stranger

personal safety, the focus should be on promoting awareness, communication, and empowerment rather than placing blame on potential victims. Encouraging open dialogue, teaching consent education, and fostering a supportive environment are crucial in preventing sexual violence. See Moira Carmody, and Kerry Carrington. "Preventing sexual violence?." *Australian & New Zealand Journal of Criminology* 33, no. 3 (2000): 341-361; Ikeu Nurhidayah, and Neng Lani Ligina. "The Role of Parents in Preventing Sexual Violence on Elementary School children in Bandung." *Jurnal Keperawatan* 9, no. 2 (2018): 109-118; Wilma Rahmah Hidayati, and Nurhafizah Nurhafizah. "Introduction of sex education to early childhood: to reduce cases of child sexual abuse." *Indonesian Journal of Early Childhood Education Studies* 11, no. 1 (2022): 75-82.

²⁷ Parents and educational institutions play a vital role in providing this education. Open and honest communication about these topics can help children develop a better understanding of their bodies, boundaries, and the importance of consent. This knowledge can empower them to recognize inappropriate behavior, assert their boundaries, and seek help when needed. In addition to traditional sex education, fostering an environment where children feel comfortable discussing these topics with trusted adults is essential. Encouraging questions, maintaining open lines of communication, and addressing concerns without judgment contribute to a safer and more informed community. Ultimately, a combination of sex education, open communication, and a supportive environment can help children develop the awareness and resilience needed to navigate complex situations and protect themselves. See David Finkelhor, "Prevention of sexual abuse through educational programs directed toward children." *Pediatrics* 120, no. 3 (2007): 640-645; Kerryann Walsh, et al. "School-based education programmes for the prevention of child sexual abuse: A systematic review." *Campbell Systematic Reviews* 11, no. 1 (2015): 1-180; Maureen C. Kenny, et al. "Child sexual abuse: from prevention to self-protection." *Child Abuse Review: Journal of the British Association for the Study and Prevention of Child Abuse and Neglect* 17, no. 1 (2008): 36-54.

highlight a potential gap in spiritual guidance. Strengthening a child's religious foundation can serve as a protective factor, imparting values that discourage engagement in risky or harmful situations.²⁸

Understanding these trigger factors provides insights into the child's circumstances, illustrating the immediate and indirect consequences that negatively impact the victim in this case. This analysis underscores the importance of comprehensive education, caution, and spiritual guidance in safeguarding children from potential harm.

2. Protection of Victims in Child Sexual Violence Case Study Decision No. 28/Pid.Sus/2021/PN Bbs

Based on Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, namely in Article 1 number 6 states that what is meant by protection is all efforts to fulfill rights and provide assistance

²⁸ While faith and religious teachings can play a significant role in shaping an individual's values and behavior, it's important to approach this perspective with caution. While spiritual guidance can provide a moral framework and promote positive values, it's not a foolproof safeguard against all risks, and it's crucial not to oversimplify complex situations. Individuals may hold strong religious beliefs and still find themselves in vulnerable situations due to a variety of factors. Therefore, it's essential to complement religious teachings with comprehensive education on personal safety, consent, and critical thinking skills. Moreover, relying solely on spiritual guidance may inadvertently contribute to victim-blaming if individuals or communities perceive that a lack of faith or moral strength is the cause of harm. It's important to recognize that perpetrators are responsible for their actions, and the emphasis should be on promoting a holistic approach to safety that includes education, communication, and support systems. In fostering a safe environment for children, a combination of religious teachings, ethical values, and practical life skills can contribute to their overall well-being. Open communication within families and communities, coupled with a well-rounded educational approach, can empower children to make informed decisions and navigate the complexities of the world. See Jill D. McLeigh, and David Taylor. "The role of religious institutions in preventing, eradicating, and mitigating violence against children." *Child Abuse & Neglect* 110 (2020): 104313; Fitriani Nur Damayanti, Absori Absori, and Kelik Wardiono. "Legal Protection Based on Trancendental Perspective Against Child Sexual Abuse in Indonesia." *Medico-Legal Update* 19, no. 2 (2019): 331-335; Rohmani Nur Indah, and Aprilia Mega Rosdiana. "Cultural religious challenges in handling sexual violence cases in Indonesian Islamic institutions." *KnE Social Sciences* (2020): 132-142.

to provide a sense of security to Witnesses and / or Victims which must be carried out by the Witness and Victim Protection Agency (LPSK) or other institutions in accordance with the provisions of this law.²⁹

In a criminal act, the party who suffers the most is the victim. As a form of concern for victims, the protection of victims, especially for children, namely someone whose age has not reached 18 (eighteen) years who is a victim of sexual violence is certainly very essential. In accordance with the definition of protection and the purpose of child protection contained in the Constitution of the Republic of Indonesia Year 1945, namely in Article 28 B paragraph (2) which states that the protection of a child is all efforts made to guarantee and protect children, including their right to live and develop optimally without violence and discrimination according to their dignity and dignity as a human being.³⁰

In addition to these protections, the Child Protection Law has regulated Special Protection such as protection of children as victims of criminal acts, namely children who experience both suffering both physical suffering, psychological suffering, sexual suffering and social suffering as a result of unlawful acts committed by individuals, institutions, groups, and the state³¹. This special protection for children is protection given specifically to children who are victims of criminal acts. Special protection for children is then classified into two, namely:

- 1) Protection of a juridical nature. This juridical protection can be realized through protection in the field of civil law and protection in the field of public law.
- 2) Protection that is non-juridical in nature. This non-juridical protection can be done through protection in the social sector, including in the field of education and in the health sector.

²⁹ President of the Republic of Indonesia, "Law Number 13 of 2006 Article 1 Number 6 concerning the Protection of Witnesses and Victims," Ministry of State Secretariat of the Republic of Indonesia, (2006).

³⁰ President of the Republic of Indonesia, "Constitution of the Republic of Indonesia Year 1945," Article 28 paragraph (2), Ministry of State Secretariat of the Republic of Indonesia, (1945).

³¹ Bambang Waluyo, *Victimology: Protection of Victims and Witnesses* (Jakarta: Sinar Grafika, 2012).

Victim protection in cases of sexual violence then becomes very important to see the consequences felt by victims after the sexual violence they experienced. The consequences of sexual violence are victims who certainly experience physical suffering but also have to experience prolonged psychological or mental suffering³². This physical suffering is characterized by pain felt by the victim, injuries to disability. Based on the results of *Visum Et Repertum* conducted by dr. Arie Indriianto, Sp. OG doctor of Brebes Regional General Hospital, the examination conducted on the victim, showed that there was a tear to the base of the victim's hymen. This shows that there is physical suffering that must be received by the victim as a result of the sexual violence that has been experienced by her. Then what is meant by psychological suffering is a feeling of fear, anxiety, anxiety to trauma felt by victims as a result of sexual violence³³. Some of the causative factors that can cause psychological suffering include:

- 1) There are threats and intimidation from certain parties. This threat or intimidation arises when the victim will report or when he will become a witness. This threat factor was also felt by the. The defendant Acep Narto threatened to beat the victim if the victim told the incident of sexual violence committed by the defendant to the victim's parents.
- 2) The emergence of thoughts and feelings of powerlessness in victims because they have done something that is not worth doing or despicable acts that make victims feel that they are no longer pure or feel dirty so that guilt, shame and inner pressure arise that they no longer have a chance in the future.
- 3) It is undeniable that negative or bad stigma against victims in society such as cornering victims and attaching labels as victims of sexual violence is also one of the causes of psychological suffering in victims.
- 4) The judicial process that victims go through, which requires both victims and other witnesses to retell the chronology and anything

³² Hetty Krisnani, and Gisela Kessik, "Analysis of Child Sexual Violence and Its Intervention by Social Work (Case Study of Family Sexual Violence in Lampung)," *Focus: Journal of Social Work* 2, no. 2 (2019): 198-207.

³³ Adhi Wibowo, *Perlindungan Hukum Korban Amuk Massa* (Yogyakarta: Thafa Media, 2013)

experienced by them so that it can cause deep trauma to the victim and even the victim's family³⁴.

Protection of victims of sexual violence committed against children is not only carried out by the victim's family, especially the victim's parents, but also by the government and state. One form of protection that can be done is to make or regulate regulations in the form of laws and regulations, including:

a. *Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection.*

Based on Article 64 Paragraph (2) states that special protection for children who face the law is carried out by:

- a) provide children with humane treatment in accordance with the dignity and rights of children
- b) Provide officers who are in charge of assisting children specifically from an early age
- c) provide special facilities and infrastructure
- d) Obtain appropriate sanctions in accordance with the best interests of the child
- e) monitor and continuously record the development of children who face the law
- f) Provide guarantees to maintain the relationship between children and parents or families
- g) Provide protection from identity reporting both through mass media and other media to avoid labeling

In this case, the victim is entitled to this protection because she is a child victim of a criminal act who faces the law. However, not all of this protection is obtained by victims. The victim did not receive assistance during the examination because the victim did not experience psychiatric or mental disorders. Victims still receive other protections in the form of conducting hearings that are closed to the public with the aim of minimizing the reporting of victims' identities with the aim of avoiding labeling.

b. *Law Number 13 of 2006 concerning the Protection of Witnesses and Victims*

³⁴ Moerti Hadiati Soeroso, *Domestic Violence in Juridical-Victimological Perspective* (Jakarta: Sinar Grafika, 2012).

The law has explained the form of protection for victims in a criminal justice process. These forms of protection include:

- 1) Article 5 of (1)
 - a) Witnesses and victims have the right to protection for their personal safety, family safety, and property, and to be free from threats related to the testimony they give
 - b) Witnesses and victims have the right to participate in choosing and determining the form of protection and security support
 - c) Witnesses and victims have the right to testify without duress
 - d) Witnesses and victims are entitled to an interpreter
 - e) Witnesses and victims have the right to be free from entanglement questions
 - f) Witnesses and victims have the right to be informed about the progress of the case
 - g) Witnesses and victims have the right to be informed about court rulings
 - h) Witnesses and victims have the right to know about the convict if released
 - i) Witnesses and victims are entitled to new identities
 - j) Witnesses and victims deserve a new home.
 - k) Witnesses and victims are entitled to reimbursement of transportation costs as needed
 - l) Witnesses and victims are entitled to legal counsel
 - m) Witnesses and victims are entitled to assistance in the form of temporary living expenses
- 2) Article 6, victims of gross human rights violations are also entitled to:
 - a) Medical assistance
 - b) Assistance in the form of psychosocial rehabilitation
- 3) Article 7 Paragraph (1), victims through the Witness and Victim Protection Agency (LPSK) have the right to:
 - a) compensation in cases of gross human rights violations
 - b) restitution or compensation that is the responsibility of the criminal offender
- 4) Article 9 Paragraph (1), the victim has the right to testify without appearing in person in the court where the case is examined if the

victim feels that he is under great threat, with the approval of the judge.

- 5) Article 10 Paragraph (1), victims cannot be prosecuted either in criminal law or civil law for the reports and testimonies they provide.

In this case, the victim did not receive official protection from the LPSK because neither the family of the victim nor the authorized law enforcement officials such as prosecutors and judges took the initiative to submit a written request to the LPSK. The absence of official protection for victims by the LPSK is very unfortunate, because the existence of official protection for victims can avoid various possible terrors in the form of threats or intimidation that can be received by victims and potentially threaten the safety of victims.

c. Code of Civil Procedure

In the Criminal Procedure Code, there are two forms of protection aimed at victims, namely protection for victims of crime in the criminal justice process and protection for victims who are witnesses during the criminal justice process. Forms of protection for victims of crime in the criminal justice process include:

- 1) Article 77 jo 80 of the Code of Criminal Procedure, states that victims have the right to exercise control over investigators and public prosecutors
- 2) Chapter 168 of KUHAP, states the rights of the victim in connection with his position as a witness
- 3) Chapters 98 – 101 of KUHAP, states that the victim has the right to seek damages for a crime/crime that befalls the victim by way of merging the settlement of the matter by perdata with the settlement of the matter on a criminal basis.
- 4) Articles 134-136 of the Code of Criminal Procedure, state that the victim's family has the right to give permission or not give permission to the police to perform an autopsy

While the second form of protection for victims, namely protection for victims who are witnesses during the criminal justice process, among others:

- 1) Article 117 Paragraph (1) of the Code of Criminal Procedure, has the right to give testimony in front of investigators without any pressure from anyone and in any form

- 2) Article 166 of the Code of Criminal Procedure, has the right to be free from entanglement questions
- 3) Article 177 Paragraph (1) of the Code of Criminal Procedure, entitled to an interpreter
- 4) Article 229 of the Code of Criminal Procedure, entitled to reimbursement of costs

In this case, there was no attempt by the victim to stop the investigation or prosecution. In addition, the non-fulfillment of protection in the form of autopsies. An autopsy can only be performed when the victim dies as a result of a criminal act that occurred. The victim (CRA) from the examination process at the police, at the investigator level to the examination at the court is still alive, so the autopsy cannot be carried out. Medical action that can then be taken on the victim is visum, especially in the pubic area. The protection was carried out on November 14, 2020 and has been stated in *Visum Et Repertum* written by dr. Arie Indriianto, Sp. OG, a doctor at Brebes Regional General Hospital who stated that there was a tear to the bottom of the hymen of the victim (CRA) .

Furthermore, in this case, the form of protection for the victim (CRA), who is also a witness stated in the Criminal Procedure Code, cannot all accommodate the interests of the victim. This is because during the investigation, the victim (CRA) did not get pressure from any party. The pressure in the form of threats made by the defendant occurred before the case went to court, namely when the sexual assault incident occurred. There is no record stating if the victim received entangled questions during the examination. The victim understands and can speak and hear in Indonesian so does not need an interpreter when giving testimony. Although the victim has the right to claim compensation, sexual violence experienced by the victim is not a criminal act that can be given material compensation, this is because the loss suffered by the victim is immaterial, namely in the form of loss of virginity and cannot be restored as before by providing compensation.

In victimology studies, protection for children as victims of sexual violence is applied through various efforts ranging from juridical protection through related regulations and regulations on child protection to witness and victim protection or non-juridical protection through fields other than law. Examples of legal protection that can be

provided are in the form of assistance, services and provision of legal assistance, as well as the provision of information about the development of criminal cases that are being carried out. While examples for non-judicial protection that can be provided are in the form of providing medical services as an effort to treat the suffering felt by victims in the form of physical injuries and psychological injuries such as phobias and trauma.

Thus, the protection of victims in victimology studies is closely related to the protection of victims in accordance with applicable legal provisions. The protection provided to victims is mostly indirect protection.³⁵ This is because in the legal provisions in the form of applicable laws and regulations, protection is not directed directly at the legal interests of victims or the human rights of victims.

D. Conclusion

In conclusion, sexual violence against children involves a range of intentional or unintentional sexual acts, often propelled by factors related to the victim. The role of the victim in these instances is intricate, encompassing both conscious and unconscious participation, and the success or failure of such crimes is closely tied to the victim's vulnerabilities. Examining the specifics of District High Court Decision No. 28/Pid.Sus/2021/PN Bbs, this study underscores the significance of understanding victims' susceptibility and psychological weaknesses in the context of sexual crimes. Furthermore, the victim's role is nuanced, shaped by elements such as faith, personality traits, and educational background.

Turning to victim protection within the legal framework, victimology studies emphasize adherence to Indonesian laws, particularly those articulated in Law Number 35 of 2014, amending Law Number 23 of 2002 on Child Protection, Law Number 13 of 2006 on Protection of Witnesses and Victims, and the Code of Criminal Procedure. The case of CRA exemplifies the application of legal protections throughout the criminal justice process related to sexual violence. While the victim benefitted from judicial safeguards

³⁵ Barda Nawawi Arief, "Protection of Victims of 9 Crimes in the Criminal Justice Process," *Journal of Criminal Law and Criminology* 1 No.1 (1998): 16-17.

prescribed by these laws, not all avenues were explored due to a lack of initiative from the victim's family and law enforcement officials regarding the LPSK. Nevertheless, certain non-judicial protections, notably in healthcare, were extended to CRA, as evidenced by the provision of medical treatment, including a visum.

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