



Victim-Oriented Justice in Criminal Responsibility for Child Sexual Violence: Analysis of Court Decisions

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Abstract: This study seeks to analyze the regulation of criminal liability for perpetrators of sexual violence against children within the framework of Indonesian positive law, examine its application in court decisions, and determine whether its implementation has reflected victim-oriented justice. The research is driven by the growing number of sexual violence cases involving children and the continuing lack of optimal protection for victims' rights, particularly in relation to restitution and rehabilitation within criminal justice proceedings. The study applies a normative juridical method using statutory, conceptual, and case approaches. The data sources consist of primary and secondary legal materials that are examined through qualitative descriptive analysis. The findings reveal that criminal accountability for perpetrators of sexual violence against children has been comprehensively regulated under Law Number 35 of 2014 concerning Child Protection, Law Number 17 of 2016 concerning the Enactment of Government Regulation in Lieu of Law Number 1 of 2016, and Law Number 12 of 2022 concerning Sexual Violence Crimes. These legal provisions not only regulate criminal prohibitions and sanctions for offenders but also provide guarantees for victim protection and recovery through restitution, rehabilitation, and legal assistance. However, in judicial practice, the implementation of criminal responsibility remains more focused on punishing offenders than restoring victims' rights. This is reflected in the Salatiga District Court Decision Number 2/Pid.Sus/2022/PN Slt, where the court established the elements of the offense convincingly but did not include restitution or rehabilitation for the child victim. Based on Lawrence M. Friedman's theory, this condition indicates that victim protection has not yet been fully implemented effectively.

Keywords: Criminal Liability; Sexual Violence against Children; Child Protection; Restitution; Victim-Oriented Justice

Introduction

The phenomenon in cases of sexual violence against children in Indonesia shows an increase in the trend of violence against children, the high rate of sexual violence against children in Indonesia shows that this crime is still a serious problem in the child protection system (Izdihar, 2025). Based on data from the Ministry of Women's Empowerment and Child Protection (KemenPPPA), the number of sexual violence against children has increased every year.

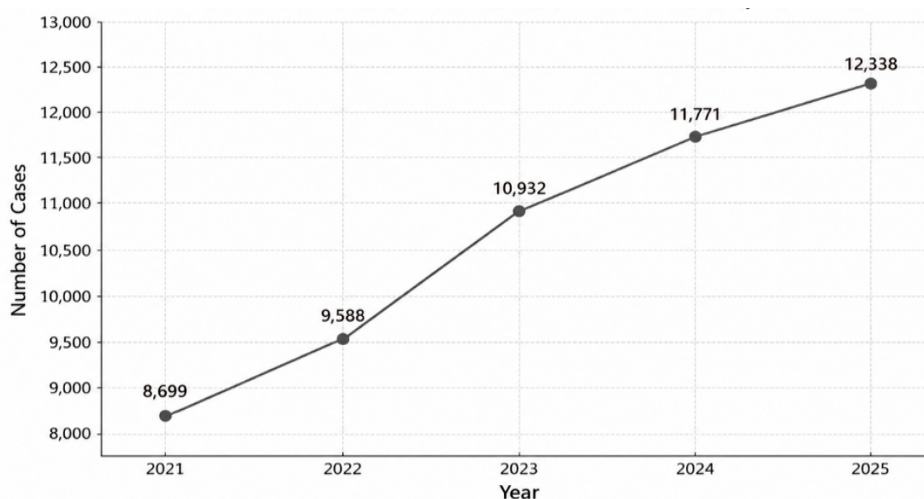


Figure 1. Trends in Sexual Violence Against Children in 2021–2025

Based on the figure, it can be seen that the number of cases of sexual violence against children continues to show an increase from year to year. In 2021, there were 8,699 cases, while in 2025 the number will increase to 12,338 cases. The increase shows that efforts to protect children and enforce the law against perpetrators of sexual violence are still not being carried out optimally. Interpretively, the increase in the number of cases not only reflects the high level of sexual violence against children, but also shows that there are still weaknesses in the system of prevention, supervision, and legal protection for children as a vulnerable group.

Normatively (*das sollen*), Indonesia has several main regulations such as Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection (PA Law), a more comprehensive development can be seen with the enactment of Law No. 17 of 2016 concerning the Stipulation of Perppu No. 1 of 2016 concerning the second amendment to Law No. 23 of 2002 concerning Child Protection into Law, Law No. 12 of 2022 concerning the Crime of Sexual Violence (TPKS Law) (Irawan, 2025).

In positive law in Indonesia, the definition of a child is regulated in Article 1 Paragraph 1 of Law No. 35 of 2014 concerning Child Protection which states that "A child is a person who is not yet 18 (eighteen) years old, including a child who is still in the womb." Article 1 Paragraph 5 of Law No. 12 of 2022 concerning the Crime of Sexual Violence mentions the same thing (Monikasari, 2023). On the other hand, Article 1 Paragraph 15a of Law No. 35 of 2014 concerning Child Protection, states that "Violence is any act against a child that results in physical, psychological, sexual, and/or neglect suffering or suffering, including threats to commit acts, coercion, or unlawful deprivation of independence," does not provide an explicit definition of sexual violence (Salsabila, 2022). In contrast, according to Article 1 Paragraph 1 of Law No. 12 of 2022 concerning the Crime of Sexual Violence, it is stated that "Sexual violence is any act that meets the elements of a criminal act as regulated in this Law and other acts of sexual violence as regulated in the Law as long as it is specified in this Law (Santoso, 2023)." This difference shows that a general approach leads to a more specific approach, in the context of law enforcement (TPKS Law) seen as a "Lex Specialis" that reinforces the previous provisions in the (PA Law).

However, in reality (*das sein*) the implementation of law enforcement still does not meet expectations, and there is also a lack of victim assistance, as well as the implementation of restitution and rehabilitation rights for victims' children is not optimal. As in the case that occurred in the jurisdiction of the Salatiga court in the Salatiga District Court Decision Number 2/Pid.Sus/2022/PN Slt. In the case with permanent legal force *status (inkracht)*, the panel of judges considered that the defendant had fulfilled the elements of "everyone", "intentionally", and "committed sexual intercourse with a child", which is proven through the victim's statement, witnesses, and the defendant's confession. The panel of judges stated that the defendant legally violated and convincingly violated Article 81 Paragraph 1 of Law No. 17 of 2016

concerning the Stipulation of Perppu No. 1 of 2016 concerning the second amendment to Law No. 23 of 2002 concerning Child Protection into Law *"Every person who violates the provisions as referred to in Article 76D shall be sentenced to imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a maximum fine of Rp5,000. 000,000.00 (five billion rupiah)."* The judge's consideration also considered the aggravating circumstances, namely: the defendant was the victim's biological father, the defendant's actions caused deep psychological trauma, and the defendant's actions damaged the victim's future. However, these considerations are only used as a basis for aggravating the crime against the perpetrator, not as a basis for providing recovery to the victim. In the verdict, the judge did not include an order to provide restitution or rehabilitation for child victims.

Normatively, the right to restitution or recovery for children victims of sexual violence has been expressly regulated in Article 71D Paragraph 1 of Law No. 35 of 2014 states that *"Every child who is a victim as referred to in Article 59 paragraph (2) letter b, letter d, letter f, letter h, letter i, and letter j has the right to submit to the court in the form of the right to restitution which is the responsibility of the perpetrator of the crime"* (Wahyudi, & Fakhria, 2023). In addition, the provisions regarding victims' rights are also affirmed in Article 66 Paragraph 1 of Law No. 12 of 2022 which reads *"Victims have the right to Handling, Protection, and Recovery since the Crime of Sexual Violence"* (Muzayin, 2024). Thus, the verdict still tends to be oriented towards the punishment of the perpetrator and does not fully reflect victim-oriented justice.

A number of previous studies have examined various aspects related to sexual violence but are still partial and have not integrated all aspects in a comprehensive analytical framework. The research by Putri and Arifin discusses the legal protection of child victims of sexual violence in the criminal justice system, this study focuses on the normative aspects of legal protection for child victims of sexual violence without conducting an in-depth analysis of the application of the law, besides that the research focuses more on victim protection so that the discussion of criminal responsibility of perpetrators has not been comprehensively analyzed (Putri & Arifin, 2022). The next research conducted by Sari and Nugroho discussed the obstacles to legal protection for child victims of sexual violence by focusing on the influence of patriarchal culture, social stigma, and low public awareness on the effectiveness of victim protection. The study combines an analysis of the law and social conditions of society, and shows that victim protection is influenced by a culture that tends to blame the victim. (Sari & Nugroho, 2021). On the other hand, Kurniawati's research focuses on the criminal responsibility of perpetrators of sexual violence against children in the criminal justice system, but has not studied in depth the legal protection of victims (Kurniawati, 2023). Hasanuddin's research discusses legal protection for victims of sexual violence based on the provisions in the TPKS Law, the research does not examine the implementation of victim protection in criminal justice practice (Hasanuddin, 2022). Meanwhile, Ambodo and Rochim's research examines criminal law policies against sexual violence against children in the Indonesian legal system, this research focuses more on the implementation of legal protection for victims and criminal responsibility of perpetrators in criminal justice practice without analyzing concrete cases and court decisions related to sexual violence (Ambodo and Rochim, 2024).

Based on the description of previous research, it can be concluded that there is still a separation between the study of criminal responsibility of perpetrators and legal protection of victims. In addition, most studies have not placed court rulings as the main focus of analysis to assess the application of the law in a concrete way. Therefore, there is a research *gap*, namely the absence of a study that integrates the criminal liability of perpetrators as well as victim protection from a victim-oriented justice perspective based on court decisions in order to assess the effectiveness of victim legal protection and criminal liability of perpetrators more comprehensively.

This research proposes a novelty by combining the analysis of the criminal responsibility of the perpetrator with the legal protection of the child as a victim in a comprehensive study framework, and making the court decision the main basis for the analysis. In addition, this study specifically uses the analysis of court decisions as the main basis for assessing how judges apply criminal liability while considering the rights of victims, including restitution and restitution. This approach is combined with a

victim-oriented justice perspective, so that it can show the extent to which the criminal justice system in Indonesia is truly able to provide substantive justice for children as victims of sexual violence.

As for the limitations in this study, it does not discuss the psychological aspects of the victim in depth, this condition makes the study not able to describe in detail the victim's experience. In addition, the research is focused on the positive study of Indonesian law by not comparing the legal systems of other countries. However, these limitations do not diminish the importance of this study in examining the gap between legal norms and the reality of their application.

This research has an important theoretical value, it is expected to be able to expand the study of criminal law by integrating the analysis of criminal responsibility of perpetrators with the fulfillment of victims' rights in a victim-oriented justice framework. In addition, this research also has practical benefits that are expected to be evaluation materials for law enforcement officials, especially judges, prosecutors, and investigators, so that in the application of criminal responsibility it is not only oriented towards punishing perpetrators, but also paying attention to the restoration of the rights of child victims, such as restitution, rehabilitation, and psychological protection. Thus, this research is expected to support the realization of a criminal justice system that is more oriented towards the best interests of children.

This study uses two main theories as an analysis knife, namely the Legal Protection Theory and the Law Enforcement Theory. First, Legal protection theory emphasizes that the law should be able to bring a sense of security and justice to every individual, especially for groups in vulnerable positions such as children. According to Philipus M. Hadjon, legal protection is divided into two forms, namely preventive and repressive protection. Preventive protection is directed to prevent violations from occurring, while repressive protection serves as a settlement effort when violations have occurred. Although this concept is classified as classic, its existence remains relevant and continues to be developed in modern legal studies, especially in the context of the protection of vulnerable groups (Sari & Nugroho, 2021).

In relation to children as victims of sexual violence, legal protection is not enough to stop at the judicial process. Furthermore, the protection must also include aspects of recovery, such as psychological rehabilitation, restitution, and ensuring the sustainability of the victim's social life. This emphasizes that legal protection needs to be designed comprehensively and based on the principle of the best interests of children. Therefore, the state has a responsibility to ensure that the applicable legal system is able to provide effective and sustainable protection for children victims of sexual violence (Putri & Arifin, 2022).

Second, the law enforcement theory introduced by Lawrence M. Friedman asserts that the substance of law resides in a legal system that serves as an output. This includes written law (laws and regulations) (Al Kautsar & Muhammad, 2022). Indonesia actually has a fairly complete legal framework, such as the Child Protection Law and the Sexual Violence Crime Law, which not only regulate sanctions for perpetrators, but also guarantee the rights of victims, including restitution and rehabilitation. Therefore, this theory is a relevant basis in research to assess the effectiveness of the criminal justice system while encouraging the strengthening of a more victim-focused approach.

Based on the introduction of this study, the following problems are formulated: How is the criminal liability of perpetrators of sexual violence against children regulated in positive law in Indonesia? How is criminal liability applied in court decisions in Indonesia? Has criminal liability in court decisions reflected victim-oriented justice? In line with the formulation of the problem that has been determined, this research aims to: Examining the regulation of criminal liability for perpetrators of sexual violence against children in positive law in Indonesia, especially those regulated in Law No. 35 of 2014 concerning Child Protection, Law No. 17 of 2016 concerning the Stipulation of Perppu No. 1 of 2016 concerning the second amendment to Law No. 23 of 2002 concerning Child Protection into Law and Law No. 12 of 2022 concerning the Crime of Sexual Violence. Analyze the application of criminal liability against perpetrators of sexual violence against children in court decisions in Indonesia, to determine the compatibility between legal norms and law enforcement practices. Evaluate whether the application of

criminal liability in court decisions has reflected the principles of victim-oriented justice, especially in the fulfillment of victims' rights such as restitution, rehabilitation, and legal protection.

Research Methods

In examining the main issues raised, this study uses a type of normative juridical research, namely literature research by examining various materials that have been collected (Hari Sutra Disemadi, 2022).

The characteristics of normative juridical research in this study are realized through the analysis of criminal liability of perpetrators of sexual violence against children based on the positive legal provisions that apply in Indonesia. The analysis is reviewed from three basic legal values, namely justice, utility, and legal certainty. In addition, this study also examines the implementation of legal protection for children as victims of sexual violence by examining various laws and regulations and relevant judges' decisions in criminal justice practice in Indonesia (Yunus et al., 2024).

The approach used in this study is a statute *approach* and court decisions are used by examining various regulations related to criminal responsibility of perpetrators and legal protection for children as victims of sexual violence in Indonesia (Saputra et al., 2024). Through this approach, the research is focused on the analysis of legal norms contained in Law No. 17 of 2016 concerning the Stipulation of Perppu No. 1 of 2016 concerning the second amendment to Law No. 23 of 2002 concerning Child Protection into Law, Law No. 35 of 2014 concerning Child Protection and Law No. 12 of 2022 concerning the Crime of Sexual Violence. The legislative approach aims to determine the compatibility between positive legal provisions and the implementation of law enforcement in cases of sexual violence against children in Indonesia. In addition, this approach is also used to examine the form of criminal responsibility of the perpetrator, the application of criminal sanctions, and the legal protection provided to children as victims. In addition, this study also uses a conceptual approach, which is an approach that is carried out by examining various legal concepts, doctrines, and theories that develop in law (Ridwan et al., 2022).

The data source used in this writing is secondary data, namely data whose sources are obtained indirectly such as legal materials that have juridically binding power or primary legal materials (Hari Sutra Disemadi, 2020). Primary legal materials, which are legal materials that have binding force including laws and regulations and court decisions related to the object of research, Law No. 17 of 2016 concerning the Determination of Perppu No. 1 of 2016 concerning the second amendment to Law No. 23 of 2002 concerning Child Protection into Law, Law No. 35 of 2014 concerning Protection, Law No. 12 of 2022 concerning the Crime of Sexual Violence, court decisions related to sexual violence against children. Secondary legal materials, which are materials that provide explanations of primary legal materials, such as books, scientific journals, results of previous research, and legal doctrine.

The data collection technique in this study is carried out by way of document study, namely studying, studying and studying legal materials relevant to this research.

The data analysis technique used in this study is a descriptive qualitative analysis method. This method is carried out by delineating, interpreting, and explaining data obtained from various legal materials in a systematic and in-depth manner (Ridwan et al., 2022). In this study, data sourced from primary and secondary legal materials were analyzed to understand and evaluate regulations related to criminal responsibility of perpetrators and legal protection for children as victims of sexual violence in Indonesia.

The technique of drawing conclusions in this study uses a deductive method, namely by drawing conclusions from general legal provisions to more specific problems. Through this method, the data analysis in this study is expected to provide a comprehensive picture of the application of criminal responsibility and legal protection for children as victims of sexual violence in Indonesia.

Results and Discussion

Criminal Liability Arrangements for Perpetrators of Sexual Violence Against Children

Criminal liability is basically a legal mechanism to determine whether a person can be held accountable for the criminal acts he committed. In Indonesian criminal law, a person can only be convicted if he meets the elements of a criminal act (*actus reus*) and the element of guilt (*mens rea*), namely the existence of intentionality or negligence that can be legally accounted for.

Normatively, the regulation of criminal liability for perpetrators of sexual violence against children in Indonesia is regulated in Law No. 17 of 2016 concerning the Stipulation of Perppu No. 1 of 2016 concerning the second amendment to Law No. 23 of 2002 concerning Child Protection into Law, Law Number 35 of 2014 concerning Child Protection and Law Number 12 of 2022 concerning Sexual Violence. The existence of these various regulations shows that the state places sexual violence against children as a serious crime that requires special handling and maximum protection for victims.

In Law No. 35 of 2014 jo. Law No. 17 of 2016 concerning Child Protection, the provisions regarding the prohibition of sexual violence against children are regulated in Article 76D which states that: *"Every person is prohibited from committing violence or threats of violence forcing a child to have intercourse with him or with another person."* The criminal provisions are set out in Article 81 Paragraph 1, which states that: *"Every person who violates the provisions as referred to in Article 76D shall be sentenced to imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a maximum fine of Rp5,000,000,000.00 (five billion rupiah)."*

In addition to the main crime in the form of imprisonment and fines, Law No. 17 of 2016 concerning the second amendment to Law No. 23 of 2002 concerning Child Protection also introduces criminal charges against perpetrators of sexual violence against children. This provision is regulated in Article 81 Paragraph 6 which contains additional penalties in the form of announcing the identity of the perpetrator, while Article 81 Paragraph 7 regulates rehabilitation measures and the installation of electronic detection devices. Furthermore, the act of chemical castration against certain perpetrators is regulated in Article 81 Paragraph 7 and Paragraph 8, with the procedure for its implementation reaffirmed in Article 81A. The regulation shows the existence of a criminal law policy that aims to provide a deterrent effect while strengthening the protection of children as victims of sexual violence.

The presence of Law No. 12 of 2022 concerning the Crime of Sexual Violence shows the development of legal arrangements that are no longer only oriented towards the punishment of perpetrators, but also pay attention to the protection and recovery of victims, including children. In Article 4 Paragraph 1 of Law No. 12 of 2022 concerning the Crime of Sexual Violence, the provisions regarding the criminal acts of sexual violence are regulated more comprehensively which states that *"criminal acts of sexual violence include non-physical sexual harassment, physical sexual harassment, forced contraception, forced sterilization, forced marriage, sexual torture, sexual exploitation, sexual slavery, and electronic-based sexual violence."* The provision shows that (TPKS Law) expands the scope of acts categorized as sexual violence compared to the previous regulation in (PA Law) which focused more on sexual intercourse and child molestation.

Criminal provisions against perpetrators are regulated in several articles according to the type of criminal act committed. For example, Article 6 of Law No. 12 of 2022 concerning the Crime of Sexual Violence states that *"Every person who commits a physical sexual act aimed at the body, sexual desire, and/or reproductive organs with the intention of degrading the dignity and dignity of a person based on his sexuality and/or morality, shall be convicted of physical sexual harassment, with a maximum prison sentence of 4 (four) years and/or a maximum fine of IDR 50,000,000, 00 (fifty million rupiah)."* In contrast to the Child Protection Law, which focuses more on punishing perpetrators, the Sexual Violence Law expands the orientation of criminal law by including aspects of victim protection and recovery. This is affirmed in Article 66 Paragraph 1 of Law No. 12 of 2022 concerning the Crime of Sexual Violence which states that *"Victims have the right to Treatment, Protection, and Recovery since the Crime of Sexual Violence."* These provisions show that victims have the right to receive assistance, medical and psychological rehabilitation,

restitution, identity protection, and social recovery. Thus, it reflects the development of Indonesia's criminal law system towards an approach that places victim protection and recovery as an important part of the law enforcement process.

In the perspective of Philipus M. Hadjon's legal protection theory, legal protection for Children victims of sexual violence should not only stop at the criminal provision of the perpetrator, but should also include preventive and repressive protection. Preventive protection is realized through the establishment of regulations that protect children from sexual violence, while repressive protection is realized through the provision of restitution, rehabilitation, and psychological recovery of victims.

Thus, it can be concluded that normatively Indonesia already has a comprehensive regulation regarding the criminal liability of perpetrators of sexual violence against children. However, the biggest challenge still lies in the implementation of the law in criminal justice practice so that it is not only oriented towards the punishment of perpetrators, but also on the protection and recovery of victims as a whole.

Application of Criminal Liability in Court Decisions

The application of criminal accountability to perpetrators of sexual violence against children is basically a concrete form of the implementation of criminal law in judicial practice. In this stage, the judge not only assesses the fulfillment of the elements of the criminal act as stipulated in laws and regulations, but also considers aspects of justice, utility, and legal protection for child victims.

The application of criminal liability in this study was analyzed through the Salatiga District Court Decision Number 2/Pid.Sus/2022/PN Slt which has permanent legal force (*inkracht*). In this case, the defendant was charged with violating Article 76D in conjunction with Article 81 Paragraph 1 of Law No. 17 of 2016 concerning Child Protection for having intercourse with his own biological child.

Based on the facts of the trial, the panel of judges considered that all elements of the criminal act had been met, both the element of *"everyone"*, the element of *"intentionally"*, and the element of *"having sexual intercourse with a child"*. The element of *"everyone"* is proven through the identity of the defendant as a legal subject who is capable of accounting for his actions before the law. Furthermore, the element of *"deliberately"* is evidenced by the defendant's willingness and awareness in committing acts of sexual intercourse against child victims. In criminal law, intentionality (*dolus*) is a form of mistake that shows that the perpetrator knows and wants the consequences of his actions. Therefore, the judge considered that the defendant had the ability to be criminally responsible for his actions.

Meanwhile, the element of *"having sexual intercourse with a child"* is proven through several evidence of the victim's statement, witness statements, *visum et repertum*, and the defendant's confession. The victim's statement is an important piece of evidence because it explains the chronology of the crime experienced by the victim directly. Based on the evidence, the judge obtained a conviction that the crime really occurred and the defendant was the perpetrator.

The panel of judges in its consideration stated that the defendant's actions caused deep psychological trauma to the victim, damaged the future of the child, and were carried out by the victim's own biological father. This factor is used as a circumstance that aggravates the defendant's crime.

However, the judge's decision did not include an order to provide restitution or rehabilitation to child victims. In fact, the right to restitution has been regulated in Article 71D Paragraph 1 of Law No. 35 of 2014 concerning Child Protection and the right to recovery of victims is affirmed in Article 66 Paragraph 1 of Law No. 12 of 2022 concerning the Crime of Sexual Violence.

In the perspective of Lawrence M. Friedman's law enforcement theory, this condition shows that the substance of the law is actually available, but the implementation by the legal structure is still not optimal. The judge is still more oriented towards punishing the perpetrator than the recovery of the victim. Thus, the criminal justice system has not fully reflected victim-oriented justice.

Evaluation of Victim-Oriented Justice in Court Decisions

Victim-oriented justice is a concept of justice that not only focuses on the punishment of the perpetrator, but also on the protection, recovery, and fulfillment of the rights of victims as a whole. In the context of sexual violence against children, this concept is very important because child victims are a vulnerable group that experiences physical, psychological, social, and even future impacts that are prolonged due to the criminal acts they experience

Based on the results of the research, the Salatiga District Court Decision Number 2/Pid.Sus/2022/PN Slt has not fully reflected victim-oriented justice. Although the judge has considered the psychological impact of the victim as an aggravating circumstance, these considerations are only used to strengthen the punishment of the perpetrator and have not been followed by the provision of concrete protection to the victim in the form of restitution and rehabilitation.

In fact, normatively the right to restitution and recovery of victims has been guaranteed in Article 71D Paragraph 1 of Law No. 35 of 2014 and Article 66 Paragraph 1 of Law No. 12 of 2022. However, in practice, this right is not applied in the court decision. In addition, the absence of a psychological rehabilitation order for the victim also shows that the recovery of the child's mental and social condition has not been positioned as an important part of the goal of law enforcement. This condition shows that criminal justice practices still tend to use a retributive approach, which places prison sentences as the main form of criminal case settlement.

Based on the perspective of legal protection theory Philipus M. Hadjon, this condition reflects that repressive protection for victims has not been implemented optimally. The state through law enforcement officials should not only focus on providing criminal punishment to the perpetrators, but also ensure the fulfillment of the victim's right to obtain a proper recovery. The court decision still shows a dominant orientation on the punishment of the perpetrator rather than the recovery of the victim.

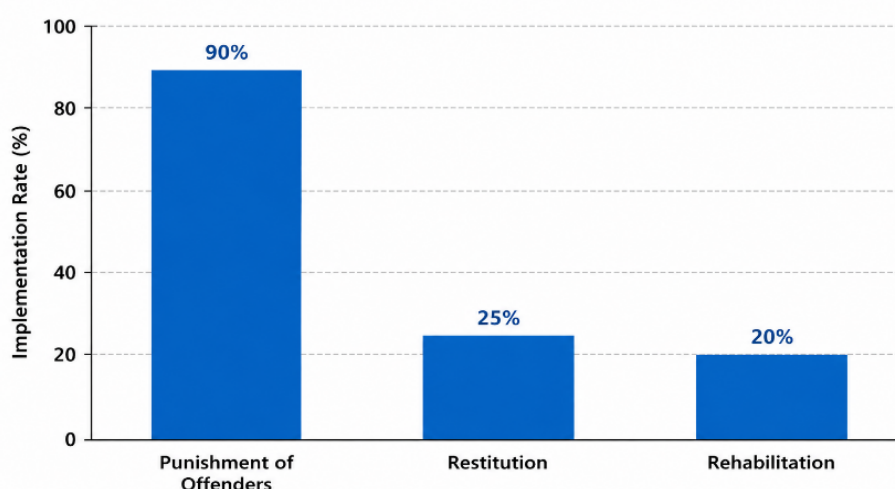


Figure 2. Comparison of the Implementation of Perpetrator Punishment and Victim Recovery

On the other hand, Lawrence M. Friedman's theory explains that the effectiveness of the law is not solely determined by the existence of regulations, but is also influenced by the legal culture that law enforcement officials have. In its implementation, the paradigm of law enforcement in Indonesia still tends to focus more on the perpetrators than the interests of the victims.

The implications of this study emphasize the need to update the law enforcement paradigm that is more in favor of the victim, strengthen the implementation of restitution and rehabilitation, and increase the sensitivity of law enforcement officials to the best interests of children. Therefore, the criminal justice system in Indonesia is expected to be able to provide substantive justice that not only focuses on sanctioning perpetrators, but also ensures the recovery of victims as a whole.

Conclusion

Based on the results of the research, it can be concluded that the regulation regarding criminal liability for perpetrators of sexual violence against children in Indonesia has been comprehensively regulated through Law Number 35 of 2014, Law Number 17 of 2016, and Law Number 12 of 2022 which not only contains provisions for criminal sanctions for perpetrators, but also guarantees the protection of victims' rights in the form of restitution, rehabilitation, and psychological recovery. In judicial practice, as seen in the Salatiga District Court Decision Number 2/Pid.Sus/2022/PN Slt, the judge has applied criminal liability through proving elements of criminal acts based on valid evidence, such as victim statements, witness statements, visum et repertum, and defendant confessions.

However, the application of criminal liability still tends to focus on punishing the perpetrator rather than recovering the victim because the verdict does not include the provision of restitution or rehabilitation for child victims. This situation shows that criminal liability in court decisions does not fully reflect victim-oriented justice, because legal protection for Children victims of sexual violence should also include comprehensive recovery through restitution, rehabilitation, psychological protection, and social assistance. Therefore, it is necessary to strengthen the implementation of the law through increasing the sensitivity of law enforcement officials, optimizing the implementation of restitution and rehabilitation rights, and strengthening coordination between institutions so that the criminal justice system in Indonesia prioritizes the best interests of children as victims of sexual violence.

References

- Al Kautsar, I., & Muhammad, D. W. (2022). Sistem Hukum Modern Lawrance M. Friedman. *Jurnal Sapientia Et Virtus*, 7(2), 84–99.
- Ambodo, T., & Rochim, F. (2024). Evaluasi Penanganan Kasus Kekerasan Seksual Terhadap Anak. *Islamic Law: Jurnal Siyasa*, 9(1), 74–86. <https://doi.org/10.53429/iljs.v9i1.983>
- Hari Sutra Disemadi. (2020). Penegakan Hukum Illegal Fishing dalam Perspektif UNCLOS 1982. *Mulawarman Law Review*, 5(1), 29–46. <https://e-journal.fh.unmul.ac.id/mulrev/article/view/311/188>
- Hari Sutra Disemadi. (2022). Politik Hukum Pembentukan Hukum yang Responsif dalam Mewujudkan tujuan Negara Indonesia. *JURNAL META-YURIDIS*, 1, 60–72.
- Hasanuddin, M. (2022). Implikasi Yuridis Pengaturan Hak Korban Tindak Pidana Kekerasan Seksual Dalam Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual. *Jurnal Surya Kencana Dua: Dinamika Masalah Hukum Dan Keadilan*, Vol. 9 (Kekerasan Seksual), 1–15.
- Irawan, T., Sitorus, Y. D. A., Mahawan, A. M., & Nurhidayati, D. A. W. (2025). Analisis Efektivitas Peraturan Hukum terhadap Tindak Pidana Kekerasan Seksual pada Anak. *Deposisi*, 3(2), 130–139. <https://doi.org/10.59581/deposisi.v3i2.5088%0A>
- Izdihar. (2025). Legal analysis of child protection against children as perpetrators of sexual violence crimes in indonesia. *Urnal Ilmiah Advokasi*, 13(1), 141–151. <https://doi.org/10.36987/jiad.v13i1.6012>
- Kurniawati, R. (2023). Pertanggungjawaban pidana pelaku kekerasan seksual terhadap anak di Indonesia. *Jurnal Lex Crimen*, 12(1), 45–60.
- Monikasari. (2023). Sexual Violence Against Children And Criminal Sanctions Towards Actors Based On The System Of Indonesian Law. *Nternational Journal of Law, Environment and Natural Resources*. <https://doi.org/10.51749/injurlens.v3i2.60>
- Muzayin, A. F., Pinandang, C. A., & Rois, D. K. A. (2024). Pemenuhan Hak Korban Tindak Pidana Kekerasan Seksual dikaitkan dengan UU TPKS. *Ranah Research*, 6(6), 2957–2963. <https://doi.org/10.38035/rj.v6i6.1211%0A>
- Putri, D. A., & Arifin, R. (2022a). Perlindungan hukum terhadap anak korban kekerasan seksual dalam sistem peradilan pidana. *Jurnal Ilmu Hukum*, 18(2), 123–135.
- Putri, D. A., & Arifin, R. (2022b). Perlindungan hukum terhadap anak korban kekerasan seksual dalam sistem peradilan pidana Indonesia. *Jurnal Ilmu Hukum*, 18(2), 123–135.

- Ridwan, M., Riyanto, O. S., Jayadi, U., & Ilham, R. N. (2022). *Approaches in Legal Research (A Introduction about Study Analysis Western Law and Islamic Law)*. <https://doi.org/10.4108/eai.11-10-2021.2319623>
- Salsabila, N. W. (2022). Perlindungan Hukum atas Kekerasan Seksual bagi Remaja Perempuan di Indonesia. *Verdict.*, 1(2), 74–85. <https://doi.org/10.59011/vjlaws.1.2.2022.74-85>
- Santoso. (2023). Sexual-violence offenses in indonesia: analysis of the criminal policy in the law number 12 of 2022. *Padjadjaran: Jurnal Ilmu Hukum (Journal of Law)*, 10(1), 59–79. <https://doi.org/10.22304/pjih.v10n1.a4>
- Saputra, R., Risdalina, R., M, I. K., Saputra, R., Risdalina, R., & M, I. K. (2024). Juridical Analysis on the Regulation of the Criminal Act of Sexual Abuse from the Perspective of Positive Law. *Enrichment*, 2(3), 82–87. <https://doi.org/10.55324/enrichment.v2i3.116>
- Sari, M., & Nugroho, A. (2021a). Implementasi perlindungan hukum anak di Indonesia. *Jurnal Hukum Dan Pembangunan*, 51(3), 456–470.
- Sari, M., & Nugroho, A. (2021b). Implementasi teori perlindungan hukum dalam perlindungan anak di Indonesia. *Jurnal Hukum Dan Pembangunan*, 51(3), 456–470.
- Wahyudi, & Fakhria, S. (2023). *Ganti kerugian terhadap anak korban tindak pidana pencabulan*. <https://doi.org/10.61069/juri.v12i3.60>
- Yunus, A., Hukum, P., Ilmu, F., & Situbondo, U. I. (2024). *HUKMY : Jurnal Hukum Volume 4, No. 2, Oktober 2024*. 4(2), 750–760.