

# Law Enforcement Against Perpetrators of Violence Sexual Against Children in the Decision Number 100/Pid.Sus/2025/PN.Sgr

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## Abstract

Sexual violence against children constitutes a serious violation of human rights, with far-reaching consequences in physical, psychological, social, and moral dimensions. In cases involving sexual violence against children, law enforcement should ideally not only emphasize the punishment of perpetrators but also prioritize victim recovery and preventive measures to ensure that similar crimes do not recur. The findings of this study indicate that, first, law enforcement in Decision Number 100/Pid.Sus/2025/PN.Sgr has not yet demonstrated concrete measures to ensure the psychological recovery of the victim. In essence, victim recovery is an inseparable element of substantive justice. From the perspective of progressive law, judges should not merely act as the “mouthpiece of the law,” but should also serve as active agents in realizing social justice within society. Although the decision reflects the principle of legal certainty, the dimensions of substantive justice and humanitarian values still need to be strengthened so that law enforcement against perpetrators of sexual violence against children can genuinely side with the victims. Second, Law Number 35 of 2014 explicitly mandates the state to protect children from all forms of violence, exploitation, and discrimination. Within this framework, the principle of the best interests of the child must serve as the primary consideration in every legal policy and court decision. However, in the Singaraja District Court Decision, this principle has not been fully implemented, as the judgment does not include an order for the victim’s psychological recovery. The absence of provisions concerning victim rehabilitation and the restoration of the victim’s rights indicates that the aspect of child protection has not been optimally accommodated. Therefore, strengthening the implementation of a restorative justice approach within the national legal system is necessary to ensure that substantive justice can be realized for child victims of sexual violence.

**Keywords:** Law Enforcement; Sexual Violence; Children; Criminal Law.

## Introduction

Sexual violence against children constitutes a grave violation of human rights with far-reaching impacts, encompassing physical, psychological, social, and moral dimensions. Within the Indonesian legal system, this criminal act is classified as an extraordinary crime, or a crime beyond the bounds of normality, requiring strict legal measures and rigorous justice (Islam et al., 2024). In addition, victims frequently face social consequences in the form of stigma, discrimination, and obstacles in social interaction, which ultimately result in disruptions to their overall moral and social development. Negative stigma imposed by the surrounding environment often places victims in a marginalized position, leading to both explicit and implicit social exclusion. This condition is frequently exacerbated by victim blaming, where victims are unjustly perceived as partially responsible for the incidents they have experienced, thereby deepening psychological harm and hindering the recovery process (Sudharani et al., 2025). Furthermore, the discrimination experienced by victims may manifest in various forms, including unfair treatment within educational settings, family environments, and broader society. These barriers to social interaction often cause victims to engage in social withdrawal, lose self-confidence, and encounter difficulties in establishing healthy interpersonal relationships. In the long term, such conditions may disrupt identity formation and the internalization of moral values, which should ideally develop optimally during childhood (Sarmini et al., 2023). Therefore, the social impact of sexual violence against children cannot be regarded merely as a secondary consequence, but rather as an integral component that requires serious attention within comprehensive victim protection and recovery efforts.

The urgency of addressing this issue is further reinforced by empirical data. According to reports from the Komisi Perlindungan Anak Indonesia (KPAI), over the past five years, sexual violence has consistently ranked as the most prevalent form of violence against children. This phenomenon indicates that

existing child protection efforts have not yet achieved optimal effectiveness. Such conditions reflect weaknesses within the legal system, both in preventive aspects such as the lack of public education, supervision, and early detection mechanisms and in repressive aspects, particularly in law enforcement, which has not yet fully generated a maximum deterrent effect (S, 2017).

The urgency of addressing sexual violence against children is further substantiated by empirical data demonstrating an increasing trend and the dominance of such cases compared to other forms of violence. Based on reports from the *Komisi Perlindungan Anak Indonesia* (KPAI), over the past five years, sexual violence has consistently occupied the highest position in child protection complaints (KPAI, 2025). This data is further supported by reports from the Ministry of Women's Empowerment and Child Protection of the Republic of Indonesia (KemenPPPA) through the Online Information System for the Protection of Women and Children (SIMFONI PPA), which records sexual violence against children as one of the categories with the highest number of reported cases annually (KemenPPPA, 2025). Moreover, publications by Statistics Indonesia (BPS) through the National Survey on the Life Experiences of Children and Adolescents (SNPHAR) indicate that the prevalence of sexual violence against children in Indonesia remains at an alarming level, with a significant number of cases remaining underreported (BPS, 2025). This reality confirms that children continue to exist in a condition of structural vulnerability to various forms of sexual exploitation, occurring within domestic settings, educational institutions, and broader social spaces. These facts reflect weaknesses in the child protection legal system in both preventive and repressive aspects.

Constitutionally, the state bears a fundamental obligation to ensure the protection of children as stipulated in Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which provides that every child has the right to survival, growth and development, and protection from violence and discrimination (Humaira B et al., 2015). This provision reflects the state's recognition of children as legal subjects possessing fundamental rights that must be respected, protected, and fulfilled by the state, society, and family.

This constitutional principle is further elaborated within the framework of positive law through Law Number 35 of 2014 concerning the Amendment to Law Number 23 of 2002 on Child Protection. This regulation affirms the state's responsibility to provide comprehensive protection to children, including protection from all forms of sexual violence, through preventive, repressive, and rehabilitative approaches. The law also broadens the definition of child protection and reinforces the roles of various stakeholders, including local governments, educational institutions, and society, in creating a safe environment for children. The strengthening of law enforcement against perpetrators of sexual violence against children is further embodied in Law Number 17 of 2016, which emphasizes the imposition of heavier criminal sanctions. These provisions include additional penalties such as the public announcement of the offender's identity, chemical castration, and the installation of electronic monitoring devices, as efforts to create a deterrent effect and prevent the recurrence of similar crimes. Thus, the structure of national law demonstrates a strong normative commitment to providing maximum protection for children, particularly from the threat of sexual violence, although in practice it continues to face various implementation challenges (Wardhani, 2021). These provisions indicate the state's recognition of children as legal subjects entitled to comprehensive protection.

One example of the application of criminal law in cases of sexual violence against children can be found in Decision Number 100/Pid.Sus/2025/PN.Sgr rendered by the Singaraja District Court. In this case, the defendant, Muhammad Maliq Ibrahim, was found guilty of committing acts of sexual violence against children aged between six and twelve years, as regulated under Article 81 paragraph (1) in conjunction with Article 76D of Law Number 17 of 2016. The panel of judges imposed a sentence of eight years' imprisonment and a fine of IDR 100,000,000, with an additional subsidiary penalty of three months' imprisonment. This case is significant for analysis as it illustrates how judges interpret the elements of a criminal act and apply them in rendering a judgment, while also evaluating the extent to which judicial reasoning reflects the principles of justice and child protection (Yuliantini & Mangku, 2022). A deeper analysis of

this decision is essential to assess the alignment between the application of criminal law and the principle of substantive justice, namely justice that is not solely oriented toward punishing the offender but also toward the recovery of the victim. That law should not be understood merely as a collection of formalistic rules, but rather as an instrument for realizing justice that lives within society (Alhakim, 2021).

In the context of sexual violence against children, law enforcement should ideally be oriented toward victim recovery and the prevention of similar crimes. Therefore, this study aims to provide a comprehensive description of how the law enforcement process operates against perpetrators of sexual violence against children, as well as how judicial reasoning in rendering decisions can reflect the principles of child protection and substantive justice.

## Research Method

This research employs a normative juridical research method, which focuses on positive legal norms, legal doctrines, and applicable principles within the national legal system. This study uses three approaches. First, the statute approach, which is conducted by examining relevant laws and regulations, including Law Number 35 of 2014 in conjunction with Law Number 17 of 2016 concerning Child Protection, the Indonesian Criminal Code (KUHP), and Law Number 12 of 2022 concerning Sexual Violence Crimes. Second, the conceptual approach, which applies legal theories proposed by scholars, such as the concept of progressive justice and restorative justice in child protection (Disemadi, 2020). Third, the case approach, which is carried out by examining Decision Number 100/Pid.Sus/2025/PN.Sgr as the main object of analysis. Through the analysis of this decision, the researcher evaluates the judge's legal considerations, the application of criminal law norms, and their relevance to the principle of child protection.

The legal materials used in this research consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations, court decisions, and official legal documents related to sexual violence against children. Secondary legal materials include legal literature, textbooks, scientific journals,

and scholarly writings in criminal law (Mangku & Yuliartini, 2022). Tertiary legal materials include legal dictionaries and legal encyclopedias, which function as supporting references for primary and secondary legal materials. The technique of collecting legal materials in this study is library research, which is conducted by examining relevant primary and secondary legal materials. The data analysis is carried out using a descriptive-qualitative method, namely by interpreting legal provisions and assessing their implementation in a concrete case (D. Tan, 2021).

## Results and Discussions

### General Review of the Decision Number 100/ Pid.Sus /2025/ PN.Sgr

Case Number 100/Pid.Sus/2025/PN.Sgr constitutes one of the criminal cases of sexual violence against children examined and adjudicated by the Singaraja District Court in 2025. This case represents a concrete illustration of the complexity involved in handling sexual crimes against children, both in terms of evidentiary processes, legal construction, and judicial reasoning in rendering a judgment (Junita & Hafnidar, 2022). The defendant in this case, Muhammad Maliq Ibrahim, was charged by the public prosecutor with committing the criminal act of sexual intercourse with a minor identified by the initials RA, aged 16 years. In the indictment, it was stated that the act was carried out through a series of actions involving persuasion, inducement, as well as psychological pressure and threats, which rendered the victim psychologically powerless (Nainggolan, 2008).

Based on the facts revealed during the trial, the incident began when the victim and her friend encountered the defendant and several of his associates at a nightlife venue. Subsequently, the victim was persuaded to move from one location to another, eventually being taken to an accommodation facility in the Buleleng area (Perdana et al., 2026a). In this situation, the victim experienced situational pressure, including coercion to consume alcoholic beverages and restrictions on her freedom of movement. This circumstance demonstrates the existence of an unequal power relationship between the perpetrator and the

victim, which was ultimately exploited by the perpetrator to commit the sexual offense (Siahaan et al., 2025).

Furthermore, witness testimonies revealed that the victim attempted to resist and seek assistance; however, she did not receive adequate help. There were even indications of normalization of the conduct by the surrounding environment at the time the incident occurred, which further exacerbated the victim's psychological condition. In one testimony, it was noted that the victim experienced fear, cried, and suffered significant psychological distress following the incident, which ultimately affected her decision to discontinue her education. This condition indicates that the impact of the crime was not limited to physical harm but also extended to serious psychological and social consequences, as emphasized by Satjipto Rahardjo (2006) regarding the importance of viewing law from the perspective of humanity and substantive justice.

In the evidentiary process during the trial, the panel of judges based its assessment on legally admissible evidence, including witness testimonies, expert opinions, documentary evidence in the form of *visum et repertum*, and the defendant's statement. All of these forms of evidence were considered to be interrelated and mutually reinforcing, thereby satisfying the evidentiary standards as regulated under criminal procedural law. Based on the analysis of the facts established during the trial, the panel of judges concluded that the element of "committing sexual intercourse with a child" as stipulated under the relevant statutory provisions had been proven legally and convincingly (Wahyuningsih, 2016).

The legal basis applied in this case refers to Article 81 paragraph (1) in conjunction with Article 76D of Law Number 17 of 2016 on Child Protection, which regulates the prohibition and sanctions against any person who intentionally uses violence or threats of violence to coerce a child into engaging in sexual intercourse. In this context, the judges did not merely consider the formal fulfillment of the elements of the offense, but also took into account the condition of the victim as a child in a vulnerable position requiring special protection. This approach is consistent with the view of (Maromi et al., 2024),

who argues that the effectiveness of law is determined not only by the existence of legal norms but also by how those norms are implemented in judicial practice.

Based on these considerations, the panel of judges imposed a sentence on the defendant consisting of eight years' imprisonment and a fine of IDR 100,000,000, with the provision that failure to pay the fine would result in a subsidiary imprisonment of three months. This judgment reflects the judges' effort to apply positive law proportionally, taking into account the principles of retributive justice, deterrence, and victim protection.

Nevertheless, this judgment also opens space for critical discourse from the perspective of substantive justice. Although normatively it fulfills the elements of proof and complies with statutory provisions, the question remains as to whether the sentence imposed truly reflects a sense of justice, particularly for the victim who has suffered multidimensional harm (Siahaan et al., 2025). In the context of child protection, the legal approach should not be limited to punishing the perpetrator, but must also ensure the comprehensive recovery of the victim, including psychological, social, and educational aspects.

Moreover, this case also illustrates the presence of social factors contributing to the occurrence of the criminal act, such as the influence of peer environments, alcohol consumption, and weak social control mechanisms. This indicates that the prevention of sexual violence against children cannot rely solely on penal approaches, but must also incorporate non-penal strategies that are preventive and educational in nature. Accordingly, synergy is required among law enforcement agencies, child protection institutions, families, and the broader community to establish a more effective and sustainable child protection system.

Overall, Case Number 100/Pid.Sus/2025/PN.Sgr not only reflects the application of law in a concrete case, but also illustrates the challenges faced in realizing comprehensive child protection in Indonesia. Therefore, an evaluation of this judgment is essential as part of broader efforts to develop a legal system that is more responsive to the needs of child protection and more oriented toward the realization of substantive justice.

## **Stages Violent Law Enforcement Sexual towards Children**

Enforcement process law to perpetrator violence sexual to child covers a series stages involving a number of institution enforcer law start from police until stage victim recovery. In general, flow the can depicted as following :

**DIAGRAM 1.** Flowchart of Law Enforcement of Violence Sexual towards Children



The diagram illustrates that the law enforcement mechanism operates in a hierarchical and interrelated manner. In this context, the process begins with a report submitted by the victim to the police, followed by investigation and inquiry, until the case file is declared complete (*P-21*) by the public prosecutor's office (Eleanora, 2017). Once the file is deemed complete, the case proceeds to examination before the Singaraja District Court, ultimately resulting in a judgment that has obtained permanent legal force (*inkracht van gewijsde*).

This hierarchical structure reflects a clear distribution of authority among institutions within the Indonesian criminal justice system, which is fundamentally intended to ensure that law enforcement processes are conducted objectively, accountably, and in accordance with the principle of due process of law (W. Tan, Tan, et al., 2024). Each stage serves a specific function while simultaneously complementing one another, thereby forming an integrated

system for addressing criminal acts, including cases of sexual violence against children, which possess unique characteristics and a high degree of complexity.

The initial stage, namely reporting to the police, constitutes a crucial entry point within the overall mechanism. Without such a report, the legal process cannot proceed. However, in the context of sexual violence against children, this stage often encounters significant obstacles (Pandia & Jaelani, 2023). Child victims occupy a vulnerable position, both psychologically and socially, and frequently experience fear in disclosing the incidents they have endured. Moreover, cultural factors such as social stigma, the tendency toward victim blaming, and unequal power relations between perpetrators and victims further complicate the reporting process (Alhakim, Febriyani, et al., 2024). In many instances, perpetrators are individuals close to the victim, such as family members or acquaintances within the social environment, placing the victim in a dilemma regarding whether to report the offense.

Following the submission of a report, the next stage involves investigation and inquiry conducted by law enforcement authorities. At this stage, investigators are responsible for collecting evidence, examining witnesses and victims, and identifying suspects. In cases of sexual violence against children, medical evidence such as *visum et repertum* plays a critical role in strengthening evidentiary substantiation. Nevertheless, this process is not without challenges (Nugroho et al., 2023). One major issue is the limited capacity of law enforcement personnel to handle child victims in a professional and sensitive manner. In practice, victims are often required to repeatedly recount their traumatic experiences at various stages of examination, which may result in secondary victimization. Therefore, the consistent implementation of a child-friendly justice approach is of paramount importance (Perdana et al., 2026b).

Subsequently, the case file prepared by investigators is submitted to the prosecution office for review. At this stage, the public prosecutor assumes a central role as *dominus litis*, namely the authority that determines whether a case is suitable to be brought before the court. If the file is deemed incomplete (*P-19*), it is returned to the investigators for further completion. Conversely, if the file satisfies both formal and material requirements, it is declared complete (*P-21*)

and proceeds to the prosecution stage. This mechanism is intended to ensure that cases brought before the court are supported by sufficient evidentiary grounds, thereby minimizing the risk of judicial error (Siahaan et al., 2025).

The trial stage constitutes the core of the law enforcement process, wherein the panel of judges evaluates all evidence presented. During the proceedings, judges function not only as enforcers of the law but also as guardians of justice who must consider both juridical and non-juridical aspects. In cases of sexual violence against children, judges face the challenge of balancing legal certainty, justice, and expediency (Perdana et al., 2026a). This aligns with the perspective of Satjipto Rahardjo, who emphasizes that law should not be rigidly understood as mere textual rules, but must be capable of responding to the living sense of justice within society.

After the evidentiary process is concluded, the court renders a judgment, which may result in either conviction or acquittal. If the defendant is found guilty, the judgment specifies the type and duration of the imposed sentence. In the context of sexual violence against children, statutory regulations provide for aggravated sanctions as a means of enhancing child protection. Once the judgment has obtained permanent legal force (*inkracht van gewijsde*), it must be executed by the public prosecutor acting as the enforcing authority (Alhakim, Febriyani, et al., 2024).

Although structurally these stages of law enforcement operate in accordance with established procedures, in practice they continue to demonstrate a predominance of the retributive approach. This approach prioritizes the punishment of the offender as the primary objective of the criminal justice system. Within this framework, the success of law enforcement is measured by the severity of the sanctions imposed on the perpetrator, without providing balanced attention to the condition and needs of the victim.

As argued by Muladi (2002), the Indonesian criminal justice system remains predominantly offender-oriented, resulting in the marginalization of victim recovery as a central concern. In cases of sexual violence against children, this imbalance is particularly problematic, as victims are the parties who suffer the most significant consequences, whether physical, psychological, or social. In the

absence of adequate recovery measures, victims are at risk of experiencing long-term harm that may adversely affect their quality of life in the future.

In this regard, the concept of restorative justice becomes relevant as an alternative approach within the criminal justice system. Restorative justice emphasizes the restoration of relationships among the offender, the victim, and the community, and seeks to restore the victim's condition to its state prior to the occurrence of the crime (Alhakim, Febriani, et al., 2024). This approach does not solely focus on punishment, but also on the offender's responsibility to repair the harm caused, as well as on the comprehensive recovery of the victim.

However, the application of restorative justice in cases of sexual violence against children requires a high degree of caution. Given the serious nature of the offense and its complex impacts, not all cases are suitable for resolution through restorative mechanisms. The primary principle that must be upheld is the best interests of the child. Restorative justice may be applied in a limited manner, for instance through the provision of restitution, victim rehabilitation, and sustained psychosocial assistance.

Furthermore, it is essential to emphasize that victim recovery constitutes an integral component of the law enforcement process, rather than merely a supplementary stage following the issuance of a judgment. Such recovery encompasses various dimensions, including medical rehabilitation to address physical harm, psychological rehabilitation to overcome trauma, and social reintegration to enable victims to resume functioning within society (Andaru, 2021). In this regard, the involvement of multiple stakeholders is required, including child protection institutions, medical professionals, psychologists, as well as support from families and communities.

In conclusion, the hierarchical and interrelated law enforcement mechanism for addressing sexual violence against children provides a systematic framework for handling such cases. Nevertheless, the predominance of the retributive approach indicates that the system requires further refinement to become more victim-oriented. A shift toward a more balanced approach that integrates both the punishment of offenders and the recovery of victims is urgently needed to achieve substantive justice. Accordingly, reform of the

criminal justice system that incorporates the principles of restorative justice, child protection, and comprehensive victim recovery represents a crucial step toward enhancing the effectiveness of law enforcement in Indonesia.

## Application of Legal Norms and Analysis Element Action Criminal

In the decision This, the panel of judges based on consideration in Article 81 paragraph (1) jo. Article 76D of the Law Number 17 of 2016 concerning Child Protection, which states that everyone who does violence or threat violence force child For do intercourse with him convicted with imprisonment of at least five years and at most fifteen years year. For understand implementation chapter mentioned, the following served table analysis element action criminal offenses that are made base consideration law by judge:

**TABLE 1.** Analysis Element Action Criminal in Decision No. 100/ Pid.Sus /2025/ PN.Sgr

<b>Element Action Criminal</b>	<b>Fulfillment Element in the Trial Facts</b>	<b>Information Analysis</b>
The element "every person"	Defendant Muhammad Maliq Ibrahim	Element This fulfilled Because perpetrator is subject competent law in a way law and can asked accountability.
The element of "doing" intercourse to child "	Based on results visa and confession defendant	Fulfilled, because there is proof medical and information consistent witness support occurrence actions the.
The element "with" violence or threat violence "	The victim was threatened will humiliated If reject	Fulfilled, because the victim experienced pressure psychological and fear consequence threat perpetrator.

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The element of "victim is" child "	The victim was 16 years old	Fulfilled Because the victim's age is still under 18 years as arranged in Article 1 number 1 of the Child Protection Law.
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From the table above, it can be observed that all elements of the charged provision have been fulfilled legally and convincingly based on the facts revealed during the trial. In this case, the panel of judges demonstrated adequate capacity in constructing the relationship between legal facts (*factum probandum*) and the applicable legal norms (*ius constitutum*) (Purba & Mulyadi, 2025). The evidentiary process was conducted in accordance with legally admissible forms of evidence under criminal procedural law, namely witness testimonies, the defendant's statement, and documentary evidence in the form of *visum et repertum*, which collectively formed a coherent, logical, and consistent body of proof.

The fulfillment of the element "any person" indicates that the defendant did not possess any circumstances that would exclude criminal liability, whether in the form of justifying or excusing grounds. This affirms that the defendant is a legal subject who can be fully held accountable for his actions. In criminal law, this principle is essential to ensure that no individual is immune from legal responsibility, provided that they meet the criteria as a culpable offender.

Furthermore, the fulfillment of the element "engaging in sexual intercourse with a child" constitutes the core of the charged offense. In this case, the judges did not rely on a single piece of evidence but adopted a comprehensive evidentiary approach through the combination of medical evidence and testimonies from relevant parties (Mimi et al., 2012). This approach is consistent with the evidentiary principle in criminal law, which requires at least two valid pieces of evidence accompanied by the judge's conviction (*conviction in concreto*). The consistency between the *visum et repertum*, the defendant's admission, and witness testimonies provides a strong basis for concluding that this element has been convincingly established (Peiru & Alhakim, 2022).

The element “by means of violence or threats of violence” in this case reflects an important development in the interpretation of modern criminal law. Violence is no longer narrowly understood as purely physical acts but also encompasses psychological violence capable of exerting mental pressure on the victim (Heryanti, 2021). The threat to humiliate the victim, as revealed during the trial, constitutes a form of non-physical coercion that effectively compelled the victim to submit to the perpetrator’s will. This demonstrates that the law has begun to accommodate more complex social realities in understanding various forms of violence.

The element “the victim is a child” provides a normative basis for granting special protection to the victim. The status of the victim as a child is not only relevant to the fulfillment of the elements of the offense but also has implications for the severity of sanctions imposed and the approach adopted in the judicial process. As a vulnerable group, child victims require special treatment distinct from adult victims. In this regard, the law affords additional protection as a form of affirmative recognition of vulnerable groups.

Although all elements have been formally established, it is important to emphasize that law enforcement should not be confined to the fulfillment of legal-formal aspects alone. As argued by Satjipto Rahardjo (2006), law must be understood as a means to achieve substantive justice, rather than merely a tool for the mechanical application of rules. An overly formalistic approach risks neglecting the human dimension that should lie at the core of law enforcement.

In the context of sexual violence against children, substantive justice demands greater attention to the condition of the victim. The impact experienced by victims is not limited to physical harm but also includes psychological and social consequences that may persist in the long term. Therefore, law enforcement must be capable of providing tangible protection to victims, including through comprehensive recovery mechanisms (Iskandar et al., 2024). Without adequate recovery efforts, the justice delivered remains partial and fails to address the victim’s needs in a holistic manner.

Moreover, a victim-oriented approach becomes crucial in cases of this nature. This approach positions the victim as the primary subject who must be

protected and restored, rather than merely as an evidentiary instrument within judicial proceedings. In practice, such an approach may be realized through the provision of restitution, psychological rehabilitation, and sustained social assistance. In addition, it is important to consider the integration of retributive and restorative approaches within the criminal justice system. The retributive approach remains necessary to ensure deterrence and accountability for the perpetrator, but it must be complemented by a restorative approach that emphasizes victim recovery (W. Tan, Alhakim, et al., 2024). The balance between these two approaches will produce a more just and humane system of law enforcement.

Accordingly, it can be concluded that although all elements of the criminal offense have been juridically fulfilled, ideal law enforcement should not stop at formal proof alone. A more comprehensive approach is required—one that integrates legal certainty, justice, and utility. In the context of sexual violence against children, this entails ensuring that, in addition to the appropriate punishment of the offender, the victim also receives optimal protection and recovery, thereby enabling the realization of substantive justice in its fullest sense.

## **Judge's Considerations in Drop Decision**

Judicial reasoning in a decision of dismissal (or, more broadly, in the imposition of a criminal judgment) constitutes a crucial element in determining the direction of justice to be realized by the court. In the present case, the panel of judges comprehensively considered various aggravating and mitigating circumstances affecting the defendant as the basis for formulating a proportionate judgment. The aggravating factors in this case demonstrate the serious impact caused by the defendant's conduct (Lubis, 2019). First, the defendant's actions resulted in severe psychological suffering for the victim. In cases of sexual violence against children, psychological harm is often far more significant than physical harm, as the trauma experienced may persist in the long term and affect the victim's personality development. Victims not only experience fear and anxiety but are also at risk of diminished self-confidence,

difficulties in social interaction, and more complex mental health disorders (Ardin & Harefa, 2021).

Second, the defendant's conduct was considered to have violated the moral values upheld within society and to have generated social anxiety. Sexual violence against children constitutes not only a legal violation but also a breach of social norms and ethical standards. Accordingly, such conduct has broader implications, including creating a sense of insecurity within the community and disrupting public order. In this context, the judges considered not only the interests of the individual victim but also those of society at large (Iskandar et al., 2024). On the other hand, the court also took into account mitigating factors. First, the defendant expressed remorse for his actions and pledged not to repeat them. In criminal law, such an attitude is often regarded as an indication of legal awareness on the part of the offender, which may serve as a basis for leniency in sentencing. Second, the defendant behaved politely and cooperatively throughout the trial process, thereby facilitating the smooth administration of justice (Wadjo et al., 2020). This cooperative attitude was also considered by the judges in assessing the defendant's character and good faith.

These considerations are, in principle, consistent with the view of Sudarto (2012), who argues that in imposing criminal sanctions, judges must balance three fundamental principles: justice, utility, and legal certainty. These principles constitute the core pillars of the legal system and must be proportionately accommodated in every judicial decision. In this case, the judges appear to have addressed the principle of legal certainty through the proper application of legal norms, as well as the principle of justice by considering the consequences of the defendant's conduct.

However, upon closer analysis, the judicial reasoning still reflects a predominance of the retributive approach, which focuses primarily on punishing the offender without adequately addressing the recovery of the victim. The judgment does not explicitly provide concrete measures to ensure the victim's psychological recovery, such as orders for rehabilitation, restitution, or other forms of protection. In cases of sexual violence against children, victim recovery constitutes an integral component of justice that cannot be overlooked.

As emphasized by Muladi (2002), the criminal justice system should not be solely offender-oriented but must also adopt a victim-oriented perspective. Justice should not be measured solely by the severity of the punishment imposed on the offender, but also by the extent to which the victim obtains recovery from the harm suffered. In the absence of clear recovery mechanisms, the justice achieved tends to be partial in nature.

Furthermore, from the perspective of progressive legal thought, as articulated by Satjipto Rahardjo (2006), judges should not merely function as “the mouth of the law” (*la bouche de la loi*), applying legal norms in a purely textual manner. Instead, judges are expected to act as active agents in realizing substantive justice by taking into account humanitarian values, morality, and the social realities underlying each case. In this regard, judges possess discretionary space to develop decisions that are not only legalistic but also responsive to the needs of victims.

In light of developments in modern legal thought, the restorative justice approach offers a paradigm that can complement the retributive model. This approach emphasizes the restoration of relationships between offender and victim, as well as the comprehensive recovery of the victim’s condition. Although its application in cases of sexual violence against children must be approached with caution, restorative principles remain relevant, particularly in addressing the psychological and social recovery of victims.

In the present case, the absence of concrete measures for victim recovery indicates that the dimension of substantive justice has not yet been fully realized. While the judgment reflects legal certainty and certain aspects of justice, the humanitarian dimension oriented toward the victim requires further strengthening. This is particularly important given that the victim is the party most adversely affected and in need of sustained protection and recovery (Alfariszi & Ahsan, 2024).

Law enforcement in cases of sexual violence against children must be directed toward maximizing victim protection, not only through the punishment of offenders but also through the provision of comprehensive recovery mechanisms. Accordingly, judges are expected to adopt a more

progressive approach by integrating victim recovery into both the reasoning and the operative part of their judgments.

In conclusion, the judicial reasoning in this case reflects an effort to balance competing interests; however, it still requires further reinforcement in terms of victim protection and recovery. A more holistic approach, oriented toward substantive justice, is essential to ensure that law enforcement not only provides legal certainty but also delivers meaningful and tangible justice for both victims and society (Mangku & Menteiro, 2022).

## Relevance with Principle Justice and Child Protection

The interrelation between the principles of justice and child protection in the context of law enforcement against perpetrators of sexual violence constitutes an issue that is not merely juridical in nature but also encompasses philosophical, sociological, and moral dimensions (Agustin et al., 2024). The enforcement of law against perpetrators of sexual violence against children, as reflected in Decision Number 100/Pid.Sus/2025/PN.Sgr, must not be examined solely from a formal legal perspective; rather, it requires a comprehensive analysis grounded in the principles of justice and child protection. Justice in this context cannot be confined to the framework of formal justice (*formele rechtvaardigheid*), but must extend to substantive justice (*materiële rechtvaardigheid*), which prioritizes the best interests of the child (the best interest of the child) in every stage of legal enforcement (Sarmini et al., 2023).

In practice, formal justice often emphasizes procedural compliance and the textual application of legal norms. This approach prioritizes legal certainty and conformity with written rules, whereby the success of law enforcement is measured by the fulfillment of the elements of the offense and the imposition of sanctions in accordance with statutory provisions (Azizi, 2022). However, such an approach reveals its limitations when confronted with cases involving complex humanitarian dimensions, such as sexual violence against children. In such cases, a purely formalistic application of the law risks neglecting the actual needs of victims, particularly in terms of recovery and long-term protection.

Law must not be confined to textual interpretation but should instead serve as a means to realize justice as it lives within society. From the perspective of progressive law, legal norms are instruments for achieving human welfare; thus, law enforcement officials, including judges, are required to exercise courage in engaging in *rechtsvinding* (legal discovery) oriented toward substantive justice (Nashriyah et al., 2021). In the context of sexual violence against children, this implies that judges should not merely function as “the mouth of the law,” but must actively ensure that judicial decisions genuinely provide protection and justice for victims.

Furthermore, Soerjono Soekanto (2015) emphasizes that substantive justice can only be realized when law enforcement authorities are capable of understanding the social dimensions underlying a legal event. In cases of sexual violence against children, these dimensions include the psychological condition of the victim, the power imbalance between perpetrator and victim, and the broader social consequences arising from the offense. Accordingly, judges must not limit their assessment to legal evidence and statutory norms alone, but must also take into account the broader social context.

With regard to child protection, Law Number 35 of 2014 explicitly mandates the state to provide protection to children from all forms of violence, exploitation, and discrimination. This provision reflects the state’s commitment to safeguarding the rights of children as a vulnerable group. One of the central principles embedded in this law is the principle of the best interests of the child, which must serve as the primary consideration in every policy and legal decision concerning children.

However, when examined in relation to Decision Number 100/Pid.Sus/2025/PN.Sgr, this principle appears not to have been fully implemented in an optimal manner. Although the court imposed criminal sanctions on the perpetrator as a form of law enforcement, there is no indication of concrete measures aimed at the recovery of the victim, particularly in psychological terms. The absence of orders for rehabilitation, restitution, or other protective measures suggests that the decision remains predominantly oriented toward the punishment of the offender rather than the recovery of the

victim (Nebi, 2024). This raises critical questions regarding the extent to which the decision has fulfilled the principles of substantive justice and comprehensive child protection.

From the standpoint of substantive justice, victim recovery constitutes an inseparable element of the law enforcement process. Justice should not be measured solely by the severity of the punishment imposed upon the perpetrator, but also by the extent to which the victim obtains restoration from the harm suffered (Rafsanjani, 2022). Such recovery may be realized through mechanisms including restitution to compensate for the victim's losses, state compensation, and medical and psychological rehabilitation. In the absence of adequate recovery mechanisms, the justice delivered remains partial and fails to address the victim's needs in a holistic manner.

Who emphasizes the importance of shifting the paradigm of the criminal justice system from an offender-oriented approach to a victim-oriented one. Within this paradigm, victims are no longer regarded merely as objects of proof in legal proceedings, but as subjects entitled to protection and recovery. Consequently, the criminal justice system is expected not only to deter offenders but also to restore the balance disrupted by criminal acts (Alhakim, Nurisman, et al., 2024). Moreover, in the context of legal policy, asserts that the direction of legal development in Indonesia must prioritize substantive justice that favors vulnerable groups, including child victims of sexual violence. This implies that every legal policy, including judicial decisions, must be designed to provide maximum protection to victims and ensure the full realization of their rights (Rafsanjani, 2022).

In practice, the implementation of substantive justice and child protection principles requires judicial willingness to adopt innovative approaches in decision-making. Judges are not strictly confined to the literal wording of statutes but possess interpretative space to develop more progressive rulings in pursuit of broader justice. For instance, judges may incorporate orders for psychological rehabilitation within the operative part of the judgment or require perpetrators to provide restitution to victims as a form of accountability (Jamaludin, 2021).

Such measures demonstrate that law functions not only as a mechanism of punishment but also as an instrument of recovery and protection.

In addition, it is essential to emphasize that child protection is not solely the responsibility of law enforcement authorities but constitutes a shared obligation of the state, society, and the family. Accordingly, the enforcement of law against sexual violence against children must be conducted in an integrated and sustainable manner, involving multiple stakeholders with relevant expertise.

Thus, the relationship between the principles of justice and child protection in cases of sexual violence underscores that law enforcement cannot be separated from the humanitarian values that underpin it. A sound judicial decision must not only satisfy the requirements of legality but must also deliver tangible justice for the victim. In this context, the measure of justice lies not merely in the severity of the punishment imposed upon the perpetrator, but also in the extent to which the decision provides protection, recovery, and hope for the victim to rebuild their life.

Therefore, it is imperative to strengthen the paradigm of substantive justice within Indonesia's criminal justice system, particularly in addressing cases of sexual violence against children. This may be achieved through enhancing the capacity of law enforcement officials, strengthening victim-oriented legal frameworks, and developing judicial practices that are more responsive to the needs of victims. Through such efforts, the legal system can function more effectively as an instrument for protecting children and realizing a more humane and equitable form of justice.

## **Analysis Comparison with Decision Similar**

As effort deepen analysis, carried out comparison with other decisions that have substance law similar For evaluate consistency application of norms and principles justice. One of the the decision made comparator is Decision Number 22/ Pid.Sus /2023/ PN.Dps , where the perpetrator violence sexual to child sentenced punishment ten year prison as well as required bear cost rehabilitation victim psychology.

**TABLE 2.** Comparison Between Second Decision

<b>Legal Aspects</b>	<b>Singaraja District Court Decision No. 100/ Pid.Sus /2025</b>	<b>District Decision No. 22/ Pid.Sus /2023</b>	<b>Academic Analysis</b>
Legal basis	Article 81 paragraph (1) in conjunction with Article 76D of the Child Protection Law	Article 81 paragraph (1) in conjunction with Article 76D of the Child Protection Law	Second decision base themselves to the same legal norms.
Punishment	8 years prison, fine of Rp. 100 million	10 years prison and order victim rehabilitation	Denpasar District Court shows attention more to victim recovery.
Judge's Consideration	Focus on the elements criminal and confession defendant	Focus on impact victim psychology	Singaraja District Court Still approach oriented formalistic.
Aspect Justice	Formal justice	Justice substantive	Denpasar District Court more progressive and pro-victim.

The comparison reveals a divergence in judicial paradigms in interpreting the concept of justice between judges at the District Court of Singaraja and those at the District Court of Denpasar. On the one hand, judges at the District Court of Singaraja tend to emphasize formal justice by adhering strictly to the fulfillment of the elements of the offense and the textual application of legal norms. This approach places legal certainty as the primary objective, resulting in decisions that are predominantly oriented toward legal-formal aspects without sufficiently developing broader social dimensions.

Conversely, judges at the District Court of Denpasar demonstrate a tendency to prioritize substantive justice, which extends beyond the mere application of legal norms to include consideration of the actual impact experienced by the victim. This is reflected in the inclusion of an order for psychological rehabilitation in the operative part of the judgment, indicating that the court perceives the case not solely as a legal violation but also as a social event that produces suffering requiring restoration. Such an approach signifies a more victim-centered orientation in judicial reasoning.

Indonesia's criminal justice system continues to exhibit variation in the application of justice, oscillating between legalistic and humanistic approaches. The legalistic approach emphasizes legal certainty, whereas the humanistic approach prioritizes substantive justice by taking into account the condition of victims and broader humanitarian values (Yuliantini and Yasa, 2022),.

Furthermore, this difference may be understood as a reflection of the transitional state of Indonesia's criminal justice system toward a restorative justice paradigm. As emphasized by Muladi (2002), a modern criminal justice system should not be exclusively oriented toward the punishment of offenders but must also focus on victim recovery and the restoration of social equilibrium disrupted by criminal acts. Within this framework, an approach that integrates punishment with victim recovery serves as an important indicator of a more progressive legal system.

Nevertheless, the absence of uniformity in the application of these approaches indicates that the Indonesian legal system continues to face challenges in achieving consistency in judicial decisions. The significant disparity between the two judgments has the potential to generate legal uncertainty and sentencing disparity, which may ultimately undermine public confidence in the judicial system. Accordingly, there is a pressing need for clearer jurisprudential guidelines to direct judges in adjudicating cases of sexual violence against children. The role of the Supreme Court of the Republic of Indonesia is particularly crucial in this regard, especially in providing policy direction through consistent jurisprudence and binding internal regulations. Several academic studies emphasize that judges should incorporate victim rehabilitation as an

integral component of their decisions, particularly in cases that have severe psychological impacts on victims (Yuliartini & Hartana, 2021).

In conclusion, this comparative analysis demonstrates that although both decisions are grounded in the same legal norms, differences in interpretation and application have produced substantively divergent outcomes. This underscores the importance of strengthening the paradigm of substantive justice within the criminal justice system, ensuring that law enforcement is not confined to legal certainty alone but also capable of delivering optimal protection and recovery for victims. In the context of sexual violence against children, a victim-oriented approach remains essential for achieving a more humane and sustainable form of justice.

## Conclusion

Based on the analysis of Decision Number 100/Pid.Sus/2025/PN.Sgr, it can be concluded that the enforcement of criminal law against the perpetrator of sexual violence against a child has been carried out in accordance with the provisions of Article 81 paragraph (1) in conjunction with Article 76D of Law Number 17 of 2016 concerning Child Protection. The court appropriately assessed the elements of the criminal offence and the available evidence, thereby ensuring that the decision fulfilled the principle of legal certainty. However, although the judge's considerations reflected a balance between the aggravating and mitigating circumstances of the defendant, the verdict has not fully embodied substantive justice. The absence of specific orders concerning the victim's rehabilitation and the restoration of the victim's rights indicates that the aspect of child protection has not been optimally accommodated. From the perspective of justice and child protection, this decision tends to emphasize formal justice through the application of positive law, but it has not yet fully reflected the principle of the best interests of the child. Therefore, it is necessary to strengthen the implementation of a restorative justice approach within the national legal system so that substantive justice can be achieved for child victims of sexual violence.

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## **Declaration of Generative AI Use**

In preparing this manuscript, the authors employed ChatGPT (OpenAI) to enhance textual clarity, organization, and overall readability. Grammarly was also used to support language editing. Following the use of these tools, the authors carefully reviewed, revised, and validated the entire manuscript to ensure that all content faithfully reflects their own ideas and interpretations. The authors take full responsibility for the integrity and originality of the published work.

## **Competing Interest**

The authors declare that there are no conflicts of interest regarding the publication of this article.

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