

Victimology analysis of child victims of sexual abuse

Rendie Meita Sarie Putri^{*}, Mulyadi Alrianto Tajuddin¹, Nurul Widhanita Y. Badilla,
Riez Kifli Kolewora

Faculty of Law, Musamus University, Jl. Kamizaun, Mopah Lama, Rimba Jaya, Kec. Merauke,
Kabupaten Merauke, Papua Selatan 99611 Indonesia
e-mail: rendiemeita@unmus.ac.id

Received 20 October 2025

Revised 27 November 2025

Accepted 28 November 2025

ABSTRACT

Victimology is the study of victims, their victimization causes, and the consequences of victimization. Victims can play a functional role in the occurrence of a crime. Although victims have a role in triggering a crime, they must still receive legal protection for their rights. This study examines victimology and forms of legal protection for child victims of sexual abuse using normative and empirical juridical approaches. The results of this study indicate that the occurrence of a crime cannot be seen solely from the perpetrator's perspective; victims also play a role in the occurrence of a crime. The victim's behavior is a driving factor in the occurrence of sexual abuse. In this case, the sexual abuse of victim NK can be categorized as biologically weak, participating, and provocative. The victim has received legal protection in accordance with Article 64, Paragraph (3) of Law Number 35 of 2014 concerning Child Protection, namely receiving rehabilitation, safety guarantees, and accessibility to obtain information on case developments.

Keywords: Children, Sexual Abuse, Victimology.

priviet lab.
RESEARCH & PUBLISHING



1. INTRODUCTION

Victimology is the study of victims, the causes of victimization, and the consequences of victimization, which constitute a human problem as a social reality (Siswanto, 2014). The increasing crime rate in Indonesia has resulted in various modus operandi for criminal acts. Furthermore, the lack of public knowledge about criminal law causes individuals to become either perpetrators or victims (Rendie, 2022). Victims play a crucial role in the occurrence of a crime. In reality, it can be argued that a crime would not occur without a victim, who is the primary participant in the crime and fulfills the perpetrator's interests, resulting in the victim's suffering.

The victim's role is influenced directly or indirectly by certain situations and conditions. These influences vary from victim to victim. Victims can consciously or unconsciously play a role, directly or indirectly, individually or collectively, responsibly or not, actively or passively, and with positive or negative motivations. It all depends on the situation and conditions at the time of the crime. Crime is the result of an interaction between existing phenomena that influence one another (Ananda, 2022).

Crimes that often involve the role of the victim are acts of sexual abuse, which are crimes that are very disturbing to society and have a high level of seriousness and invite fear of crime in society, which causes society to feel unsafe (Rendie et al., 2022). Indecency is a crime against morality regulated in Chapter XIV of the Criminal Code concerning crimes against decency. According to the legal dictionary, obscene means vile and dirty, indecent because it violates decency and morality. Indecent acts are all forms of acts, whether committed against oneself or committed against others, concerning and related to the genitals or other body parts that can stimulate social desire (Laurensius, 2017). The crime of child molestation is regulated in Article 290 of the Criminal Code as follows: (1) Whoever commits an indecent act with someone, knowing that the person is unconscious or helpless; (2) Whoever commits an indecent act with someone who he knows or should reasonably suspect is under 15 years of age or, if it is not clear that the age of the person concerned is not yet marriageable; (3) Anyone who induces a person whom he knows or should reasonably suspect to be under 15 years of age or who is generally married, to commit or allow an obscene act to be committed, or to have sexual intercourse outside of marriage with another person, shall be punished by a maximum of 7 years' imprisonment.

A case of sexual abuse involves at least three things, namely the perpetrator, the victim, and the situation and conditions. These three things cannot be separated from each other, each has a role in the emergence of a crime. The closeness of the relationship between the opposite sex is a factor that is quite influential in the occurrence of sexual abuse. The perpetrator is indeed guilty, but the mistake made can be caused by mistakes indirectly made by the victim. There was a case of sexual abuse with the suspect with the initials MFA (27) who is a teacher from the same Islamic boarding school as the victim, it is known that the victim is a 15-year-old child. The incident of sexual abuse of a minor occurred on Friday (7/5/2021) at 16:30 WIB in the Islamic boarding school canteen which was witnessed by two witnesses with the initials AHM and AH who are also residents of the Islamic boarding school. These witnesses reported it to the victim's family and after being arrested (the perpetrator), it turned out that the perpetrator had carried out the act repeatedly against the victim.

Based on information, this incident occurred from 2019-2021 more than 30 times. The Head of Criminal Investigation Unit of West Tulang Bawang Police stated that several places used by the perpetrators to carry out the indecent acts were the Islamic Boarding School Kitchen in 2019 twice, the Islamic Boarding School Cooperative which is currently the Girls' Dormitory in 2019 five times, the Islamic Boarding School Girls' Dormitory Bathroom 10 times, the Islamic Boarding School Hall 12 times, the Islamic Boarding School Canteen in 2019 and 2021 four times, the MFA Room in 2020 twice, the bathroom of the late Kiyai's house in 2020 three times (LampungGeh, 2021).

As a result of this crime, the perpetrator violated as referred to in Article 82 in conjunction with Article 76E of Law Number 17 of 2016 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2016, the second amendment to Law Number 23 of 2002 concerning Child Protection. The West Tulang Bawang Child Protection Agency stated that cases of sexual harassment are increasing every year, there were 54 cases with children as victims handled by the Tubaba Child

Protection Agency throughout 2021, of which 75% were cases of sexual abuse. Therefore, this is certainly a problem that must be addressed by various parties. Based on the background of the problem above, the author will examine and discuss issues closely related to the example case above using the science of victimology.

2. METHOD

This study is a normative legal study that focuses on the examination and analysis of documents and legal sources related to positive law. The legal materials used include statutory regulations, court decisions, contracts or agreements, legal theories and expert opinions. Several approaches were applied in this research, namely the statutory, conceptual, and case approaches. These approaches are used to provide a comprehensive understanding of legal issues from normative, theoretical, and practical perspectives. The sources of legal materials in this research are divided into three categories: primary, secondary, and tertiary.

Primary legal materials consist of binding regulations and court decisions; secondary materials include books, academic journals, and expert opinions that support legal analysis; and tertiary materials include legal dictionaries, encyclopedias, and other supporting references. Legal materials were collected through library research, document examination, and archival studies relevant to the research topic. This process involves searching and reviewing various legal literatures, both printed and online. After collecting all legal materials, data analysis is carried out using the method of legal interpretation, which involves interpreting legal norms to discover their precise meaning in the context of the research problem. This interpretative analysis aims to sharpen legal reasoning and produce logical and scientifically accountable legal conclusions (Muhaimin, 2020).

3. RESULT AND DISCUSSION

3.1 Victimology Analysis of the Role of Child Victims of Sexual Abuse

Victimology examines topics related to victims, such as the victim's role in the occurrence of a crime, the relationship between the perpetrator and the victim, the victim's vulnerability, and the victim's role in the criminal justice system. Aspects related to victims include the factors causing the crime, how someone becomes a victim, mitigation efforts, and the victim's rights and obligations. In this context, victimology is used as a science to study the role of victims in cases of sexual abuse. Victims are those who suffer physically and mentally as a result of the actions of others who seek to fulfill their own or others' interests that conflict with the human rights of the injured party. Victims can have a functional role in the occurrence of a crime, whether consciously or unconsciously, directly or indirectly (Arif, 2004).

Sexual assault is a common crime. It is any act committed by oneself or another person that involves touching or touching a person's genitals or sensitive body parts. These acts include touching the body and genitals, kissing, violence, coercion, detention, psychological pressure, abuse of power, and taking advantage of a coercive environment. Sexual abuse is a crime that constantly threatens children. Children are a gift from God Almighty that cannot be replaced. They are part of the younger generation as one of the human resources who are potential and continue the ideals of the nation's struggle. They have a strategic role and special characteristics and traits that require guidance and protection to ensure their physical, mental, and social growth and development in a complete, harmonious, consistent, and balanced manner (Rachmat, 2015).

Children have limitations in understanding and protecting themselves from various crimes which can lead to the emergence of a role for themselves, either directly or indirectly, in the occurrence of a crime. The occurrence of a crime cannot be solely determined by the perpetrator; the victim also plays a role in the crime. The victim's role in the crime is a factor in determining the severity of the punishment imposed on the perpetrator. While we know that the perpetrator must be held accountable for the crime they have committed, what about the victim's accountability? If viewed from the

perspective of the victim's responsibility, there are seven (7) forms, namely: (a) Unrelated victims, they are those who have no connection to the perpetrator and become victims because they are potential victims. Therefore, from a legal perspective, the responsibility lies entirely with the victim; (b) Provocative victims, victims caused by the victim's role in triggering the crime. Therefore, from a responsibility perspective, it lies with the victim and the perpetrator together; (c) Participating victims, in essence, the victim's unconscious actions can encourage the perpetrator to commit a crime. For example, withdrawing large sums of money from a bank without an escort and then wrapping it in a plastic bag, thus encouraging someone to rob it. This aspect of the crime rests entirely with the perpetrator; (d) Biologically weak victims, crimes are caused by the physical condition of victims, such as women, children, and the elderly, who are potential victims of crime. From a responsibility perspective, the responsibility lies with the local community or government because they cannot provide protection to helpless victims; (e) Social weak victims, victims who are not cared for by the community concerned, such as homeless people with weak social status. Therefore, full responsibility lies with the criminal or the community; (f) Selfvictimizing victims, victims of self-inflicted crimes (pseudo-victims) or victimless crimes. Full responsibility lies with the victim because they are also the perpetrators of the crime; (g) Political victims, victims because of their political opponents. Sociologically, these victims cannot be accounted for unless there is a change in the political constellation.

Crimes that occur today often arise from opportunities or attitudes that allow perpetrators to commit crimes, created by the victims themselves. According to Arif Gosita, this neglect is caused by a person is unable to react to such deviations, the victim may fear the possibility of adverse consequences, this attitude of indifference is a social climate created by the absence of a broad reaction to deviant behavior (Gosita, 2008). The role of the victim in the occurrence of an act of child molestation has many variations, the basis of understanding is that children are certainly not in the same condition as adults, the inability of children to act is due to the limitations of the child's thinking and emotional abilities as well as the child's physical condition which tends to be weak so that this has an impact on the role of children as victims of criminal acts of molestation. The victim has an active role in the occurrence of criminal acts of molestation, namely all of his behavior which then actively causes stimulation felt by the perpetrator (Muhammad, 2022).

There is also a passive role for the victim, who does nothing, but through their behavior, factor in the crime being committed against them. He also stated that several examples of sexual abuse cases that occurred in West Tulang Bawang Regency represent that children do indeed play a role in the occurrence of sexual abuse, where the role is relative and varies according to the child's situation and condition. The sexual abuse case occurred in May 2021, involving NK, a 13-year-old child, perpetrated by MF, her teacher at an Islamic boarding school. In this case, the victim admitted to being sexually abused since she was 11 years old, repeated since 2019, more than 30 times. The act began when the victim did not return home during the semester break, leaving the boarding school deserted. The perpetrator approached the victim in her room and deliberately gave her space. With all his coaxing, he asked the victim to have sexual intercourse until the victim finally agreed to the perpetrator's request (Muhammad 2022).

In 2021, the Tubaba Child Protection Institution (LPA) handled 54 cases involving children as victims, 75% of which were cases of sexual abuse. One of the causes is the opportunity to commit sexual abuse, a situation that strongly supports the occurrence of a crime. If an opportunity to commit a crime is open to the perpetrator, the perpetrator will maximize it to commit the crime. In this case, the causal factor was the close relationship between the perpetrator and the victim, where the victim felt comfortable being cared for and developed a sense of dependence on the teacher. This led to the perpetrator using the modus operandi of courting and promising to marry the victim (Ari, 2022).

Crimes can be committed with or without planning if there is an opportunity. These crimes can be caused by internal and external factors. Internal factors are factors that cause crime that originate from within the perpetrator, which can occur due to an internal demand to fulfill their desires, where human desires are something that never has limits, so that deviant acts are committed. In addition to the perpetrator, the victim is also a factor causing a crime. The inability of children to act and the child's physical condition which tends to be weak are key to a crime. In this case, where the victim is still a child,

he is powerless to take action, making it very easy for the perpetrator to deceive the victim. Meanwhile, external factors are factors originating from outside the perpetrator that influence them to commit a crime, such as environmental factors. Environmental factors are factors that can create a situation and opportunity to commit a crime, such as sexual assault, which sometimes arises from the influence of the victim themselves. It cannot be denied that there are also conditions where the victim plays a role in the occurrence of a crime, no matter how small the contribution, for example, the result of negligence that then triggers the crime, such as the victim's overreacting, which then stimulates the perpetrator to do something that results in the crime of sexual assault (Firganefi, 2022).

One factor that makes children vulnerable to becoming victims of sexual abuse is their weak psyche. They are physically, psychologically, and relatively socially weak. These three factors make children very potential victims. The victim is the one who is harmed. If the victim is a child, the losses they often receive and suffer are physical, mental, and self-esteem losses. The greatest impact experienced by victims of sexual abuse is trauma from the process carried out by the perpetrator against them, which is difficult to heal. Victims of sexual abuse will feel inferior, this makes it difficult for victims to socialize and grow in society. In this case, the victim experienced excessive trauma that resulted in psychological disturbances. Therefore, the West Tulang Bawang Child Protection Agency facilitated the victim NK to meet with a psychiatrist, which is considered important for the child's psychological healing (Rendie, 2022).

According to the author's analysis which is linked to the theory of victimology, namely the role of the victim: The role of the victim in the occurrence of the crime of sexual abuse is very relative, in this case the role of the victim can be categorized as an active participant or can also be a passive participant. The form of the victim's role in the occurrence of the crime of sexual abuse which is included in the active role category is the victim who often dresses sexily, behaves indecently or can stimulate so that it invites the perpetrator to commit the crime of sexual abuse. The victim has a passive role in the occurrence of the crime of sexual abuse, namely the situation or condition of the victim can allow the perpetrator to commit an act, the victim does not want to become a victim such as physical weakness, lack of understanding about the sexual abuse that happened to him and there are also those that occur because the victim has a mental / physical disability that is exploited by the perpetrator to commit the crime of sexual abuse.

The case of sexual abuse that befell the victim NK shows that there are factors originating from within the victim. In this case the victim can be categorized as an active participant because she intentionally gave space to the perpetrator MF, the victim intentionally allowed the perpetrator to enter her room, not only that, the victim also invited the perpetrator to carry out his evil intentions, the perpetrator with all his persuasion asked the victim to have intercourse and finally the victim agreed to the request. Then if we relate the case of sexual abuse experienced by the victim with the theory put forward by Stephen Schafer about the form of responsibility, the position of the victim NK is as follows: (1) Biologically weak victim, crimes are caused by the physical condition of victims, such as women, children, and the elderly, who are potential victims of crime. Because the victim is a woman, she is likely to become a victim of sexual crime, which in this case is an indecent act committed by the perpetrator; (2) Participating victims In essence, the victim's actions can unconsciously encourage the perpetrator to commit a crime. In this case, by inviting the perpetrator into her room, the perpetrator has the opportunity to carry out his actions. These things are things that the victim (NK) is unaware of, which can cause or encourage the perpetrator to commit indecent acts against her; (3) Provocative victims is a victim whose role is to instigate the crime. In this case, the indecent act committed by the perpetrator against the victim constitutes a crime in which the victim played a role or contributed. Therefore, responsibility lies with both the victim and the perpetrator. In the case of the indecent act experienced by victim NK, it can be concluded that several factors were involved, including: (a) The perpetrator had malicious intentions; (b) The victim tended to surrender and believe the perpetrator's persuasion to engage in sexual intercourse; (c) At the time of the indecent act, the Islamic boarding school was quiet, making it easier for the perpetrator to fulfill his sexual desires; (d) The victim gave the perpetrator the opportunity to enter her room, which the perpetrator exploited to commit the indecent act.

Children who are victims of sexual abuse will definitely experience deep trauma which will result in the child's psychological development being hampered in the future, even though the child has a role in triggering the crime, a child must still receive legal protection for his or her rights as a victim. The Child Protection Law provides special protection guarantees for children who are victims of criminal acts (physical violence) and children who are in conflict with the law. According to Article 59 Paragraph (1) and Paragraph (2) Jo. Article 59A of the Child Protection Law, children who are in conflict with the law are included in the category of children who require special protection in the form of: rapid treatment, including physical, psychological and social treatment and/or rehabilitation, as well as prevention of illness and other health disorders; psychosocial support during treatment until recovery; provision of social assistance for children who come from underprivileged families; and provision of protection and support in every judicial process.

According to Article 1 paragraph 2 of Law Nomor 13 of 2006 concerning the Protection of Witnesses and Victims, a victim is a person who experiences physical, mental, and/or economic suffering resulting from a criminal act. In the case of the molestation experienced by NK, it is clear that he is included in the category of victims listed in the Law on the Protection of Witnesses and Victims. The Witness and Victim Protection Agency is an agency tasked with and authorized to provide protection and other rights to witnesses and/or victims. In providing protection to witnesses and/or victims, the LPSK refers to the rights of witnesses and/or victims, namely: (a) receive protection for the security of their person, family, and property, and be free from threats related to testimony they will, are, or have given; (b) participate in the process of selecting and determining the form of protection and security support; (c) provide information without pressure; (d) receive an interpreter; (e) be free from interrogative questions; (f) receive information regarding case developments; (g) receive information regarding court decisions; (h) receive information in the event of a convict's release; (i) have their identity kept confidential; (j) receive a new identity; (k) receive temporary housing; (l) receive new housing; (m) receive reimbursement for transportation costs as needed; (n) receive legal advice; (o) receive temporary living expenses until the protection period ends; and/or (p) receive assistance

3.2 Legal Protection for Child Victims of Sexual Abuse

Children are the nation's future generation and require special legal protection distinct from that of adults. This is based on the physical and mental limitations of children who are not yet adults. Rahardjo stated that legal protection is providing protection for human rights (HAM) that have been harmed by others, and that protection is provided to society so that they can enjoy all the rights granted by law (Satjipto, 2000). Children as victims of crime need to receive legal protection, considering that a child's psychology is very weak, so to avoid trauma experienced by children, several efforts need to be made so that children who are victims of crime can return to normal health.

Children really need to be protected from various forms of crime that can have a negative impact on their physical, mental, and spiritual development. Therefore, there needs to be regulations that can protect children from various forms of crime. Legal protection for children is all activities to guarantee and protect children and their rights so that they can continue to live, grow, develop, and participate optimally in accordance with human dignity, and receive protection from violence and discrimination as regulated in Article 1 Paragraph (2) of Law Number 35 of 2014 concerning Child Protection.

The high number of child molestation cases demonstrates the poor quality of child protection. Children who cannot live independently desperately need shelter. According to Article 20 of Law Number 23 of 2002 concerning Child Protection, the state, government, community, family, and parents are responsible for implementing child protection. The obligations and responsibilities of the state and government regarding child protection are affirmed in Articles 21 to 24 of Law Number 23 of 2002 concerning Child Protection, which include the following: (1) Respect and guarantee the human rights of every child without distinction of race, religion, race, social class, gender, ethnicity, culture and language, child status, birth order, and physical and/or mental condition (Article 21); (2) Provide support in the form

of facilities and infrastructure for implementing child protection (Article 22); (3) Guarantee the protection, care, and welfare of children by taking into account the rights and obligations of parents, guardians, or other persons legally responsible for the child and overseeing the implementation of child protection (Article 23); 4. Guaranteeing children to exercise their right to express opinions in accordance with the child's age and intelligence level (Article 24). Law Number 23 of 2002 concerning Child Protection regulates the prohibition of indecent acts against children, namely Article 82: "Any person who intentionally commits violence or threats of violence, forces, commits deception, a series of lies, or persuades a child to commit or allow indecent acts to be committed, shall be punished with imprisonment for a maximum of 15 (fifteen) years and a minimum of 3 (three) years and a maximum fine of Rp. 300,000,000.00 (three hundred million rupiah) and a minimum of Rp. 60,000,000.00 (sixty million rupiah)" the formulation of the above Article if linked to criminal offenses shows that the offense of indecent acts is an ordinary offense because there is no requirement for this offense to be reported by the victim. So that the case of indecent acts must still be processed even though there has been a withdrawal from the victim's family.

In accordance with the provisions of the articles above, the State, Government, and society are obliged to protect children and their rights so that they can live, grow, develop, and participate optimally in accordance with human dignity. Thus far, in resolving criminal cases, the law has prioritized the rights of the suspect/defendant, while the rights of the victim are often ignored. Hamzah stated that "in discussing criminal law, especially regarding human rights, there is a tendency to eliminate matters related to the rights of the suspect without also paying attention to the rights of the victim" (Andi, 2002). Child protection in a society, nation, and state is a benchmark of human civilization. For the sake of complete human development, we are obliged to strive for child protection in the interests of the future of the nation and state. Child protection can be divided into two parts, namely: (1) Legal child protection, which includes protection in public law and civil law; (2) Non-legal child protection, which includes protection in the social, health, and educational sectors (Ario, 2013).

The party with the most important role in protecting children who are victims of sexual abuse is the parents. Parents have an obligation to educate, supervise, and provide affection, support, or support to children who have been victims of sexual abuse so that the child's mental state can be gradually formed. The duties and obligations of parents in Law Number 23 of 2002 in Article 26 paragraph (1) are as follows: caring for, maintaining, educating and protecting children, developing children according to their abilities, talents and interests, and preventing child marriage.

The 1945 Constitution then became the basis and principle of child protection, as referred to in Article 2 of Law Number 35 of 2014, an amendment to Law Number 23 of 2002, which states that the implementation of child protection is based on Pancasila and is based on the 1945 Republic of Indonesia Law and the basic principles of the Convention on the Rights of the Child, which include Non-discrimination, The best interests of the child, The right to life, survival and development and Respect for the opinions of children.

Protection of children as victims of sexual abuse requires participation from the local community regarding what the child has experienced. Providing protection to victims is one of the realizations of the goals of the Indonesian nation as stated in the preamble to the 1945 Constitution, paragraph 4 "To protect all the Indonesian people and all of Indonesia's territory and to advance general welfare, to educate the nation's life and to participate in implementing world order based on freedom, eternal peace and social justice" which is further regulated in Article 28D (1) which stipulates that "everyone has the right to recognition, guarantees, protection and certainty of fair law and equal treatment before the law". As stated in Article 64 Paragraph (3) of Law No. 35 of 2014, the victim NK has fully obtained his rights as a victim (Ari, 2022).

Victimology seeks to restore children's rights; rights that must be considered. Criminal law tends to focus on punishment after a case has been resolved. However, what really needs to be considered is the victim; their rights must be protected, and their rights must be restored and protected. Children should not be afraid of adults or the school environment. Therefore, the child must be counseled, given therapy, and guided. If transferring to a better school is necessary, these efforts will certainly require funding, and the government must be present to provide the child with a budget (Firganefi, 2022).

When a child becomes a victim of violence, the child must first be rescued, examined, and then brought to justice. When the perpetrator is an adult, he or she must be punished. Then, reinforce why counseling is necessary and reinforce the child that the legal process is not meant to prolong the problem. Parents usually want a short, peaceful resolution that does not deter the perpetrator. Therefore, children's rights, including protection, must be fulfilled, as this is the state's obligation. Discussing the implementation of protection for children as victims of sexual abuse also means discussing the state organs or institutions that provide protection for these children. Some state organs or institutions that play a role in protecting child victims are the Police, the Witness and Victim Protection Agency (LPSK), and the Indonesian Child Protection Commission (KPAI).

1) Police

The legal and moral responsibilities of the police are outlined in Law Number 2 of 2002 concerning the Indonesian National Police and Law Number 8 of 1981 concerning Criminal Procedure, which includes the following:

a) Preventive responsibility is the police's responsibility to prevent symptoms that may lead to the crime of rape against children. This preventive responsibility is formulated in the provisions of the Act.

(1) Article 5, paragraph (1) of Law Number 2 of 2002 concerning the Police, which states that the Indonesian National Police is a state instrument that plays a role in maintaining public security and order, enforcing the law, and providing protection, assistance, and services to the community to maintain domestic security;

(2) Article 6, paragraph (1) of Law Number 2 of 2002 concerning the Police, which states that the Indonesian National Police, in carrying out its police role and function as referred to in Article 5, covers the entire territory of the Republic of Indonesia;

(3) Article 13 of Law Number 2 of 2002 concerning the Police states that the main duties of the Indonesian National Police are to maintain security and order, enforce the law, and provide protection, assistance, and services to the community.

b) Repressive responsibility is the responsibility of the police that is realized after a criminal act has occurred, including:

(1) Outside the courts, as formulated in Article 15 paragraph (1) letter c of Law Number 2 of 2002 concerning the Police, which states: preventing and overcoming the growth of social ills.

(2) Within the courts, including the Field of Investigation and Inquiry, as stated in Article 14, paragraph (1), letter g of Law Number 2 of 2002 concerning the police, which states: conducting investigations and inquiries into all criminal acts in accordance with criminal procedural law and other laws and regulations.

2) Indonesian Child Protection Commission (KPAI)

Based on Article 76 of Law Number 35 of 2014 concerning Child Protection, the Indonesian Child Protection Commission is tasked with the following:

a) Supervising the implementation of the protection and fulfillment of children's rights;

b) Providing input and suggestions for formulating policies regarding the implementation of Child Protection

c) Collecting data and information regarding Child Protection;

d) Receiving and reviewing complaints from the public regarding violations of children's rights

e) Mediating disputes regarding violations of children's rights

f) Cooperating with institutions established by the public in the field of Child Protection; and

g) Reporting any suspected violations of this law to the authorities.

3) Witness and Victim Protection Agency (LPSK)

The LPSK's role in providing protection and upholding the rights of witnesses and victims, as stipulated in Law No. 31 of 2014, is divided into several sections, namely:

a) Providing Support Services for the Fulfillment of Procedural Rights

b) Physical Protection Services

c) Medical Assistance Services

- d) Psychological Assistance Services
- e) Psychosocial Rehabilitation Assistance Services
- f) Compensation Application Facilitation Services
- g) Restitution Application Facilitation Services
- h) Collaborating with government agencies to protect children who are witnesses and victims

The importance of victims receiving recovery efforts to properly balance the victim's condition who has experienced disturbance. The protection of victims under current positive law is more of an "abstract protection or indirect protection. The concept of legal protection for crime victims also contains several legal principles that require attention because, criminal law, influence both material criminal law, formal criminal law, and criminal enforcement law. Theoretically, the form of legal protection for crime victims can be provided in various ways, focusing on the suffering and losses suffered by the victim, such as mental or psychological losses. Compensation in the form of material goods or money is inadequate if it is not accompanied by efforts to restore the victim's mental health (Firganefi, 2022).

Meanwhile, the implementation of child protection must meet the following requirements: (a) It promotes truth, justice, and the welfare of children; (b) It must have a philosophical, ethical, and legal basis; (c) It must be rationally positive; accountable; beneficial to the parties concerned; prioritize the perspective of the interests being regulated, not the perspective of the interests that regulate; (d) It must not be accidental or complementary, but must be carried out consistently, have an operational plan, and take into account management elements; (e) It must implement a restorative justice response; (f) It must not be a forum or opportunity for people to seek personal or group gain; (g) Children must be given the opportunity to participate according to their situation and conditions; (h) It must be based on the appropriate image of children as human beings; (i) It must be problem-oriented, not target-oriented; (j) It must not be a criminogenic factor; (k) It must not be a victimogenic factor.

There are several protections commonly provided to crime victims, including the following: (a) Restitution and Compensation: According to Article 35 of Law Number 26 of 2000, compensation is compensation provided by the state due to the perpetrator's inability to fully repay the losses for which they are responsible. Restitution is compensation provided by the perpetrator or a third party to the victim or their family; (b) Counseling: This protection is provided to victims experiencing psychological distress due to the negative impacts of a crime; (c) Medical Services: This protection is provided to victims suffering medically as a result of a crime. Medical services include health care and written reports used as evidence when the victim reports the crime to the police for processing; (d) Legal Aid: Legal aid must be provided to crime victims, whether requested or not. This is crucial because most crime victims are unaware of their rights. Allowing crime victims to lack adequate legal assistance can further worsen the victim's situation; (e) Provision of Information: Providing information plays a crucial role in establishing the public as partners with the police. This is expected to ensure the public's oversight of police performance is effective and efficient (Muhammad, 2022).

Providing legal protection to children is a method of providing legal protection based on Law Number 23 of 2002 in conjunction with Law Number 35 of 2014 concerning Child Protection, which further provides protection for children who are victims of sexual abuse. The basis for providing this protection can be seen in Article 64 Paragraphs (1) and (3) of Law Number 23 of 2002 in conjunction with Law Number 35 of 2014 concerning Child Protection, namely:

"Special protection for children in conflict with the law as referred to in Article 59, including children in conflict with the law and children who are victims of crime, is the obligation and responsibility of the government and society." Special protection for children who are victims of crime as referred to in paragraph (1) is implemented through: rehabilitation efforts, both within and outside institutions, and protection from disclosure of identity through the mass media and to avoid labeling, and providing accessibility to information regarding case developments.

The West Tulang Bawang Police strive to provide adequate legal protection to victims of crime. For example, in the case of sexual assault described above, when the victim filed a report, the police immediately took action to apprehend the suspect. They immediately gathered evidence and witnesses, secured the

perpetrator, and arrested him. The police then completed the case file and submitted it to the Tulang Bawang District Attorney's Office for prosecution. The West Tulang Bawang Police also take steps to combat sexual assault by conducting outreach and providing guidance to schools, Islamic boarding schools, and parents, encouraging them to supervise their children, as parents are ultimately responsible for their children's growth and development.

The Head of the West Tulang Bawang Child Protection Agency stated that the Tubaba Child Protection Agency (LPA) also provided adequate legal protection for the victim, including accompanying the victim and her family from the time the perpetrator was arrested by the police, through the police investigation report, and through to the trial. The LPA also provided psychological healing and family assessment for the victim and other students at the Islamic boarding school. This was done to empower the victim and her community, as well as to provide outreach to ensure that other children will never experience this kind of sexual abuse again (Ari, 2022).

Child protection can basically be carried out directly or indirectly. Direct means that the activities are directly aimed at the child who is the target of direct treatment. Such activities can include, among other things, protecting children from various external and internal threats, educating, fostering, accompanying children in various ways, preventing children from starving and striving for their health in various ways, providing facilities for self-development, and so on. Meanwhile, indirect child protection means activities not directly aimed at children, but other people who carry out or are involved in child protection efforts. Such protection efforts are carried out, for example, by parents or those involved in efforts to protect children from various external or internal threats, those who are tasked with caring for, fostering, accompanying children in various ways, those involved in preventing children from starving, striving for their health, and so on in various ways, those who provide facilities for children's self-development and so on.

4. CONCLUSION AND SUGGESTION

4.1 Conclusion

The occurrence of a crime cannot be seen solely from the perpetrator's perspective; the victim also plays a role in the occurrence of a crime. The victim's behavior actively becomes a driving factor in the occurrence of the crime of sexual abuse. In this case, the victim intentionally and consciously gave the perpetrator the opportunity to enter her room when the Islamic boarding school was quiet so that the perpetrator could take advantage of this situation to commit indecent acts against the victim. This shows that the victim did not want to become a victim, but the child was less careful about her surroundings, which caused her to become a victim of sexual abuse. Legal protection for child victims of sexual abuse is inseparable from the consequences experienced by victims after sexual abuse. Victims suffer not only physically but also psychologically. By providing psychological support for victims' trauma until the recovery period, it is hoped that victims can return to the state they were in before the sexual abuse incident. The parties responsible for implementing legal protection for child victims include the police, community, and child protection agencies. Parents and child protection agencies are responsible for providing legal support to victims. Preventive efforts undertaken by the community and repressive efforts undertaken by law enforcement officials, such as providing protection/supervision from various threats that could endanger the victim's life, providing adequate medical and legal assistance, and conducting fair investigations and trials for crime victims, are essentially manifestations of human rights protection and balancing instruments.

4.2 Suggestion

Parents and those around children should be more vigilant in supervising them, as children do not have control over themselves. Children who are students at Islamic boarding schools still need to be supervised by their parents. The implementation of protection for victims of sexual abuse should be

improved further, such as improving the mental and psychological well-being of victims to avoid deep and prolonged trauma. Law enforcement officers should provide legal protection for children appropriately and quickly, and conduct regular and targeted counseling and outreach by law enforcement officers to achieve the expected results.

Ethical Approval

Ethical approval was not required for this study.

Informed Consent Statement

Not Applicable.

Authors' Contributions

RMSP contributed to the conceptualization of the study, data collection, case analysis, and manuscript preparation. She also served as the corresponding author and was responsible for coordinating the research processes and revisions. MAT and NWYB provided supervision and guidance in the application of legal theory, ensuring the validity of the normative legal analysis and interpretation of judicial decisions. RKK contributed to literature review, legal documentation, and assisted in compiling and organizing case data used in the study.

Disclosure Statement

No potential conflict of interest was reported by the authors

Data Availability Statement

The data presented in this study are available on request from the corresponding author due to privacy reasons.

Funding

This research received no external funding.

Notes on Contributors

Rendie Meita Sarie Putri

<https://orcid.org/0009-0007-9718-6401>

Rendie Meita Sarie Putri is a lecturer at the Faculty of Law, Musamus University. Born in Lampung, she completed her undergraduate and postgraduate studies at University of Lampung. In addition to teaching, the author is actively engaged in research and community service in the field of Criminal Law, with a focus on the protection of women and children.

Mulyadi Alrianto Tajuddin

<https://orcid.org/0000-0003-3600-4890>

Mulyadi Alrianto Tajuddin is a lecturer at the Faculty of Law, Musamus University. Born in Merauke, He completed his undergraduate and postgraduate studies at Hasanuddin University, then his doctorate at Sultan Agung Islamic University. In addition to teaching, the author is actively engaged in research and community service in the field of Criminal Law.

Nurul Widhanita Y. Badilla

Nurul Widhanita Y. Badilla is a lecturer at the Faculty of Law, Musamus University. Born in Jayapura, she completed her undergraduate studies at the Cendrawasih University, and her master's degree in Diponegoro University. In addition to teaching, the author is actively engaged in research and community service in the field of Criminal Law.

Riez Kifli Kolewora

Riez Kifli Kolewora is a lecturer at the Faculty of Law, Musamus University. Born in Raha, He completed his undergraduate studies at the Indonesian Muslim University, and her master's degree in Gadjah Mada University. In addition to teaching, the author is actively engaged in research and community service in the field of Constitutional Law.

REFERENCES

- Achmad, Deni dan Firganefi. 2016. Pengantar Kriminologi & Viktimologi. Bandar Lampung: Justice Publisher.
- Amrullah, M. Arief. 2001. Ruang Lingkup Viktimologi Dan Tujuan Mempelajari Viktimologi. Jakarta: Grafika Pustaka.
- Arief, Barda Nawawi. 1998. Beberapa Aspek Kebijakan Penegakan dan Pengembangan Hukum Pidana. Bandung: Citra Aditya Bakti.
- Fachri Said, Muhammad. Perlindungan Hukum Terhadap Anak Dalam Perspektif Hak Asasi Manusia. Jurnal Cendekia Hukum. Volume 4 Nomor 1. 2018. <https://doi.org/10.33760/jch.v4i1.97>
- Gultom, Maidin. 2010. Perlindungan Hukum Terhadap Anak dalam Sistem Peradilan Pidana Anak Di Indonesia. Bandung: Refika Aditama.
- Hamzah, Andi. 2002. Perlindungan Hak-Hak Asasi Manusia dalam Kitab Undang-Undang Hukum Acara Pidana. Bandung: Bineka Cipta.
- Harun, Rachmat. Analisis Yuridis Tentang Tindak Pidana Pencabulan Anak. Lex Crimen. Volume 4 Nomor 4. 2015.
- Iqbal Maulana, Rizki. Perlindungan Hukum Terhadap Korban Anak Kejahatan Tindak Pidana Penganiayaan Dalam Proses Penyidikan (Studi Di Kepolisian Resor Banyumas). Soedirman Law Review. Volume 1 Nomor 1. 2019. <https://doi.org/10.20884/1.slr.2019.1.1.45>
- Kamil, Ahmad. 2008. Hukum Perlindungan dan Pengangkatan Anak di Indonesia. Jakarta: Rajawali Perss.
- Mahfiana, Layyin. Perlindungan Hukum Terhadap Tersangka Anak Sebagai Upaya Untuk Melindungi Hak Asasi Anak, Kodifikasi Vol. 5, No. 1. 2011. <https://doi.org/10.21154/kodifikasi.v5i1.753>
- Mansur, Dikdik M. Arief dan Elisatris Gultom. 2007. Urgensi Perlindungan Korban.
- Marpaung, Leden. 2004. Kejahatan Terhadap Kesusilaan Dan Masalah Prevensinya. Jakarta: Sinar Grafika.
- Muhadar. 2006. Viktimisasi Kejahatan Pertanahan. Yogyakarta: Laksbang Pressindo Kejahatan antara Norma dan Realita. Jakarta: Raja Grafindo Persada.
- Muladi. 2005. Hak Asasi Manusia: Hakekat, Konsep dan Implikasinya Dalam Perspektif Hukum Masyarakat. Bandung: Refika Aditama.
- Mulyadi, Lilik. 2003. Kapita Selekta Hukum Pidana Kriminologi Dan Viktimologi. Denpasar: Djambatan.
- Ngurah Parwata, I Gusti. 2017. Bahan Ajar Mata Kuliah Victimologi Peranan Korban Terjadinya Kejahatan. Denpasar: Fakultas Hukum Universitas Udayana.
- Ngurah Perwata, I Gusti. 2017. Peranan Korban Terjadinya Kejahatan. Denpasar: Fakultas Hukum Universitas Udayana.
- Novianti. Perlindungan Hukum Terhadap Anak Korban Bullying, Puslit Vol. 11, No.8 April 2019
- Poerwadarminta, W.J.S. 1990. Kamus Umum Bahasa Indonesia. Jakarta: P.N Balai Pustaka.
- Ponco Wiguno, Ario. Kajian Viktimologi Terhadap Anak Sebagai Korban Tindak Pidana Kesusilaan, Lagal Opinion Vol. 1, No. 1, 2013
- Prinst, Darwan. 1997. Hukum Anak Indonesia. Bandung: PT. Citra Aditya Bakti.
- Prodjodikoro, Wirjono. 2002. Tindak-Tindak Pidana Tertentu di Indonesia. Jakarta: Refika Aditama.
- Rahardjo, Satjipto. 2000. Ilmu Hukum. Bandung: Citra Aditya Bakti.

- Reksodiputro, Mardjono. 1987. Beberapa Catatan Umum tentang Masalah Korban, Dalam J.E Sahetapy, (ED), *Viktimologi sebuah Bunga Rampai*. Jakarta: Pustaka Sinar Harapan.
- Sadjijiono. 2010. *Memahami Hukum Kepolisian*. Jakarta: Laksbang Persindo.
- Sahetapy, J.E. 1987. *Viktimologi Sebuah Bunga Rampai*. Jakarta: Pustaka Sinar Harapan.
- Sahetapy, J.E. 1995. *Bungai Rampai Viktimisasi*. Bandung: Eresco.
- Sinewe, Tirsha Aprillia. *Perlindungan Hukum Terhadap Anak Sebagai Korban Kejahatan Menurut Hukum Pidana Indonesia*, Lex Crimen Vol. 5, No. 6. Agustus 2016
- Semai Jiwa Amini, Yayasan. 2008. *Kejahatan*. Jakarta: Grasindo.
- Sumiarni, Endang dan Chandra Halim. 2009. *Perlindungan Hukum Terhadap Anak dalam Hukum Keluarga*. Yogyakarta: Universitas Atma Jaya.
- Sunarso, Siswanto. 2014. *Viktimologi Dalam Sistem Peradilan Pidana*. Jakarta: Sinar Grafika Offset.
- Thamrin, Era Husni. 2019. *Kajian Viktimologi Terhadap Anak Sebagai Korban Incest Oleh Ayah Kandungnya*. Medan: Fakultas Hukum Universitas Muhammadiyah Sumatera Utara.
- Waluyo, Bambang. 2011. *Viktimologi Perlindungan Hukum Terhadap Korban Kejahatan*. Jakarta: Sinar Grafika.
- Yulia, Rena. 2010. *Viktimologi: Perlindungan Hukum Terhadap Korban Kejahatan*. Yogyakarta: Graha Ilmu.