



DOI: <https://doi.org/10.38035/gijlss.v3i3>
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Comparative Analysis of Child Protection Laws: Lessons for Indonesia in Safeguarding Children with Disabilities from Sexual Abuse

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Abstract: The issue of sexual abuse against children with disabilities remains a critical concern globally, with such children being more vulnerable than their peers without disabilities. This paper examines the gaps and challenges in child protection laws, with a particular focus on Indonesia, through a comparative analysis of international frameworks. While Indonesia has made progress through reforms like the 2016 Child Protection Law and the 2022 Sexual Violence Crime Law, it still faces challenges in addressing the specific needs of children with disabilities. These children often struggle with communication barriers, cognitive limitations, and societal stigma, which prevent them from reporting abuse and hinder justice. Drawing on the experiences of countries like the United Kingdom, Australia, and Canada, the paper identifies key lessons for strengthening Indonesia's legal frameworks. The UK's comprehensive approach to child protection, Australia's rights-based system, and Canada's integration of Indigenous perspectives provide valuable insights for Indonesia. The paper argues that Indonesia should expand its legal protections, enhance access to justice, and adopt a multidisciplinary approach to safeguarding children with disabilities. It emphasizes the importance of cultural sensitivity and the use of technology in improving child protection systems. Ultimately, the paper calls for a shift towards a rights-based model, ensuring that children with disabilities are empowered and protected in Indonesia and beyond.

Keyword: Child Protection, Disabilities, Sexual Abuse, Legal Reform, Indigenous Perspective

INTRODUCTION

In the quiet corridors of a rehabilitation center in Jakarta, eight-year-old Sari sits with her social worker, struggling to communicate what happened to her. Born with cerebral palsy and limited speech, Sari's attempts to report abuse were initially dismissed by those around her. Her story, unfortunately, is not unique. Across Indonesia and around the world, children

with disabilities face a devastating reality: they are three to four times more likely to experience sexual abuse than their peers without disabilities (World Health Organization, 2022; Balogun et al., 2022).

This stark disparity reveals a critical gap in our child protection systems. While Indonesia has made significant strides in strengthening its legal framework for child protection, particularly with recent legislative reforms, the specific vulnerabilities of children with disabilities remain inadequately addressed (Wekerle, 2024). As we examine the landscape of international child protection laws, a clear picture emerges of both the challenges we face and the pathways forward.

Sexual abuse of children is a grave concern worldwide, and children with disabilities are particularly vulnerable to such exploitation. In Indonesia, while there are several laws in place aimed at protecting children, the specific needs of children with disabilities—especially in the context of sexual violence—often remain overlooked. The gap between legal protections and the practical realities these children face can create barriers to justice. This article conducts a comparative analysis of child protection laws in several countries to explore how Indonesia can improve its legal frameworks and safeguards to better protect children with disabilities from sexual abuse.

Children with disabilities face unique challenges that make them especially vulnerable to sexual abuse. These include communication barriers, cognitive limitations, and societal stigma, which can prevent them from reporting abuse. Many children with disabilities are unable to verbally communicate or struggle to express their feelings, which hinders their ability to alert others when they are being harmed. Furthermore, the widespread societal misconceptions about disability can lead to the underreporting of sexual violence and make it harder for authorities to take appropriate action.

Indonesia's child protection landscape is evolving, but specific protections for children with disabilities, particularly in cases of sexual violence, remain insufficient. With over 10 million children living with disabilities in the country, many lack access to adequate legal protection or social services. The objective contains the question of the article that must be explained in the discussion and answered in the conclusion.

Indonesia's journey toward comprehensive child protection has been marked by both determination and complexity. The nation's commitment to protecting its youngest citizens is evident in its ratification of international conventions, including the UN Convention on the Rights of the Child (1989) and the UN Convention on the Rights of Persons with Disabilities (2006), and the development of robust domestic legislation. The foundational Law No. 23 of 2002 on Child Protection, later strengthened by the 2014 amendment and the landmark 2016 reform introducing severe penalties including chemical castration for child sexual offenders (Republic of Indonesia, 2016), demonstrates the country's resolve to combat child abuse.

The passage of the Sexual Violence Crime Law (TPKS) in 2022 marked another significant milestone (Republic of Indonesia, 2022). This comprehensive legislation addresses various forms of sexual violence including online abuse and focuses on victim protection, representing a victim-centered approach that acknowledges the evolving nature of abuse in the digital age. These developments position Indonesia as a regional leader in recognizing the severity of sexual violence against children.

Yet beneath this legislative framework lies a troubling reality. Children like Sari, who live with disabilities, find themselves in a precarious position where their vulnerabilities are compounded by systemic gaps (Klebanov et al., 2024). Communication barriers prevent them from reporting abuse, dependency relationships with caregivers create opportunities for exploitation, and social isolation limits their access to protective networks. The intersection

of childhood and disability creates a perfect storm of vulnerability that current laws struggle to address comprehensively (McDonald et al., 2019).

The challenge extends beyond legal frameworks to implementation realities. In Indonesia's vast archipelago, spanning over 17,000 islands with diverse cultures and languages, ensuring consistent protection for children with disabilities becomes exponentially complex. Rural areas often lack specialized services, while urban centers struggle with coordination between agencies (Palmer et al., 2024). The cultural stigma surrounding disability, combined with traditional attitudes toward children's voices in family matters, creates additional barriers to protection and justice.

METHOD

This study employs a normative juridical (doctrinal legal research) method with a comparative approach to analyze how various legal systems regulate and implement the protection of children with disabilities from sexual abuse. The research focuses on the examination of legal norms, doctrines, and judicial practices, rather than empirical fieldwork, to derive lessons that can strengthen Indonesia's child protection framework. The normative juridical approach is appropriate because the study aims to analyze the adequacy, consistency, and effectiveness of existing legal norms, both nationally and internationally. It emphasizes how laws reflect the principles of equality, non-discrimination, and special protection for vulnerable groups, in this case, children with disabilities who are victims of sexual violence.

This approach involves analyzing legal instruments that govern child protection and disability rights, including Indonesia's Law No. 35 of 2014 on Child Protection, Law No. 8 of 2016 on Persons with Disabilities, and related implementing regulations. Comparative reference is made to international conventions such as the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD), as well as child protection statutes in other jurisdictions such as Australia, the United Kingdom, and the Philippines.

Legal materials are collected through library research, involving document analysis, legal text review, and literature synthesis. The collected data are analyzed qualitatively through legal interpretation and comparison. The analysis employs grammatical, systematic, and teleological interpretations to understand the intent, structure, and objectives of relevant laws. The comparative analysis highlights the normative gaps in Indonesia's current system and evaluates how foreign legal frameworks and international standards can offer valuable insights for reform.

This research is descriptive-analytical in nature. It seeks to describe the legal conditions governing the protection of children with disabilities, identify weaknesses and inconsistencies, and analytically evaluate how lessons from other jurisdictions may strengthen Indonesia's child protection regime. Ultimately, this study aims to propose a normative model that integrates human rights principles, equality, and restorative protection for children with disabilities who have suffered sexual abuse.

RESULT AND DISCUSSION

1. Lessons from Global Leaders: The United Kingdom's Comprehensive Approach

Across the world, the United Kingdom has emerged as a beacon of hope in child protection, consistently ranking among the safest places to be a child globally. The UK's approach offers valuable insights for nations seeking to strengthen their protective frameworks, particularly for children with disabilities. The British model is built on a foundation of comprehensive legislation that recognizes the intersectional nature of vulnerability. The Children Act 1989 and its 2004 successor established not just reactive

protection mechanisms, but proactive safeguarding duties that extend across all sectors of society (United Kingdom Parliament, 1989, 2004). What makes the UK approach particularly relevant for Indonesia is its explicit recognition of children with Special Educational Needs and Disabilities (SEND) as requiring specialized protection measures.

Walking through the corridors of a London school, one encounters a system where every adult staff member is trained to recognize signs of abuse, where designated safeguarding leads coordinate responses, and where children with communication difficulties have access to independent advocates. This isn't merely policy on paper—it's a lived reality where Multi-Agency Safeguarding Partnerships ensure that social services, police, health authorities, and educational institutions work in harmony. The UK's Mental Capacity Act 2005 provides a particularly instructive model for protecting individuals with cognitive disabilities (United Kingdom Parliament, 2005). By establishing clear frameworks for assessing capacity and mandating safeguards for those who lack it, the legislation creates a safety net that could be adapted to Indonesian contexts. Similarly, the use of intermediaries in court proceedings—trained professionals who help children with disabilities communicate during legal processes—demonstrates how justice systems can be made accessible without compromising their integrity.

The UK has robust child protection laws that specifically address the needs of children with disabilities. The Children Act 1989 and subsequent amendments emphasize the best interests of the child, including the protection of disabled children. The UK's legal framework also includes a Disability Discrimination Act, which provides additional protections for children with special needs. Key Strengths: The UK offers specialized training for law enforcement officers and social workers to handle cases involving children with disabilities, ensuring better recognition and reporting of abuse.

a) Australia's Rights-Based Revolution

Australia's approach to protecting children with disabilities from sexual abuse emerged from tragedy and transformed into triumph. The Royal Commission into Institutional Responses to Child Sexual Abuse, which concluded in 2017, exposed systematic failures in protecting vulnerable children and catalyzed comprehensive reforms (Australian Government Royal Commission, 2017). The Commission's findings were particularly damning regarding the protection of children with disabilities, revealing that they were not only more likely to be abused but also less likely to be believed when they reported abuse.

From these dark revelations emerged a rights-based approach that fundamentally reimagines how society protects children with disabilities. The National Disability Insurance Scheme, introduced in 2013, includes specific safeguarding provisions that recognize that protection is not just about preventing abuse—it's about empowering individuals to live with dignity and autonomy (Australian Government, 2013). This philosophical shift from protection-focused to rights-focused approaches offers important lessons for Indonesia's evolving framework.

Australia's innovation in accessible justice mechanisms provides a roadmap for countries grappling with similar challenges. The introduction of communication assistants in legal proceedings, specialized vulnerable witness provisions, and disability-aware training for legal professionals demonstrates how justice systems can adapt to serve all citizens effectively (American Bar Association, 2016). These adaptations don't lower standards or compromise due process—they ensure equal access to justice. The Australian model also emphasizes the importance of cultural competency in child protection. With its own diverse population including Indigenous communities who have historically faced marginalization, Australia's approach to integrating cultural sensitivity with disability awareness offers insights for Indonesia's diverse cultural landscape.

b) Canada's Federal Lessons: Balancing Diversity and Protection

Canada's federal system presents unique insights for nations grappling with diverse populations and decentralized governance structures. The Canadian approach to protecting children with disabilities from sexual abuse reflects the country's commitment to addressing historical injustices while building inclusive protective systems. The integration of Indigenous rights perspectives into child protection frameworks offers particularly relevant lessons for Indonesia, where diverse cultural groups across thousands of islands require approaches that respect traditional structures while ensuring universal protection. Canada's Truth and Reconciliation Commission recommendations have informed culturally sensitive approaches to child protection that balance respect for cultural autonomy with non-negotiable child safety standards (Truth and Reconciliation Commission of Canada, 2015).

Provincial variations in Canada's approach provide a natural laboratory for testing different strategies. Some provinces have established disability-specific child advocate offices, while others have integrated disability considerations into general child protection frameworks. These varied approaches offer Indonesia options for pilot programs that could be adapted to different regional contexts. The Canadian Human Rights Act's prohibition of discrimination based on both age and disability creates intersectional protections that recognize children with disabilities face compounded vulnerabilities. This legal framework could serve as a model for Indonesia's efforts to strengthen anti-discrimination protections while enhancing child safeguarding measures.

c) European Union: Harmonization Without Homogenization

The European Union's approach to child protection offers insights into how diverse nations can work together to establish minimum standards while respecting national sovereignty and cultural differences. The EU Strategy on the Rights of the Child (2021-2024) specifically emphasizes protection of children in vulnerable situations, including those with disabilities, demonstrating how supranational organizations can drive progress in child protection (European Union, 2021).

The Lanzarote Convention, formally known as the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (2007), provides a comprehensive framework that has been adapted across European nations. Its emphasis on prevention, protection, prosecution, and integrated policies offers a holistic model that addresses not just the aftermath of abuse but its prevention. European funding mechanisms for cross-border child protection initiatives demonstrate how international cooperation can strengthen national efforts. For Indonesia, engagement with regional organizations like ASEAN could potentially create similar collaborative frameworks that share resources, expertise, and best practices across borders.

2. The Indonesian Path Forward: Building on Strengths

As Indonesia looks toward strengthening its child protection framework, the international examples provide both inspiration and practical guidance. The country's recent legislative advances, particularly the 2022 Sexual Violence Crime Law, create a foundation upon which disability-specific protections can be built (Republic of Indonesia, 2022). The challenge lies not in wholesale adoption of foreign models, but in thoughtful adaptation that respects Indonesian culture while ensuring comprehensive protection. The path forward requires recognition that children with disabilities are not passive recipients of protection but active rights-holders with their own voices and agency. This shift from charity-based to rights-based approaches, evident in leading international frameworks, could transform how Indonesia approaches disability and child protection (Martinez-Roman et al., 2024).

Consider the story of Ahmad, a twelve-year-old boy with autism in Surabaya whose repetitive behaviors initially masked signs of sexual abuse by a family member. In a system enhanced with international best practices, Ahmad would have access to specially trained professionals who understand how trauma manifests differently in children with autism (Al-Yagon et al., 2023). His family would receive support rather than judgment, and the legal system would accommodate his communication needs without questioning his credibility. The implementation of such improvements doesn't require starting from scratch. Indonesia's existing village-level governance structures could incorporate disability-aware child protection mechanisms. Religious and traditional leaders, who hold significant influence in Indonesian communities, could be trained to recognize and respond to signs of abuse among children with disabilities. The country's growing digital infrastructure could support accessible reporting mechanisms and case management systems.

The transformation of Indonesia's child protection system for children with disabilities must begin with immediate, practical steps. Regulatory reforms under existing laws could establish disability-specific protection protocols without waiting for lengthy legislative processes. Professional training programs for child protection workers, educators, health professionals, and law enforcement could begin immediately, building capacity across the system (Vera Institute of Justice, 2022). Research demonstrates the effectiveness of targeted interventions when properly implemented. Studies show that school-based interventions can significantly improve child sexual abuse knowledge among children with disabilities when appropriately adapted to their learning needs (Martinez-Roman et al., 2024). This evidence base provides confidence that investment in specialized programs will yield meaningful protection improvements.

Pilot programs in select provinces could test innovative approaches drawn from international best practices while adapting to local contexts. These could include accessible reporting mechanisms using technology, specialized support services for children with disabilities who have experienced abuse, and community awareness campaigns that address stigma while promoting protection. The integration of services presents both challenges and opportunities. Rather than creating entirely new systems, Indonesia could enhance existing structures to be more inclusive and responsive to children with disabilities. This approach builds on strengths while addressing gaps, making implementation more feasible and sustainable.

One of the most delicate aspects of strengthening child protection involves balancing cultural sensitivity with universal child rights. International best practices demonstrate that this balance is achievable when communities are engaged as partners rather than obstacles to overcome (UNICEF, 2023). The key lies in framing child protection not as a Western imposition, but as the fulfillment of shared human values about protecting the vulnerable. Indonesia's diverse cultural landscape requires approaches that can adapt to local contexts while maintaining core protection standards. Religious teachings that emphasize the protection of the vulnerable, traditional community structures that prioritize collective wellbeing, and cultural values that honor family could all be leveraged to support enhanced protection for children with disabilities.

The stigma surrounding disability, present in many cultures worldwide, requires patient, sustained effort to address. International experiences show that positive change is possible when communities see the potential and dignity of people with disabilities rather than focusing only on limitations. This cultural shift supports not only protection from abuse but also inclusion and empowerment more broadly. Modern child protection increasingly relies on technology to bridge gaps in traditional systems. International leaders have demonstrated how technology can make protection more accessible, efficient, and effective for children with disabilities. Online reporting systems that accommodate different

communication methods, case management systems that track complex needs across agencies, and educational resources that reach remote areas all offer potential for Indonesian implementation.

The COVID-19 pandemic accelerated digital adoption across Indonesia, creating opportunities for innovative child protection approaches. Telehealth systems that serve remote areas could incorporate child protection screening, educational platforms could deliver safety training to children with disabilities, and mobile technology could enable accessible reporting mechanisms. However, technology must complement, not replace, human connections in child protection. The most sophisticated systems cannot substitute for trained, compassionate professionals who understand the complex needs of children with disabilities. Technology should enhance human capacity rather than diminish the importance of relationships in protection work.

The success of any child protection reform depends on rigorous monitoring and continuous improvement. International best practices emphasize the importance of collecting disability-disaggregated data to understand how children with disabilities experience the protection system (McDonald et al., 2019). This data must go beyond simple statistics to capture experiences of dignity, empowerment, and meaningful participation in protection processes.

Regular evaluation must assess not just outcomes but processes. Are children with disabilities able to access services? Do they feel heard and respected in protection proceedings? Are professionals equipped with necessary knowledge and skills? These process indicators often predict long-term success better than outcome measures alone. Sustainability requires embedding protection improvements into standard operating procedures rather than treating them as special projects. When disability awareness becomes integral to all child protection training, when accessible communication becomes standard practice in all proceedings, and when inclusion becomes the default rather than the exception, reforms become permanent features of the system.

Indonesia's efforts to strengthen child protection for children with disabilities occur within broader regional and global contexts. As a leader in Southeast Asia, Indonesia's progress can influence regional approaches to child protection. ASEAN frameworks for child protection could incorporate lessons learned from Indonesian innovations while Indonesian practitioners could benefit from regional knowledge sharing. The global movement toward inclusive development, reflected in the UN Sustainable Development Goals, positions child protection improvements within broader efforts to create inclusive societies. Indonesia's progress in protecting children with disabilities contributes to global goals while benefiting from international support and collaboration. International development partnerships offer opportunities for technical assistance, funding, and knowledge exchange that can accelerate progress. However, these partnerships must be guided by Indonesian leadership and priorities rather than external agendas, ensuring that improvements are sustainable and culturally appropriate.

3. Lessons for Indonesia: A Vision for the Future

Imagine an Indonesia where every child with disabilities grows up safe, supported, and empowered to reach their full potential. In this future, Sari's attempts to communicate about abuse are met with patience, understanding, and immediate action. Ahmad's autism is recognized as a difference to be accommodated rather than a barrier to credibility. Children with disabilities participate meaningfully in decisions about their protection and futures. This vision is not a utopian fantasy but an achievable reality based on international best practices and Indonesia's existing strengths. The path forward requires sustained commitment, adequate resources, and the courage to challenge existing assumptions about disability and

childhood. It demands that we listen to children with disabilities themselves, learning from their experiences and following their lead in creating protective systems.

To achieve comprehensive and effective protection for children with disabilities who are victims of sexual abuse, Indonesia must strengthen its national legal and policy framework. This effort requires regulatory reform, enhanced access to justice, and the adoption of a multidisciplinary approach that recognizes children as rights-bearing individuals with unique needs. The first step is to reform and expand existing legal provisions, particularly within the Child Protection Law. This revision should explicitly acknowledge the existence and specific needs of children with disabilities as one of the most vulnerable groups to sexual abuse. The definitions, norms, and protection mechanisms must be broadened to move beyond general provisions and include explicit safeguards for children with physical, sensory, intellectual, or mental disabilities.

Furthermore, Indonesia can draw lessons from the United Kingdom and Australia, both of which have enacted disability discrimination laws that clearly prohibit all forms of violence, exploitation, and discriminatory treatment against persons with disabilities, including children. By adopting these principles, Indonesia could develop disability-specific policies aimed at preventing and responding to sexual violence against children with disabilities, ensuring a more responsive and equitable legal protection system.

Efforts to improve legal protection must be accompanied by strengthened access to justice for children with disabilities and their families. This begins with establishing inclusive and disability-friendly reporting mechanisms, such as technology-based complaint systems — including hotlines, mobile applications, and social support networks — that allow children to report abuse safely and easily without barriers related to communication or mobility. In addition, access to legal aid and support services should be expanded. The state must ensure that families of children with disabilities have adequate support to understand and navigate the legal process. Providing free legal assistance, sign language interpreters, psychological counselors, and specialized training for law enforcement officers in handling disability-related cases are concrete measures to enhance the effectiveness of legal protection for victims.

Protecting children with disabilities from sexual abuse cannot rely solely on the criminal justice system. A multidisciplinary approach integrating legal, medical, social, and psychological aspects is essential. Indonesia could learn from Sweden's integrated response model, where professionals such as police investigators, prosecutors, social workers, medical personnel, and psychologists collaborate within a coordinated framework to provide a holistic response to the needs of child victims of sexual abuse. This approach recognizes victims not merely as sources of information but as individuals entitled to comprehensive recovery and protection. Through cross-sectoral collaboration, the state can ensure that every child with a disability who experiences sexual abuse receives humane, professional, and rights-based treatment.

CONCLUSION

Indonesia stands at a critical juncture. Recent legislative advances create opportunities for building more inclusive protection systems, while growing awareness of disability rights provides a foundation for cultural change. The international examples examined here offer roadmaps rather than rigid prescriptions, providing guidance while respecting Indonesia's sovereignty to choose its own path. The children waiting for these improvements cannot wait indefinitely. Every day of delay represents potential harm to vulnerable children who deserve our protection and support. The lessons from international best practices are clear: comprehensive protection for children with disabilities is not just possible but necessary for any society committed to justice and inclusion.

The path forward begins with a single step, then another, building momentum through sustained commitment and collaborative effort. Indonesia has the opportunity to join the ranks of global leaders in child protection, creating a legacy of safety and dignity for its most vulnerable children. The time for action is now, and the roadmap for success lies before us, illuminated by the experiences of those who have walked this path before and the voices of children who continue to guide us forward. The protection of children with disabilities in Indonesia, particularly from sexual abuse, remains an urgent issue. By learning from the best practices of countries such as the UK, Sweden, and Australia, Indonesia has the opportunity to strengthen its legal framework and offer better protection to its most vulnerable children. It is essential for Indonesian lawmakers, child protection agencies, and society at large to recognize the unique needs of children with disabilities and take meaningful steps to address their vulnerability to sexual violence.\

The comparative analysis of international child protection frameworks reveals both the urgency and the possibility of strengthening protections for children with disabilities. Countries around the world have demonstrated that comprehensive, inclusive protection is achievable when political will, professional capacity, and community commitment align around shared goals (Klebanov et al., 2024).

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