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Effectiveness of the Implementation of the Child Protection Law and the Domestic Violence Law in Handling Cases of Sexual Violence against Children

Deckhy Rian Embar Yunianto¹, Hono Sejati², Tri Susilowati³

¹Universitas Darul Ulum Islamic Centre Sudirman Guppi, Indonesia,

Deckhy.yunianto@gmail.com

²Universitas Darul Ulum Islamic Centre Sudirman Guppi, Indonesia,

sejatihono@gmail.com

³Universitas Darul Ulum Islamic Centre Sudirman Guppi, Indonesia,

tri.susilowati.undaris@gmail.com

Corresponding Author: Deckhy.yunianto@gmail.com¹

Abstract: The goals of Law Number 23 of 2004 about the Elimination of Domestic Violence (PKDRT) and Law Number 35 of 2014 concerning Child Protection are to protect children from various forms of violence and to ensure their rights, including sexual violence, both in educational environments, society, and in the household. This study examines the provisions in both laws that specifically regulate the protection of children from sexual violence, including children's rights to a safe environment, state obligations in preventing and handling cases, and legal sanctions against perpetrators. The Child Protection Law affirms children's rights to receive protection from sexual crimes through articles that regulate education, rehabilitation, psychosocial assistance, and a fair legal process for victims. While the PKDRT Law offers a strong legal foundation for safeguarding children from domestic abuse, it also imposes severe penalties on those who engage in sexual violence against minors. Although these regulations have provided strong legal protection, their implementation still faces challenges, such as low reporting rates due to social and economic factors, lack of public awareness, and limitations in law enforcement. Therefore, this study emphasizes the importance of concrete steps in increasing the effectiveness of child protection from sexual violence, such as strengthening prevention policies, providing assistance services for victims, and more optimal law enforcement to create a safe and violence-free environment for children.

Keywords: Child Protection, Sexual Violence

INTRODUCTION

The prevalence of child sexual violence in Indonesia is still rising, with 2024 data showing a 15% spike in cases from the previous year, reaching 4,500 cases (Tatimu, 2024). This phenomenon has serious influences on victims, both psychologically, socially, and legally. Psychologically, child victims of sexual violence are vulnerable to long-term trauma, anxiety disorders, and depression, which can hinder their development. From a social aspect, the stigma attached often makes victims reluctant to report their cases, so that the perpetrators remain free and threats to other children continue (Sudarmaji, 2023). Legally speaking, despite laws like Law No. 35 of 2014 concerning Child Protection (henceforth UUPA) and Law No. 23 of 2004 concerning the Elimination of Domestic Violence (henceforth UUPKDRT), there are still a number of barriers to implementation in the field, including a lack of training for law enforcement personnel, limited budget for victim rehabilitation, and weak coordination between related institutions. Therefore, a more effective and comprehensive legal policy is needed, for the prevention, prosecution, and rehabilitation of victims, to ensure optimal protection for children in Indonesia (Puanandini, 2024).

UUPA is a regulation that aims to guarantee the fulfillment of children's rights and provide protection from various forms of violence, including sexual violence (Afandy, 2023). According to this law's Article 1 Number 2, child protection encompasses all actions taken to guarantee that children can live, grow, and develop normally and are not subjected to prejudice or violence. Regarding child sexual abuse, this law provides a strong legal basis for the state to prosecute perpetrators and provide protection mechanisms for victims (Noviana, 2015). However, although this regulation has changed to strengthen child protection, its implementation still faces challenges, such as the lack of trained human resources and social stigma that hinders case reporting.

UUPKDRT also plays a position to protect children who are victims of sexual violence in the household environment (Megawaty, 2024). Article 2 paragraph (1) of this law stipulates that children are part of the household scope and must receive protection from all forms of violence. This means that if sexual violence occurs in a household, this law can be the basis for law enforcement against the perpetrator, whether they are family members or other people living in the household (Wardhani, 2021). However, in practice, many cases of sexual violence in the household are not reported due to fear, family pressure, and lack of public understanding of the victim's rights.

Although these two laws have provided a clear legal basis for protecting children from sexual violence, there are several weaknesses in their implementation. One of the main obstacles is the weak coordination between related institutions in handling cases of violence against children, which results in the legal process often being slow and suboptimal (Wulandari, 2024). A limited budget for rehabilitation and assistance for victims is also an obstacle to providing comprehensive protection. Therefore, strengthening is needed in the implementation aspect, including increasing the capacity of law enforcement officers, improving reporting mechanisms that are more child-friendly, and involving the community and non-governmental organizations in efforts to prevent and handle sexual violence against children.

The absence of training for law enforcement personnel in dealing with such cases is one of the primary obstacles to putting laws protecting minors from sexual violence into practice (Antoni, 2024). Many cases of sexual violence against children are not handled optimally because officers lack a deep understanding of a sensitive approach to child victims of violence. Child-unfriendly examination processes, such as oppressive interrogations and lack of psychological assistance, often make victims feel afraid or depressed, thus hindering the judicial process. Therefore, special training is needed for law enforcement officers, including

the police, prosecutors, and judges, so that they can handle cases of sexual violence against children with a more professional and empathetic approach (Suryantoro, 2024).

Budget constraints are an obstacle in providing protection and rehabilitation services for child victims of sexual violence. Many service centers tasked with providing legal, psychological, and social assistance to victims still lack funds for operations and adequate human resources (Fitriani, 2021). As a result, victims do not receive optimal protection, both in the legal process and in trauma recovery. The government needs to allocate a larger budget for rehabilitation services, including the provision of safe houses, psychological counseling, and ongoing legal assistance so that child victims of sexual violence can recover and continue their lives better.

Another major challenge is the weak coordination between institutions and the social stigma that hinders reporting cases of sexual violence against children (Putri, 2024). Poor coordination between the police, prosecutors, courts, and child protection institutions often makes case handling slow and ineffective. On the other hand, the social stigma against victims of sexual violence is decisive in society, so many children and their families are reluctant to report the incident for fear of discrimination or social pressure (Ardiansah, 2025). To overcome this, wider socialization and education are needed for the community regarding the importance of child protection and reporting mechanisms that are safe and do not have negative effects on victims.

The community has a crucial role in preventing and handling sexual violence against children, both through education, environmental supervision, and reporting if they find suspected cases of violence. Parents, teachers, and the surrounding environment must be more proactive in providing children with an understanding of their rights and the signs of sexual violence so that they are more alert (Al Rajab, 2024). In addition, non-governmental organizations also contribute greatly to providing legal, and psychosocial support, and advocacy for victims through legal assistance, counseling services, and psychological rehabilitation (Susanti, 2024). Awareness campaigns carried out by community organizations and the media also play a role in reducing the social stigma that often makes victims reluctant to report and increasing understanding of the law regarding child protection, thereby creating a safer and more responsive environment for sexual violence against children.

It study aims to evaluate the effectiveness of legal protection for child victims of sexual violence in Indonesia, by reviewing the implementation of the UUPA and UUPKDRT. This study is anticipated to give an overview of the difficulties encountered through an examination of the different issues in the application of the law, including inadequate training for law enforcement personnel, a tight budget, poor institutional coordination, and social stigma that prevents people from reporting cases. The benefits of this research are to provide concrete recommendations to strengthen child protection through more effective legal policies, increased synergy between institutions, and a more inclusive social approach to create a safe environment for children from the threat of sexual violence.

METHOD

With an emphasis on the analysis of laws protecting children from sexual violence, particularly Law No. 35 of 2014 about Child Protection and Law No. 23 of 2004 concerning the Elimination of Domestic Violence, this study employs a normative legal method. In addition, this study also adopts a case study method by analyzing data on the increase in cases of sexual violence against children in 2024 to understand the trends and effectiveness of the legal protection that has been implemented. A literature study was conducted to examine various studies and literature related to the implementation of child protection policies, challenges in their implementation, and steps that can be taken to improve the legal protection system for children in Indonesia.

RESULT AND DISCUSSION

Implementation of Law Number 35 of 2014 concerning Child Protection and Law Number 23 of 2004 concerning the Elimination of Domestic Violence in the Protection of Children Against Violence

In order to safeguard children from all types of abuse, including sexual violence, Law Number 35 of 2014 concerning Child Protection was created (Prastini, 2024). This law strengthens protection for children by specifically regulating children's rights, the state's obligations in providing protection, and sanctions against perpetrators of violence against children. One of the main objectives of this regulation is to ensure that children have a safe environment and are free from exploitation and sexual crimes, both in the family, school, and community environments.

The protection of minors from sexual violence is specifically governed by a number of articles. Children have the right to be protected from sexual offenses in educational settings by teachers, other staff members, classmates, and other parties, as stated in Article 9 Paragraph 1a. Every child has the right to be protected from sexual offenses, according to Article 15 Letter F, which highlights the state's responsibility to stop and deal with child sexual assault. Furthermore, minors who are economically and/or sexually exploited have the right to special protection from the government and regional governments, according to Article 59, paragraph (2), letter d.

Concrete measures for dealing with minor victims of sexual offenses are likewise governed by UUPA. According to Article 69A, special protection for children who have been sexually abused is provided through a variety of initiatives, including social rehabilitation, psychosocial support during the course of treatment and recovery, education on reproductive health and religious values, and support at all stages of the legal process, from investigation to trial. These initiatives seek to ensure victims receive justice in the juvenile criminal justice system and recover socially and mentally.

In terms of law enforcement, this law also provides strict sanctions against perpetrators of sexual violence against children. Anyone who places, permits, conducts, orders, or takes part in the economic and/or sexual exploitation of children is prohibited by Article 76I. Article 88, on the other hand, governs the penalties for violators of this clause, which include a maximum fine of IDR 200 million and/or a maximum imprisonment of 10 years. This clause seeks to give offenders a deterrent effect while guaranteeing children the highest level of legal protection.

The Domestic Violence Law plays an important role in protecting children who experience domestic violence (Hamida, 2022). This law aims to prevent, protect, and handle cases of domestic violence, including violence committed against children by parents, guardians, or other family members. According to Article 5, this law's protections include a variety of violent crimes, including domestic abuse, sexual assault, psychological abuse, and physical assault. Everyone in the home, especially children, who frequently suffer abuse at the hands of those closest to them, has the right to be free from violence, as this clause highlights (Muhajarah, 2016).

In protecting children from sexual violence in the family environment, According to Article 8, forced sexual relations against a household member, forced sexual relations with another individual for business goals, or forced sexual relations with specific interests are all considered forms of domestic sexual violence, as stated in letter b. This clause is important for safeguarding kids who have been sexually abused by their parents, siblings, or guardians. Through this article, the state offers children legal protection from domestic sexual exploitation, which is frequently difficult to disclose because of coercion or fear of the family member who is engaging in the abuse (Rahmi, 2018).

Sexual violence against family members, including children, is punishable by severe penalties under the Domestic Violence Law. According to Article 46, those who commit sexual violence as defined by Article 8 letter a face a maximum penalty of 12 years in prison or a fine of up to IDR 36 million. Meanwhile, perpetrators who force family members, including children, to have sexual relations with other people under Article 8 letter b, are subject to a heavier penalty, namely imprisonment of between 4 and 15 years or a fine of up to IDR 300 million as stated in Article 47. This punishment aims to provide a deterrent effect and ensure that perpetrators of sexual violence in the household, especially those targeting children, can be punished as severely as possible according to their actions.

Despite offering victims of domestic abuse legal protection, the Domestic Violence Law's implementation continues to face a number of difficulties. Because of societal pressure, fear, or even financial reliance on the abuser, many family sexual violence instances go unreported (Febriliana, 2024). Therefore, there needs to be concrete steps to strengthen the implementation of this law, such as increasing public awareness, supporting victims through psychological and legal services, and stricter law enforcement against perpetrators. Thus, protecting children from sexual violence in the household can be more effective and provide a sense of security for every child who has the right to grow up in a healthy family environment free from violence.

Obstacles in the Implementation of Child Protection Policies Against Sexual Violence

One of the main obstacles in protecting children against sexual violence is the lack of coordination between related institutions, such as the police, prosecutors, courts, and child protection agencies. Disharmony in handling cases often causes the legal process to run slowly or even be hampered. For example, differences in perception regarding sufficient evidence between investigators and public prosecutors can cause cases not to immediately advance to the prosecution stage. In addition, institutions entrusted with victims' protection, like social services and the Witness and Victim Protection Agency (LPSK), often face obstacles in providing fast and comprehensive services due to a lack of coordination with law enforcement officers.

The slow legal process further exacerbates the suffering of victims of sexual violence. Many victims experience psychological pressure because they have to repeatedly retell the traumatic events they experienced in various stages of the examination. On the other hand, although Law Number 23 of 2004 has stipulated a fairly severe criminal threat for perpetrators of domestic sexual violence, in reality, there are still many relatively light court decisions. Some perpetrators even get leniency for certain reasons, so that they do not have a maximum deterrent effect. As a result, Because law enforcement is so inflexible, sexual abuse against children continues to be widespread.

The lack of education about sexual violence against children is the main factor that causes many cases to go undetected and not be handled immediately. Many parents and educators still do not understand the forms of sexual violence and how to prevent it. Perpetrators of violence often come from the child's closest environment, such as family members or teachers, who should be the ones protecting them. The lack of socialization about children's rights and mechanisms for reporting violence also results in many cases going unreported because victims and their families do not know what to do when they experience or witness sexual violence.

Patriarchal social and cultural norms are still a barrier to preventing and handling cases of sexual violence against children. In some areas, cases of sexual violence are often considered a family disgrace, so victims are forced to remain silent to maintain the family's honor. This is further exacerbated by the low community involvement in child protection efforts. Collective awareness to prevent and report sexual violence is still weak, so many

cases never reach the legal realm. If the community were more active in reporting and supporting victims, cases of sexual violence against children could be handled more quickly.

The stigma associated with victims is a major barrier to efforts to protect children from sexual abuse. Because they fear unfavorable responses from the community, many victims and their families are unwilling to report incidents they encounter. Victims are often blamed for what happened to them, while the perpetrators are defended by their surroundings. As a result, many cases go unreported, and victims have to suffer in silence. This stigma also hinders the psychological recovery of victims, who should receive full support from their families and the community.

Fear of the perpetrator is also the main reason why many child victims of sexual violence do not dare to report it. Perpetrators who are people close to the victim, such as parents, guardians, or other family members, often use threats or psychological pressure to keep the victim silent. In addition, support services for victims are still very limited, especially in remote areas. Safe houses, legal aid, and psychological rehabilitation services are not yet evenly available, so many victims do not receive adequate protection. Without this support, victims of sexual violence tend to experience prolonged trauma that can affect their lives in the future.

The main challenge in the regulation of child protection from sexual violence is the discrepancy between existing regulations and conditions in the field. Although there are various laws governing child protection, such as Law Number 23 of 2004 concerning Domestic Violence and the Child Protection Law, there is still a legal vacuum in addressing sexual violence. For example, regulations regarding sexual violence in the digital world are not yet strong enough, while cases of sexual harassment against children through social media and messaging applications are increasing. In addition, long and complicated legal procedures are also obstacles to implementing existing policies. Lack of adequate budget and human resources are also obstacles in enforcing child protection policies. Many areas do not have enough professional staff to handle cases of sexual violence against children, both in legal, psychological, and social aspects. In addition, the monitoring and evaluation system for child protection policies is still weak, so there is no effective mechanism to assess the extent to which existing policies have been implemented well. Without a comprehensive evaluation, many policies are merely formalities without providing real impact in protecting children from sexual violence.

Efforts That Can Be Made to Overcome Challenges in the Implementation of Child Protection Policies Against Sexual Violence

To ensure that child protection from sexual violence is effective, increasing the capacity of law enforcement officers is a crucial step. Training that focuses on the psychological aspects of victims, child-sensitive interview techniques, and a deep understanding of child protection regulations needs to be intensified. Police officers, prosecutors, and judges must be equipped with a restorative justice-based approach and child rights protection so as not to worsen the victim's trauma during the legal process. In addition, this training must be carried out continuously to ensure that each officer always has the latest understanding in handling cases of sexual violence against children.

One of the main obstacles in child protection is the minimal budget allocated for victim protection and recovery services. Therefore, the government must increase the allocation of funds for the provision of safe houses, psychosocial services, and legal assistance for victims of sexual violence. In addition, sufficient funds are also needed to support the operations of institutions that handle these cases, including special units in the police that handle the protection of women and children. The budget optimization, facilities, and professional personnel are required to meet more efficacious child protection throughout the region.

The synergy between the government, law enforcement agencies, and social organizations is significant in addressing cases of sexual violence against children. Currently, many cases are delayed or not handled properly due to the lack of coordination between institutions that have a role in child protection. Therefore, there needs to be an explicit coordination mechanism, for example through an integrated referral system that allows each related institution to work together quickly and effectively. With better coordination, handling cases of sexual violence against children can be carried out in a more structured and comprehensive manner, starting from reporting, and assistance, to victim recovery.

The community has a leading role in preventing sexual violence against children, so education and advocacy must be intensified through public awareness campaigns. This campaign can be carried out through social media, schools, places of worship, and local communities to provide an understanding of the forms of sexual violence, children's rights, and available reporting mechanisms. In addition, this campaign also aims to eliminate the stigma against victims, so that they feel safer to report cases without fear of discrimination. The higher the public awareness, the greater the opportunity to prevent and reduce the number of sexual violence against children. In addition to the government and law enforcement officers, the community and non-governmental organizations (NGOs) have a critical function in efforts to protect children from sexual violence. Local communities, teachers, religious leaders, and social organizations can be at the forefront of detecting and preventing sexual violence against children. NGOs working in the field of child protection also need to strengthen their role in providing legal and psychosocial assistance to victims. With the active involvement of various parties outside the government, the child protection system will be more inclusive and responsive in handling cases of sexual violence.

CONCLUSION

Children are legally protected against sexual abuse in the home, in society, and in schools thanks in large part to Law Number 35 of 2014 concerning Child Protection and Law Number 23 of 2004 concerning the Elimination of Domestic abuse. Both laws expressly uphold children's rights to be shielded from sexual assault and all types of exploitation, and they impose severe penalties on offenders as a preventative and deterrent measure. Despite having a fairly strong legal framework, the implementation of child protection from sexual violence still faces various obstacles, such as low reporting rates due to social and economic pressures, stigma against victims, and lack of public understanding of available protection mechanisms. This situation is exacerbated by weak coordination between law enforcement agencies, slow judicial processes, and suboptimal efforts to assist victims, both legally and psychosocially.

To overcome these challenges, a comprehensive, collaborative, and sustainable protection strategy is needed. Increasing the capacity of law enforcement officers through training that focuses on the perspective of child protection, optimizing budget allocations for victim recovery and rehabilitation services, and improving coordination mechanisms between agencies are strategic steps that must be implemented immediately. Public education and social awareness campaigns also play an important role in eliminating the stigma against victims and encouraging openness in reporting cases. In addition, the active involvement of the community, For the problem of sexual abuse against minors to be addressed in a more secure and responsive setting, local communities and non-governmental organizations are crucial. It is anticipated that effective, thorough, and equitable implementation of child protection from sexual abuse will be possible with strong collaboration between the community, law enforcement, and the government.

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