



LEGAL PROTECTION FOR WOMEN AND CHILD VICTIMS OF SEXUAL VIOLENCE AT THE WOMEN AND CHILDREN PROTECTION UNIT OF THE TEBING TINGGI MUNICIPAL POLICE

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ABSTRACT

This study aims to analyze the form of legal protection for women and children victims of sexual violence in the Women and Children Protection Unit (PPA) of the Tebing Tinggi City Police, as well as assess the effectiveness of the implementation of laws and regulations in the process of handling them. This research uses a normative juridical method with a legislative approach and a case approach. Data were obtained through literature studies on primary, secondary, and tertiary legal materials, and were analyzed qualitatively through legal interpretation. The results of the study show that normatively legal protection mechanisms have been regulated in various regulations, including the Child Protection Law and provisions related to sexual violence. At the implementation level, there are still obstacles in the aspects of victim assistance, the speed of case handling, and the consistency of the application of criminal sanctions. This study emphasizes the need to strengthen coordination between law enforcement and optimize victim psychological protection to realize substantive justice.

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INTRODUCTIONS

The grouping of crime is also grouped by gender. This means that crimes do not look at the gender of the victim, but what distinguishes them is the legal process that is carried out. However, lately crimes have been more often experienced by women and children. Based on the Annual Record (CATAHU) of the National Commission on Anti-Violence Against Women (Komnas Perempuan), almost every year there is an increase in violence or crimes against women. The most common crime experienced by women is sexual violence. Based on CATAHU 2024 which was realized on March 7, 2025, the highest crime against women was 17,305 acts of sexual violence, but according to Komnas Perempuan records, sexual violence was 3,166. Meanwhile, psychological violence experienced by women was 3,660. Law number 12 of 2022 concerning Acts of Sexual Violence was passed having a legal purpose. The goal

is to protect women and children from increasing sexual violence. Women and children are the most vulnerable groups who are often victims of acts of sexual violence. In article 1 paragraph 4 (four), it is said that the victim is a person who experiences physical, mental and economic suffering and/or social loss caused by the crime of sexual violence. (Yasniwati, 2023)

Acts of sexual violence are included in the group of moral crimes. Moral crimes in Law Number 1 of 2023 of the Criminal Code describe various moral crimes with various types and/or types of moral crimes. In Law Number 12 of 2022, article 1 paragraph 1 (one) it is explained that the crime of sexual violence is everything that meets all elements of criminal acts as stipulated in this Law and other sexual acts as regulated by the Law as long as the Law is stipulated.

In Law Number 12 of 2022, article 4 paragraph 1 (one) it is explained that the crime of sexual violence consists of non-physical sexual harassment, physical sexual harassment, forced contraception, forced sterilization, forced marriage, sexual torture, sexual exploitation, sexual slavery, electronic-based sexual violence. Meanwhile, in article 4 paragraph 2 (two) the criminal acts of sexual violence also include rape, fornication, sexual intercourse with children, obscene acts against children, and/or sexual exploitation of children, violations of morality that are contrary to the will of the victim, pornography involving children or pornography that explicitly contains violence and sexual exploitation, forced prostitution, criminal acts of trafficking in persons intended for sexual exploitation, Sexual violence in the domestic sphere, money laundering crimes whose original criminal act is a criminal act of sexual violence and other criminal acts that are expressly stated as criminal acts of sexual violence as stipulated in the provisions of laws and regulations. (Mentari, 2024; Utari et al., 2023)

The police institution is an institution that is the main and first state agency in the legal process of sexual violence. Because of every case of sexual violence experienced by a victim, the first place to report the incident experienced by the victim is the office of the police institution. The police institution must be the first place for victims to receive legal protection. And the police institution must also be the first place for victims to get justice for the unfair treatment of their dignity and dignity as human beings. The institution of the police is the government and the state that must first defend victims of sexual violence and harassment.

Law Number 2 of 2002 article 2 explains that the function of the police is one of the functions of the State government in the field of maintaining public security and order, law enforcement, protection, protection, and service to the community. In article 4, it is explained that the National Police of the Republic of Indonesia aims to realize domestic security which includes the maintenance of public security and order, the order and upholding of the law, the implementation of protection, protection, and service to the community, as well as the development of public peace by upholding human rights. (Mentari, 2024; Suartini & Hidayati, 2023)

A few years ago in one of the provinces on the island of Sumatra there was rape. The case was then resolved without legal process. The path of peace was taken by the perpetrators and rape victims. The perpetrator and the victim of rape in a family way then get married or the perpetrator and the victim are married. It is possible that another rape case in which the perpetrator and the victim are married may also occur in other cases. The legal process was resolved peacefully. But legal processes that are resolved in a familial way will not have a deterrent effect so we see now more and more cases of sexual harassment occurring in Indonesian society.

Table 1. Sexual violence crimes in Indonesia in 2020 – 2024

Year	Attempted rape	Rape	Fornication	Squirt	Sexual exploitation	Sexual harassment
2020	20	309	412	15	70	220
2021	2	597	63	164	14	374
2022	-	403	595	845	24	532
2023	9	211	61	67	64	345
2024						

Source: CATAHU 2020 – 2024

The legal process carried out by the police institution must of course also pay attention to the psychology of the victim and the habits that occur in the community. Each region certainly has different habits so that the approach to the legal process is also different. Like the psychology of the people of a certain province will be different from the psychology of certain other provinces. So that the approach to community psychology is important to be considered by police institutions in the legal process for victims of sexual harassment. However, the legal process must still be subject to the applicable law in accordance with the laws of the State of Indonesia. And the legal process for victims of child sexual abuse is different in treatment for adult female sexual abuse victims, including the articles imposed differently on child sexual violence perpetrators and adult female sexual violence perpetrators. (Hapsoro, 2023; Risna & Suherman, 2024)

Tebing Tinggi City is one of the municipalities in the province of North Sumatra which has diversity and plurality of religions, customs and traditions. People's lives still adhere to strong culture and traditions. With a strong culture, the police institution also needs to approach the legal process of sexual violence that can be accepted by the local community. Cases of sexual violence may be resolved in a family way amicably, but the legal process should still run in accordance with the applicable law. Based on the background description that has been submitted, the author is interested in conducting research with the title "Legal Protection of Women and Children, Victims of Sexual Violence at the Women and Children Protection Unit of the Tebing Tinggi City Police".

Departing from the title that is the background of the research, the author first formulates a number of main problems as the focus of the study in this thesis. These problems include how to form legal protection for victims of sexual violence against women and children in Tebing Tinggi City, how the law enforcement process is carried out against perpetrators of sexual violence in the area, and how efforts are made by the Women and Children Protection Unit (PPA) of the Tebing Tinggi Police in the process of psychological recovery of victims as well as anticipatory and preventive steps to prevent sexual violence. The formulation of this problem becomes an analytical framework to assess the effectiveness of protection and law enforcement at the regional level.

This research is limited to the aspect of the legal process in handling cases of sexual violence with elements of coercion against women and children, as well as on the psychological recovery mechanism of victims implemented by the Women and Children Protection Unit of the Tebing Tinggi City Police. These restrictions are carried out so that the research is more directed, focused, and in-depth, so that it does not extend to other aspects outside the scope of law enforcement and victim recovery.

The objectives of this research consist of general objectives and special objectives. In general, this research aims to know and understand the legal process applied to perpetrators of violence and/or sexual harassment. In particular, this study aims to find out and analyze the legal process and legal protection efforts for victims of sexual violence at the Women and Children Protection Unit in Tebing Tinggi City, analyze efforts to prevent violence and/or sexual harassment in Tebing Tinggi City, and examine the implementation of applicable laws and regulations by comparing them between theoretical and practical levels in the field.

METHOD

Research methods are systematic scientific steps to acquire and develop knowledge in answering the formulation of research problems. This research uses the normative legal research method, which is research that focuses on the study of legal norms, principles, and doctrines through literature studies. Normative legal research aims to find relevant legal rules, principles, and concepts to answer legal issues that are studied prescriptively, so as to produce arguments about what should be (right) according to the law. The approaches used include the statute approach and the case approach, in order to analyze the applicable legal provisions and their application in practice. (Rosidi et al., 2024)

The data sources in this study are primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations, jurisprudence, and other sources of law that have binding power. Secondary legal

materials include legal science books, journals, scientific papers, and relevant literature that provide explanations of primary legal materials. The tertiary legal materials are in the form of legal dictionaries, encyclopedias, and other supporting sources that provide additional instructions or explanations. Thus, all research data is obtained through library research that focuses on secondary data.

The technique of collecting legal materials is carried out through document studies, literature studies, and archive studies of laws and regulations and relevant court decisions. The collected legal materials are then processed through a process of systematization, selection, and classification based on their type and hierarchy to build a logical relationship between legal norms. The analysis is carried out qualitatively by interpreting the legal material that has been processed, so that comprehensive legal conclusions are obtained and in accordance with the research problem.

RESULT AND DISCUSSIONS

Law Enforcement Process for Sexual Violence

One of the functions of the government is in the field of maintaining public security and order, law enforcement, protection, protection, and service to the community. The government function is carried out by the National Police in accordance with Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia.

Article 2 of Law Number 2 of 2002 reads:

"The function of the police is one of the functions of the government in the field of maintaining public security and order, law enforcement. Protection, protection, and service to the community"

Then in article 13 of Law Number 2 of 2002 it reads:

- maintaining public security and order;
- enforce the law; and
- providing protection, protection, and services to the community.

Indonesia is a country of law with the 1945 Constitution as the highest legal basis. The principle of presumption of innocence and equal rights in the eyes of the law is valid evidence that Indonesia is a country of law.

Every person who litigates or confronts, or is involved in the law is to seek justice, and/or obtain legal certainty for the problems they face. There is no one who deals with the law who does not seek justice, and legal certainty. A person who seeks justice because he feels that he or she has been harmed by an act, namely a criminal and/or civil act, and wants someone who has harmed to get the applicable legal punishment or sanction in accordance with the laws and regulations.

Domestic violence and sexual violence against children are two things that are interconnected. Sexual violence is part of the problem of domestic violence that occurs a lot. Victims of domestic violence are generally adult women, while victims of sexual violence are generally experienced by minors who are not yet 18 (eighteen) years old. The government through the functions of the police in the fields of security and public order, law enforcement, protection, protection, and service to the community guarantees that women and children are protected through laws that have been passed and violations of the law will be sanctioned through the law enforcement process carried out by the police. The government's function in the field of maintaining public security and order is part of the country's constitutional responsibility to guarantee citizens' rights to a sense of security. Security is not just the absence of physical disturbances, but social conditions that allow people to carry out economic, educational, and social activities in a stable manner. In the context of the rule of law, security is a prerequisite for the upholding of the rule of law and the implementation of sustainable national development (Alhakim, 2021; Ananda et al., 2023).

The implementation of this function is operationally in the institution of the National Police of the Republic of Indonesia based on Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia. This law emphasizes that the National Police has the main task of maintaining public security and order, enforcing the law, and providing protection, protection, and services to the community. This provision shows that the National Police not

only plays a role as a law enforcement officer in a repressive sense, but also as an institution that carries out preventive and preemptive functions in maintaining social stability.

From the perspective of administrative law and governance, the authority of the National Police is a form of direct attribution from the law. The authority must be exercised based on the principles of legality, proportionality, and accountability. Every police action, whether in investigation, investigation, or other police actions, must have a clear legal basis and can be accounted for ethically and judicially. This principle is important to prevent abuse of authority and ensure the protection of human rights. Law enforcement carried out by the National Police is also closely related to the function of protecting and protecting the community. In practice, protection is not limited to victims of crime, but includes the prevention of potential security breaches through a partnership approach with the community. The concept of community policing becomes relevant in this framework because it places the community as an active subject in maintaining order. Participatory relationship patterns strengthen the legitimacy of police institutions in the eyes of the public. The success of the implementation of the functions of the National Police is highly determined by professionalism, integrity, and public trust. Public trust is formed through the consistency of actions that are fair, transparent, and responsive to social needs. When the functions of security, law enforcement, and services run in a balanced manner, the state's goal of creating a just order can be concretely realized in people's daily lives. (Fitriani et al., 2021; Rahmat et al., 2021)

Table 2. sexual violence that occurred in the Tebing Tinggi City area within 2020 – 2025

Year	Attempted Rape	Fornication	Squirt	Sexual exploitation	Sexual harassment	Solution
2020						
2021		13	23			30
2022		13	37			44
2023		18	52			50
2024		30	43		10	33
2025		21	31		3	39

Analysis of the Application of Laws and Regulations and Other Legal Regulations in the Law Enforcement Process

In this study, the researcher deeply understood the sequence of the legal process with a summary, after receiving a report from the biological father of the victim's child, the police immediately inspected the crime scene, and conducted a medical examination of the victim's child, namely conducting Visum Et Repertum.

In carrying out the legal process, the Tebing Tinggi Police based the legal process in accordance with the Criminal Code Chapter XIV Investigation, namely:

Article 102 paragraph (1) reads:

"Investigators who know, receive reports or complaints about the occurrence of an event that should be suspected of being a criminal offense must immediately carry out the necessary investigative actions".

Article 106 reads:

"Investigators who know, receive reports or complaints about the occurrence of an event that should be suspected of being a criminal offense must immediately take the necessary investigative action".

Article 8 paragraph (3) reads:

"The submission of the case file as intended in paragraph (2) is carried out: a. In the first stage, the investigator only submitted the case file; b. In the event that the investigation is considered complete, the investigator submits responsibility for the suspect and evidence to the public prosecutor".

Article 110 paragraph (1) reads:

"In the event that the investigator has completed the investigation, the investigator is obliged to immediately submit the case file to the public prosecutor".

Criminal cases are cases of obscenity against minors and/or acts of sexual violence in the household. The primary article imposed by the police on suspects in criminal acts is article 82 paragraph (1), paragraph (2) of Law Number 17 of 2016 concerning the Determination of Perppu RI Number 01 of 2016 concerning the Second Amendment to Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection and or article 46 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

Law Number 17 of 2016 concerning the Stipulation of Perppu RI Number 01 of 2016 concerning the Second Amendment to Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection Article 82 paragraph (1) reads:

"Every person who violates the provisions as referred to in article 76E shall be sentenced to imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a maximum fine of Rp. 5,000,000,000 (five billion Rupiah)".

Law Number 17 of 2016 concerning the Determination of Perppu RI Number 01 of 2016 concerning the Second Amendment to Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection Article 82 paragraph (2) reads:

"In the event that the criminal act referred to in paragraph (1) is committed by parents, guardians, people who have family relationships, childcare providers, educators, education personnel, officials who handle child protection, or is carried out more jointly, the crime is plus 1/3 (one-third) of the criminal threat as referred to in paragraph (1)".

Article 46 of Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence reads:

"Every person who commits an act of sexual violence in the domestic as referred to in article 8 letter a shall be sentenced to imprisonment for a maximum of 12 (twelve) years or a maximum fine of Rp. 36,000,000.00 (thirty-six million Rupiah)".

Article 8 letter a reads:

"forced sexual relations carried out against persons who reside within the scope of the household".

Broadly speaking, the police as law enforcers in the law enforcement process:

- Carry out the law enforcement process based on the Criminal Code in cases of domestic violence and sexual violence. In this case, investigators take law enforcement steps in accordance with the provisions of the Criminal Code.

In determining the articles of legal sanctions for the crime of sexual violence, the Tebing Tinggi Resort police stipulated the article of the law that contains the harshest legal sanctions for perpetrators of domestic violence sexual violence. Article 82 paragraph (1) . (Hariaji & Yulianis, 2025; Setyadi et al., 2021)

Jurisprudence Analysis of the Decision of the Tebing Tinggi City District Court on the Case of Domestic Violence of Sexual Violence of Minors or Child Victims

The court is the last forum for victims of crimes to obtain justice through legitimate legal mechanisms. In the criminal justice system, judges play a central role as the party who assesses facts, evidence, and legal arguments before passing a verdict. The decision is based not only on juridical considerations, but also on conscience and moral values that are upheld within the framework of professional ethics and constitutional responsibility. Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power emphasizes in Article 2 paragraph (1) that justice is carried out "For the sake of Justice Based on the One Godhead", and in paragraph (2) that state courts apply and enforce law and justice based on Pancasila. This provision places justice as a fundamental value rooted in the principle of divinity and the ideology of the state.

In deciding a criminal case, judges are bound by the basic principles of Indonesian law. The principle of legality as stipulated in Article 1 of the Criminal Code states that no act can be punished except based on the provisions of the criminal laws that existed before the act was committed. This principle protects citizens from arbitrary punishment. The judge is also bound by the public prosecutor's indictment as the basis for examining the case. The verdict must be based on the facts revealed at the trial and the evidence of the elements of the article charged. If the indictment is not legally and convincingly proven, the judge is obliged to issue a verdict (*vrijspraak*) or a verdict of acquittal of all lawsuits (*onslag van alle rechtsvervolging*). (Sinaga, 2023; Sukadi et al., 2024)

Conceptually, the phrase "For the sake of justice based on the One Godhead" reflects the ethical and spiritual dimensions of the Indonesian judicial system. Judges not only act as mouthpieces of the law, but also as interpreters of the values of justice that live in society. This responsibility requires independence, integrity, and deep analytical ability so that the verdict is not just formalistic, but reflects a sense of substantive justice. (Jamaludin, 2021; Sari & Putri, 2020)

In practice, the judge's attachment to the indictment shows the importance of the role of the public prosecutor in formulating the proper construction of the case. Inaccuracies or weaknesses in the indictment can have implications for the release of the defendant from criminal liability, even if there is factually an allegation of unlawful acts. This situation confirms that the criminal justice system works in an integrated manner, where the quality of investigation and prosecution greatly affects the final outcome in court.

The court as the last door for justice seekers must also ensure the protection of victims' rights without neglecting the rights of the defendant. The balance between legal certainty, justice, and usefulness is the main parameter in assessing the quality of judges' decisions. When the principles of legality, judicial independence, and Pancasila values are applied consistently, the function of the court as a guardian of justice and an enforcer of the rule of law can be realized in real terms in the national legal system. (Parvez et al., 2022; Yuliantini et al., 2021)

In the crime of domestic violence, sexual violence experienced by the victim's child studied by the researcher:

- The police as investigators imposed Law of the Republic of Indonesia Number 17 of 2016 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection article 82 paragraph (1) and Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence article 46 to the suspect because the perpetrator committed a crime of sexual violence in the domestic so that he was subject to article 46 layered.
- The Prosecutor's Office as the public prosecutor, filed a lawsuit with Law of the Republic of Indonesia Number 17 of 2016 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection article 82 paragraph (2) of 10 (ten) years of imprisonment with a fine of Rp. 50,000,000 (fifty million Rupiah) subsidy of 3 (three) months in prison.
- The court judge who tried the defendant sentenced the defendant to the crime with Law of the Republic of Indonesia Number 17 of 2016 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection article 82 paragraph (2) with a prison sentence of 9 (nine) years and 6 (six) months and a fine of Rp. 50,000,000 (fifty million Rupiah) subsidy of 3 (three) months in prison. (Mestika, 2022; Nova & Elda, 2024; Wahyuningsih et al., 2025)

In this case, the researcher found a situation where the judge's decision on the criminal act committed by the defendant was not in accordance with:

- Article 1 of the Criminal Code which reads:
"No act can be punished except based on the provisions of the criminal laws that existed before the act was committed".

- Law of the Republic of Indonesia Number 17 of 2016 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection article 82 paragraphs (1) and paragraphs (2).

This is because criminal law adheres to the principles of *lex scripta* (the law must be written) and *lex certa* (the law must be clear). In this case, it can be conveyed that the judge decides the case not based on the principle of *lex certa* (the law must be clear). If referring to the Law on which the public prosecutor bases the criminal charges against the defendant, the imposition of a prison sentence is a minimum of 10 years. By calculation, the shortest sentence in article 82 paragraph (1) is 5 (five) years plus 1/3 of the charge in article 82 paragraph (1) is 5 (five) years. The judge sentenced him to 9 (nine) years and 6 (six) months in prison. This means that the judge's decision is not in accordance with the laws and regulations.

CONCLUSION

This research confirms that the principle of equality before the law as stipulated in Article 27 paragraph (1) of the 1945 Constitution places all citizens in an equal position before the law without exception. Indonesia's legal system is run through three main institutions, namely the Police, the Prosecutor's Office, and the Courts, which structurally form a series of law enforcement. Normatively, the construction of the system has provided an adequate foundation to ensure legal protection for every citizen, including women and children as a vulnerable group.

The results of normative juridical research with a case approach show that the implementation of laws and regulations in practice is not fully aligned with public expectations, especially in handling domestic violence and sexual violence. At the investigation stage, weaknesses were found in the aspects of starting the investigation, detention, and victim assistance mechanism. In the prosecution stage, criminal charges tend to be at the lightest limit allowed by law. At the judicial stage, the judge sentenced him to 9 years and 6 months in prison, which was lighter than the public prosecutor's demands and was considered not to fully reflect the provisions of Article 82 paragraph (1) and paragraph (2) of Law Number 17 of 2016 concerning Child Protection.

The series of processes shows that law enforcement has not fully provided a sense of justice and legal protection for victims, especially women and children. Relatively light sentences have not had a significant deterrent effect in society and have not contributed to a decrease in the rate of sexual violence. This condition indicates that there is a gap between the prevailing legal norms and their enforcement practices, so that the legal goal of creating a sense of security and substantive justice for vulnerable groups has not been optimally achieved.

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