

LEGAL PROTECTION FOR CHILD VICTIMS OF SEXUAL ABUSE (A STUDY AT MADINA POLICE DEPARTMENT)

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ABSTRACT

This research examines legal protection for child victims of sexual abuse in the jurisdiction of the Mandailing Natal Police Department (Polres Mandailing Natal). The main focus of the research is to explore how legal procedures are implemented by the police in handling cases of child sexual abuse and to what extent legal protection is provided to the victims from juridical, social, and psychological perspectives. This research uses a qualitative method with a descriptive case study approach. Data collection techniques include in-depth interviews, direct observation, and document study. The informants in this research consist of officers from the Women and Children Protection Unit (UPPA), legal advocates, and psychologists. The findings indicate that legal protection for child victims of sexual abuse at Polres Madina is based on applicable legal provisions, including the Child Protection Law and the Criminal Code, and is complemented by child-friendly procedures during the investigation process. However, the implementation still faces several challenges, such as limited human resources, suboptimal inter-agency coordination, and low public legal awareness. Other obstacles include socio-cultural factors that often hinder the reporting process and protection of victims. The conclusion of this study states that although legal protection for child victims of sexual abuse at Polres Madina has been procedurally implemented, its effectiveness still needs improvement. The study recommends enhancing the capacity of law enforcement officers, providing integrated services for victims, and strengthening legal education for the public to create a more responsive and just child protection system.

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INTRODUCTIONS

Legal protection for children as victims of sexual crimes, particularly sexual abuse, is one of the most crucial issues within Indonesia's criminal justice system. As a vulnerable group, children require special protection in all aspects of life, including when they become victims of criminal acts. In many regions, including Mandailing Natal (Madina) Regency, cases of sexual abuse against children have been increasing and demand serious attention from various stakeholders, especially law enforcement agencies (Shafa' et al., 2023).

Law No. 35 of 2014, which amends Law No. 23 of 2002 on Child Protection, explicitly regulates children's rights and the state's obligation to provide protection for those who become victims of sexual crimes. However, in practice, the implementation of legal protection for child victims of sexual abuse continues to face obstacles, both procedural and substantive. At the Mandailing Natal Police Department, sexual abuse cases often encounter difficulties during the legal process, particularly in investigation, prosecution, and the restoration of victims' rights (Triana & Erowati, 2024).

Empirically, the rise in cases of child sexual abuse is influenced by various social, economic, and cultural factors. A study by Afdhaliyah et al. (2019) indicates that dysfunctional family environments, poverty, and limited awareness of children's rights are significant contributors to the high rates of sexual violence against children in Indonesia. In addition, weak law enforcement often results in perpetrators receiving disproportionately light sentences or even escaping legal accountability due to a lack of evidence and supporting witnesses. This situation adds further complexity to the efforts of protecting child victims of sexual abuse.

From the perspective of criminal law, sexual abuse of children constitutes a crime with long-term psychological and social impacts on victims. Articles 81 and 82 of Law No. 17 of 2016 on Child Protection stipulate that perpetrators of child sexual abuse are subject to severe penalties, including a minimum of five years' imprisonment, a maximum of fifteen years, and fines of up to five billion rupiah. Nevertheless, the enforcement of such punishments continues to face challenges, especially in evidentiary procedures, which often rely solely on the victim's testimony (Wartoyo & Ginting, 2023).

One of the main challenges in addressing child sexual abuse cases is the low level of victim reporting. Fear, social pressure, and stigma often discourage victims from coming forward, leading many cases to be settled informally within families. Such practices frequently undermine the best interests of the child, allowing perpetrators to remain free and at risk of reoffending (Gultom, 2014).

Furthermore, during the investigation process, police officers at Mandailing Natal Police Department face numerous challenges in handling child sexual abuse cases. The lack of personnel trained in addressing child victims of sexual crimes, inadequate child-friendly facilities at police stations, and the lengthy legal proceedings all hinder the provision of effective protection for victims. In many cases, children do not receive sufficient psychological support during investigations, which negatively affects their mental well-being.

In response, several measures have been introduced by the police and related institutions to strengthen legal protection for child victims of sexual abuse. Among these is the establishment of the Women and Children's Protection Unit (PPA), tasked specifically with handling cases involving women and children (Mawarni et al., 2023). However, the effectiveness of this unit in safeguarding child victims still requires further assessment, particularly regarding the implementation of policies at the local level, such as in the Mandailing Natal Police Department.

Beyond the scope of criminal law, legal protection for child victims of sexual abuse must also encompass psychosocial recovery. Child victims often suffer deep trauma and require long-term rehabilitation. Unfortunately, such services are often unavailable or insufficient, especially in regions with limited mental health facilities and social support systems. A more comprehensive approach is therefore needed in addressing child sexual abuse cases—one that involves collaboration between the police, local governments, child protection agencies, and civil society.

This study seeks to analyze the legal protection provided to child victims of sexual abuse at the Mandailing Natal Police Department, highlighting the various factors that influence its effectiveness. The findings are expected to offer recommendations for improving legal protection for children who fall victim to sexual crimes, both in terms of legal policy, law enforcement, and rehabilitation support for victims. Given the challenges outlined above, this study is relevant for examining the extent to which legal protection for child victims of sexual abuse is effectively implemented at the Mandailing Natal Police Department. Furthermore, the results of this research are expected to contribute to the development of more effective policies for addressing child sexual violence in Indonesia more broadly.

METHOD

This study employs a qualitative approach with a descriptive-analytical method to explore legal protection for child victims of sexual abuse at the Mandailing Natal Police Department. Data were collected from both primary and secondary sources (Ilhami et al., 2024). Primary data were obtained through in-depth semi-structured interviews with key informants, including police officers, investigators at the Women and Children's Protection Unit (PPA), prosecutors, lawyers, child protection agencies, and families of victims, complemented by direct observation of investigative processes. Secondary data were drawn from legal documents—such as Law No. 35 of 2014 on Child Protection, the Indonesian Criminal Code (KUHP), police regulations—as well as scholarly literature on child protection. Data collection techniques included interviews, observations, and document analysis, while data analysis followed Miles and Huberman's (1994) model of data reduction, presentation, and conclusion drawing. The research is limited to cases within the jurisdiction of Mandailing Natal Police, and findings are context-specific, as qualitative data reflect informants' perspectives and are constrained by limited access to certain legal documents and ongoing case files. To enhance validity, triangulation of data sources was employed. Despite these limitations, this study aims to provide a comprehensive understanding of legal protection for child victims of sexual abuse and contribute to improving the legal system's response to child sexual violence in Indonesia.

RESULT AND DISCUSSIONS

Implementation of Legal Protection for Child Victims of Sexual Abuse at the Mandailing Natal Police Department

Child protection reflects a collective commitment to ensuring that every child can grow and develop safely, securely, and with the opportunity for a bright future. Children possess rights and obligations that must be fulfilled to create a resilient and high-quality generation. Child protection is not only a legal matter but also a manifestation of social justice within society and the state; therefore, all aspects of life must support this effort (Kurniawati, 2014).

Law No. 35 of 2014 firmly states that child protection encompasses all efforts to guarantee that children can live, grow, and participate optimally in accordance with their dignity and rights, including protection from violence and discrimination. Legal protection for children, especially those who become victims of crimes such as sexual abuse, is crucial to safeguarding their future. As the nation's hope, children's welfare and safety must be equally guaranteed as those of adults, for every citizen holds the same status before the law (Purwanto, 2020).

Indonesia upholds human rights, including children's rights, as affirmed in the 1945 Constitution and reinforced through various national and international regulations, including the ratification of the Convention on the Rights of the Child through Presidential Decree No. 36 of 1990. Legal protection for child victims of crime must not end at the courtroom. Children who have suffered sexual abuse require legal assistance from the stage of investigation to their full recovery, ensuring they can live dignified lives. The state, law enforcement, families, and society must work collectively to guarantee that these children are protected not only legally, but also emotionally, socially, and psychologically.

An investigator from the Directorate of General Criminal Investigation (Unit for Women and Children Protection, Polres Mandailing Natal) emphasized:

“Child protection is a shared responsibility that must be realized so that every child can grow and develop properly while enjoying their rights as citizens. In the legal context, child protection is a fundamental part of social justice that must exist in society and the state. Children, as the next generation, have the right to live free from violence and discrimination, especially when they become victims of crimes such as sexual abuse. In practice, the implementation of legal protection for child victims of sexual abuse at the Mandailing Natal Police Department refers to existing laws and regulations. Law No. 35 of 2014, as the amendment to the previous Child Protection Law, affirms that every child has the right to special protection, particularly when they are victims of criminal acts. The police, as the frontline of law enforcement, have a strategic role in ensuring that victims’ rights are protected from the investigation stage until the judicial process takes place.” (Interview with an Investigator, Unit PPA Polres Mandailing Natal, May 2025).

Legal protection for victims, particularly in cases of sexual abuse, cannot be limited to legal proceedings alone. While law enforcement is essential to punish perpetrators and provide justice, it is insufficient to restore victims’ holistic well-being. Children who experience sexual violence face profound trauma and require more than judicial rulings—they need comprehensive support to rebuild their lives with dignity and resilience (Ratnaningsih, 2023). Another investigator further noted the significance of procedural guidelines:

“The existence of Standard Operating Procedures (SOP) in the investigation and inquiry of criminal acts is crucial to ensure that every step taken by investigators complies with the law while prioritizing the protection of victims, particularly women and children. We do not only focus on law enforcement but also on providing fast, appropriate, and humane services to society. These SOPs serve as guidelines for professionalism and respect for human rights in every action.” (Interview with an Investigator, Unit PPA Polres Mandailing Natal, May 2025).

The SOPs for the Investigation and Inquiry of Criminal Acts at the Women and Children Protection Unit (PPA), Criminal Investigation Division, Polres Mandailing Natal, were developed as part of the core duties of the Indonesian National Police, as regulated in Law No. 2 of 2002. This law stipulates that the police play a vital role in maintaining security and public order, while also serving as protectors, guides, and law enforcers. With this responsibility, the police are required to provide the best possible service to the public, including law enforcement that respects human rights.

Although coercive measures such as interrogation, arrest, or detention may appear repressive, integrating a service-oriented and humanistic approach into these processes is essential. Thus, operational and applicable guidelines are needed as legitimate work references to balance legal procedures with public expectations for transparent, accountable, and professional service.

As another investigator highlighted: *“These SOPs are not merely technical guidelines for us; they also represent our responsibility to society, ensuring that every process is professional and transparent. In handling reports or complaints, we always ensure that the investigation and inquiry stages are conducted according to legal provisions and with full respect for human rights”* (Interview with an Investigator, Unit PPA Polres Mandailing Natal, May 2025).

The PPA Unit of the Mandailing Natal Police specifically bears responsibility for providing the best services in handling cases involving women and children as victims. In fulfilling this role, the unit acts not only as a law enforcement agency but also as a protector sensitive to the vulnerabilities of these groups. The SOPs, therefore, serve as both technical guidelines and instruments for performance assessment based on legal, technical, and administrative indicators.

These SOPs are grounded in several key regulations, including Law No. 8 of 1981 on Criminal Procedure (KUHAP), Police Regulation No. 10 of 2007 concerning the PPA Unit within the Indonesian National Police, and Police Regulation No. 14 of 2012 on Criminal Investigation Management. Their purpose is not only to standardize

procedures but also to ensure that police services are delivered in a professional, proportionate, and ethical manner while upholding human rights and legal supremacy (Suyanto et al., 2019).

The scope of these SOPs includes all stages of investigation and inquiry carried out by investigators within the PPA Unit under the Criminal Investigation Division of the Mandailing Natal Police. They serve as a firm foundation for consistent and accountable practices, reinforcing institutional performance while strengthening public trust and fostering cooperation between the police and society in achieving justice, particularly for women and children vulnerable to criminal acts.

Procedurally, cases begin with reports or complaints from the public. A report is a notification submitted to authorities regarding a criminal event, whether past, ongoing, or anticipated. A complaint, by contrast, involves a request from the directly aggrieved party for legal action against a perpetrator of certain crimes (*delik aduan*), which cannot proceed without the victim's initiative. Both forms constitute the entry points for investigations (Rakotomalala et al., 2023).

Investigations are the preliminary actions taken to determine whether an incident qualifies as a crime and can advance to formal inquiry. If sufficient evidence emerges, the inquiry stage follows, wherein investigators possess the authority to collect evidence, summon witnesses, and even detain suspects. This process aims to uncover the facts of the case, identify perpetrators, and ensure accountability.

An investigator elaborated:

"The service mechanism in the PPA Unit of the Mandailing Natal Police involves structured procedures that prioritize the protection and fulfillment of women's and children's rights, whether as victims, witnesses, complainants, or even suspects. Services are provided from the stage of receiving police reports, continuing through the investigation, and concluding with the final stages of inquiry." (Interview with an Investigator, Unit PPA Polres Mandailing Natal, May 2025).

At the reporting stage, investigators conduct initial interviews and psychological assessments of victims to determine emotional stability. Victims in severe distress are immediately referred to Bhayangkara Hospital for medical and psychological care, with continued monitoring. If necessary, victims may be placed in safe houses or shelters. Stable victims proceed with interviews to draft the police report, after which evidence collection and case registration at the Integrated Police Service Center (SPKT) take place. Referrals to other institutions, such as Integrated Service Centers (PPT), may also be provided, along with medical examinations (*visum et repertum*) as required.

During inquiry, investigators prepare official requests for medical reports, compile administrative documents, and record victim testimony in the Investigation Report (BAP). Simple cases may be handled by individual investigators, while complex cases involving multiple victims or perpetrators require team-based inquiry. Child victims are examined by female police officers, with support from social shelters when necessary.

The final stage of inquiry includes coordination with experts, case reviews, and submission of case files to the Public Prosecutor. Victims required to testify in court may be temporarily housed in social ministry shelters or facilities provided by NGOs to ensure their safety. Coordination with child protection NGOs and legal aid organizations is also pursued to strengthen victim support.

A representative from the Child Protection Legal Aid Institute (LBHPA) stated:

"We always strive to provide holistic legal assistance to children who are victims of sexual abuse. Our support goes beyond legal representation—we ensure that these children are treated humanely and in a child-friendly manner throughout the legal process. We accompany them during questioning, investigation, and trial, so they feel safe and confident in giving testimony. We also collaborate with psychologists and social organizations to support their psychological recovery. Our goal is to ensure that justice is delivered while prioritizing the child's welfare." (Interview with LBHPA Mandailing Natal, June 2025).

Assistance for child victims of sexual abuse is a crucial measure that must not be overlooked in both recovery and legal processes. Children who suffer from sexual violence experience profound trauma that affects not only their physical condition but also their psychological and emotional well-being. Therefore, the handling of such cases must go beyond the legal dimension alone. Comprehensive support should be provided from the very beginning, even at the stage when the victim first reports the crime, to ensure that the child feels safe, respected, and free from additional pressure throughout the legal proceedings.

Barriers in the Enforcement of Law on Child Sexual Abuse Cases at the Mandailing Natal Police Department: Legal, Social, and Institutional Dimensions

The enforcement of law in cases of child sexual abuse at the Mandailing Natal Police Department faces a range of barriers that can be classified into three interrelated dimensions: legal, social, and institutional. These factors significantly affect the effectiveness of investigations and prosecutions conducted by law enforcement officials. An investigator from the Directorate of General Criminal Investigation (Women and Children's Protection Unit, Polres Mandailing Natal) explained:

"There are many obstacles in handling child sexual abuse cases, especially from the social and cultural side of society. In many cases, families are reluctant to report because they fear being shamed or blamed by their community. We often encounter situations where the victim's own family pressures them not to proceed with legal action, out of fear of bringing disgrace. Some even prefer to settle the matter privately, even though this is clearly a crime. From the institutional side, the lack of child psychologists and child-friendly examination facilities also makes investigations more difficult. Ideally, we would work with many stakeholders, but coordination is not always optimal, and this hinders smooth case handling." (Interview with Investigator, Unit PPA Polres Mandailing Natal, June 2025).

From a legal perspective, a major obstacle is the lack of public understanding of legal procedures. Many victims' families are unaware of how to file a report or fear facing what they perceive as a complicated and intimidating legal process. As a result, several cases never reach the stage of formal reporting. Furthermore, the limited legal framework for witness and victim protection remains a challenge. Although the Child Protection Law and the Criminal Code (KUHP) impose sanctions on perpetrators of sexual violence, the implementation of victim protection—particularly long-term psychological and legal assistance—remains suboptimal.

Another investigator emphasized the evidentiary challenges:

"Another frequent obstacle we face is in proving the case, especially when reports are filed days or even weeks after the incident. In cases of child sexual abuse, medical reports (visum) are crucial, but often victims or families delay reporting, meaning physical evidence has already disappeared or is hard to verify. This leaves us with minimal evidence, and the child's testimony is sometimes incomplete due to trauma. The law itself has not fully prioritized child victims, particularly regarding identity protection and sustained psychological support. While the Child Protection Law exists, implementation on the ground is uneven, especially in regions like ours with limited facilities. We hope for greater government support to strengthen the PPA Unit, including personnel capacity building, since this concerns the future of child victims" (Interview with Investigator, Unit PPA Polres Mandailing Natal, June 2025).

The absence of sufficient evidence thus becomes another serious legal barrier. Since child sexual abuse cases often rely heavily on the testimony of underage victims, the lack of corroborating medical or witness evidence can impede investigations and even result in cases being dismissed.

From a social perspective, one of the greatest obstacles is the stigma and "culture of shame." In many communities within Mandailing Natal, victims and their families remain silent for fear of public stigma. Families may even regard the incident as a disgrace and therefore avoid reporting. Social pressure also arises when perpetrators hold higher social or economic status, enabling them to influence victims' families to withdraw their complaints or agree to financial settlements (Annisa, 2020; Wismayanti et al., 2019). Limited public education on children's rights further

exacerbates the situation, as many parents fail to recognize that sexual violence against children is a serious crime that must be processed legally, rather than merely a moral issue.

Another investigator noted:

“In every case of child sexual abuse, we always try to apply a child-friendly approach throughout the reporting, examination, and psychological support process. Child victims need a special approach to prevent re-traumatization during legal proceedings. For example, we try to create a comfortable environment during examinations, and officers do not wear official uniforms to avoid frightening children. The investigative procedures follow the Child Protection Law and involve coordination with other institutions such as the Social Services Office, child psychologists, and the Witness and Victim Protection Agency (LPSK). However, we still face obstacles, such as the shortage of experts, lack of child-friendly facilities, and low public awareness, which often prevent legal enforcement from running optimally. We hope to see improvements in facilities, more personnel training, and widespread legal education so that child protection can truly be realized” (Interview with Investigator, Unit PPA Polres Mandailing Natal, June 2025).

From an institutional perspective, several internal constraints emerge. The limited number and capacity of personnel at the PPA Unit hinder the handling of cases, as not all officers are specifically trained to deal with child victims of sexual violence. Supporting facilities such as child-friendly examination rooms, safe houses, and psychological services are also insufficient, which risks worsening victims’ trauma. Coordination between institutions—such as hospitals, social services, NGOs, and schools—is often fragmented and unsystematic. Bureaucratic hurdles, such as delays in issuing medical reports, also slow down legal processes, despite such reports being essential evidence (Angriani et al., 2023; Hasan et al., 2023).

Budget limitations and lack of technological infrastructure, such as digital case management systems, further hinder efficiency. Manual documentation raises the risk of data loss and delayed information flow. Heavy caseloads also reduce the quality of case handling, as a single investigator may manage multiple cases simultaneously. Moreover, not all law enforcement personnel adopt a child-centered justice perspective, with some still treating child victims like adults, risking secondary trauma.

Finally, restorative justice—which should not apply to sexual violence cases involving children—is often misinterpreted as a mechanism to release perpetrators from legal accountability. Inconsistent application of child victim SOPs at the district level also results in unequal treatment across cases. Overall, the enforcement of law on child sexual abuse cases at the Mandailing Natal Police Department faces multidimensional challenges across legal, social, and institutional spheres. Systemic reforms are therefore essential to ensure that justice for child victims is fully realized in a comprehensive and equitable manner.

CONCLUSION

Legal protection for child victims of sexual abuse at the Mandailing Natal Police Department demonstrates efforts to provide integrated services oriented toward the specific needs of children. The Women and Children Protection Unit (UPPA) has implemented systematic procedures ranging from report reception, investigation, and examination to coordination with various relevant institutions, including medical, psychological, and social services. Nevertheless, several obstacles affect the effectiveness of law enforcement, encompassing legal, social, and institutional dimensions, such as limited public awareness, resource constraints, and administrative barriers. Proposed strategies for strengthening legal protection include enhancing cross-sectoral collaboration, improving officer training with a child-friendly approach, and promoting legal education to encourage greater awareness and reporting among communities. Therefore, ensuring legal protection for child victims of sexual abuse at the Mandailing Natal Police Department requires a holistic and collaborative approach that continues to evolve to guarantee the full protection of children’s rights and the fair and humane administration of justice.

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