Kastela, Siti Salma, Salma Daeng Mamase. "Protection of Child Victims of Sexual Violence as a Form of Implementation of the Principles of Contemporary Victimology" *Papua Law Review* 1 no. 1 (2026): 1-9.

PapuaLawReview

Volume 1 Issue 1, 2026
E-ISSN: 3163-978X
This work is licensed under a Creative Commons Attribution 4.0 International License

Protection of Child Victims of Sexual Violence as a Form of Implementation of the Principles of Contemporary Victimology

Siti Salma Kastela[1], Salma Daeng Mamase[2]

[1] *Law Study Program, Muhammadiyah University of Education, Sorong. E-mail: Sitisalmakastela867@gmail.com*
[2] *Law Study Program, Muhammadiyah University of Education, Sorong. E-mail: aaama2939@gmail.com*

Abstract: Sexual violence against children is a serious human rights violation that has a destructive impact on children's future. To address this, the global criminal law paradigm has shifted toward a modern, victim-oriented victimology, which places victim recovery as a top priority, equal to punishment for the perpetrator. In Indonesia, this principle is accommodated through Article 59A of Law No. 35 of 2014 concerning Child Protection and Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS), which explicitly guarantee victims' rights to treatment, protection, and recovery (restitution and rehabilitation). However, the realization of these rights in the criminal justice system still faces various legal and practical obstacles. Therefore, this normative legal research using statutory, conceptual, and case-based approaches aims to analyze the actual implementation of legal protection for child victims of sexual violence as a manifestation of the application of the principles of modern victimology.

Keywords: Child Protection, Sexual Violence, Contemporary Victimology, Restitution.

1. Introduction

Children as creatures of God Almighty have basic human rights like other human beings, no human or other party may take away these rights. In the life of the nation and state, children are the future of the nation and the next generation of the nation's ideals so that every child has the right to survive, grow, develop, participate and have the right to protection from violence and discrimination, as well as civil rights and freedoms. However, the reality shows that sexual violence against children remains one of the most serious forms of human rights violations. This crime not only causes physical suffering, but also causes psychological trauma, developmental disorders, social stigma, and long-term impacts on the lives of victims.

There are several reasons why children are often the targets of sexual violence, namely, children are always in a weaker and more helpless position, the morality of society, especially perpetrators of sexual violence, is low, and parental control and awareness in anticipating crimes against children is low.

(N(Urul Fibrianti, 2021)

From an Indonesian legal perspective, the definition of sexual violence has been further clarified through Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS), which

recognizes various forms of sexual violence while guaranteeing the protection, treatment, recovery, and fulfillment of victims' rights. This regulation represents a paradigm shift from an approach solely focused on punishing perpetrators to one that prioritizes victims and requires comprehensive protection and recovery.

Sexual violence against children is any form of sexual activity committed against a person under 18 years of age, whether through physical contact or without physical contact, with the aim of obtaining sexual gratification or exploiting the child. It takes various forms, including molestation, rape, sexual exploitation, child prostitution, child pornography, grooming, and the use of digital media to commit sexual violence against children.[12]Children. Unlike adult victims, children lack the physical, psychological, or legal maturity to give valid consent to sexual activity. Therefore, any sexual act involving a child is essentially a violation of the child's rights and falls under the category of a criminal offense. The purpose of child protection is to guarantee fulfillment of children's rights to live, grow, develop and participate optimally in accordance with human dignity and honor andreceive protection from violence and discrimination in order to realize Indonesian children who are qualified, have noble morals, and are prosperous (Disemadi & Wardhana, 2020).

Legal protection encompasses all efforts to fulfill the rights and provide assistance to provide a sense of security for witnesses and/or victims. Legal protection for crime victims, as part of community protection, can be realized in various forms, such as restitution, compensation, medical services, and legal aid. Protection for victims of sexual violence ideally receives state attention, especially since many victims of sexual violence are children. Therefore, the application of laws related to sexual violence must be appropriate and consistent with the law's objectives.

From a victimology perspective, child victims of violence not only experience physical harm but also suffer long-term psychological impacts that can impact their emotional and social development. The trauma experienced by children is often difficult to express directly due to limited age, communication skills, and dependence on the adults around them. This situation places child victims in a highly vulnerable position and requires special protection from the state and their social environment. The legal protection system must be able to provide child-friendly mechanisms so that victims can feel safe sharing their experiences. Contemporary victimology emphasizes that victims are no longer viewed as passive objects in criminal acts, but rather as subjects with the right to protection, justice, and comprehensive recovery. The approach to child victims must be oriented towards holistic recovery, encompassing not only legal aspects but also psychological and social aspects (Schafer, 2021).[3]

[1]Lina Panggabean, Triono Eddy, Alpi Sahari, Legal Protection for Children as Victims of Sexual Violence, Journal of Legal Studies, Vol. 3, No. 1, January 2024.

[2]Teguh Priyambudi, Andy Usmina Wijaya, Ani Purwati, Legal Protection for Child Victims of Sexual Violence in Indonesia, Wijaya Putra Journal of Legal Studies, Vol. 1, No. 2, September 2023.

[3]Agustin Hanapi, Heri Fuadhi, Protection of Children in the Analysis of Child Protection Laws and Qanun Jinayat, Journal of Sharia and Law, Vol. 3, no. 2, December 2023.

2. Research methods

This research employs normative legal research, or doctrinal legal research. Normative legal research examines legal norms contained in legislation, court decisions, legal principles, doctrines, and expert opinions related to the research object. The focus of this research is to analyze the forms of legal protection for child victims of sexual violence as an implementation of contemporary victimology principles in the Indonesian legal system.

This study aims to gain a comprehensive understanding of the alignment between positive legal provisions and the concept of victim protection based on contemporary victimology theory. Thus, the study not only describes applicable legal provisions but also analyzes the effectiveness of implementing protection principles for child victims of sexual violence.[4]

3. Discussion

3.1. The Justice System and Protection of Child Victims of Sexual Violence

The current Indonesian criminal justice system tends to focus on punishing perpetrators of sexual crimes against children, while often neglecting the rights and well-being of children as victims. Yet, crimes cannot occur without interaction between perpetrators and victims. The role of the victim has been replaced by the state, which focuses solely on imposing criminal sanctions (revenge) on perpetrators under the law. However, simply punishing perpetrators does not guarantee a sense of security for victims, who often experience deep trauma and struggle to reintegrate into society without real justice. Therefore, legal reform is needed that not only punishes perpetrators but also actively provides victim-oriented protection, recovery, and justice.

Based on Law No. 35 of 2014 Article 1 paragraph (2), child protection is all activities to guarantee and protect children and their rights. The goal is for them to be able to live, grow, develop, and participate optimally in accordance with human dignity, and be free from violence and discrimination. Practically, this protection includes prevention, rehabilitation, and empowerment efforts for children who experience mistreatment, exploitation, or neglect in order to ensure their continued health physically, spiritually, and socially (Aprilianda, 2017).[5][6]

Sexual violence against children can be punished according to applicable provisions. Protection of children in Indonesia from the threat of sexual violence can be seen from the enactment of the Child Protection Law. Specifically, Article 81 paragraph (2) of Law Number 35 of 2014 contains provisions for a minimum of five years and a maximum of fifteen years in prison and a maximum fine of IDR 5,000,000,000 (five billion rupiah) for someone who commits violence or threatens violence to force a child to have sexual intercourse with him or with another person. In addition, someone who knows and allows indecent acts can also be punished, not only those who commit

[4]Martahan Napitupulu, Indra Yudha Koswara, Protection of Children from Re-victimization of Sexual Violence in the Perspective of Victimology and the Juvenile Justice System Law, Vol. 11, No. 1, June 2025.

[5]Rajali Capah, Rahur Ardian Fikri, Legal Protection for Children as Victims of Sexual Violence, Journal of Social Science Research, Vol. 3, No. 4, 2024.

[6]Arif Gosita, Problems of Crime Victims: A Collection of Essays, (Jakarta: Akademika Pressindo, 2002)

indecent acts based on[7]provisions of Article 82 of Government Regulation in Lieu of Law Number 17 of 2016 in conjunction with Article 76E of Law Number 35 of 2014. In the Protection Law

Children, the articles charged are usually Article 76 D in conjunction with Article 81 paragraph (1), Article 76 D in conjunction with Article 81 (2), and Article 76 E in conjunction with Article 82 (1). The existence of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection is a legal tool that can protect children in various criminal acts, especially sexual harassment (Ananda, 2018). This law states that sexual violence against children is a criminal act so that the perpetrator can be brought to the police with the assistance of the relevant parties (Jamaludin, 2021).7[8]

3.2. Victimology as a Form of Implementation of Protection for Child Victims of Sexual Violence

Despite belonging to the same scientific field, criminology and victimology have different focus areas. Classical criminology places the offender as the primary focus, analyzing the etiology or origins of the crime. From this perspective, criminology examines the perpetrator's identity, the reasons behind the unlawful act, and the psychological, social, and structural factors that drive it. In addition to analyzing the background of the perpetrator's behavior, the focus of this study is also directed at designing an effective criminal justice system and rehabilitation mechanisms for them. Operationally, the objectives of victimology can be broken down into several areas. First, this science functions to identify and analyze various risk factors for victimization stemming from personal characteristics, social environment, and spatial and temporal situations. Second, victimology aims to assess the effectiveness of existing assistance, compensation, and protection programs in addressing the real needs of victims. Third, this area focuses on providing a strong empirical argumentation basis to encourage changes in regulations and social policies that favor victims within the criminal justice system.

Contemporary victimology brings a fundamental paradigm shift by placing the victim at the center of the entire legal process (victim-centered approach). This modern approach emphasizes that victims are no longer merely passive subjects or evidence used to enforce the law in the interests of the state, but rather the most disadvantaged parties, and therefore, their comprehensive recovery must be a top priority.

This shift in perspective also marks a major shift from retributive justice, which focuses on retribution, to restorative and transformative justice. In conventional law, justice is often considered complete and fulfilled when the perpetrator is imprisoned. However, contemporary victimology recognizes that imprisonment for perpetrators does not automatically heal the deep trauma experienced by victims, especially children, or restore their rights.[9]that has been lost.

[7]Ananda, Effectiveness of the Child Protection Law (Law No. 35 of 2014) as an instrument for enforcing criminal law in cases of child sexual abuse, Jurnal Hukum, 2018.

[8]Ahmad Jamaludin, "Legal Protection for Child Victims of Sexual Violence," Journal of the CIC Institute for Social Research and Consultancy, Vol. 3, No. 2, Pages 1-10 (2021)

[9]

Therefore, justice should no longer be measured by the length of the sentence handed down to the perpetrator, but rather by the extent to which the child's rights to a bright future, restored mental health, and full re-acceptance into their social environment are properly fulfilled.

Another crucial focus of modern victimology is preventing revictimization, which includes the phenomena of victim blaming and secondary victimization.

This traumatic situation often occurs when victims are forced to endure a second psychological burden due to a rigid and unfriendly law enforcement process. In cases involving children, they are often forced to recount their traumatic experiences before various authorities, such as police, prosecutors, and judges, through intimidating interrogation methods. To address this issue, contemporary principles mandate the implementation of child-friendly examinations. This process is realized through the use of special, informally designed service rooms, investigators wearing casual attire rather than uniforms, and close support from a psychologist or social worker from the beginning of the examination. Furthermore, the use of modern technology is vital, for example, through visual or audio recording of examinations and remote testimony via teleconference. This technology ensures that children do not have to face the perpetrator directly in the courtroom, which could potentially trigger deeper psychological trauma.[10]

In addition to psychological protection, contemporary victimology also emphasizes the importance of fulfilling the right to restitution in a concrete manner. Given the concrete nature of the suffering experienced by victims, whether medical, psychological, or material, victims are entitled to compensation paid by the perpetrators. In the implementation of modern law, as now reinforced in the Indonesian Law on Sexual Violence (UU TPKS), the restitution mechanism can no longer be a mere formality. If the perpetrator is proven unable to pay compensation, the state cannot absolve itself. Victimology[11]Contemporary encourages the establishment and activation of a Victim Trust Fund or Victim Assistance Fund managed directly by the state to ensure that children continue to receive definite financial compensation to finance medical treatment or the continuation of their future education.

To ensure all these rights are fulfilled, child victims of violence require rapid, multidimensional, integrated treatment through integrated services and comprehensive recovery. This approach mandates a one-stop service system. This means that once a case is reported, three main aspects—legal protection, medical treatment such as medical examinations and medication, and psychological rehabilitation in the form of trauma counseling—must be implemented simultaneously and continuously within an integrated network, for example through the Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA). This recovery process cannot stop immediately when the judge strikes the gavel, but must continue

[10]Zico Junius Fernando, Victimology: A Comprehensive Approach to the Study of Crime Victims, Jakarta, Prenamedia 2024.
[11]

through long-term support until the child is truly ready to return to normal and healthy community activities.[12]

Through this whole series of new approaches, a profound reconceptualization of the relationship between victims and the state has occurred. If in the old legal principles the state was considered as[13]As the sole representative of the victim's suffering to prosecute the perpetrator, the victim's own voice is often sidelined. Contemporary victimology completely changes this structure. Now, children accompanied by their parents, guardians, or legal counsel are positioned as active legal subjects, not merely formal objects or inanimate evidence in court. Children have the absolute right to have their opinions heard, the right to receive transparent information regarding the progress of their case, and the right to refuse certain law enforcement actions that are deemed to worsen their psychological condition. Ultimately, the implementation of this contemporary victimology principle ensures that the law no longer operates in a cold, rigid, and mechanical manner, but is forced to have deep empathy by placing trauma recovery, identity protection, prevention of social stigma, and fulfillment of children's future rights as the highest priority, equal to, or even far more important, than simply sentencing the perpetrator.

3.3. The Urgency of Restitution and Recovery for Victims of Sexual Violencel

The principle of restitution (restutio in integrum) focuses on the complete restoration of the victim's condition to its original state. For victims of sexual violence, who often experience physical and psychological suffering, and even prolonged trauma, access to a psychologist or psychiatrist is an absolute necessity. Fulfilling this right to restitution is an obligation for which the perpetrator must fulfill his or her full responsibility.

However, cases of sexual violence against children and adults continue to rise. Data from the Ministry of Women's Empowerment and Child Protection (Simfoni PPA) at the end of 2022 recorded that sexual violence ranked highest with 11,016 cases. Although the TPKS Law was passed to protect victims, its implementation is considered suboptimal. Data from the National Commission on Human Rights (Komnas HAM) in 2024 showed that nearly 300,000 people—predominantly women, children, and vulnerable groups—fall victim each year. This indicates that after two years, the TPKS Law has not been effective in reducing this crime.[14][15]

The main obstacle in society is the persistence of patriarchal cultures, such as rape culture and judicial rape, which normalize gender discrimination. Although the TPKS Law, which regulates nine types of sexual violence (including physical/non-physical harassment, forced contraception/sterilization, forced marriage, exploitation, slavery, and electronic-based

[12]Rachelyae P. Audrian, Lidya Najwa VH, Ria Aggraeni Utami, Protection and Restoration of the Rights of Victims of Crime: A Study of Victimology in the Criminal Justice System in Indonesia, Journal of Legal Studies and Citizenship, Vol. 2, No. 3, 2026.

[13]Prakoso, A., & Nurahmi, I. (2023). Witness and Victim Protection Law in Indonesia: Theory, Regulation, and Implementation of Restitution. Jakarta: Sinar Grafika.

[14]Erni Mustika Sari, "Problems of Evidence in Sexual Violence Crimes," in Proceedings of the UII Faculty of Law Actual Law Seminar, Vol. 1, No. 1 (Yogyakarta: FH UII Press, 2023), p. 92.

[15]Soerjono Soekanto, Factors Influencing Law Enforcement, (Jakarta: Grafindo Persada, 1983), p. 8.

violence), has encouraged victims to speak out, they still often face the threat of criminalization and intimidation.[16]

The impact of sexual violence on children is far-reaching and impacts their future. To paraphrase Nelson Mandela, a nation's character is reflected in how it treats its young. Therefore, strong legal protection is crucial to prevent victims' long-term suffering from damaging the quality of Indonesian civilization.

Regulatory Basis for Restitution; Several regulations that accommodate the right to restitution for victims of sexual violence include:

1) Law No. 35 of 2014 (Child Protection): Article 71D paragraph (1) guarantees the right of child victims of violence to submit to the court for restitution which is the responsibility of the perpetrator.
2) Criminal Procedure Code (Articles 98–101): Regulates the mechanism for combining victims' compensation claims into criminal cases so that they can be examined and decided simultaneously by a judge.
3) Law No. 31 of 2014 (Protection of Witnesses and Victims): Article 7A paragraph (1) details restitution in the form of compensation for losses.
4) Wealth/income, direct suffering resulting from the crime, and medical and psychological care costs.
5) Law No. 12 of 2022 (TPKS): Article 30 guarantees victims' rights to restitution and recovery, which includes material and immaterial compensation.

Table 1 Comparison of Protection for Victims Before and After the Contemporary Victimology Era

Comparative Aspects	Before the Era of Contemporary Victimology (Classical/Retributive Paradigm)	After the Era of Contemporary Victimology (Comprehensive/Restorative Paradigm)
Main Focus of the System	**Offender (Offender Oriented):**The justice system focuses on proving the guilt of the perpetrator in order to impose a retributive prison sentence.	**Victim (Victim Oriented):**The system not only punishes the perpetrator, but places the victim's recovery as a top priority.
Nature of Restitution	**Voluntary and Difficult to Access:** Compensation is considered a civil/compassionate matter that requires complicated procedures (incorporated through Article 98 of the Criminal Procedure Code).	**Rights and Automatic Obligations:**Equipped with state guarantees through the Victim Trust Fund mechanism (Victim Assistance Fund) as mandated by the TPKS Law.

[16]Sajad Kautsar and Wiwik Afifah, Procedures for Executing Restitution for Child Victims of Sexual Violence, National Seminar on Law and Pancasila Vol. 2, June 9, 2023.

Comparative Aspects	Before the Era of Contemporary Victimology (Classical/Retributive Paradigm)	After the Era of Contemporary Victimology (Comprehensive/Restorative Paradigm)
The Position of Children in Law	**Only as Evidence:**Children are positioned as crown witnesses who are vulnerable to experiencing secondary victimization (repeated trauma during examination).	**Protected Legal Subjects:**Have the right to legal, psychological, medical and social assistance at every level of examination
Recovery dimensions	Limited to physical recovery from direct injuries resulting from the crime.	Multidimensional (includes medical rehabilitation, psychological/psychiatric services, ongoing social rehabilitation).

4. Conclusion

Based on the paradigm of modern victimology, fulfilling the rights of child victims of sexual violence requires a conceptual update regarding the state's protective function for its citizens. Law enforcement officials must abandon conventional judicial approaches that operate mechanically and are limited to being a tool of state "revenge" against perpetrators. Justice should no longer be reduced to merely issuing a criminal sentence, but rather must be interpreted as a process of restoring the victim's condition to its original state (restitutio in integrum). Therefore, the state is obliged to integrate protection of children's identities, prevention of re-victimization in the social environment, guarantees of material and immaterial compensation, and long-term psychological trauma counseling into mainstream legal policies to protect the right to life and the continuity of future generations.[17][18][19]

Thank-you note

The author expresses his gratitude to God Almighty, thanks to His grace and guidance so that the author can complete this article on time.

The author would like to thank all those who contributed ideas, criticisms, and suggestions to the successful completion of this article. He hopes the ideas in this article will benefit the development of science and all readers.

Bibliography

Nurlini AprilandaPROTECTION OF CHILD VICTIMS OF SEXUAL VIOLENCE THROUGH A RESTORATIVE JUSTICE APPROACH. (2017).Legal Arena, 10(2), 309-332.https://doi.org/10.21776/ub.arenahukum.2017.01002.8

[17]Kadish, Sanford H. (1983). Encyclopedia of Crime and Justice, Volume I. New York: The Free Press Macmillan Publishers.

[18]Disemadi & Wardhana. (2020). "Integration of Fulfillment of Children's Rights and Protection from Discrimination". Journal of Child Protection/Law.

[19]Schafer. (2021). "A Holistic Approach to Contemporary Victimology Theory on Child Victims". Journal of Victimology/Law

Probilla, SM, Najemi, A., & Prayudi, AA (2021). Legal Protection for Child Victims of Sexual Violence. PAMPAS: Journal of Criminal Law, 2(1), 30–44.https://doi.org/10.22437/pampas.v2i1.12684

Dr. H. Siswanto Sunarso, SH, MH,.M.Kn., Victimology in the Criminal Justice System. Sinar Grafikahttps://books.google.co.id/books?id=gOWCEAAAQBAJ&lpg=PP1

Hafrida, H., & Helmi, H. "Victim Protection Through Compensation in Juvenile Criminal Justice". Jurnal Bina Mulia Hukum, (2020).https://doi.org/10.23920/jbmh.v5i1.16

Yunus, A. (2024). THE ROLE OF CHILD VICTIMS IN CRIMINAL ACTS OF SEXUAL VIOLENCE (LEGAL, CRIMINOLOGICAL, VICTIMOLOGICAL PERSPECTIVES). HUKMY: Journal of Law, 4 (2), 750–760.https://doi.org/10.35316/hukmy.2024.v4i2.750-760

Yuliawan, B., Hartanto, H., & Bhakti, TS (2025). The Effectiveness of Restitution Policy in Protecting the Rights of Child Victims of Sexual Crimes: A Case Study of Decision Number 112/Pid.Sus/2022/PN.Bnr. Binamulia Hukum, 14(1), 33–42.https://doi.org/10.37893/jbh.v14i1.1006

Rahmi, A. (2019). Fulfillment of Restitution and Compensation as a Form of Protection for Victims of Sexual Crimes in the Indonesian Legal System. De Lega Lata: Journal of Legal Studies, 4(1), 140–159.https://doi.org/10.30596/dll.v4i2.3173

Shaqila, F., Marlina, & Lubis, R. (2023). The Right to Restitution for Child Victims of Crime and Its Implementation in Judges' Decisions. Neoclassical Law Review: Journal of Law and Contemporary Issues, 2(2), 11–18.https://doi.org/10.32734/nlr.v2i2.11520

Capah, R., & Fikri, RA (2023). Legal Protection for Children as Victims of Sexual Violence. Inovatif: Journal of Social Science Research, 3 (4), 9432–9444. Retrieved fromhttp://j-innovative.org/index.php/Innovative/article/view/4715

Teguh Priyambudi, Andy Usmina Wijaya, Ani Purwati (2023). Legal Protection for Child Victims of Sexual Violence in Indonesia: Wijaya Putra Journal of Legal Studies, https://doi.org/10.38156/jihwp.v1i2.116

Conflict of Interest Statement: The author(s) declares that the research was conducted in the absence of any commercial or financial relationship that could be construed as a potential conflict of interest.

Copyright: © PLR. This is an open access article distributed under the terms of the Creative Commons Attribution 4.0 International License (CC-BY 4.0), which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

Papua Law Review (Papua Law Rev. – PLR) is an open access and peer-reviewed journal published by [Nama Penerbit/Institusi], Indonesia.

Open Access