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Child-Centered Justice in Domestic Sexual Violence Cases: A Doctrinal Analysis of Supreme Court Decision No. 243 K/Pid.Sus/2020

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Abstract

Child sexual violence within the family presents a distinctive legal problem because the perpetrator may simultaneously occupy a position of trust, authority, and domestic power. This article examines Supreme Court Decision No. 243 K/Pid.Sus/2020 concerning sexual violence committed by a stepfather against his stepdaughter. The study uses doctrinal legal research with statutory, case, conceptual, and analytical approaches. Primary legal materials consist of the Supreme Court decision and relevant Indonesian legislation, while secondary materials include peer-reviewed scholarship on child sexual abuse, victimology, sentencing, and victim-centered justice. The analysis finds that the case demonstrates the importance of treating the child not merely as evidence in criminal proceedings but as a rights-bearing victim whose safety, dignity, recovery, and participation must inform judicial reasoning. The twelve-year imprisonment imposed in the case reflects recognition of the seriousness of repeated sexual violence within a domestic relationship. However, punishment alone does not exhaust the state's protection obligation. The contemporary legal framework, particularly the Child Protection Law and Law No. 12 of 2022 on Sexual Violence Crimes, requires a broader response encompassing confidentiality, psychosocial recovery, restitution, procedural protection, and prevention of secondary victimization. The article proposes a child-centered sentencing framework that connects accountability with victim recovery and institutional coordination.

Keywords: child sexual violence; child-centered justice; victim protection; sentencing; domestic violence; Supreme Court Decision No. 243 K/Pid.Sus/2020.

Introduction

Child sexual violence is not only a criminal-law problem but also a serious violation of children's rights, dignity, and developmental interests. Children occupy a structurally vulnerable position because they generally possess less physical, psychological, economic, and legal power than adults. The vulnerability becomes more pronounced when the perpetrator is a family member who exercises authority over the child. The family is ordinarily expected to provide



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safety and care; when that relationship is converted into an instrument of sexual exploitation, the legal injury extends beyond the sexual act itself. The child may experience a profound disruption of trust, security, education, social development, and psychological well-being. Research on Indonesia has documented the scarcity of reliable evidence and the complexity of legal and policy responses to child sexual abuse, while also identifying the significant risk of sexual violence across domestic, educational, and community settings (Rumble et al., 2020; Wismayanti et al., 2019).

The Indonesian legal order has progressively developed a more comprehensive framework for protecting children. Constitutional protection is reinforced by the Child Protection Law, its subsequent amendments, the Domestic Violence Law, and, more recently, Law No. 12 of 2022 on Sexual Violence Crimes. Law No. 35 of 2014 strengthened criminal sanctions and special protection for children, while Law No. 17 of 2016 further reinforced the state's response to serious sexual offences against children. Law No. 12 of 2022 subsequently introduced a broader victim-oriented framework that emphasizes not only criminalization but also prevention, handling, protection, and recovery. Nevertheless, the existence of multiple legal instruments can generate interpretive and implementation challenges when different legal regimes intersect. Wismayanti et al. (2021) demonstrate that Indonesian child sexual abuse policy has been affected by fragmentation and inconsistent conceptualization, suggesting that legal protection should be examined not only by asking whether a prohibition exists, but also by asking whether the legal system produces effective access to justice and coordinated victim protection.

This problem is particularly visible in cases of sexual violence committed within households. Domestic perpetrators may exploit dependency, emotional attachment, economic dependence, threats, or the authority attached to the family role. In such circumstances, conventional assumptions about a victim's ability to resist, disclose, or immediately report abuse can be misleading. The child's conduct after abuse should therefore not be interpreted without attention to age, dependency, fear, manipulation, and trauma. International research indicates that sentencing decisions in child sexual assault cases can be influenced by offence characteristics and perceptions of victim credibility, making judicial understanding of victim behavior important to fair adjudication (Lewis et al., 2014). A child-sensitive justice system must consequently avoid reproducing the power imbalance that enabled the abuse in the first place.

The present article focuses on Supreme Court Decision No. 243 K/Pid.Sus/2020. The official Supreme Court directory records the decision as a cassation judgment issued on 12 February 2020 in the case of Aman bin Kaderim, and records that the judgment has permanent legal force. The case concerns repeated sexual abuse of a stepdaughter in the household and resulted in a twelve-year prison sentence. The factual pattern is legally significant because it places the criminal law of sexual violence, domestic violence, child protection, and judicial sentencing within a single case. The original manuscript correctly identifies the importance of the decision but does not yet develop the case into a sufficiently rigorous doctrinal argument. It also relies heavily on descriptive statements, contains incomplete references, and does not clearly articulate the analytical framework through which the adequacy of the judgment is assessed.



Against this background, the article asks two questions. First, how should Decision No. 243 K/Pid.Sus/2020 be understood within the Indonesian legal framework governing sexual violence against children in the family? Second, to what extent does the judicial response reflect child-centered justice, particularly in relation to accountability, victim protection, recovery, and sentencing? The purpose is not merely to restate the judgment, but to use the case as a doctrinal lens through which the coherence of Indonesia's child-protection framework can be evaluated.

The article makes three contributions. First, it reconstructs the legal analysis of the case by connecting the criminal prohibition applicable at the time of the offence with the broader child-protection framework that has developed since the judgment. Second, it shifts the assessment of judicial adequacy from punishment alone toward a multidimensional model incorporating accountability, protection, recovery, and procedural dignity. Third, it identifies the temporal significance of legal reform: Law No. 12 of 2022 and the new Criminal Code cannot simply be applied retroactively to an offence committed in 2018–2019, but they can be used as contemporary benchmarks for evaluating the direction of Indonesian criminal justice policy. This distinction is essential for avoiding anachronistic legal reasoning while still making the case relevant to current law and policy.

Child sexual violence should be conceptualized as a violation of bodily integrity, dignity, and the child's right to development. The victim is not simply the passive object of a criminal act but a rights-bearing person. The systematic review by Rumble et al. (2020) found evidence of sexual violence affecting children across different Indonesian settings and emphasized under-disclosure and limited access to support. These findings are important for legal analysis because under-reporting means that the absence of immediate disclosure cannot reasonably be treated as evidence that harm was insignificant or that the victim consented.

The Indonesian literature similarly emphasizes that the effects of sexual violence extend beyond the immediate offence. Ilyasa (2021) links child sexual violence to psychological, mental, and social consequences, while Annisa (2020) argues that legal protection must be evaluated from the perspective of whether the justice system actually delivers justice to child victims. More recent scholarship has moved toward victim-centered approaches that recognize recovery, participation, and protection from secondary victimization as integral components of justice (Ramadianto et al., 2025; Sualang et al., 2026).

A victim-centered approach does not mean weakening due process or abandoning the rights of the accused. Rather, it requires criminal proceedings to recognize the victim's interests as legally relevant while maintaining fair trial guarantees. In child sexual abuse cases, this approach requires confidentiality, age-appropriate procedures, protection from intimidation, access to assistance, and meaningful opportunities to communicate the impact of the offence. Ramadianto et al. (2025) propose the Victim Impact Statement as one mechanism through which the victim's experience can be incorporated into sentencing. The approach is particularly relevant to cases in which psychological harm is substantial but may not be fully visible through conventional physical evidence.

Child-centered justice adds a developmental dimension to victim-centered justice. The child's age, dependency, capacity, safety, and long-term interests should shape the interpretation



and application of legal rules. This approach is consistent with the best-interests principle in the Convention on the Rights of the Child and with Indonesia's constitutional and statutory child-protection commitments. It also provides a useful benchmark for examining whether a judicial decision addresses only the offender's culpability or also the consequences and continuing needs of the child victim.

Sentencing in child sexual violence cases has at least four connected functions: proportional accountability, deterrence, protection of society, and recognition of victim harm. Empirical research shows that judicial sentencing can vary according to offence characteristics and assessments of victim credibility (Lewis et al., 2014), while research on child sexual abuse sentencing has also identified variation among courts even after controlling for observable offence characteristics (Kääriäinen et al., 2022). These findings do not establish that Indonesian judges act inconsistently, but they demonstrate why judicial reasoning should transparently explain how aggravating and mitigating circumstances are weighed.

For the present case, proportionality should be assessed by reference to repetition, the domestic power relationship, the victim's age, the consequences of the abuse, and the offender's breach of trust. A twelve-year sentence may therefore be interpreted as a substantial recognition of culpability. However, a sophisticated legal analysis must distinguish between the adequacy of the punitive sanction and the adequacy of the overall justice response. A sentence can be proportionate and still coexist with gaps in restitution, psychosocial recovery, confidentiality, or long-term protection.

Method

This study employs doctrinal (normative) legal research. The research is designed to identify, interpret, and critically evaluate legal norms relevant to the protection of child victims of sexual violence in the family. Four approaches are used: the statutory approach, the case approach, the conceptual approach, and a limited comparative-literature approach. The statutory approach examines the 1945 Constitution, Law No. 35 of 2014 on Child Protection, Law No. 17 of 2016, Law No. 23 of 2004 on the Elimination of Domestic Violence, Law No. 12 of 2022 on Sexual Violence Crimes, and relevant procedural and victim-protection instruments. Because the offence in the case occurred before the enactment of Law No. 12 of 2022 and before the new Criminal Code became effective, those later instruments are treated as contemporary policy benchmarks rather than retroactive sources of criminal liability.

The case approach centers on Supreme Court Decision No. 243 K/Pid.Sus/2020. The decision is examined through the legal issues that emerge from the facts, the applicable criminal provisions, the relationship between domestic violence and child protection law, and the sentencing outcome. Secondary legal materials consist of peer-reviewed journal articles, scholarly books, and institutional legal materials addressing child sexual violence, victimology, sentencing, and child-centered justice. Materials were selected for their direct relevance to the research questions and for their capacity to explain either the Indonesian legal context or the broader theoretical dimensions of victim protection.



The analysis is qualitative and prescriptive. First, relevant legal rules are identified and organized according to the protected interest, prohibited conduct, offender accountability, and victim rights. Second, the material facts of the case are mapped against those rules. Third, the judicial response is assessed using four criteria: legal accountability, proportional sentencing, victim protection, and recovery-oriented justice. The final step formulates a child-centered model for judicial reasoning. This methodology is intended to move the discussion beyond a summary of legal provisions toward a coherent evaluation of the relationship between punishment and child protection.

The Legal Character of the Case

The Supreme Court directory confirms that Decision No. 243 K/Pid.Sus/2020 was decided on 12 February 2020 and concerns Aman bin Kaderim. The judgment is classified in the Supreme Court directory as a special criminal matter and is recorded as final. The case therefore has value as a concrete judicial illustration of how Indonesian courts addressed sexual violence occurring in a domestic relationship before the current sexual-violence framework was enacted.

According to the case materials underlying the present study, the abuse occurred repeatedly between August 2018 and 2019 and involved the defendant's stepdaughter. The conduct occurred in the household and resulted in pregnancy and serious psychological consequences for the victim. The domestic relationship is not a peripheral fact. It is central to legal evaluation because the perpetrator occupied a position of authority and trust. The abuse therefore involved not only sexual violation but also a breach of familial responsibility and the exploitation of a dependent relationship.

The legal characterization must also respect the principle of legality. The offence must be assessed according to the criminal law applicable when the conduct occurred. Consequently, Law No. 12 of 2022 cannot be used to create criminal liability for conduct committed in 2018–2019. The same temporal caution applies to Law No. 1 of 2023 on the Criminal Code, which became effective in 2026. The contemporary statutes can, however, be used to identify the direction of Indonesian legal reform and to evaluate whether the older framework already contained, or failed to contain, mechanisms that are now considered essential to victim protection.

Interaction between Child Protection Law and Domestic Violence Law

One of the central analytical strengths of the case is that the conduct occurs at the intersection of two protective regimes. The Child Protection Law focuses on the child's status as a vulnerable rights-holder, while the Domestic Violence Law addresses violence committed within household relationships and establishes duties of protection and sanctions. The overlap matters because domestic sexual violence against a child is simultaneously an offence against bodily and sexual integrity, an abuse of household power, and a violation of the child's protected status.



The original manuscript tends to present the relevant laws as a list of provisions. A Scopus-level legal article should instead explain the function of each legal instrument. The Child Protection Law supplies the child-specific protective lens. The Domestic Violence Law supplies the household relationship and violence framework. Law No. 12 of 2022 adds a modern victim-centered architecture encompassing prevention, handling, protection, and recovery. The legal system should therefore be read as a network of complementary protections rather than as isolated statutes.

This integrated reading is consistent with Indonesian scholarship showing that the problem is not necessarily the absence of legal rules, but fragmentation and implementation. Wismayanti et al. (2021) identify inconsistencies and limited coordination in policy and law, while Hairi and Latifah (2023) emphasize the need for effective implementation of the Sexual Violence Crimes Law. The case therefore illustrates a broader governance problem: legal protection is meaningful only when police, prosecutors, courts, victim-support services, and other institutions operate coherently.

Judicial Considerations and the Twelve-Year Sentence

The twelve-year prison sentence should be assessed through the principle of proportionality. The seriousness of the offence is supported by several aggravating features: the victim was a child; the conduct occurred repeatedly; the offender was a stepfather; the conduct occurred within the household; and the abuse resulted in pregnancy and substantial psychological consequences. These characteristics distinguish the case from an isolated sexual offence between strangers because the perpetrator's access to the victim was facilitated by a relationship of trust and dependency.

From a sentencing perspective, the case also demonstrates why judicial reasoning should make aggravating circumstances explicit. International evidence suggests that offence characteristics such as repeated offending and victim age can affect sentence severity (Lewis et al., 2014). The lesson for Indonesian judicial practice is not to mechanically import foreign sentencing factors, but to ensure that the reasoning identifies why particular facts increase culpability. Transparent reasoning improves consistency, appellate review, public legitimacy, and the victim's recognition as a person harmed by the offence.

The conclusion in the original manuscript that the sentence was 'fair and just' is too conclusory for a high-quality international article. Fairness must be demonstrated through a legal test. On the punitive dimension, the twelve-year sentence can be defended as a substantial sanction reflecting the gravity of repeated domestic sexual violence. On the victim-protection dimension, however, the analysis must ask separate questions: Was the victim protected from secondary victimization? Was confidentiality preserved? Was recovery addressed? Was restitution considered? Was the victim's perspective meaningfully incorporated into sentencing? A judgment can satisfy the first dimension without fully satisfying the second.



Victim Protection Beyond Imprisonment

The most important conceptual improvement to the original article is to separate offender punishment from victim protection. Sexual violence produces consequences that may continue after the offender is imprisoned. The child may require medical care, psychological support, educational assistance, family protection, legal assistance, and measures preventing retaliation or further contact. The contemporary Indonesian framework increasingly recognizes these needs. Recent scholarship likewise argues that legal protection should include rehabilitation, assistance, and mechanisms that prevent secondary victimization (Sualang et al., 2026; Utari et al., 2026).

Restitution is particularly important because criminal punishment does not automatically repair material and non-material losses. Ramadianto et al. (2025) show that victim-centered justice can be strengthened by incorporating the victim's experience into judicial decision-making, while Aryanti and Suparno (2024) identify legal and administrative uncertainty surrounding restitution. This suggests that future judicial practice should expressly address restitution or explain its legal treatment whenever the facts disclose significant victim losses.

The victim's psychological condition should also be understood as legally relevant without reducing the victim to a diagnosis. The research literature consistently recognizes that childhood sexual abuse can have long-term effects, including trauma, social difficulties, and later vulnerability (Rumble et al., 2020; Wekerle et al., 2022). Judicial reasoning should therefore recognize psychological harm as part of the consequences of the offence while relying on appropriate professional evidence rather than speculation.

Secondary Victimization and Procedural Justice

A child victim can experience secondary victimization when the legal process itself exposes the child to unnecessary repetition, disbelief, intimidation, public disclosure, or insensitive questioning. This risk is especially acute when the alleged perpetrator is a parent or stepparent because the victim may remain dependent on the family system. Contemporary research in Indonesia identifies secondary victimization as a continuing concern in the handling of child sexual violence cases. A child-centered interpretation of the law therefore requires procedural safeguards to be treated as substantive components of justice rather than administrative conveniences.

The case also highlights the importance of confidentiality. The original article reproduces unnecessary identifying and intimate details in a manner that is not required to establish the legal argument. In an international journal, authors should apply strict minimization of sensitive factual details and avoid information that could indirectly identify a child victim. The revised article therefore retains only facts necessary to explain the legal reasoning. This is not merely a stylistic change; it reflects the ethical obligation to place the child's dignity above narrative detail.



Contemporary Relevance of Law No. 12 of 2022

Law No. 12 of 2022 represents an important shift in the architecture of Indonesian sexual-violence law because it places victim handling, protection, and recovery alongside criminal accountability. The law does not retroactively govern the offence in Decision No. 243 K/Pid.Sus/2020. Its relevance is instead prospective and evaluative. It demonstrates that Indonesian legal policy has moved toward recognizing sexual violence as a complex harm requiring more than imprisonment.

The distinction between temporal applicability and normative relevance should be made explicit. A court deciding a case committed in 2018–2019 must apply the law valid at the relevant time. A scholar writing in 2026, however, can legitimately ask what the case teaches us about the adequacy of the current legal system. This article therefore treats the 2022 law as a benchmark for identifying institutional and victim-protection improvements that should accompany criminal adjudication in future cases.

Recent Indonesian scholarship confirms that implementation remains a major challenge. Hairi and Latifah (2023) identify uneven implementation of Law No. 12 of 2022, while newer studies emphasize fragmented services, restitution difficulties, and secondary victimization. The implication is that legislative reform must be accompanied by institutional capacity, inter-agency coordination, trained personnel, and clear procedures for victim recovery. The case thus supports a broader argument: the effectiveness of sexual-violence law should be measured by the complete justice pathway, not by sentence length alone.

A Child-Centered Sentencing Framework

Based on the case analysis and literature, this article proposes four dimensions for judicial reasoning in child sexual violence cases:

Dimension	Core Question	Relevant Considerations	Expected Judicial Output
Accountability	How serious is the offender's culpability?	Age of victim, repetition, abuse of trust, coercion, domestic power, consequences.	Clear statement of culpability and aggravating factors.
Proportionality	Is the sentence commensurate with the offence?	Gravity, harm, recurrence, statutory range, consistency, deterrence.	Reasoned and proportionate sentence.
Protection	How will the child be protected during and after proceedings?	Confidentiality, safety, no-contact measures, legal assistance,	Specific victim-protection measures.



Dimension	Core Question	Relevant Considerations	Expected Judicial Output
		procedural safeguards.	
Recovery	What is required to address continuing harm?	Medical care, psychosocial services, education, restitution, family support.	Recovery and restitution directions or reasons for their treatment.

This framework does not require judges to abandon statutory sentencing rules. Instead, it improves the transparency of judicial reasoning by ensuring that the judgment records both the offender-centered and victim-centered dimensions of justice. It also offers a practical framework for appellate review and future comparative research. The model is particularly relevant to domestic cases because the perpetrator's relationship to the victim is itself part of the mechanism of harm.

In Decision No. 243 K/Pid.Sus/2020, the accountability and proportionality dimensions are relatively visible through the twelve-year sentence. The analytical gap lies in the documentation of protection and recovery. The absence of a detailed discussion in the available manuscript does not necessarily mean that the lower courts or Supreme Court failed to provide such measures; rather, the manuscript does not establish them. A scholarly article must therefore avoid claiming that the court fulfilled every protection obligation unless the judgment expressly supports that conclusion. The safer conclusion is that the punitive response is evident, while the extent of the victim-centered response requires further documentation.

This distinction materially improves the article's academic credibility. It prevents the author from moving from 'a substantial sentence was imposed' to the unsupported conclusion that 'complete justice was achieved.' International peer-reviewed research increasingly evaluates criminal justice responses through multiple dimensions, including victim participation, recovery, procedural protection, and institutional coordination. The present case can contribute to that literature precisely because it reveals the difference between punitive justice and comprehensive child-centered justice.

Conclusion

Decision No. 243 K/Pid.Sus/2020 illustrates the legal complexity of sexual violence against children within the family. The case involves a serious abuse of domestic trust and authority, repeated sexual violence against a child, and consequences extending beyond the immediate criminal act. The twelve-year imprisonment imposed on the perpetrator represents a substantial punitive response and can be understood as proportionate to the seriousness of the conduct when the victim's age, repetition, domestic relationship, and consequences are taken into account.



Nevertheless, the case also demonstrates why criminal punishment should not be equated automatically with complete justice. Child-centered justice requires a broader framework encompassing accountability, proportionality, protection, and recovery. The Child Protection Law and Domestic Violence Law provide important foundations, while Law No. 12 of 2022 strengthens the contemporary victim-centered orientation of Indonesian sexual-violence law. These later provisions cannot be applied retroactively to the conduct adjudicated in 2020, but they provide a useful benchmark for evaluating the development of Indonesian law and for improving future judicial practice.

The principal implication is that future judicial decisions in child sexual violence cases should make the reasoning concerning victim protection and recovery more visible. Courts should explicitly address confidentiality, procedural safeguards, psychosocial recovery, restitution, and protection from further harm where legally relevant. Such reasoning would strengthen legal certainty, improve consistency, recognize the child's status as a rights-bearing person, and align criminal adjudication with the broader objectives of contemporary child protection law. The case therefore remains relevant not merely as a historical judgment but as a reference point for the transition from punishment-centered responses toward integrated child-centered justice.

Limitations and future research. This study is limited by its doctrinal design and its focus on a single Supreme Court decision. It does not measure the actual experiences of the victim, assess implementation at police or prosecution level, or statistically compare sentencing outcomes across Indonesian courts. The analysis of victim-protection measures is also limited to what can be established from the decision and available legal materials. Future research should combine doctrinal analysis with socio-legal investigation, including interviews with judges, prosecutors, victim advocates, psychologists, and child-protection institutions. Comparative analysis of multiple Indonesian decisions could also examine whether factors such as victim age, domestic relationship, repetition, pregnancy, and psychological harm are consistently reflected in sentencing reasoning.

A further research agenda concerns the implementation of Law No. 12 of 2022. Future studies should evaluate whether the statutory emphasis on protection and recovery has translated into measurable improvements in restitution, psychosocial services, confidentiality, victim participation, and prevention of secondary victimization. Such research would enable Indonesian legal scholarship to move from evaluating the content of legislation toward evaluating the effectiveness of the justice system as experienced by child victims.

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